

**LOCAL PLAN SUB COMMITTEE  
16 JUNE 2020**

PART I

**8. LOCAL PLAN TOPIC PAPER: BIODIVERSITY, TREES, WOODLAND AND LANDSCAPING**

**DCES**

**1. Summary**

- 1.1 This topic paper sets out the issues which the new Local Plan will need to address in relation conserving and enhancing the natural environment in relation to biodiversity, trees, woodland and landscaping and proposes policy wording to be contained within the new Local Plan.

**2 Details**

- 2.1 Biodiversity encompasses the whole variety of plant and animal life on Earth including all species of plants and, animals, bacteria, fungi and the complex ecosystems of which they are part. Many species are being threatened with extinction due to human activities, putting the Earth's biodiversity at risk.
- 2.2 Woodlands, trees and hedgerows are important contributors to biodiversity and may be protected by wildlife or conservation designations, Tree Preservation Orders or the Hedgerow Regulations. It is important that those not covered by designations are retained, protected and wherever possible, added to, since pressure for development will increasingly threaten trees, woodlands, hedgerows watercourses and their surrounding habitat.

Biodiversity net gain

- 2.3 National policy states that the planning system should contribute to and enhance the natural and local environment by minimising impacts on biodiversity and providing net gains in biodiversity where possible. The onus is now on development resulting in a net gain in biodiversity.
- 2.4 This will be confirmed in law by the emerging Environment Bill. The Department for Environment, Food and Rural Affairs (Defra) released a policy statement in January setting out its aspiration for the Environment Bill in relation to biodiversity net gain:
- "Restore and enhance nature – through 'biodiversity net gain' we will ensure that the new houses we build are delivered in a way which protects and enhances nature, helping to deliver thriving natural spaces for local communities."*
- 2.5 The decision to legislate biodiversity net gain means that local planning authorities will need to work on implementation and delivery of biodiversity net gain as part of the planning process. This will be achieved through adding a requirement for biodiversity net gain to policy in the Local Plan.
- 2.6 Currently a habitat survey will identify any habitats and their condition on a development site. These surveys will identify opportunities for enhancements, as part of wider green infrastructure and any possible constraints on development.

- 2.7 Defra and Natural England are working together to produce the updated Defra Biodiversity Metric which is to be used to calculate gains (and losses) in biodiversity brought about by development or changes in land management. It calculates a biodiversity baseline and forecasts biodiversity losses and gains (on-site or off-site) resulting from any potential development by assessing whether the habitat is of high, medium and low value to wildlife, the condition of the habitat and the extent of the area the habitat occupies.
- 2.8 The Defra metric translates information on the distinctiveness, condition and the extent of the area the habitat occupies into biodiversity units. This is then used to anticipate the costs of achieving net gain into land purchase/development viability. Existing planning protections are not undermined, with the principle of avoiding harm first continuing to ensure damage to nature is prevented and always prioritised.
- 2.9 To achieve net gain, a development must have a higher biodiversity unit score after development than before the development. If net gain cannot be achieved on site, the metric would provide information on habitat enhancement or creation and a tariff (cash) rate would give a guide on habitat compensation costs.
- 2.10 Any secured biodiversity net gain is expected to follow a hierarchy in terms of delivery. Firstly any net gain should aim to be delivered on site if possible, where this is not possible the aim should be for local projects to be delivered in the immediate vicinity and then an offsetting approach can be used whereby any monies secured can buy into projects at the national level. This encourages the protection of existing habitats and suitable local compensatory habitat creation.
- 2.11 The updated Defra Biodiversity Metric is set to be published later this year, and as such more detailed guidance from government will follow. With our Local Plan set to be submitted for examination next year we need to include the Metric in our emerging policy now. Applications for planning permission will be required to complete the Defra Biodiversity Metric to demonstrate a gain in biodiversity from the proposed development.

#### Wildlife habitats and networks

- 2.12 The National Planning Policy Framework requires local authorities to identify, map and safeguard components of local wildlife-rich habitats and wider ecological networks; and promote the conservation, restoration and enhancement of priority habitats. Appropriate weight should be attached to designated sites of international, national and local importance, protected species and to biodiversity and geological interests in the wider environment.
- 2.13 Three Rivers has a number of important wildlife sites, ranging from nationally designated Sites of Special Scientific Interest (SSSIs) to Local Nature Reserves (LNRs) and sites of local wildlife importance referred to as Local Wildlife Sites.
- 2.14 The Hertfordshire Biodiversity Action Plan (BAP): A 50-Year Vision for the wildlife and natural habitats of Hertfordshire (2006) identifies three key biodiversity areas in Three Rivers. These represent priority areas for conserving existing biodiversity resource and also provide the best opportunity for maintaining and creating large areas of quality habitat.
- 2.15 In accordance with national policy on biodiversity and geology the Council will conserve and, where possible, enhance: Sites of Special Scientific Interest; Local Nature Reserves; Local Wildlife Sites; Protected Species; Trees and Ancient Woodlands; and Geological and physiographical features.

- 2.16 Landscaping of new development should be considered as an integral part of the design process. Landscaping refers to both soft landscaping (planting and/or retention of trees, shrubs and other plants and earth contouring) and hard landscaping (paths, walls, seats, planters, kerbing etc.).
- 2.17 The Council is currently updating its Trees and Landscape Strategy and the Draft policy will also refer applicants to this document for further information.
- 2.18 The Draft Biodiversity, Trees, Woodland and Landscaping Policy is attached in Appendix 1.

**Policy/Budget Reference and Implications** The recommendations in this report are within the Council's agreed policy and budgets.

**Financial, Legal, Equal Opportunities, Staffing, Environmental, Community Safety, Public Health, Customer Services Centre, Communications & Website, Risk Management and Health & Safety Implications**

None specific.

### **3 Recommendation**

- 3.1 That the Local Plan Sub Committee note the contents of this report and recommend to the Policy and Resources Committee the Draft Biodiversity, Trees, Woodland and Landscaping Policy as set out in Appendix 1

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#### **Background Papers**

National Planning Policy Framework (2019)

Natural Environment White Paper (2011)

Natural Environment White Paper: implementation updates (2012 – 2014)

The UK Post-2010 Biodiversity Framework (2012)

The Hertfordshire Biodiversity Action Plan (2006)

The Environment Bill (2020)

#### **APPENDICES**

Appendix 1 Draft Biodiversity, Trees and Woodlands, and Landscaping Policy