

# Cherwell District Council

## Executive

7 October 2019

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| <p style="text-align: center;"><b>Community Nature Plan</b><br/><b>Restoring and Enhancing Nature and Green Spaces</b></p> |
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### Report of Assistant Director, Wellbeing

This report is public

#### Purpose of report

To note the progress of the 2018-2020 Community Nature Plan and clarify recent government guidance relating to restoring and enhancing nature and green spaces. The report also seeks approval for biodiversity net gain guidance; endorsement of seeking a minimum of 10% biodiversity net gain through engagement with the planning process; and approval of biodiversity in the built environment guidance

#### 1.0 Recommendations

The meeting is recommended:

- 1.1 To note the progress of the Community Nature Plan 2018-20 (attached as Appendix 1 and 2 to this report)
- 1.2 To note recent government guidance relating to restoring and enhancing nature and green spaces
- 1.3 To approve biodiversity net gain guidance (attached as Appendices 3 and 4 to this report)
- 1.4 To endorse seeking a minimum of 10% biodiversity net gain through engagement with the planning process
- 1.5 To approve a Biodiversity in the Built Environment Good Practice Guide 'Preservation of existing nesting sites and provision of artificial nesting sites' (attached as Appendix 5 to this report)

#### 2.0 Introduction

- 2.1 The purpose of the Community Nature Plan (CNP), approved by Executive in July 2018, is to demonstrate the importance of the natural environment, specifically its green spaces and wildlife, to community health and wellbeing and a thriving

economy; how the Council complies with its obligations relating to important wildlife sites, habitats and species under European and national legislation as well as the National Planning Policy Framework (NPPF); and how the Council will fulfil its duty under the Natural Environment and Rural Communities (NERC) Act 2006. Section 40 of this Act states that - “Every public body must, in exercising its functions, have regard, so far as it is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity”. Section 3 of this report provides an update of progress on the aims, actions and targets contained in the CNP.

- 2.2 Recent government guidance (July 2019) outlines a number of new requirements for local authorities and planning applicants to ensure that future development improves the natural environment through the restoration and enhancement of nature and green spaces – specifically an update on progress towards the introduction of the Environment Bill, updated Planning Practice Guidance (PPG) on the Natural Environment and a response to a consultation on mandating biodiversity net gain in new development.
- 2.3 The Council is already requiring net gains for biodiversity. However, it would be beneficial for the Council to have a corporate policy approach in seeking biodiversity net gain and engaging in the planning process. This includes seeking a specific level of net gain to help assess the biodiversity merits of development proposals, to enable the Council to secure worthwhile gains and follow a clear, consistent, measurable and defensible process.
- 2.4 The government has set out its ambitions in an update on progress towards the introduction of the Environment Bill (July 2019). Following a public consultation on biodiversity net gain, a mandatory approach will be introduced in this Bill that will legally require developers to ensure habitats for wildlife are enhanced, with a 10% increase in habitat for wildlife compared with the pre-development baseline.
- 2.5 The Council has supported the Cherwell Swift Conservation Project for many years. Swifts, bats and other bird species are dependent on built structures for breeding sites but the capacity for modern buildings to provide such sites is quickly disappearing across the UK, contributing to a very significant decline in their populations. Building-reliant species of birds and bats can continue to thrive in low and zero carbon buildings but only if biodiversity needs are considered early in the planning process so that measures can be incorporated at little extra expense. Therefore, it would be beneficial for the Council to have guidance relating to the protection and enhancement of nesting sites in buildings to encourage developers to provide the appropriate information at an early stage and help achieve biodiversity net gain.

### **3.0 Community Nature Plan 2018-20**

- 3.1 The Community Nature Plan (CNP) 2018-20 (attached as Appendix 1 to this report) includes aims, actions and targets relating to Council services, most importantly Wellbeing, Planning Policy, Development Management and Landscape. Some CNP highlights and challenges are outlined below. Appendix 2 provides a progress report on all targets. The delivery of the CNP relies heavily on partnership work with town and parish councils, local groups and a number of key organisations. The Council supports six organisations with annual funding in accordance with service level agreements. These are Warriner School Farm, the Berks, Bucks and Oxon Wildlife

Trust (BBOWT), Thames Valley Environmental Records Centre (TVERC), Wild Oxfordshire, Oxfordshire Playing Fields Association and the Royal Society for the Protection of Birds (RSPB). The Community Nature Plan (Appendix 1, page 11) provides more information about the services that these organisations deliver and detailed progress reports can be found on the website [www.cherwell.gov.uk/communitynatureplan](http://www.cherwell.gov.uk/communitynatureplan)

- 3.2 CNP highlights relate to Theme 1 of the document which recognises the value of the natural environment for the health and wellbeing of both people and the economy. Green space has a key role to play in the drive to increase levels of physical activity and there is a wealth of evidence that time spent in natural environments promotes a positive outlook on life and enhances our ability to cope with, and recover from, stress, illness and injury. A healthy and stable natural environment is also vitally important to economic prosperity and the District's desirability as a place to live, work and visit. The target 'to contribute nature-based activities to community events such as fundays, school projects and local greenspace activities' is being successfully achieved through Council funding of forest school/outdoor learning activities and training at primary schools (Adderbury and Bloxham) and community events in Banbury and Bicester. A wildlife zone was organised for the first time at the 2019 Kidlington Gala Day which involved contributions from key partner organisations that CDC supports including Wild Oxfordshire, which co-ordinated the "Green Road" and organised some activities around the importance of bees as pollinators; the Berks, Bucks and Oxon Wildlife Trust staff who spoke to people about local conservation sites and kept children busy with their river model; the Cherwell Swift Conservation Project which demonstrated why the birds are important, where they nest in the village and how people can protect them; 'Muddy Feet Training' who encouraged young people to get involved with den building; and representatives from the Canal & River Trust and St Mary's Fields Nature Reserve who were making people aware of local volunteering opportunities.
- 3.3 CNP challenges include the Council's ecological advisory capacity in Development Management following the separation from South Northants Council, particularly as the District is experiencing a high level of major planning proposals stretching existing resources. The need for additional resources to advise on ecological issues was highlighted in the 2018 Executive Report 'Valuing the natural environment for wildlife and people'. Another CNP challenge is the provision and enhancement of green space initiatives which require funding and dedicated work between owners, managers and local groups
- 3.4 Landscape Services Officers are currently exploring opportunities jointly with Oxfordshire County Council, looking at highway verge management in terms of the creation, protection and enhancement of natural habitats including the possible development of wildflower meadows. An action/target relating to this work will be included in the 2020-2022 Community Nature Plan under Theme 3 (Land and Buildings Management) – "Seek opportunities for leaving areas along suitable highways and roads as 'wild' spaces for wildflowers and as natural habitats".
- 3.5 Relevant to the recommendations for approval of guidance in this report, the CNP includes specific targets –
- Produce specific guidance covering biodiversity impact assessment
  - Support the Cherwell Swift Conservation Project with advice and promotion

## 4.0 Government Guidance – Restoring and Enhancing Nature & Green Spaces

- 4.1 As referred to in 2.1, the Council's Community Nature Plan 2018-2020 demonstrates how the Council is fulfilling its statutory biodiversity duty under the Natural Environment and Rural Communities (NERC) Act 2006. A key purpose of this duty is to embed consideration of biodiversity as an integral part of policy and decision making throughout the public sector, which should be seeking to make a significant contribution to the achievement of the commitments made by government in its **25 Year Environment Plan**.
- 4.2 The **25 Year Environment Plan** (January 2018) sets out government action to help the natural world regain and retain good health. It aims to deliver cleaner air and water in our cities and rural landscapes, protect threatened species and provide richer wildlife habitats. A number of key areas around which action is being focused include using and managing land sustainably; recovering nature and enhancing the beauty of landscapes; and connecting people with the environment to improve health and wellbeing.
- 4.3 The forthcoming **Environment Bill** will be an essential step to putting the 25 Year Environment Plan on a statutory footing. In an update on progress towards the introduction of this Bill (due early in the second session of this Parliament), the government has set out its ambitions in a recent policy statement (July 2019). Following a public consultation on biodiversity net gain, a mandatory approach to biodiversity net gain will be introduced in this Bill that will legally require developers to ensure habitats for wildlife are enhanced, with a 10% increase in habitat for wildlife compared with the pre-development baseline.
- 4.4 Further to the Environment Bill, the government has published updated **Planning Practice Guidance (PPG) on the Natural Environment** (July 2019) which strengthens the importance of the statutory biodiversity duty as well as other key issues including net environmental gain, green infrastructure, natural capital and nature recovery networks.
- 4.5 **Green Infrastructure** (GI) is defined as “a network of multi-functional green space, urban and rural, which is capable of delivering a wide range of environmental and quality of life benefits for local communities”. There is no GI Strategy in place at either County or District level but various approaches and tools are currently being explored to enable the assessment of the natural environment and so inform such a strategy. These include **Natural Capital Mapping** (mapping the elements of nature that deliver benefits for people) and **Building with Nature** (a new benchmark for the design and maintenance of green infrastructure in housing and commercial development).
- 4.6 **Nature Recovery Networks** (NRNs) are a key part of the government's 25 Year Environment Plan. Linked to this, the Environment Bill will also include a statutory requirement for Local Nature Recovery Strategies. The concept of a NRN is simple in that it should extend and link existing sites of wildlife value. NRNs are at the planning stage nationally but in Oxfordshire there is already a great deal of information that is being brought together to identify NRNs. Conservation Target Areas (Cherwell Local Plan Policy ESD 12), which represent the areas of greatest opportunity for strategic biodiversity improvement in the County, will provide a focus for the Oxfordshire NRN. Taking a collaborative approach, Wild Oxfordshire,

TVERC and BBOWT, with significant input from Freshwater Habitats Trust and RSPB and support from Oxfordshire's Biodiversity Advisory Group, are in the process of identifying a NRN for the County. The aim is to feed the information into the Oxfordshire Plan 2050. Workshops to engage a wider group of stakeholders have recently been held and contributions/feedback from these will be used to develop the Oxfordshire NRN. This work will help to guide key policies like biodiversity net gain; and develop a Local Nature Recovery Strategy which can use NRNs to map out important habitats and opportunities for the local environment to be improved, linking communities' knowledge and priorities with national environmental objectives.

## **5.0 Biodiversity Net Gain Guidance**

- 5.1 Biodiversity is an important consideration in the planning process and must be integrated from an early stage into the design of any development. Development can have negative impacts on biodiversity (net loss) which can be significant and lead to the decline of important habitats and species in the District. Development can also have positive impacts for biodiversity (net gain), especially for sites where there is little wildlife, by integrating new habitats into buildings and adjacent spaces.
- 5.2 The Council is already requiring net gains for biodiversity. Cherwell Local Plan Policy ESD 10 (protection and enhancement of biodiversity and the natural environment) specifically supports securing net biodiversity gain on development sites. The adopted Developer Contributions Supplementary Planning Document (SPD) provides additional guidance on how policy ESD10 should be applied and how biodiversity impact should be assessed. Planning applications are required to include relevant habitat/species surveys as well as reports which measure biodiversity impact (using a methodology based on the DEFRA metric) and identify opportunities to deliver biodiversity enhancements.
- 5.3 Updated Planning Practice Guidance (PPG) on the Natural Environment (July 2019) details how biodiversity net gain should be delivered. The National Planning Policy Framework (NPPF) already states that planning policies and decisions should provide net gains for biodiversity.
- 5.4 Also in July 2019, the government responded to its 2018 consultation on mandating biodiversity net gain in new development (which relevant Council Officers contributed to) and confirmed the government's intention to legislate such an approach (in the forthcoming Environment Bill) to ensure that all new development produces a 10% increase in important habitats and species.
- 5.5 Updated Government guidance and any quantified requirement for biodiversity net gain will need to be considered in reviewing the policies and guidance in the adopted Cherwell Local Plan. Work has commenced but the review is in its early stages. In the interim period it is considered to be beneficial for the Council to confirm its approach to biodiversity net gain to inform the consideration of planning applications and to enable the Council to secure worthwhile gains and follow a clear, consistent, measurable and defensible process. It will also enable the Council to provide clarity for developers, some of whom have been asking for guidance on what level of net gain we are seeking.

- 5.6 Robust concise guidance on biodiversity net gain has already been produced by the Chartered Institute of Ecology and Environmental Management (CIEEM) and other related professional bodies which will help to provide clarity and so should assist the planning process by making sure developers are aware of the requirements and ensure their submissions provide the information needed at an early stage (see attached as Appendices 3 and 4).

## **6.0 Biodiversity in the Built Environment Good Practice Guide**

- 6.1 Updated Planning Practice Guidance (PPG) on the Natural Environment (referred to in 4.4) was launched in July 2019 with the following commentary -  
*“Building the new homes this country needs must not come at the detriment of our natural heritage. It is right that as we deliver houses for people, we must also provide homes for wildlife too – whether that’s for hedgehogs, frogs, newts or birds. The public have told us that protecting wildlife is important to them – so my message to house builders is to harness this support and get building in a way that protects the environment for the next generation”* (James Brokenshire MP)  
Cherwell Local Plan Policy ESD 10 (protection and enhancement of biodiversity and the natural environment) states that development proposals will be expected to incorporate features to encourage biodiversity and the lower text specifically mentions bird and bat boxes.
- 6.2 The Council has supported the Cherwell Swift Conservation Project for many years (see attached as Appendix 6 to this report). The Project successfully continues to find, look after and create new swift nest sites with the help of local people and enlightened developers such as Cherwell Build. For example, swift bricks have been built into the new Hill community and sports facility in Banbury as well as the housing development at Hope Close, Banbury. Swift information is gathered and updated every summer by individuals and Parish groups. It is then mapped and made available to the Ecology Officer and planners so that opportunities to protect existing and create new sites can be achieved through the planning system.
- 6.3 A key issue contributing to a significant decline in populations of building-reliant species is modern building design where the need for low or zero carbon construction has led to new building techniques, materials and designs which create airtight barriers. As a result, species that traditionally use buildings are unable to find nesting or roosting sites. The optimum method is to incorporate nesting and roosting opportunities for birds and bats into the structure of the building or roof space, thereby recreating natural cavities found in older properties.
- 6.4 For new development, good practice is the provision of at least the equivalent to one built-in nest box/brick per residential unit and more for large or multi-storey buildings (such as commercial, industrial and public structures). These integral boxes/bricks will be used by a range of building-reliant bird species, such as swifts and house martins, and will also create spaces for crevice-roosting bat species. Integration into the fabric of buildings ensures retention for the lifetime of the development. Appropriate configurations of provisions would depend on the species or group of species targeted. Aspect, elevation and immediate surroundings will also influence where bricks and roosting opportunities are best sited to encourage use.
- 6.5 It would be beneficial for the Council to have guidance relating to the protection and enhancement of nesting/roosting sites in buildings to clearly explain why this is

important, what can be done, how it can be achieved and how many sites should be provided. Developers can then be encouraged to provide the appropriate information at an early stage and help achieve biodiversity net gain.

- 6.6 It is proposed that the Council endorses the 'Biodiversity in the Built Environment Good Practice Guide (preservation of existing nesting sites and provision of artificial nesting sites)' (attached to this report as Appendix 5) as it will assist the planning process by making sure developers are aware of what these species require and how it can best be provided.

## **7.0 Conclusions and Reasons for Recommendations**

- 7.1 'Restoring and Enhancing Nature and Green Spaces' for the benefit of people and wildlife is a crucial element of important development and economic decisions. Failure to recognise and assess the multiple benefits of the natural environment will affect community health and wellbeing, important habitats and species and future economic growth. This report provides an update on the Community Plan, demonstrating how the Council is fulfilling its statutory biodiversity duty; and seeks approval for recommendations which support guidance that will enable the Council to invest wisely in the District's natural environment and help to contribute to healthy outcomes for people and wildlife.

## **8.0 Consultations**

- 8.1 Nicola Riley, Assistant Director - Wellbeing  
David Peckford, Assistant Director - Planning and Development  
Sharon Whiting, Principal Planning Officer – Planning Policy  
Sarah Stevens, Interim Senior Manager - Development Management (DM)  
Alex Keen, Major Projects Manager/Deputy Senior Manager (DM)  
Charlotte Watkins, Ecology Officer (DM)  
Jenny Barker, Bicester Delivery Manager  
Paul Almond, Manager - Street Scene and Landscape Services

## **9.0 Alternative Options and Reasons for Rejection**

- 9.1 The following alternative options have been identified and rejected for the reasons as set out below.

Option 1: To reject the recommendations in the report. This is not proposed as the recommendations are in accordance with government guidance, best practice and the Council's statutory biodiversity duty

Option 2: To amend the recommendations in the report. This is not proposed as the recommendations are in accordance with government guidance, best practice and the Council's statutory biodiversity duty

## **10.0 Implications**

## **Financial and Resource Implications**

- 10.1 Delivery of the Community Nature Plan in 2019-20 is contained within approved revenue estimates. Continuing delivery going forward will be subject to the approved revenue estimates for that year.
- 10.2 Delivery of the work required to promote guidance on net biodiversity gain and biodiversity in the built environment is contained within approved revenue estimates.

Comments checked by:

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## **Legal Implications**

- 10.3 There are statutory requirements that the Council is required to meet and which are set out in the Natural Environment and Rural Communities Act 2006 and related legislation, including a duty under Part 3 of the 2006 Act to have regard, so far as is consistent with the proper exercise of its functions, to the purpose of conserving biodiversity. A Community Nature Plan should enable the Council to demonstrate that these requirements are being met. Failure to do so will leave the Council open to challenge.

Comments checked by:

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## **11.0 Decision Information**

### **Key Decision**

**Financial Threshold Met:** No

**Community Impact Threshold Met:** No

### **Wards Affected**

All

### **Links to Corporate Plan and Policy Framework**

The Council's Business Plan 2019/20 includes the objectives 'protect our natural environment', 'promote health and wellbeing' and 'promote healthy place-making'; and the Wellbeing Business Plan 2019/20 includes the objective 'Deliver the community nature plan and supported community wildlife projects.'

The adopted Cherwell Local Plan (2011-2031) (Part 1) includes policies specifically relating to Protecting and Enhancing Biodiversity and the Natural Environment (ESD 10), Conservation Target Areas (ESD 11) and Green Infrastructure (ESD 18)



## Lead Councillor

Councillor Andrew McHugh, Lead Councillor for Health and Wellbeing

## Document Information

| Appendix No  | Title   |
|--|---|
| 1  | Community Nature Plan 2018-2020   |
| 2  | Community Nature Plan 2018-2020 Aims Actions and Targets – September 2019 update          |
| 3  | CIEEM Biodiversity Net Gain Principles  |
| 4  | CIEEM Biodiversity Net Gain. Good Practice Principles for Development – A Practical Guide |
| 5  | Biodiversity in the Built Environment Good Practice Guide                                 |
| 6  | Cherwell Swifts Conservation Report 2018  |
| <b>Background Papers</b>   |   |
| None   |   |
| <b>Reference Documents</b>   |   |
| 2018 Partner Reports<br>Environment Bill Policy Update July 2019<br>Updated Planning Policy Guidance on the Natural Environment July 2019<br>Government response to biodiversity net gain consultation July 2019<br><br>Appendices and Reference Documents are available as downloads or links at <a href="http://www.cherwell.gov.uk/communitynatureplan">www.cherwell.gov.uk/communitynatureplan</a> |   |
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