

Arun District Council

REPORT TO:	Planning Policy Committee - 24 November 2022
SUBJECT:	Biodiversity Net Gain (BNG) Study
LEAD OFFICER:	Charlotte Hardy - Senior Environmental Assessment Officer
LEAD MEMBER:	Councillor Richard Bower
WARDS:	All
CORPORATE PRIORITY / POLICY CONTEXT / CORPORATE VISION:	
The recommendations supports:- Supporting our environment to support us:- <ul style="list-style-type: none">• To consider climate change, sustainability, biodiversity and the environment in everything the council is responsible for and encourage its community and local businesses to do the same.• Protect and enhance our natural environment.• Regularly review progress toward Arun's Carbon Neutral Strategy (2022-30) as set out in the annual Climate Action and Biodiversity Work Plan.	
DIRECTORATE POLICY CONTEXT:	
The proposals will help to enhance the quality of the natural and built environment, protect the district's natural and heritage assets and to promote economic growth in a sustainable manner, striking a balance between the need for development and the protection of scarce resources. Some of the relevant corporate actions to help achieve this include:- <ul style="list-style-type: none">• Develop and implement the Carbon Neutral Strategy and Climate Change and Biodiversity Strategies for the council and for the wider district through Planning Policy• Engage and incentivise businesses to commit to working practices which minimise their impact on the environment;• Ensure that climate change and sustainability is at the heart of all council services• Support the Sussex Bay Project to restore marine, coastal and intertidal habitats to improve the biodiversity and carbon footprints of the district	
FINANCIAL SUMMARY:	
The cost for this study had already been agreed in the budget for 22/23 for £10k but dependent on future decisions further cost may be entailed if following the study consultation, nature recovery elements and investigation any 'local levy' is wished to be implemented. Further reports would of course come back to Members for agreement at the appropriate Policy and Finance Committee prior to this occurring.	

1. PURPOSE OF REPORT

- 1.1. This report seeks the Committees endorsement of the Biodiversity Net Gain Study (BNG) as a high-level baseline study, forming part of the evidence base

to inform the Local Plan update (when it resumes). In particular, the BNG study informs the spatial application of the 10% net gain metric (when this is finalised in November 2023) through development management decisions. The BNG study will also help engagement with developers and nature recovery stakeholders, to deliver habitat creation/improvement projects in the right places, inform the preparation of an Arun Biodiversity Action Plan (BAP) and cross boundary nature recovery planning work e.g. emergent West Sussex County Nature Recovery Network.

2. RECOMMENDATIONS

Planning Policy Committee resolve that:-

- 1.2. The key recommendations and actions of the Biodiversity Net Gain (BNG) study inform the Local Plan Update (when resumed) and that its contents and associated mapping are used as the basis for working jointly with neighbours and stakeholders coordinating and delivering a nature recovery network including through shaping preparation of the Council's Biodiversity Action Plan.
- 1.3. The existing nine Biodiversity Opportunity Areas (BOA) are strategic high value Core Areas for nature recovery and expansion, including the proposed use of semi strategic medium value wildlife corridors and 'steppingstones' of biodiversity to link habitats and species and for nature recovery.
- 1.4. The proposed model policy approach to Biodiversity Net Gain (compared to Policy ENV DM5 of the Arun Local Plan) to accommodate the 10% Biodiversity Net Gain metric when secondary legislation is implemented, under the Environment Act 2021 (Box 3.3, pages 56 - 57 of the BNG Study).
- 1.5. That the BNG Study be finalised for uploading on the Local Plan evidence webpage.

2. EXECUTIVE SUMMARY

- 2.1. This report advises the Committee on the outputs of the Biodiversity Net Gain Study (Background Paper 6) which provides high level, baseline evidence study confirming the distribution of protected, notable and priority species and habitats in Core BOA areas and proposed corridors and steppingstones. This will help to inform; the spatial priorities and policies of Local Plan update (when it resumes), preparation of a new Arun Biodiversity Action Plan; and the methodology for securing Biodiversity Net Gain (BNG) through development management decisions and planning obligations (when the 10% metric secondary legislation is put in place in November 2023).

3. DETAIL

Background

- 3.1. All Council members were invited to an evening presentation on the BNG Study by the consultant (Clearlead Consulting Ltd) on Monday 16 May 2022 which was hosted by the Chairman of Planning Policy Committee and also afforded an opportunity for questions and answers. The overall context for

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

- The Council's declared 'Climate Change Emergency' (Background paper 4 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);
- Council Motion 199 (16 September 2020) seeking update of Local Plan biodiversity policies informed by the preparation of a new 'Biodiversity Action Plan' (Background paper 5);
- '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);

3.2. The '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.

3.3. 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 recognised 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'.

3.4. The Arun Biodiversity Net Gain (BNG) Study was therefore commissioned, to establish a robust evidence base for the Local Plan update and also provide evidence for work to progress a 'Biodiversity Action Plan' setting out the appropriate actions to be done for the encouragement of nature and biodiversity with all stakeholders.

3.5. 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.

3.6. 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.

- 3.7. 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, 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

- 3.8. The BNG study 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

- 3.9. For the first 2 stages, 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. 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.
- 3.10. 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. This meant that the information overall had to be limited with regard either the time period covered for a particular species, or in some instances, limitation as to which species were included. As such the final list of species covered include:
- All rare species of bats such as those listed on Annexe II of the Habitats Directive;

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.

- 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.

3.11. The key designated (nationally down to locally protected) habitats that have been mapped are:

- 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 (SNCl)²
- Marine SNCl
- Pagham Harbour Buffers A and B
- Local Geological Sites (LGSs)
- Local Wildlife Sites (LWS), formerly known as SNCl³
- Priority Habitats
- Biodiversity Opportunity Areas (BOAs)
- Designated Road Verges

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

3.13. The key outputs of the study were: -

- 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.
- 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 which 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.

² See LWS below

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

- 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.

Interim Report

- 3.14. 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.
- 3.15. After reviewing the data and mapping against the areas within the district where clusters of notable habitats and species are located, these locations have then been compared with the location of the 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.
- 3.16. Following this work, one of the first recommendations is therefore to expand a number of the BOA boundaries (this would be done through the plan making process). It should be noted that the BNG study has looked at the species and habitat distribution unconstrained by artificial administrative boundaries. Some proposals consequently, fall across the boundary (e.g. proposed Bat corridor) or wholly within South Downs National Park or other authority areas, and so are outside the planning remit of Arun Local Planning Authority. The BNG study therefore, provides valuable evidence for potential collaborative cross boundary working. It will also inform the national Local Nature Recover Strategy via the emerging West Sussex Local Nature Recovery Network (West Sussex County Council, Sussex Local Nature Partnership and Biodiversity Record Centre) Cross boundary working is addressed in section 7.3 of the BNG Study.
- 3.17. In addition, it was also noted that 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.
- 3.18. Finally, this report and analysis identified that several Priority Habitats that are considered to be 'at risk' due to declines in the extent, condition and/or distribution of these habitats, by The Sussex Local Nature Partnership (SxLNP):-
- Coastal Vegetated Shingle;

- Lowland Fen;
- Reedbed;
- Lowland Heathland;
- Intertidal Mudflats;
- Lowland Meadows; and
- Lowland Calcareous Grassland (primarily in the north and SDNP).

3.19. 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

3.20. 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 'steppingstones' of biodiversity as well accommodating further opportunity areas.

3.21. Therefore, the first recommendation is for the nine BOAs (identified at para 4.15 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.

- 3.22. 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 Biodiversity Opportunity Areas (BOAs); Sites of Special Scientific Interest (SSSIs); Local Wildlife Sites (LWS - formerly SNCIs); Ancient Woodland; Local Nature Reserves (LNR); Marine Conservation Zones (MCZs); 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.
- 3.23. 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 and Background Paper 3.
- 3.24. 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 are 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.
- 3.25. Importantly, the Final BNG 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 Papers 2 and 3.
- 3.26. The BNG Study concludes with recommending 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 3. The overall principle would be connecting these with other existing or emerging nature sites (e.g. Bersted Brook) within the Local Plan Strategic Allocations via 'placemaking' e.g. Green Infrastructure mitigation including Sustainable Urban Drainage (SUDs). The western corridor shown on Background Paper 3 would go down the Lidsey Rife, almost central to Barnham/Eastergate/Westergate and connect to the existing Lidsey BOA before progressing eastward and potentially connecting to Climping - Houghton BOA. 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 also be potential habitats worth investigating within some of the existing urban areas which warrant enhancement, although the exact routes of these are yet to be determined.

Other Actions

- 3.27. 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.
- 3.28. To further develop the spatial framework above, for any BOA extensions it is recommended to:-
- Consider an appropriate date by when the objectives should be met – e.g. Local Plan 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;
 - There are a number of emergent nature recovery initiatives that will be assisted by the BNG study, providing direction for future work and engagement. For example, "Weald to Wave" - creating a corridor for nature extending from Ashdown Forest to the Climping Gap. This is a collective Authority, Wildlife Trust and Parish initiative which will contribute towards a national Nature Recovery Network (NRN) - a key commitment in the Government's 25 Year Environment Plan. The NRN will be made up of multiple Local Nature Recovery Strategies (LNRS). The BNG study therefore supports this approach through

confirming that the meandering spine of the River Arun corridor (and its ecological hinterland), sits within the high value and medium value BOA boundaries in Arun which connect the coast with the South Downs National Park.

3.29. 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.

3.30. 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 Sussex Local Nature Partnership to enable this and further work to tie in with the Local Nature Recovery Network;
- Keep up to date with the small sites biodiversity metric;
- 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.

4. CONSULTATION

4.1. A high-level consultation was carried out (1st - 20th June 2022) with neighbours and the main wildlife organisations locally due to the number of cross boundary actions proposed and the general point that nature and species do not tend to respect administrative boundaries in their movements (as evidenced by the BNG Study). This also ensured that the BNG study does not unintentionally cause conflict with or undermine other policy or actions on nature recovery.

4.2. The following bullet points summarise and/or paraphrase, those comments received back from consultees.

West Sussex County Council

- Overall, very good covering all the bases and the recommendations are sound;
- Looking to meet with Arun DC and study consultants to discuss the report and methodology used;
- Assessment of data gaps will be useful collectively, including the critical need to need to deal with data resolution issues going forward e.g. scope for strategic species surveys to be administered through S106/CIL;
- Wish to understand implications/significance of gaps e.g. missing taxa such as moths, and if it is possible to go further with the data used to

increase strategic linkage through the district and the value of heat maps;

- This is a good learning piece – Arun’s work will now become the local benchmark for others to follow and this includes the development of the Local Nature Recovery Strategy.

South Downs National Park Authority

- Broadly welcomes and supportive of the approach and would be glad for the opportunity to work together to explore the ideas and recommendations further;
- Reference to the 12km Singleton & Cocking Tunnels SAC buffer zone is welcomed and supported; as is the recognition of Slindon as an important location for bats; It is also recommended that the bat corridor be referenced as ‘potential’ rather than ‘proposed’, as this would not be until tested within the Local Plan process;
- It is noted that there are comments in the BOA tables around monitoring, it would be useful to discuss these further for BOAs within SDNP;
- Table 7.1 – reference to SDNPA in third row is welcomed.

Chichester District Council (CDC)

- Welcomes the opportunity for cross-boundary working and to discuss the development of a marine BOA with Sussex Kelp Resoration Project and Pagham Harbour/Chichester Harbour as a strategic high value BOA for nature recovery – also links with the proposed Pagham to Westhampnett Strategic Wildlife Corridor which runs against the district boundary until Runcton;
- Model BNG policies appear consistent with CDC’s policy approach but urges that emphasis should be on site treatment and national BNG credits scheme used as a last resort and then for local networks which should support cross boundary work;
- Questioned whether further Arun Ecological Phase II survey includes missing bat related evidence (i.e., Barbastelle) that might be investigated and its importance for future corridor and stepping stone work.

Worthing District Council

- Thanked for sharing the Arun Bio-diversity Net Gain Study and links to other relevant documents - it is clear that Arun is building a robust evidence base to inform BNG considerations and your LP review;
- Strongly support the identification of land east of Ferring as an Biodiversity Opportunity Area (Strategic High value), the area (including land within Worthing) has recently been designated as a Local Wildlife Site.
- Requested that we keep liaising/updating intentions on potential biodiversity interventions/enhancements of this area as it will be important that each authority is aligned.
- Noted that east of Ferring, Arun’s Green Infrastructure study identifies land at Green Park as a ‘GI Corridor’. There are clear biodiversity / landscape links between this land and Chatsmore Farm to the east

currently depend on the Judicial Review of a planning appeal decision to allow development on the site for 475 dwellings.

Horsham District Council

- Thanked for sharing the Arun Bio-diversity Net Gain Study which is helpful and informative and future opportunities for future engagement;
- Arun is separated from Horsham's planning area by the South Downs National Park, and therefore, the SDNPA is the primary authority to ensure there are appropriate nature recovery links between the districts Arun and Horsham;
- The Wilder Horsham District partnership, comprising Horsham District Council and Sussex Wildlife Trust, has produced a draft Horsham District Nature Recovery Network (Version 1, July 2021). This is referenced in section 7.2 of Arun's BNG Evidence Study – there is a potential need for consistency between the Horsham District NRN plan and the BNG Study before publication;
- It would also be useful to have access to the GIS layers so that this can be explored further as work around nature recovery and Local Nature Recovery Strategies move forward.

Sussex Wildlife Trust/Nature Partnership (SxNP)

- Welcome Arun's Biodiversity Net Gain initiative/ambition; continued engagement and coordination is important with SxNP and WSCC to ensure complementarity and consistency and transparency for especially users - for identification/designation of new corridors;
- Welcome corridors and stepping stones to address connectivity and climate resilience between existing BOA'S, designates sites and priority habitats - including Urban and wider GI to be incorporated into this approach;
- Absence of species records from an area may signal need for more surveys as they may exist but not be recorded;
- Consider whether the model BNG policy can be more ambitious (i.e. the metric %) if the evidence supports e.g. 20% proposed by Worthing through its examination in public awaiting Inspector's Report;
- Overlaying the proposed housing allocations would demonstrate the spatial opportunities or conflicts with BNG and where other land uses are likely to be delivered;
- Considering scope to forecast the potential scale of future BNG requirements via planned/emerging development?

RSPB

- It is fantastic to see your ambition in terms of future delivery of BNG as well as your joined up approach working with partners;
- The RSPB welcomes the inclusion of Lawton's principles of bigger better and more joined up and further encourage work with partners including the Sussex Nature Partnership to ensure consistency and the best use of knowledge when looking to identify new wildlife corridors;
- Welcome the wide range of taxa within the report which has been cross-referenced this with RSPB's important species Pagham Reserve, which

also includes European eel, small flowered buttercup, green winged orchids, water vole and hairy dragonfly;

- The metric advice to Defra from members of the Natural Capital Committee suggests BNG 10% or above is necessary to give reasonable confidence in halting biodiversity losses as an absolute minimum;
- The planning authority for Lichfield District requires a net gain of 20% on new development, which developers are able to meet and often achieve much greater levels of biodiversity net gain.'
- RSPB would therefore encourage that ADC are ambitious when setting their net gain targets to achieve a level of 20%.

4.3. A separate consultation, from 29th June – 15th July, was also carried out with Natural England to gain their views on the study considering BNG and its related evidence is still developing and in its infancy with respect plan-making nationally. Their comments are included below.

Natural England

- Natural England are thrilled that the LPA are being so proactive in their approach to Biodiversity Net Gain (BNG). BNG is becoming a more prominent part of NE's overall advice.
- The report mentions Metric 3.0 in terms of BOAs. Mentions that new version 3.1 issued in April 2022, but recognise this was difference between the timing of the work and Metric's publication, so won't scrutinize but simply highlight.
- Green Infrastructure (GI) is important part of planning and large amount of NE time dedicated to encouraging greater implementation of GI friendly outcomes. Advise the use of GI standards framework for developing BNG/GI strategies the link is as follows:
- <https://designatedsites.naturalengland.org.uk/GreenInfrastructure/Home.aspx>. This tool will greatly assist in mapping and identifying priority areas for greenspaces.
- BNG has a minimum measurable percentage target of 10%. Many LPA's in Kent are beginning to consider 20% as their target, exceeding this is of course welcome. This report seems to have some very promising implications and we are looking forward to seeing what this will develop in to. BNG can be holistically approached to integrate with other key issues such as GI.
- Inclusion of designated sites is vital, and this report specifically highlights these sites. Any BNG projects that may affect designated sites will need further input from Natural England as the features that are highlighted may not be compatible. Net gain on designated sites is calculated. I cannot comment specifically on designated sites included in this report such as Pagham Harbour. I Can say we would encourage investigation and welcome formal consultation with Natural England. We are interested in strategic approaches to Nature recovery and would welcome further discussion on this subject.

4.4. In summary, the study is considered by all to be strongly endorsed and to form a firm robust part of the baseline evidence to be used going forward. Some

technical issues have been raised but follow up meetings with both consultants and those with an interest have been carried out and addressed.

5. Next Steps

- 5.1. Firstly, 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. This will identify the spatial framework (to be identified in any updated Policies Map), to guide policy implementation secured through on-site development management obligations and where not feasible, as a last resort, via an off-site 'Arun local levy'. Local levies are in their infancy as these were only recently introduced through the Environment Act and it is intended that further detail will come through secondary legislation. It is expected that a system of national BNG credits will operate in a similar fashion to the existing S106, CIL systems or another new vehicle of conservation covenants. It is important to note that the 10% metric in the BNG study will be a minimum. Based on the high-level consultation response received, which points to examples of higher metrics being applied successfully elsewhere, there may be scope to consider whether it may be appropriate for Arun to apply a higher % metric. However, this will be subject to obtaining necessary feasibility and viability evidence as part of the Local Plan update or other parallel work, similar to those other authorities
- 5.2. Secondly, the BNG Study provides an objective evidence framework that can support the part of the Council Motion 199 (Background Paper 5) relating to preparing a Biodiversity Action Plan (BAP). The BAP can coordinate implementation of the BNG Study spatial priorities, on the ground through various nature recovery projects aimed at rewilding. This would include those projects promoted through other rewilding initiatives at strategic and national level (e.g. 'Weald to Wave' see 4.28 bullet 6 above) through focussing on the strategic high value BOAs and proposed intermediate value corridors and 'steppingstones' identified in the BNG study. The preparatory work on the Council's BAP could form the basis for a 'call for sites' for nature recover and BNG delivery (which would also inform the Local Plan update when it resumes).
- 5.3. The BNG study is high level and recognises that supporting habitat and species records in some locations, is not always available or of high quality although, biodiversity may nevertheless, exist or be strategically placed to enable nature recovery networks. One of the outputs or actions of the study is therefore for Arun to work with the specialist and other local authority stakeholders to identify the gaps and resolve differences, if necessary, by commissioning nature studies, requiring budget provision where appropriate. The BNG study can help with this by comparing the mosaic of evidenced BOAs and proposed connecting corridors in the study with other emerging nature recovery initiatives arising from development mitigation e.g. to promote strategic connectivity through 'place making' and Green Infrastructure provision within and around Strategic Allocations of the adopted Arun Local Plan (see 6.2 above). For example, the potential corridor to link Pagham Harbour BOA to Bersted Brooks and Lidsey Rife BOA.

- 5.4. Finally, whilst the BNG Study is based on largely objective data, some data is necessarily interpolated to identify opportunities for connectivity corridors and 'steppingstones' looking at land holdings, estate and Green Infrastructure. It is important for the study to be clear that it is not policy but aims to provide evidence to aid policy making in Arun and to complement work of other authorities and agencies including the implementation of new development. Before any proposals in the BNG Study become policy, this will need to go through the normal plan making process to ensure that there are no conflicts (e.g. with existing or proposed development). Therefore, the amended BNG Study (addressing the high-level cross boundary clarifications summarised in this report), should be posted onto the Council's web site as part of the Local Plan update evidence base.

6. OPTIONS / ALTERNATIVES CONSIDERED

- 6.1. The Biodiversity Net Gain (BNG) will become a mandatory requirement to be applied to all planning applications received from November 2023, through the Environment Act 2021. The Council therefore needs information in preparation for how this is to be applied in Arun. Additionally the first stages of this study begins work that was agreed, through a Motion, by Full Council back on 15 January 2020.
- 6.2. As such the alternative to having this study done would have been that internal resources would have had to be found to do this work. This would have impacted on resourcing both within planning and within greenspaces team well beyond that which has been applied anyway through inputting and directing this work.
- 6.3. Finally, if this work had not been committed to then the council would not have a direction of travel to be applied through the Local Plan (when resumed) in terms of nature recovery or more importantly how to apply BNG to planning application negotiation and agreements for delivery.

7. COMMENTS BY THE GROUP HEAD OF COPRORATE SUPPORT/SECTION 151 OFFICER

- 7.1. As stated in the Financial Summary, a sum of £10k Is included in the 2022/23 budget for the work. Officers expect the cost will be contained within this sum. Should any further funding be required, Member approval, as required will be sought.

8. RISK ASSESSMENT CONSIDERATIONS

- 8.1. Implementing the recommendation will minimise the risk around further loss of habitats or species and issues around not delivery against nature enhancement responsibilities or any recovery actions that may wish to be implemented.

9. COMMENTS OF THE GROUP HEAD OF LAW AND GOVERNANCE & MONITORING OFFICER

- 9.1. Schedule 17 of the Environment Act 2021 brought in the requirement for 10% net gain to be applied to planning applications. This will become mandatory in November 2023 following the transitional period from its enactment. The study provides the baseline information on which negotiations can be based along with use of the biodiversity metric for any on-site delivery. At present there is no direct proposal for any local level off-site aspect but it is requested for agreement as to whether to begin work on whether this should be implemented or not.

10. HUMAN RESOURCES IMPACT

- 10.1. There would be no human resource impacts.

11. HEALTH & SAFETY IMPACT

- 11.1. No Health and Safety impacts have been identified in relation to the recommendations of this report.

12. PROPERTY & ESTATES IMPACT

- 12.1. There are no direct implications for property or estate at this stage but this may arise in future with proposed implementation projects. However, if this arises then reports to this committee will be made.

13. EQUALITIES IMPACT ASSESSMENT (EIA) / SOCIAL VALUE

- 13.1. No adverse impacts on equality would result from this study and improvements both to the physical environment and personal wellbeing through ease of access to nature is expected.

14. CLIMATE CHANGE & ENVIRONMENTAL IMPACT/SOCIAL VALUE

- 14.1. This study and associated mapping will have a positive effect through having mapped the existing baseline situation with respect to habitats and species across the District. At this stage it is not possible to be able to accurately predict the exact spatial distribution of enhancement or improvements to result directly, but it is hoped that this will be spread throughout the District and into the marine environment. A such both addressing the climate and biodiversity crises, plus any supplementary improvements to carbon reduction, most likely through capturing and retaining carbon.

15. CRIME AND DISORDER REDUCTION IMPACT

- 15.1. There will be no direct impact to crime and disorder reduction from these proposals, although there may be indirect impacts through increasing and preserving access to nature by residents.

16. HUMAN RIGHTS IMPACT

16.1. No human rights would be impacted by this proposal.

17. FREEDOM OF INFORMATION / DATA PROTECTION CONSIDERATIONS

17.1. No personal information is contained within the report and all that used in its production have been a collation of existing information that is publicly available data, although some need to be accessed direct from organisations.

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BACKGROUND DOCUMENTS:

1. Arun Biodiversity Net Gain Study Figure 6.1 Strategic Areas of High Value (i.e. Core Areas focussed on the Bio Diversity Opportunity Areas):-

<https://www.arun.gov.uk/download.cfm?doc=docm93jjjm4n19222.pdf&ver=21065>

2. Potential Barbastelle and Bechstein's Bat Corridor Figure 5.1:-

<https://www.arun.gov.uk/download.cfm?doc=docm93jjjm4n19221.pdf&ver=21064>

3. Existing BOAS and Potential Wildlife Corridors Figure 6.2 :-

<https://www.arun.gov.uk/download.cfm?doc=docm93jjjm4n19223.pdf&ver=21066>

4. Full Council 15 January 2020 (minute 341) resolving Environment & Scrutiny minutes to declare Climate Emergency and aspiration to achieve Carbon Neutrality by 2030:-

<https://democracy.arun.gov.uk/ieListDocuments.aspx?CId=141&MId=771>

5. Council Motion 199 (16 September 2020) in relation to updating biodiversity polices in the Local Plan, informed by the preparation of a Biodiversity Action Plan:-

<https://democracy.arun.gov.uk/ieListDocuments.aspx?CId=141&MId=981>

6. Arun Biodiversity Net Gain Evidence Study final Report November 2022:-

<https://www.arun.gov.uk/download.cfm?doc=docm93jjjm4n19224.pdf&ver=21067>