

BIODIVERSITY NET GAIN AND NATURE RECOVERY IN EAST CAMBRIDGESHIRE

Committee: Finance and Assets

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[X106]

1.0 ISSUE

1.1 To consider putting in place a framework to progress Biodiversity Net Gain (BNG) and nature recovery across East Cambridgeshire.

2.0 RECOMMENDATION(S)

2.1 That the Committee:

- (A) Acknowledges the global biodiversity emergency and the local impact this could have on the communities and businesses we serve;
- (B) Adopts the *Interim Nature Recovery Network for East Cambridgeshire* (August 2022) as presented at Appendix A, and asks the corporate management team to ensure all future plans and strategies of this Council play their part, where appropriate, in helping to deliver the aims and recommendations within it; and
- (C) Endorses the *Biodiversity Net Gain: East Cambridgeshire* (November 2022), document as presented at Appendix B, for the purpose of an interim working document prior to the implementation of mandatory Biodiversity Net Gain expected in late 2023.

3.0 BACKGROUND/OPTIONS

- 3.1 The items recommended for approval are of significant consequence for the district, especially the *Interim Nature Recovery Network for East Cambridgeshire* report (hereafter referred to as the *NRN report*) which, for the first time ever, establishes a framework to reverse the decline in biodiversity in East Cambridgeshire.
- 3.2 Virtually everywhere, nationally and globally, the natural environment is in rapid decline. Between 1970 and 2016, global populations of mammals, birds, fish, amphibians and reptiles plunged by 68%, on average.
- 3.3 Closer to home, Cambridgeshire & Peterborough (Greater Cambridgeshire) has one of the lowest percentages of land cover of priority habitats, natural green spaces and designated nature conservation sites in England, with only 5.5% of the land surface having statutory or non-statutory nature conservation designations and only 6.5% being priority habitat.

- 3.4 This is not only bad news for biodiversity, but bad news for our people, the residents of East Cambridgeshire and beyond. A thriving natural environment is vital to a thriving economy and the health and wellbeing of our residents. This was confirmed by Natural Cambridgeshire’s ‘doubling nature’ vision of 2019, a vision widely endorsed throughout Cambridgeshire, including by this Council:

“Our Vision is that by doubling the area of rich wildlife habitats and natural green-space, Cambridgeshire and Peterborough will become a world-class environment where nature and people thrive, and businesses prosper.”

(source <https://naturalcambridgeshire.org.uk/wp-content/uploads/2019/07/Doubling-Nature-LR.pdf>)

- 3.5 Whilst the reasons for the decline, locally and globally, are extremely complex, there is widespread recognition that biodiversity loss **can** be reversed, but only if rapid and widespread action is taken.
- 3.6 To help address this, it is recommended that two frameworks are agreed to assist in reversing that decline. First, a framework to identify those locations in East Cambridgeshire with the greatest potential for nature recovery; second, a framework as to how ‘biodiversity net gain’ via the planning and development system will be implemented in the district.

Interim Nature Recovery Network (NRN) Report for East Cambridgeshire

- 3.7 In 2021, a year-long survey and report was commissioned by the Council to better understand what opportunities we have, as a district, to commence nature recovery in our area. Using their local expertise, the local branch of the Wildlife Trust (*The Wildlife Trust for Bedfordshire, Cambridgeshire & Northamptonshire*) has prepared the attached NRN report which Committee is asked to endorse today.
- 3.8 The primary output of the NRN report is the establishment of nine ‘Priority Areas’ for nature recovery. That does not mean the remaining areas should be ignored for the purpose of nature recovery actions; such areas certainly can be boosted for the benefit of the natural environment. But, by identifying those areas with the greatest potential for the greatest level of recovery (or ‘gain’), can focus the minds of policy and decision makers as to where to target whatever resources become available.
- 3.9 Crucially, not only are the priority areas identified, but an explanation of what is recommended to come forward in those areas (and potentially how) is set out in the NRN report. This will help avoid the well-meaning, but wrong intervention taking place in each Priority Area.
- 3.10 A potential ‘wrong intervention’ can easily be demonstrated through the concept of tree planting. Humans place a special value on trees, for a host of reasons: beauty; biodiversity; shade; play – the list goes on. There’s also widespread understanding that trees have a vital role to play in helping slow climate change, through the natural ‘carbon capture’ of growing trees. And, in the NRN report

Priority Area 9 (*Boulder Clay Woodlands Priority Area*, to the south of our district in parishes such as Woodditton, Stetchworth, Dullingham, Burrough Green and Kirtling), appropriate tree planting should indeed be a priority action, delivering significant biodiversity and climate gain. But in several other Priority Areas, tree planting could actually result in significant biodiversity and climate harm (such as the rapid drying out of peat and wetlands, which is bad for biodiversity and releases large volumes of CO2 to the atmosphere, much more than the trees themselves would absorb). Put simply, tree planting is not always a good idea, and especially so in fen landscapes.

3.11 To draw attention to a few elements of the NRN:

- Section 3 provides commentary on how the nine priority areas were derived, and brief commentary on each area as to why that particular area was chosen.
- Map 1 (page 8 of the NRN Report) provides a quick snap shot of where the nine priority areas are.
- Section 4 then looks at each of the nine areas in more detail, establishing: key facts, a vision for the area and potential delivery mechanisms.
- Section 6 are suggestions for how the work can be taken forward hereafter, such as through influencing the LNRS and engaging with landowners.

3.12 In considering the attached East Cambridgeshire NRN Report, it is important to be aware that the Environment Act 2021 has mandated the preparation of *Local Nature Recovery Strategies* (LNRSs) for England. Each LNRS is likely to be of a county-scale, and the whole of England must be covered by one. For us, whilst not yet confirmed by Government, we are highly likely to form part of a 'Greater Cambridgeshire LNRS' (i.e. Cambridgeshire-Peterborough), with the Combined Authority likely given the statutory responsibility to prepare it. In turn, the expectation is that each district council will be given a role to influence and endorse that LNRS (though this is a matter for the Combined Authority to establish the governance arrangements, assuming the Combined Authority is indeed given the task by Government).

3.13 Whilst we await details from Government on the precise requirements for an LNRS, the expectation is that they will be relatively strategic in nature, with a focus on strategic scale, high priority sub-regional nature recovery areas. Initial discussions at officer level across Greater Cambridgeshire has indicated that six strategic areas will likely be the focus for the emerging LNRS, with just one ('Connected Fens') to have its focus in East Cambridgeshire. The six areas will be based on this initial map produced by Natural Cambridgeshire LNP: <https://naturalcambridgeshire.org.uk/priority-landscapes/>. Further updates on the LNRS will be given to Members, as and when it progresses over 2023.

3.14 What is clear, however, from the emerging LNRS national guidance, is that such LNRSs will not have a fine grain approach to nature recovery at a district scale.

3.15 Thus, the East Cambridgeshire specific NRN Report attached to this report has a dual purpose:

- first, to influence and assist that emerging LNRS; and
 - second, and perhaps more important for us, to establish a finer grain framework for action, at a local district level; a baseline from which, for generations to come, we can continue to plan, monitor and manage nature recovery in East Cambridgeshire.
- 3.16 Committee is asked to confirm its recognition of the biodiversity crisis we face, and endorse the NRN Report as a framework for nature recovery in our district.

Biodiversity Net Gain: East Cambridgeshire

- 3.17 A vital component of achieving the ambitions of the East Cambridgeshire NRN, and the wider Greater Cambridgeshire LNRS, is the town planning system concept of 'biodiversity net gain' (BNG).
- 3.18 The concept of BNG is not entirely new. However, it is rapidly becoming a key element of the planning decision making system. Three years ago, national policy *encouraged* biodiversity net gain to occur with new development. That changed to the present national policy which has a broad expectation that development *should* deliver a net gain (NPPF para 174). And from a point likely in late 2023, the provisions of the Environment Act 2021 will come into force *mandating* a minimum 10% net gain in all but very small development schemes. Thus, we are quickly moving from 'encouragement', to an 'expectation', and on to 'mandatory' BNG.
- 3.19 To put it simply, what a mandatory system will mean is that an applicant for planning permission must commit to ensuring that the overall level of biodiversity will be at least 10% greater than is the case before development takes place. This will not be negotiable, as is so often the case for the vast majority of planning related issue; it will be a legal requirement that it must happen.
- 3.20 Local Planning Authorities, such as ECDC, will be the prime custodians of the new mandatory system, responsible for scrutinising and approving whether the requirement will be met; putting in place the legal measures to ensure it gets delivered and, in most instances, enforcing it if the developer fails to meet his/her obligations.
- 3.21 Put simply, biodiversity implications will not be a fringe or negotiable element within the planning decision making process; it will be a heavily regulated, mandated element. Rather than just part of a complex planning system, BNG is perhaps better described as akin to Building Regulations – it must be done, and there is no way of developers (or the local planning authority, for that matter) side stepping the issue.
- 3.22 Whilst most (but not all) organisations are welcoming of the new BNG system coming into play, there is a somewhat industry wide urgency to put in place measures to enable the system to work. This includes: planning permission applicants (who will have numerous new requirements to meet before a planning application can be considered/approved); developers (delivering the mandated

gain, proving it has been delivered and signing covenants to protect what has been provided); and local planning authorities (scrutinising, administering and enforcing the process).

- 3.23 For ECDC as local planning authority, we will, for example, have a duty to review all submitted BNG proposals, test them against nationally set metrics to establish the degree of gain, and put in place legal mechanism to enforce it. Under current resources we have, this task would be impossible. Other than a very limited number of days support from the Wildlife Trust, we have no access to an ecologist, for example, to scrutinise BNG proposals. Thus, securing an appropriate level of such resource is being considered by the Council's management team, and could be anywhere from 1-3 ecologists needing to be secured by the end of 2023.
- 3.24 In the meantime, and building up to the mandated system commencing late next year, BNG is already becoming a significant issue to be dealt with in the planning system, with the general approach being to try to secure a net gain of 10% (minimum) already, in advance of 10% becoming mandatory.
- 3.25 However, what has become apparent is that we, like many councils, have no 'position statement' in place as to how we are to implement BNG in this interim period between it being national policy *expectation*, to Environment Act *mandated*.
- 3.26 To help bridge that gap, in what is a rapid learning curve for many throughout the planning system, an interim guide has been prepared, and attached at Appendix B. To be absolutely clear, this is not a formal planning policy document, and does not replace or supersede any statutory based policy in our Local Plan, a Neighbourhood Plan or any Supplementary Planning Document (it would be unlawful to attempt to do so).
- 3.27 Instead, it is intended to be a guide for all, both internal and external, so that it establishes how we are to progress on the journey towards mandatory BNG, and how we will implement BNG in the interim period.
- 3.28 The guide has been intentionally written in as simple language as possible, so not only does it assist those involved directly in the planning process (applicants, planning officers etc) but also forms a useful guide to those with a general interest in the topic (parish councils, environmental bodies, general public, etc).
- 3.29 To help provide colour and interest to the guide, officers across the Council were invited to contribute their own private photos for inclusion, a selection of which have made it into the final document. I take this opportunity to thank all staff who provided copies of their photos.
- 3.30 Committee is asked to endorse the guide as working document, helping to give clarity and consistency as we move towards mandatory BNG next year. Members will be updated further on mandatory BNG, as and when appropriate to do so.

4.0 ARGUMENTS/CONCLUSIONS

- 4.1 Committee is recommended to approve the two documents as presented with this report. Together, they will provide the starting point for a long-term vision of reversing nature decline in our district, and commence the journey towards a thriving natural environment, for the benefit of everyone.
- 4.2 Committee has the alternative option of not supporting one or both of the documents. Neither are statutorily required. But that could lead to ongoing uncertainty as to how we are to progress nature recovery in our district, and reduce the effectiveness of delivering BNG, both in the short term and medium term.

5.0 FINANCIAL IMPLICATIONS/EQUALITY IMPACT ASSESSMENT/CARBON IMPACT ASSESSMENT

- 5.1 There are no direct financial implications arising from the recommendations, with matters directly arising from the recommendations being covered by existing staff resource. However, delivering mandatory BNG will have a significant resource implication for the Council. That is not a matter directly arising from the recommendations of this report, but instead is subject to the precise mandated requirements to be established by Government, and the degree of 'new burdens grant' Government provides alongside those requirements, both elements of which are presently uncertain.
- 5.2 Equality Impact Assessment (EIA) not required
- 5.3 Carbon Impact Assessment (CIA) completed. In summary, the CIA concluded as follows: Directly, no significant carbon or other environmental impacts will arise from adoption of these two documents. However, indirectly, should decision makers on planning applications apply the principles as set out in the documents, then this should lead to considerable positive impacts, both for carbon savings (such as through helping to prevent peat drying, which has significant carbon impacts; and through carbon sequestration, through the capture and storing of carbon dioxide through vegetation growth) and biodiversity benefits (such as through the creation of new habitats).

6.0 APPENDICES

- 6.1 Appendix A – *Interim Nature Recovery Network for East Cambridgeshire* (Aug 2022)
Appendix B – *Biodiversity Net Gain: East Cambridgeshire* (November 2022)

<u>Background Documents</u>	<u>Location</u>	<u>Contact Officer</u>
None	Room 12 The Grange	Richard Kay Strategic Planning Manager richard.kay@eastcambs.gov.uk