

# **Cherwell District Council**

## **Overview and Scrutiny Committee**

**30 November 2021**

### **2020-2022 Community Nature Plan Progress Update**

#### **Report of Assistant Director - Wellbeing**

This report is public

#### **Purpose of report**

To provide a progress update for the 2020-2022 Community Nature Plan and its approach to addressing the Council's statutory biodiversity duty.

#### **1.0 Recommendations**

The meeting is recommended:

- 1.1 To note the 2020-2022 Community Nature Plan progress report and its approach to addressing the Council's statutory biodiversity duty
- 1.2 To recognise the essential role of key partners in the delivery of the Community Nature Plan
- 1.3 To note that the development of the 2022-2024 Community Nature Plan (CNP) will include an all-member seminar in 2022 involving planners, as requested by O&S in December 2020. The implications of the provisions of the Environment Act will be taken into account in this next iteration of the CNP

#### **2.0 Introduction**

- 2.1 The key purpose of the Community Nature Plan (Appendix 1) is to demonstrate the Council's fulfilment of its statutory biodiversity duty under the Natural Environment And Rural Communities (NERC) Act 2006, a duty that will be strengthened by the Environment Bill. Section 40 of the NERC Act 2006 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". Biodiversity is a term used to describe the variety of life including all plants, animals, their habitats and the natural systems that support them.
- 2.2 The Community Nature Plan progress update (Appendix 2) sets out aims, actions and targets with progress updates for each target. These all relate to a number of themes:

- A key function of the Council in terms of the biodiversity duty is its role as a local planning authority. The Council has legal obligations relating to important wildlife sites, habitats and species; and requirements under the National Planning Policy Framework (NPPF) relating to conserving and enhancing the natural environment
- The importance of the natural environment for community health and wellbeing, specifically access to green space and connection with nature
- The value of land (natural capital) and the services it delivers (ecosystem services) for people and the local economy
- The contribution of the management of land and buildings to the protection and enhancement of the natural environment
- The important role of natural carbon management for climate change adaptation and resilience

### **3.0 Report Details**

- 3.1 The Community Nature Plan's vision is 'To work with partners to protect and enhance Cherwell's natural environment for its intrinsic value, the services it provides, the health and wellbeing of people; its contribution to climate change adaptation and resilience, and the economic prosperity that it brings". Contributions to the delivery of these multiple benefits are made by a wide range of Council services and workstreams including Planning Policy and Development Management, the Wellbeing team, the Bicester Garden Town Programme, the Healthy Place Shaping Programme, the 2020 Climate Change Action Framework and the Street Scene and Landscape Services team. Of particular note currently is the importance of access to green spaces and connection with nature, for physical and mental health and resilience, which has been starkly highlighted by the Covid-19 pandemic.
- 3.2 The key purpose of the Community Nature Plan is to demonstrate the Council's fulfilment of its statutory biodiversity duty under the Natural Environment and Rural Communities (NERC) Act 2006. This duty is strengthened by the Environment Bill which recently received Royal Assent so is now an Act of Parliament. Part 6 of the Act (nature and biodiversity) is just one of several sections that applies directly to local government and includes provisions to:
- Strengthen the duty on public bodies to conserve and enhance biodiversity. Publication of biodiversity reports will be required to review the actions taken by the local authority to comply with its duties for nature and biodiversity
  - Make it mandatory for housing and development to achieve at least a 10% net gain in value for biodiversity, a requirement that habitats for wildlife must be left in a measurably better state than before the development
  - Require local authorities to support better spatial planning for nature through the creation of Local Nature Recovery Strategies (LNRs). The DEFRA 25-Year Environment Plan highlights six key areas for action, one being to establish a Nature Recovery Network. This will protect and restore wildlife, as well as providing

greater public enjoyment of the countryside; increased carbon capture; and improvements in water quality and flood management

In October 2019, Executive endorsed seeking a minimum of 10% biodiversity net gain through engagement with the planning process; and approved biodiversity net gain guidance (produced by the Chartered Institute of Ecology and Environmental Management (CIEEM) and other related professional bodies). Confirmation of this approach has been beneficial as it is informing the consideration of planning applications and enabling the Council to follow a clear, consistent, measurable and defensible process and provide some clarity for developers. It will also inform the Cherwell Local Plan Review 2040.

In January 2021, Executive resolved that “the resource implications of the Environment Bill in terms of nature and biodiversity be investigated”. These provisions will require local authorities to take additional approaches and have increased ecological advisory capacity. A recent government policy paper (September 2021) states that it “will work with local authorities and professional organisations to make sure that they have access to the right training, ecological expertise and systems required to deliver the measures in this section.....” but it gives no information on how this will be done.

In response to this Executive resolution, a consultant was commissioned to produce a report on these implications for the Council. A final draft has been received but it requires detailed consideration and further analysis before recommendations can be made. The Community Nature Plan seminar will give an opportunity for further debate and option appraisal.

- 3.3 The delivery of the Community Nature Plan would not be possible without close partnership working with key organisations as well as the contribution of a network of local conservation and community groups. Website links to the work of some of these partners have been provided.
- **The Thames Valley Environmental Records Centre (TVERC)** - <https://www.tverc.org/cms/> supplies high quality, up to date habitat, species and site data that is required as an evidence base for the Local Plan process and for the ecological assessment of planning applications.
  - **Berks, Bucks & Oxon Wildlife Trust (BBOWT)** - <https://www.bbowt.org.uk/wildlife/wildlife-conservation/local-wildlife-sites> - provides land management advice to Local Wildlife Site (LWS) owners/managers, sites that are protected by planning policy. The advice helps to improve site value and maintain the robustness of the LWS designation. BBOWT also leads on the well-established Wild Banbury Project and more recently launched Wild Bicester Project - <https://www.bbowt.org.uk/wild-bicester> which are all about enhancing habitats for wildlife and bringing people into contact with nature.
  - **Wild Oxfordshire** - <https://www.wildoxfordshire.org.uk/> supports community wildlife groups and activities as well as citizen science projects and events. It also leads on partnership work to focus on the maintenance and improvement of the District’s Conservation Target Areas which are used as a planning focus for

wildlife improvement; and to develop an Oxfordshire Nature Recovery Network and Strategy

- **RSPB** <https://www.rspb.org.uk/groups/oxford/places/278487/> owns, manages and encourages access to the flagship Otmoor Nature Reserve which includes national priority habitat and other habitats supporting birds and other wildlife which are national priority species
- **Warriner School Farm** - <https://www.thewarrinerschool.co.uk/farm> delivers a programme of primary school and youth group visits about the importance of the natural environment as a food source, for its health benefits and for its intrinsic value.
- **OPFA** (Oxfordshire Playing Fields Association) engages with local community organisations to promote and support the provision, retention and viability of community outdoor recreation space which meets local needs, including opportunities for habitat improvements
- Local conservation projects and community groups play an important role in protecting and enhancing the District's natural environment and providing access to nature. For example, with the help of local people throughout the District, the **Cherwell Swift Conservation Project** successfully continues to find, monitor and create new nest sites with the help of local people and enlightened developers such as Cherwell Build; and **Muddy Feet Training** is enabling young people to access, connect with and learn from their natural environment

## 4.0 Conclusion and Reasons for Recommendations

- 4.1 Restoring and enhancing the natural environment 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 seeks approval for recommendations which support plans and organisations that will assist the Council to protect and improve the District's natural environment and ensure that it remains healthy for people and wildlife.

## 5.0 Consultation

The following CDC Officers were consulted about the 2020-2022 Community Nature Plan (CNP) in 2020. They have also been consulted about the CNP progress update:

Nicola Riley, Assistant Director: Wellbeing  
David Peckford, Assistant Director: Planning and Development  
Sharon Whiting, Principal Planning Officer: Planning Policy, Conservation and Design  
Rosie Rowe, Healthy Place Shaping Lead: Wellbeing Directorate  
Dale Hoyland, Projects Team Leader: Bicester Delivery Team  
Street Scene and Landscape Services Officers

## 6.0 Alternative Options and Reasons for Rejection

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

Option 1: To reject the Community Nature Plan 2020-22 progress update and the recommendations in the report

This is not proposed as, without the Plan's progress update, the Council would not be able to demonstrate that it is meeting its NERC Act biodiversity duty and complying 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)

## 7.0 Implications

### Financial and Resource Implications

- 7.1 The Community Nature Plan 2020-2022 can be delivered within existing budget but it must be noted that this report does recommend future resources in relation to the provisions of the Environment Act in terms of nature and biodiversity.

Comments checked by:

Kelly Wheeler, Finance Business Partner, 01295 221570, [kelly.wheeler@cherwell-dc.gov.uk](mailto:kelly.wheeler@cherwell-dc.gov.uk)

### Legal Implications

- 7.2 There are statutory requirements that the Council must 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:

Christopher Mace, Solicitor, Legal Services, 01295 221822, [christopher.mace@cherwell-dc.gov.uk](mailto:christopher.mace@cherwell-dc.gov.uk);

### Risk Implications

- 7.3 Community Nature Plan progress and delivery will be affected should insufficient resources, both financial and professional, be available. These risks will be managed as part of the operational risk register and escalated as and when necessary to the leadership risk register.

Comments checked by:

Celia Prado-Teeling, Strategic Intelligence and Insight, 01295 221786 [Louise.tustian@cherwell-dc.gov.uk](mailto:Louise.tustian@cherwell-dc.gov.uk)

## 8.0 Decision Information

**Key Decision N/A as not an Executive report**

**Financial Threshold Met: No**

**Community Impact Threshold Met: No**

### Wards Affected

All wards

### Links to Corporate Plan and Policy Framework

The Council's Business Plan 2021/2022 includes the strategic priorities 'leading on environmental sustainability' (a key component being the protection of our natural environment and delivery of our commitment to be carbon neutral by 2030); healthy resilient and engaged communities (the importance of access to green spaces and connection with nature for physical and mental health and resilience has been starkly highlighted by the Covid-19 pandemic); an enterprising economy with strong and vibrant local centres (a healthy and stable natural environment is vitally important to economic prosperity and the District's desirability as a place to live, work and visit).

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). Conservation and enhancement of the natural environment are also key strands of the adopted Cherwell Local Plan 2011-2031 (Part 1) Partial Review-Oxford's Unmet Housing Need.

The Wellbeing Team Service Development Plan 2021-2022 includes key themes relating to healthy places (develop Wellbeing service strategies and plans to link into healthy place shaping, the Local Plan, Oxfordshire 2050 plan) and partnerships (working with partners to improve the services we provide for our residents and communities).

The Healthy Place Shaping Service Development Plan 2021-2022 includes the following priorities: continue to increase internal awareness, understanding and action to embed healthy place shaping into delivery of CDC services; sustain healthy place shaping in Bicester; deliver the *K5 Better Together* healthy place shaping programme in Kidlington and surrounding villages; commence healthy place shaping in Banbury.

The 2020 Climate Action Framework recognises the importance of natural carbon management in its commitment to be net carbon neutral from its operations and activities by 2030

### Document Information

**Appendix number and title**

- Appendix 1 Community Nature Plan 2020-2022 – A natural environment for people and wildlife
- Appendix 2 Community Nature Plan 2020-22 Progress Update

**Background papers**

None.

**Report Author and contact details**

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