

ARUN DISTRICT COUNCIL

REPORT TO AND DECISION OF PLANNING POLICY COMMITTEE ON 7 JUNE 2022

SUBJECT: Biodiversity Net Gain Study - Update

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DATE: 20 May 2022
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PORTFOLIO AREA: Planning

EXECUTIVE SUMMARY:

This report updates the Committee on the outputs of the Biodiversity Net Gain Study which will help to inform the Local Plan update (when it resumes) and, the methodology for securing Biodiversity Net Gain (BNG) through development management decisions and planning obligations.

RECOMMENDATIONS:

It is recommended that the Committee agrees: -

1. That the key recommendations and actions of the Biodiversity Net Gain (BNG) Study are supported and addressed through the Local Plan update (when it resumes);
2. In particular, the use of the existing nine Biodiversity Opportunity Areas (BOA) as a key focus for nature recovery and expansion, including the use of wildlife corridors and islands of biodiversity (paragraph 1.16 - 1.22 of this report) to link habitats and species;
3. Setting additional 'Core Areas' with High Value and 'Opportunity Areas' with medium Value;
4. Creation of Marine BOAs on suitable marine habitat along Arun's coast, to help conserve and enhance Kelp Forest, Sea grasses etc. (paragraph 1.21); and
5. Working with the South Downs National Park authority to encourage the creation of a new 'Bechstein's Bat Corridor' across the north west corner of the District, including partly within and abutting the Arun local planning authority area; serving Singleton and Cocking tunnels; running to Tortington Common via Fontwell, Rewell Wood and Binsted Valley (paragraph 1.22);
6. That the study is published on the council's web site as evidence supporting the Local Plan Update, when that is resumed and

The Committee is also asked to recommend to Full Council that:

7. The proposed approach to Biodiversity Net Gain that is required through Policy ENV DM5 of the Arun Local Plan shall be the use of the 10% Biodiversity Net Gain metric under the Environment Act 2021 as set out in Box 3.3, page 33, of the Biodiversity Net Gain Study. An explanatory statement will be published on the council's web site.

1. BACKGROUND:

1.1 The context for the commissioning of the Biodiversity Net Gain (BNG) study is summarised in relation to: -

- The Council's declared 'Climate Change Emergency' (Background paper 6) and net zero carbon aspiration (15 January 2020) including the decision to update the adopted Arun Local Plan 2018 biodiversity and energy policies (currently paused);
- 'National Planning Policy Framework' 2021: *'plans should promote the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species; and identify and pursue opportunities for securing measurable net gains in biodiversity'* (para 179b);
- 'Environment Act' December 2021; sets out a duty on local authorities to publish biodiversity reports and to secure mandatory biodiversity net gain via applications from autumn 2023.

1.2 Protecting and enhancing biodiversity and habitats to mitigate the loss arising from built development or adverse impacts of climate change (e.g., extreme weather events including rainfall, flooding or drought and heating) can also play a role in carbon reduction through carbon capture. This is recognized in the Arun 'Carbon Neutral Strategy' 2022-2030 which seeks the: -

'review planning policy to ensure that the Council is supporting and encouraging rewilding, nature-based solutions, and implementation of biodiversity improvements within the district'.

1.3 The Arun Biodiversity Net Gain (BNG) Study was therefore, commissioned to establish a robust evidence base for the Local Plan update and, how the following biodiversity policies may be updated in relation to Biodiversity Net Gain: -

- Policy ENV DM3 'Biodiversity Opportunity Areas'
- Policy ENV DM5 'Development and Biodiversity' and
- Policy W DM4 'Coastal Protection'.

- 1.4 It should be noted therefore, that the adopted Arun Local Plan policy ENV DM5 already requires developments to seek to achieve a biodiversity net gain and to protect existing habitats on site, well before the Environment Bill was published and its eventual enactment.
- 1.5 Because the natural world and distribution of habitats and species does not conform to administrative boundaries, the scope of the BNG study necessarily looks at the wider hinterland around Arun District which includes parts of the South Downs National Park (SDNP) to ensure that wildlife corridors and cross boundary habitats are identified and considered by any updated policies and implementation within the Arun Local Planning Authority area (which excludes the SDNP). This will help to ensure that any cross-boundary matters can then be coordinated with adjacent plan making authorities, including Chichester, Worthing and West Sussex County Council.
- 1.6 The 'Environment Act' sets out use of the 'DEFRA biodiversity metric¹' to be used for securing Biodiversity Net Gain (a 10-percentage quota) on site and application of a 'local levy' and national credit scheme applicable to anything delivered off-site through either s106 or conservation covenants, to be applied for a period of 30 years. The principle of Biodiversity Net Gain means that where proposed developments have a material impact on biodiversity – e.g., plants and animal species, the development proposals should ensure that there is no net loss and must deliver a net gain on the baseline natural asset. Where this is not feasible on site – off site contributions will be necessary. Off-site contributions will need to be delivered through application of the 'local levy' and/or the through the buying of nationally registered biodiversity credits.

Methodology

- 1.7 The BNG study will establish the baseline habitat and species evidence that is needed to inform the updating of the existing biodiversity policies as part of any Local Plan review and to inform future work on implementation of any 'local levy' in line with the Environment Act. This requires the collation, mapping and review of the stock of habitat and species records and data sets held by the statutory and specialist environmental bodies and wildlife partnerships operating across Arun District, including the Sussex Biodiversity Records Centre (SxBRC) and Natural England. Particular attention is also given to the existing defined Biodiversity Opportunity Areas (BOA), which have been recognised to have characteristics suitable for habitat creation and restoration, identified on the Policies Map of the adopted Arun Local Plan 2018. The key study outputs include: -
- Identifying those areas where there are known high presence of Protected and Notable species (Species of Principal Importance for Conservation in England listed on Section 41 of the Natural Environment and Rural Communities (NERC) Act 2006) and Sussex Biodiversity Action Plan (BAP) Priority Species.

¹ Biodiversity version 3.0 was published in July 2021, although it is intended that it will be continuously updated with the first, along with supporting documents, published on 21.4.22, which can be seen at [The Biodiversity Metric 3.1 - JP039 \(nepubprod.appspot.com\)](https://www.nepubprod.appspot.com). The metric uses habitats to give a biodiversity value but does not require or use species information.

- Analysing whether the existing Biodiversity Opportunity Areas (BOAs) remain the most suitable defined areas of the landscape for the creation of new habitats.
- Identifying supporting delivery opportunities justified with evidence, for securing the objectives of the existing Biodiversity Opportunity Areas, including any necessary boundary expansion or adjustment to help implementation of any biodiversity credit scheme.
- Identifying recommended actions and/or approaches supported by evidence, that would be suitable for refining Local Plan policies for the protection and enhancement of those biodiversity assets and specifically for assessing and securing the net gains in biodiversity through planning applications and conditions.
- Ensuring that the above include the marine environment in terms of its existing value and whether incorporation of any specific projects would be suitable, particularly regarding delivering other Council aims, such as net zero carbon.
- The role of soils in biodiversity and sustainable farming practices.

1.8 The BNG study (Background Paper 5) is comprised of four main parts with the following two report stages: -

a. Interim Report

- Stage 1 – Species related collation and analysis
- Stage 2 – Habitat related mapping and review

b. Final Report

- Stage 3 – Delivery and Implementation
- Stage 4 – Recommendations

Interim Report (Stage 1 and 2)

1.9 The Interim Report sets out the methodology, analysis, and interim findings from the first two stages of the BNG study and helps set the ‘direction of travel’ for how the Council can deliver BNG through the planning system. The focus of the first stage was to compile the baseline evidence discussing: -

- The existing natural assets related to species and habitats of the district (including plants, vertebrates (e.g. birds, bats, mammals, reptiles, aquatic species) and invertebrates (e.g. insects etc.);
- The protected and notable species within the district, along with their spatial spread and extent (including statutory, European, national and locally protected designations);
- The habitat types focussing on their spatial spread across the district (including wetland and coastal);
- The existing Biodiversity Opportunity Area (BOA) and whether their boundaries remain appropriate; and
- Early identification of opportunities for enhancement and creation of species corridors.

1.10 The final list of species identified include the following:-

- All rare species of bats such as those listed on Annexe II of the Habitats Directive;
- All breeding birds listed in Schedule 1 of the Wildlife and Countryside Act 1981, along with key Priority Species which occur in the district (grey partridge, corn bunting, nightjars, tree sparrows);
- All rare wintering bird species such as Annex 1 Birds which are the qualifying feature of the Pagham Harbour SPA; and
- All remaining Priority Species.

1.11 The key designated (statutory and locally protected) habitat mapping is listed below:-

- Special Protected Areas (SPAs)
- Special Areas of Conservation (SACs)
- Marine Conservation Zones (MCZs)
- Sites of Special Scientific Interest (SSSIs)
- Local Nature Reserves (LNRs)
- Sites of Nature Conservation Importance (SNCI)²
- Marine SNCI
- Pagham Harbour Buffers A and B
- Local Geological Sites (LGSs)
- Local Wildlife Sites (LWS), formerly known as SNCI³
- Priority Habitats
- Biodiversity Opportunity Areas (BOAs)
- Designated Road Verges

1.12 The above relate and also contain some relevant terrestrial, freshwater and marine 'Priority Habitats'.

1.13 The data and mapping have been reviewed to identify areas within the district where clusters of notable habitats and species are located. The location of these clusters have been compared with the location of the following Sussex BOAs identified on the Local Plan Policies Map:-

- Chichester Coastal Plain;
- Western Escarpment;
- Climping to Houghton;
- Arundel Park;
- Houghton to Coldwaltham;
- Clapham to Burpham Downs;
- Central Downs – Arun to Adur;
- North-east Worthing Downs; and
- Lidsey Rife.

² See LWS below

³Name changed when SxBRC took over managing scheme on behalf of WSCC in 2018

1.14 While the robustness of the data was generally excellent – in some instances the data and mapping work required some rationalisation and interpolation of time series records including point and tile plotting. This is because of the large volume, low resolution and age of some species and habitat data sets - or because of gaps and limitations in the data.

1.15 However, the cross analysis of species and habitats data suggested the following:-

- The two most abundant habitats in the District are Deciduous Woodland (primarily in the north of the district within the SDNP) and Coastal and Floodplain Grazing Marsh in the south;
- The Sussex Local Nature Partnership (SxLNP) have identified several Priority Habitats that are considered to be 'at risk' due to declines in the extent, condition and/or distribution of these habitats:-
 - Coastal Vegetated Shingle;
 - Lowland Fen;
 - Reedbed;
 - Lowland Heathland;
 - Intertidal Mudflats;
 - Lowland Meadows; and
 - Lowland Calcareous Grassland (primarily in the north and SDNP).

1.16 The data confirms that the majority of the 'at risk' habitats, protected species and designated sites above, fall within the BOAs with the exception of the following:-

- Small areas of calcareous grassland in the northeast of the district within the SDNP;
- Lowland meadow associated with the Fontwell Park Racecourse SNCI in the west of the district (outside of the SDNP), and
- Coastal vegetated shingle in the far south of the district.
- Ancient woodland habitat of particularly high value in the northwest of the district (frequently in the SDNP) is not covered by a BOA.
- The Felpham SSSI which is designated for its geological interest and part of the Bognor Regis SSSI;
- Pagham Harbour SPA/Ramsar buffers (supporting sites for the wintering birds) mostly fall outside the BOAs;
- The majority of the bat records are outside the BOAs (particularly the woodlands around Slindon in the SDNP that support colonies of Bechstein's bats but these are within the buffer associated with the Singleton and Cocking Tunnels SAC including Fontwell and Norton);
- Of the five Local Wildlife Sites (LWS), formerly known as SNCIs, in the District, only the Littlehampton Golf Course and Atherington Beach LWS occurs within a BOA. All the remaining LWSs occur outside of the BOAs.
- Marine habitat is limited within the BOAs with only the Chichester Coastal Plain BOA, however, the marine environment along the district's coastline contains diverse habitats including large areas of Kelp Forest, which are the subject of the Kelp Restoration Project.

Final Report (Stage 3 and 4)

- 1.17 The Final Report makes recommendations including for policy development and implementation as part of the Arun Local Plan update. For policy development and implementation, the study discusses the use of the BOAs as a key focus for nature recovery through BNG which can be taken on board in updating the Local Plan policies and the Policies Map through amending/extending some BOA boundaries and linking corridors and islands of biodiversity as well accommodating further opportunity areas.
- 1.18 Therefore, the first recommendation is for the nine BOAs (identified at para 1.13 above) to be extended to correlate and include the clustering of additional notable habitats and species. The majority of these are focused in the more northern part of Arun Local Planning Authority area, including where they would cross the boundary into the SDNP, as such requiring conversations and coordination with the SDNP over where and how this may practicably be delivered.
- 1.19 As well as identifying potential extensions to the existing BOAs, the report recommends a further spatial approach of setting:-
- a) 'Core Areas' with High Value should cover the existing BOAs; SSSIs; LWSs (formerly SNCIs); Ancient Woodland; LNRs; MCZ; Pagham Harbour buffer A; the potential Bechstein's Bat Corridor; plus Priority Habitats identified to be 'at risk' through the Sussex Local Nature Partnership; and
 - b) 'Opportunity Areas' with Medium Value are suggested to cover Priority Habitats not at risk; Pagham Harbour B; the wider Singleton to Cocking Tunnels buffer; potential wildlife corridors and B-lines.
- 1.20 A similar approach has been successfully piloted in the Cornwall Local Nature Recovery Strategy (LNRS). The resultant map this would create if taken forward in Arun is shown in Background Paper 1.
- 1.21 Further, the BNG Interim Report identified that there are limited marine habitat conservation areas along the district's coastline, which contains a number of diverse habitats. It is recommended that further investigations are undertaken to identify, at a more localised level, potential marine biodiversity improvement areas and activities; e.g. to identify whether there is any other habitats or species which could be enhanced within the Arun coastal / marine area including large areas of Kelp Forest (the subject of the Kelp Restoration Project) including for some other habitats (e.g. seagrass beds). Therefore, a key recommendation of the study is for marine BOAs to be created (e.g. through working collaboratively with the Sussex Local Nature Partnership to establish boundary changes which can be used for the Local Plan Update) , to ensure that these would be able to be protected and enhanced in the same fashion as the terrestrial ones that already exist. Marine BOAs may also provide a significant role in helping to contribute towards carbon capture and the Council's overall ambition to be carbon neutral by 2030.

1.22 Importantly, the Final Report recommends that a new clear Bechstein's Bat Corridor be identified and potentially designated, around the routes where bats from Singleton and Cocking Tunnels potentially forage, to fall across from the far north west corner of the Arun District, from the Tunnels down to and entering the Local Planning area of Arun at Fontwell, to go westward to the edge of Rewell Wood southwards along Binsted Valley and eastward across to the edge of Tortington Common. This suggested route is shown on Background Paper 2 and 3.

1.23 The Final Report lastly recommends proposed wildlife corridors to join up the biodiversity network more fully. These could be full corridors or strategically important 'steppingstones' through habitat patches, facilitating movement. Possible places initially identified for these are shown on Background Paper 4. Engagement with landowners over where exactly these fall, will be crucial before adoption, or integration into any local plan review or other future documents. For example, some species clusters suggest that there may be potential habitats worth investigating within some of the urban areas for enhancement, although the exact routes of these are yet to be determined.

Other Actions

1.24 The BNG study should shape working with Sussex Nature Partnership and other partners and internal departments to ensure delivery of the identified strategic BNG opportunities, including where they connect to those areas outside Arun's planning remit. This will evidence a spatial strategy for the implementation of an Arun 'local levy' in line with the Act, to be focused on improving, managing and increasing access to nature.

1.25 To further develop the spatial framework above, for any BOA extensions it is recommended to:-

- Agree a date by when the objectives should be met – corresponding to the appropriate planning update period or to reflect any set out in national legislation, such as secondary legislation resulting from the Environment Act or any similar documents or guidance issued.
- Establish the exact extent and condition of each Priority habitat within the area;
- Establish a short-list of Priority Species within Arun that can be monitored within the BOAs. Species across a range of groups should be used, some indicative of Priority Habitats that occur within the BOAs (e.g., Ramshorn Snail, Brent Geese)
- The Council specifically identify any existing land in the district managed through the Higher-Level Stewardship Schemes; and
- Work with Kelp Restoration Project and Sussex Nature Partnership to help investigate the best areas for and establishment of marine BOA approach;

1.26 For discussion with neighbouring authorities:

- Share the report particularly identifying the development of draft biodiversity policies to ensure consistency;
- Ensure that partners agree with extent of boundary changes;

- Finalise consistent actions and as far as possible responsibilities.

1.27 And other actions would be:

- Identify if there are any other habitats or species which could be enhanced within the Arun coastal/marine area
- Continue supporting the Sussex Kelp Restoration trawling bylaw;
- Continue engagement opportunities with SxLNP to enable this and further work to tie in with the Local Nature Recovery Network;
- Keep up to date with the small sites biodiversity metric⁴;
- Take account of the preferred route for the Arundel bypass (known as the 'Grey Route'), and impact on habitat and species and potential mitigation proposals once available;
- Monitor the forthcoming work currently being undertaken by Natural England and DEFRA into cost of habitat units.

Next Steps

1.28 The BNG Study provides a robust evidence base that will help to inform the Local Plan update (when this resumes) and shape appropriate Biodiversity Net Gain policies and a spatial framework (to be identified on an updated Policies Map) to guide policy implementation through development management obligations, to be secured via an 'Arun local levy'. Local levies are in their infancy as these were only introduced through the Environment Act and it is intended that further detail will come through secondary legislation. It is expected they will operate in a similar fashion to the existing S106, CIL systems or another new vehicle of conservation covenants.

1.29 The study should be posted onto the Council's web site as part of the Local Plan update evidence base.

2. PROPOSAL(S):

That the Planning Policy Committee agrees the Biodiversity Net Gain Report recommendations and actions as part of the evidence base to prepare the Local Plan update when it resumes.

3. OPTIONS:

3.1 The following options are available:

- To agree the recommendations and actions of the BNG study; or
- Not to agree the recommendations and actions of the BNG study.

⁴ This was finally published and adopted as a supporting document with the biodiversity metric update on 21.4.22, so can be found at [The Biodiversity Metric 3.1 - JP039 \(nepubprod.appspot.com\)](https://nepubprod.appspot.com)

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|--|------------|-----------|
| 4. CONSULTATION: | | |
| Has consultation been undertaken with: | YES | NO |
| Relevant Town/Parish Council | | x |
| Relevant District Ward Councillors | | x |
| Other groups/persons (please specify) | | x |
| 5. ARE THERE ANY IMPLICATIONS IN RELATION TO THE FOLLOWING COUNCIL POLICIES: (Explain in more detail at 6 below) | | |
| Financial | x | |
| Legal | | x |
| Human Rights/Equality Impact Assessment | | x |
| Community Safety including Section 17 of Crime & Disorder Act | | x |
| Sustainability | x | |
| Asset Management/Property/Land | | x |
| Technology | | x |
| Other (please explain) | | x |
| 6. IMPLICATIONS: | | |
| <p>The BNG study be used as the basis for the identification of areas of appropriate actions to deliver 'Biodiversity Net Gain' within appropriate and defined areas of biodiversity value (e.g., BOAs) , that can be used for negotiating the inclusion BNG on site provision (e.g., habitat creation, enhancement and management) within development site, subject to applications for development, as well as informing the introduction of an Arun 'local levy' to fund identified strategic off-site BNG provision where this cannot be achieved on site. The study be placed on the website as part of the evidence base informing the Local Plan update (when resumed).</p> | | |

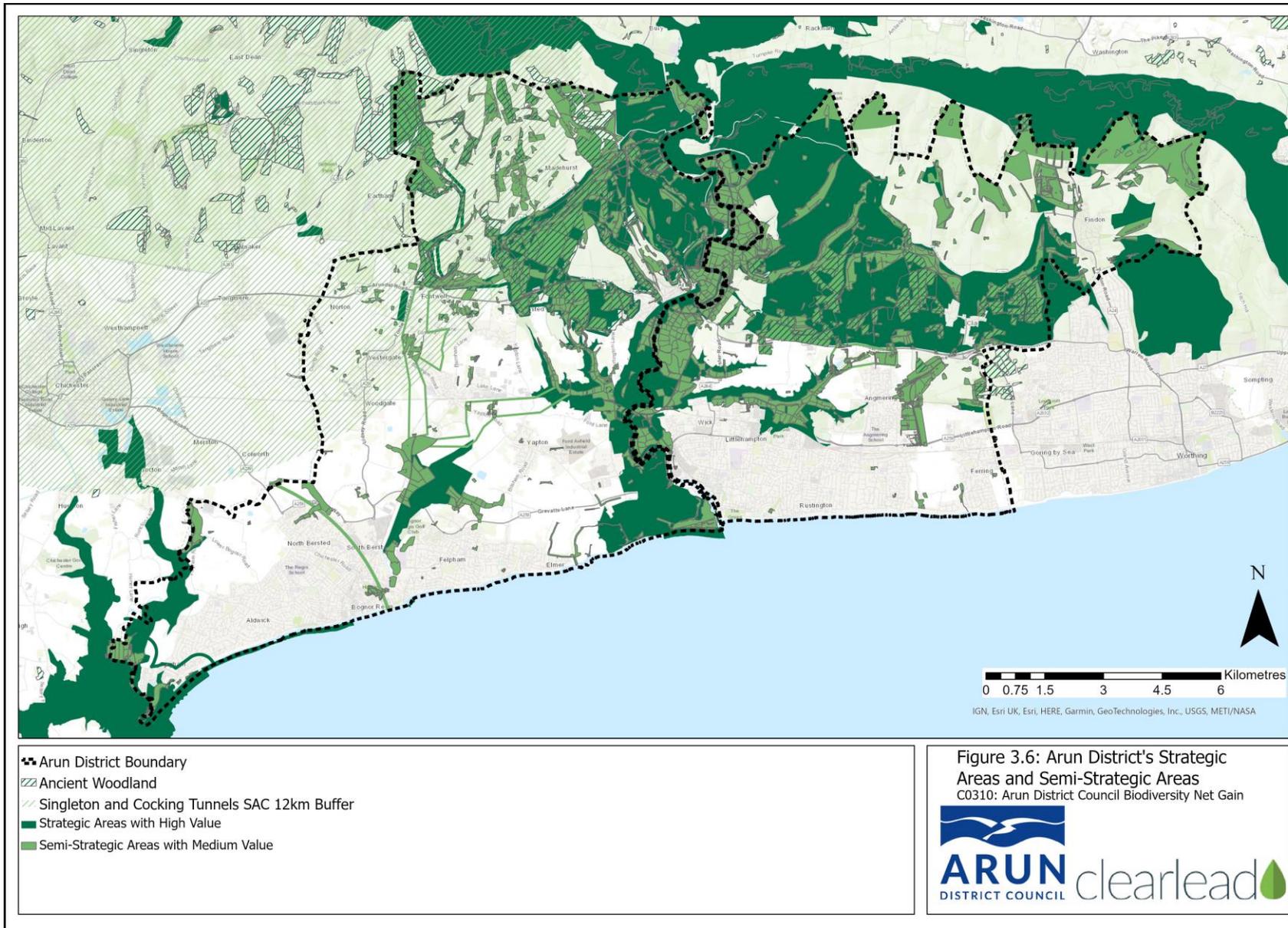
7. REASON FOR THE DECISION:

To ensure that the authority meets its statutory biodiversity obligations under the Environment Act 2021 including national policy and plan making planning legislation.

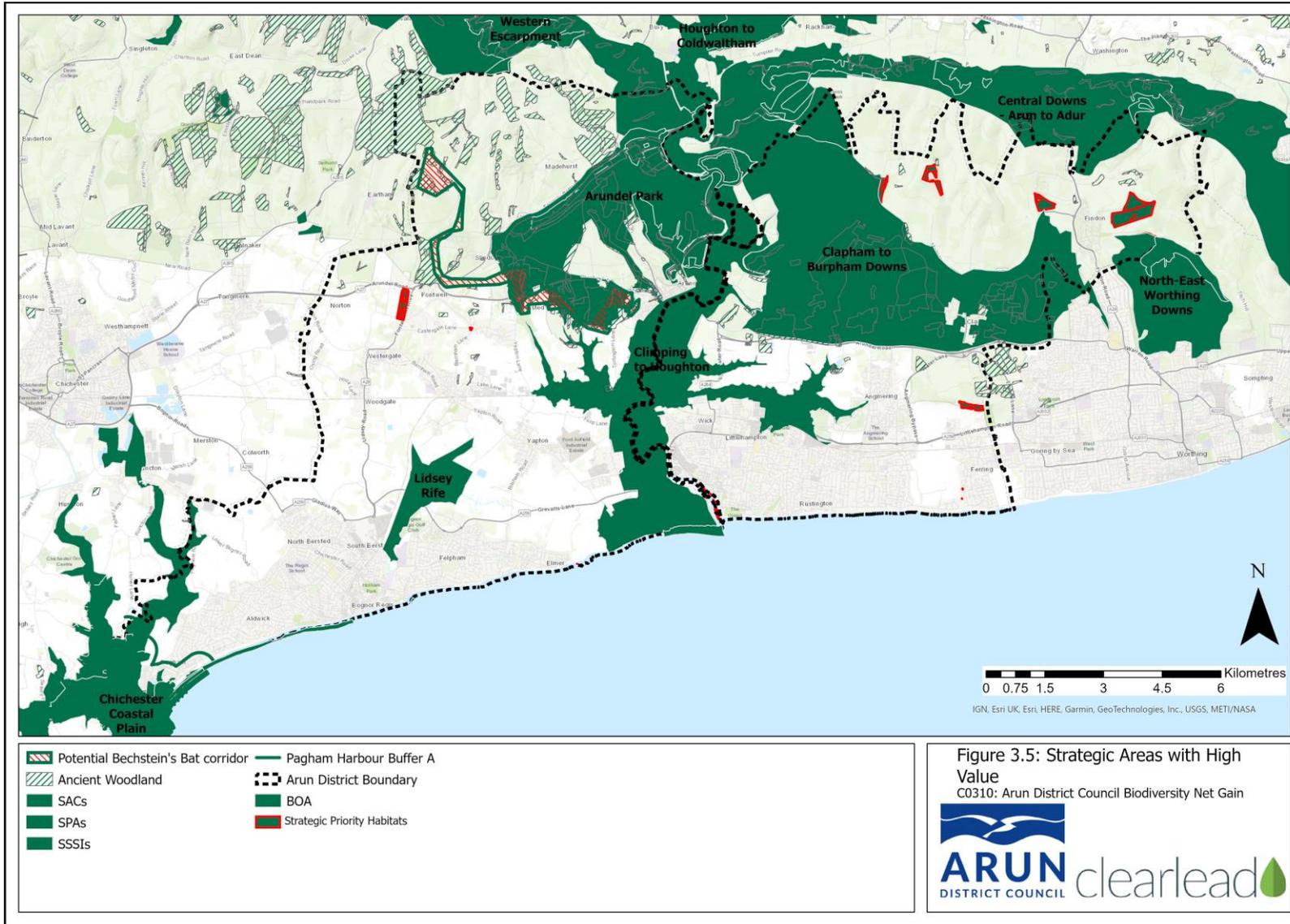
8. BACKGROUND PAPERS:

1. Core and Opportunities Approach in Arun
2. Proposed Bechstein's Bat Corridor in context
3. Proposed Bechstein's Bat Corridor in focus
4. Potential Wildlife Corridors
5. The Arun Biodiversity Net Gain Study, Combining the 'Interim Report' (Stage 1 & 2) and 'Final Report' (Stage 3 & 4): - <https://www.arun.gov.uk/landscape-planning-policy>
6. Full Council minutes resolving Environment & Scrutiny minutes to declare Climate Emergency - [Arun District Council](#)

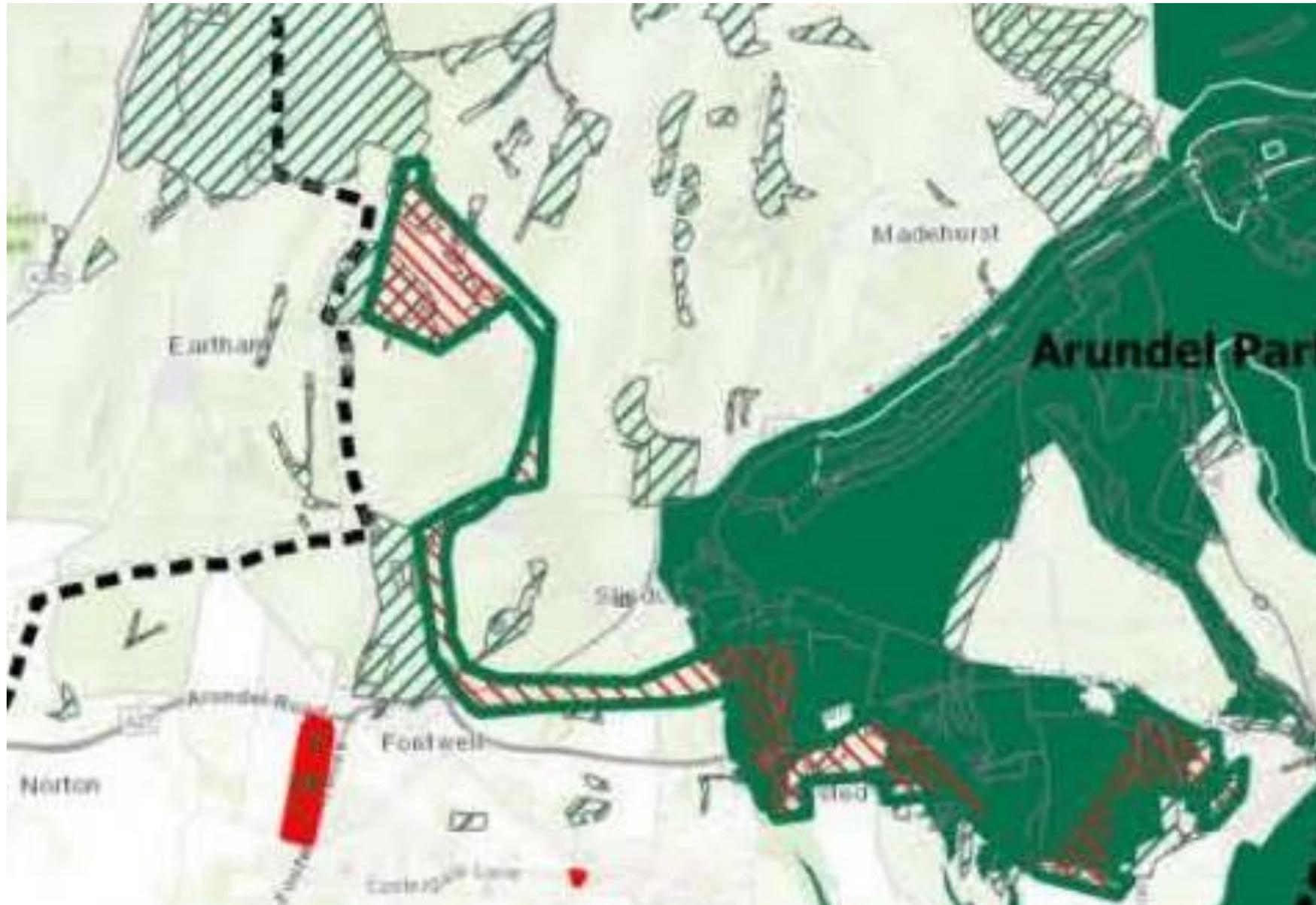
Background Paper 1 – Core and Opportunities Approach in Arun



Background Paper 2 – Proposed Bechstein’s Bat Corridor in context



Background Paper 3 – Proposed Bechstein's Bat Corridor in Focus



Background Paper 4 – Potential Wildlife Corridors

