



Cabinet

Tuesday, 10 October 2023

Assigning Strategic Significance for Biodiversity Net Gain Assessments

Report of the Director – Neighbourhoods

Cabinet Portfolio Holder for Planning and Housing, Councillor R Upton

1. Purpose of report

- 1.1. This report asks Cabinet to consider how “Strategic Significance” will be determined in Rushcliffe under the requirements of the Environment Act 2021.
- 1.2. Whilst the duty to secure Biodiversity Net Gain (BNG) is a legislative requirement, consideration of strategic significance is determined by local strategies and policies; Councillors need to satisfy themselves that the proposals set out in section 4.5 below and Appendix 1 meet the requirements of Rushcliffe Borough Council.
- 1.3. BNG was considered by the Growth and Development Scrutiny Group on Wednesday, 19 July 2023, when the Group resolved to approve the proposals for assessing strategic significance and recommended to Cabinet that careful consideration be given to the officer resources required to carry out this work before being adopted by Council.

2. Recommendation

It is RECOMMENDED that Cabinet considers and, if satisfied, approves the proposals for assessing strategic significance under Biodiversity Net Gain.

3. Reasons for Recommendation

To ensure that the Council’s strategic biodiversity aims are delivered within Rushcliffe, following the implementation of mandatory Biodiversity Net Gain requirements, expected to commence in January 2024, following an announcement made by Government on 27 September 2023.

4. Supporting Information

- 4.1. On 9 November 2021, the Environment Act 2021 received Royal Assent. The Act contains several nature and biodiversity related issues, including provision for making “biodiversity gain a condition of planning permission in England”. BNG is a way of contributing to the recovery of nature whilst developing land. It

is a mechanism to ensure the habitat for wildlife is in a better state than it was before development.

- 4.2. The mandatory scheme requires developers to deliver a minimum of a 10% biodiversity improvement following development in the majority of cases. The Local Planning Authority is able to introduce policies requiring more than a 10% gain; however, these will need to be justified. It is recommended that the Local Plan would be the most appropriate place to introduce any such policies and until the next Local Plan is brought forward, 10% gain is used within Rushcliffe.

BNG metric

- 4.3. To demonstrate BNG, a biodiversity metric (spreadsheet), published by the Secretary of State / Natural England, must be completed by a competent person. Further guidance from Government on the definition of a 'competent person' is not yet available. A simplified version of the metric is available for small developments.
- 4.4. The metric must be used to assess the baseline biodiversity value before development, based on appropriate ecological surveys and the expected value post development (including all on-site enhancements and any off-site enhancement or credits purchased). On-site measures are prioritised and incentivised in the metric.

Strategic significance

- 4.5. The BNG metric includes a multiplier depending on the strategic significance of the site that will provide the BNG. The sites that are "formally identified in a local strategy" gain the highest score multiplier; sites that are at a "location ecologically desirable but not within a local strategy", gain a middle score multiplier and "area/compensation not in local strategy / no local strategy" gain no score multiplier.
- 4.6. It is proposed that sites regarded by Rushcliffe Borough Council as strategically significant and benefiting from the "formally identified in a local strategy" multiplier in the biodiversity metric are development sites which are within or immediately adjacent to:
 - **Designated Priority Sites** - designated as Sites of Special Scientific Interest, Local Nature Reserves or Local Wildlife Sites. Current sites are shown on the map in Appendix 2
 - **Listed Green and Blue Infrastructure Sites** - identified in the Greater Nottingham Blue and Green Infrastructure Strategy January 2022, which have biodiversity value. Current sites are shown on the map in Appendix 2
 - **Focal Areas** - identified within the Rushcliffe Biodiversity Opportunity Mapping report (published by Nottinghamshire Biodiversity Action Group / Notts County Council) Current areas are shown on the map in Appendix 3
 - **Sites with a reasonable wildlife value** - sites that are managed with nature conservation as a major priority, as identified in the Rushcliffe Nature Conservation Strategy. Current sites are listed in Appendix 4

- 4.7. It is proposed all BNG provided within Rushcliffe Borough outside of those areas listed above will be regarded as “location ecologically desirable but not within a local strategy”. BNG outside of Rushcliffe Borough will be regarded as “area/compensation not in local strategy / no local strategy”.

5. Alternative options considered and reasons for rejection

- 5.1 The Council could decide to do nothing until the publication of the next Local Plan (from 2028 onwards); however, this would leave the Council in a position where it would be unable to influence where Biodiversity Net Gain is delivered in Rushcliffe, until this Plan is adopted.
- 5.2 The Council could look to develop and publish a Supplementary Planning Document; however, this would take time to develop and could end up being subsumed into the publication of the next Local Plan.

6. Risks and Uncertainties

- 6.1 The final secondary legislation, guidance and metric for Biodiversity Net Gain has not yet been published by the Government. There is potential that once the Government publishes its final version of the final secondary legislation, guidance and metric, the strategic significance requirements could change, and these proposals could be obsolete.
- 6.2 Developers could object to the criteria used to set out the strategic significance used by Rushcliffe.

7. Implications

7.1. Financial Implications

- 7.2. The consideration of strategic significance is a requirement for the consideration of Biodiversity Net Gain and therefore no financial implications are expected beyond the need to consider Biodiversity Net Gain implications from November 2023.

7.3. Legal Implications

The proposals will support the implementation of Biodiversity Net Gain mandated under the Environment Act 2021. The proposals will also help the Council address its Biodiversity Duty also mandated under the Environment Act 2021. The proposed method for assessing strategic significance under Biodiversity Net Gain, is intended to fit within the existing Biodiversity Assessment criteria under the current Metric 4 published rules (published by Natural England).

7.4. Equalities Implications

It is not expected there will be any equalities implications from these proposals.

7.5. Section 17 of the Crime and Disorder Act 1998 Implications

It is not expected there will be any Crime and Disorder Act 1998 implications from these proposals.

7.6. Biodiversity Net Gain

This report and the recommendation have a direct impact on the Council's fulfilment of its biodiversity duty.

8. Link to Corporate Priorities

Quality of Life	Access to nature, green spaces, wildlife and biodiversity are important factors in supporting local residents' quality of life
Efficient Services	No direct link
Sustainable Growth	The development will assist the Council's development management processes to deliver Sustainable Growth
The Environment	The proposals will assist the Council to address its biodiversity duty and biodiversity aspirations and help to address the worlds biodiversity emergency

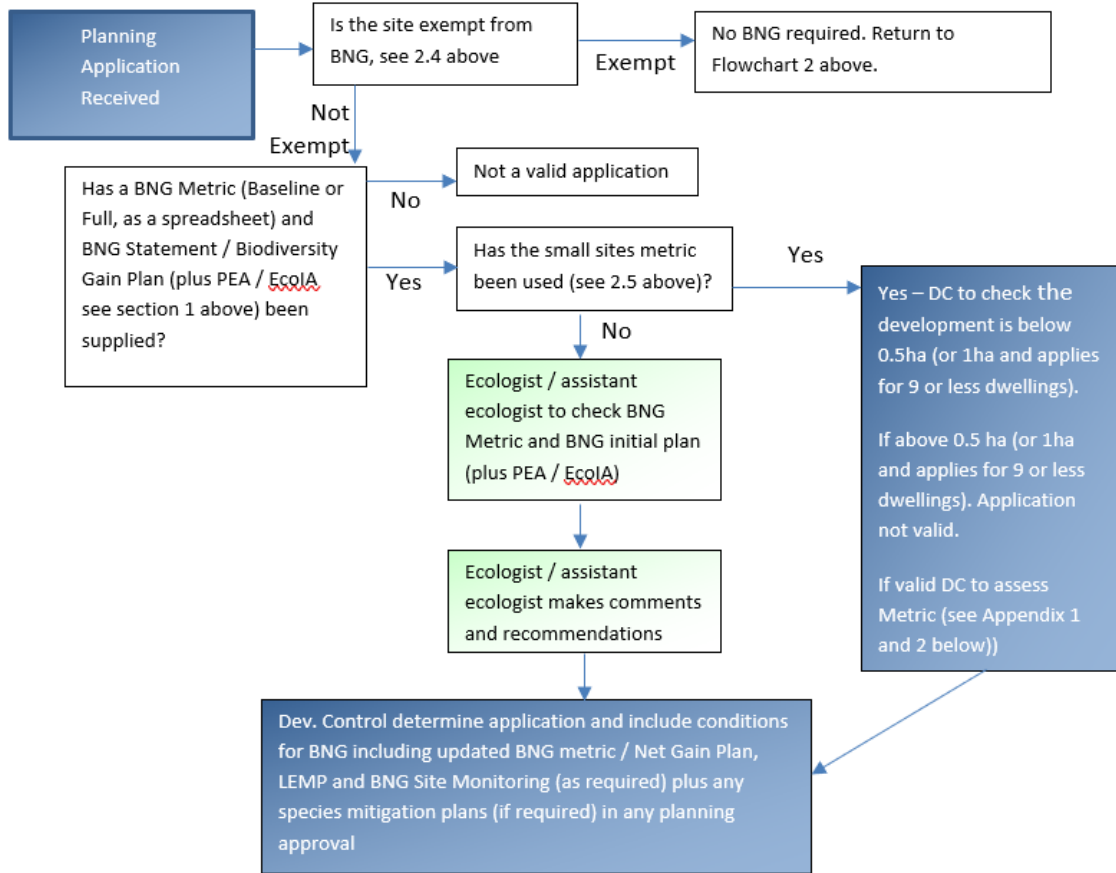
9. Recommendation

It is RECOMMENDED that Cabinet considers and, if satisfied, approves the proposals for assessing strategic significance under Biodiversity Net Gain.

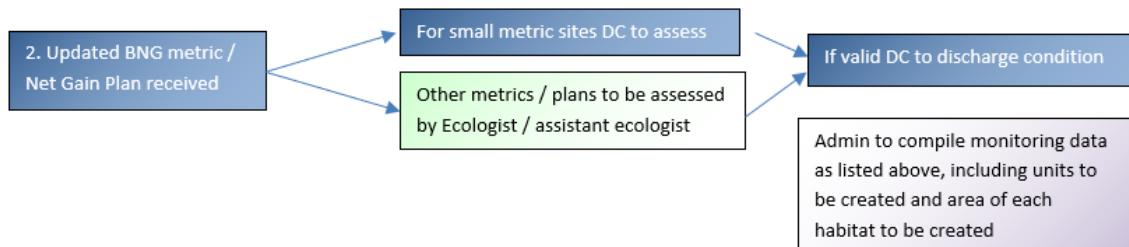
For more information contact:	David Banks - Director Neighbourhoods
Background papers available for Inspection:	Draft Minutes of the meeting of the Growth and Development Scrutiny Group - Wednesday, 19 July 2023, online at https://democracy.rushcliffe.gov.uk/documents/g122/Printed%20minutes%2019th-Jul-2023%2019.00%20Growth%20and%20Development%20Scrutiny%20Group.pdf?T=1 Metric 4 User Guide, published by Natural England online at https://publications.naturalengland.org.uk/file/6188841413902336 Government announcement about BNG made 27/09/2023 online at https://www.gov.uk/government/news/biodiversity-net-gain-moves-step-closer-with-timetable-set-out
List of appendices:	Appendix 1 – Flow Chart of proposed BNG procedures at Rushcliffe

	<p>Appendix 2 – Map of Nature Conservation designated sites in Rushcliffe</p> <p>Appendix 3 – Map of Focal Areas in Rushcliffe identified by the Biodiversity Opportunity Mapping exercise</p> <p>Appendix 4 - Rushcliffe Sites regarded as Nature Reserves 2020 from Rushcliffe Nature Conservation Strategy</p>
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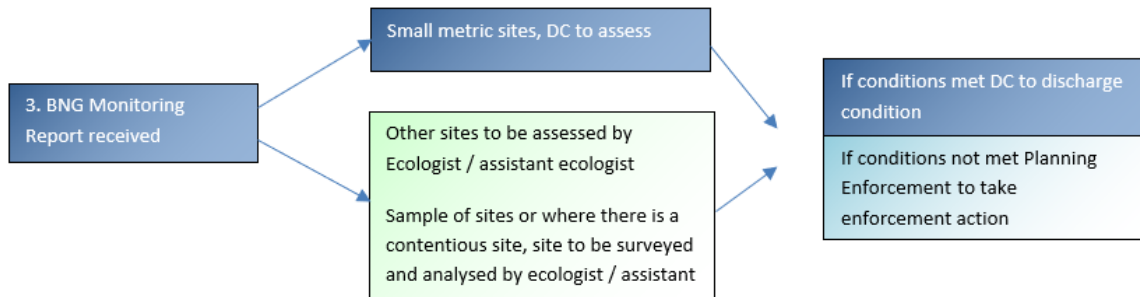
Appendix 1 – Flow Chart showing the proposed BNG procedure at Rushcliffe



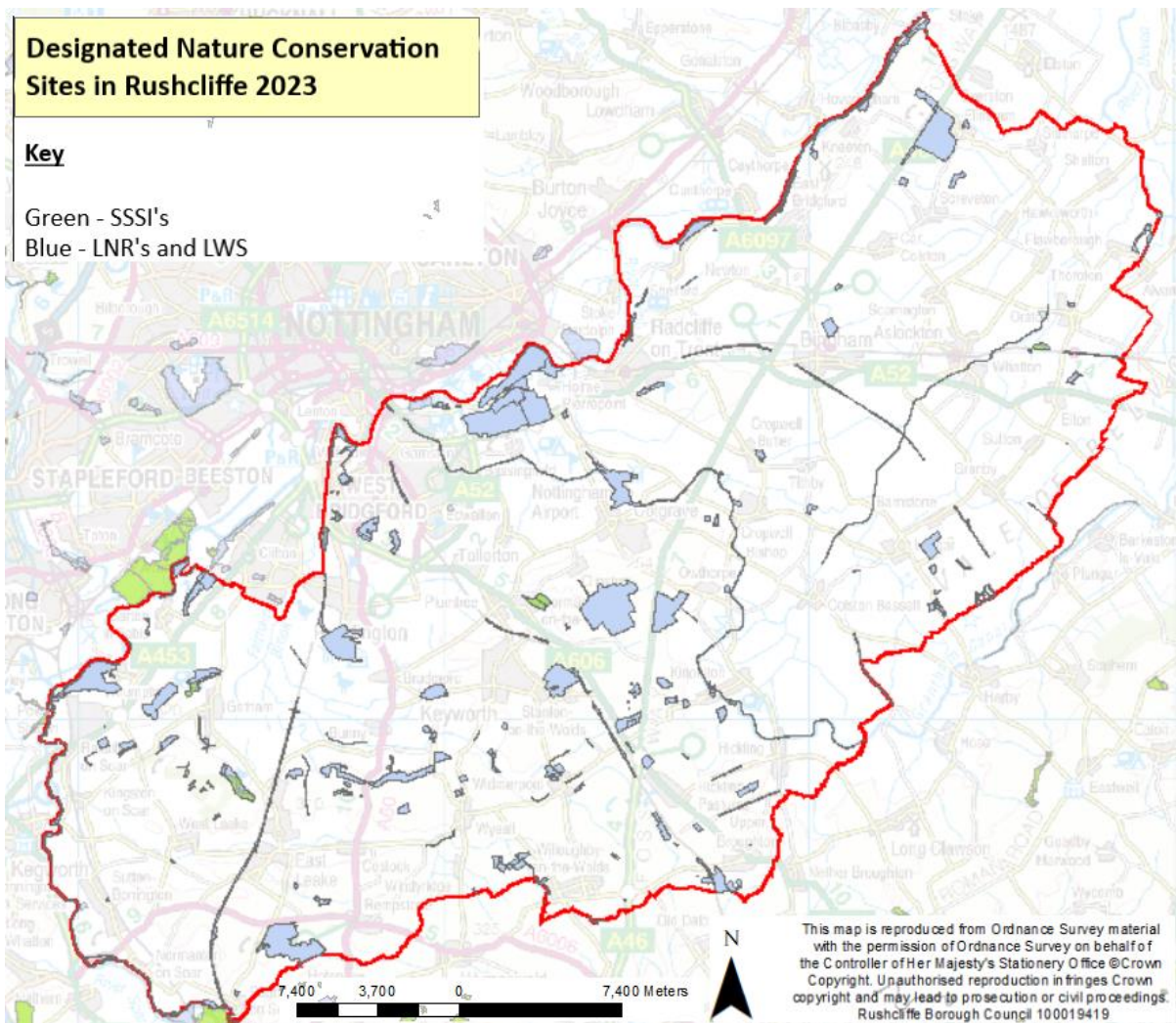
2. Discharge of Conditions



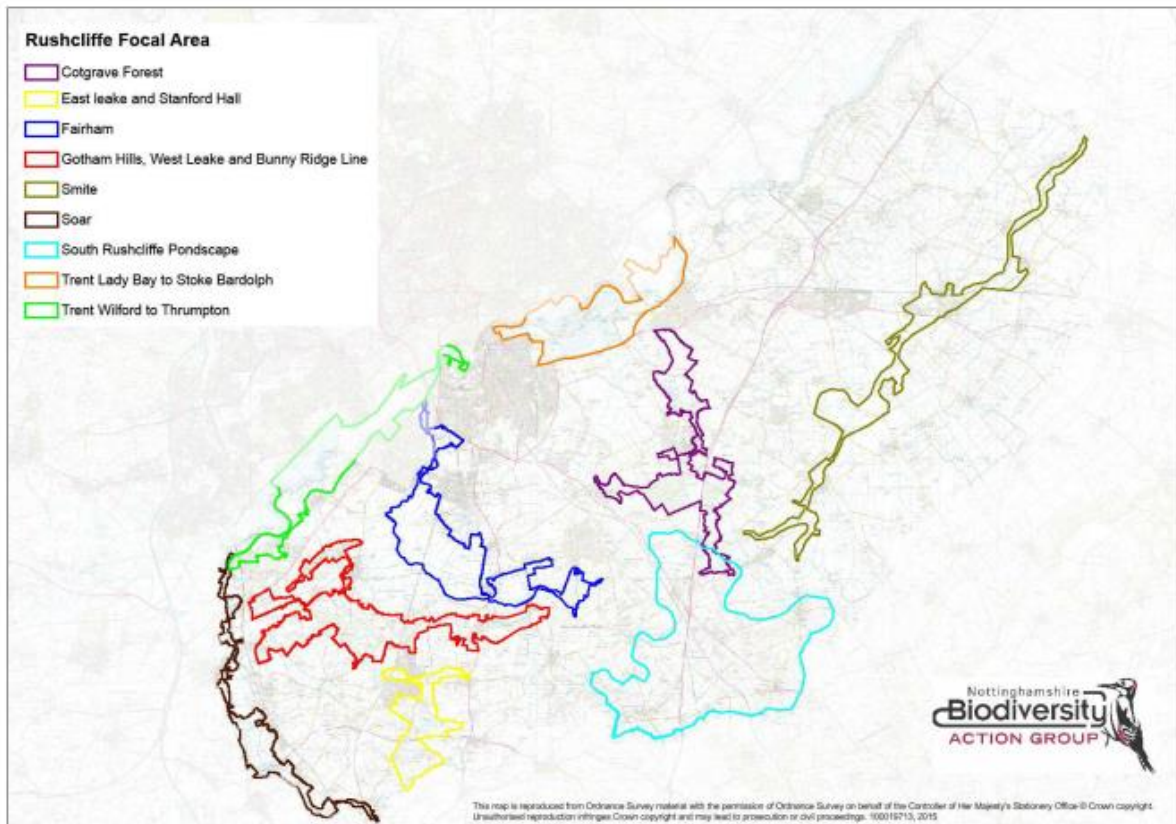
3. Ongoing site monitoring post development



Appendix 2 – Map of Nature Conservation designated sites in Rushcliffe



Appendix 3 – Map of Focal Areas in Rushcliffe identified by the Biodiversity Opportunity mapping exercise



Appendix 4 - Rushcliffe Sites regarded as Nature Reserves 2020 from Rushcliffe Nature Conservation Strategy

Site	Ownership (Management)	Area Ha	Designation	Habitats	Management Plan (last update)	Public Access
Bingham Linear Walk	Bingham Town Council (Friends Group)	12	LWS; LNR	Grass; Wood	Yes	Yes
Bridgford Street Wildflower Meadow, East Bridgford	East Bridgford Parish Council (East Bridgford Wildlife and Biodiversity Group)	0.5	-	Grass	Yes	Yes
Bridgford Street Copse, East Bridgford	Southwell Diocese of the Cof E (East Bridgford Wildlife and Biodiversity Group)	0.5	-	Wood	Yes	Yes
Bunny Old Wod	Nottinghamshire Wildlife Trust	16	LWS	Wood	Yes (2019)	Yes
Collington Common, West Bridgford	Rushcliffe Borough Council	1.4	-	Grass	Yes	Yes
Costock Pond	Costock Parish Council	0.8	-	Pond; Grass	Yes	Yes
Cotgrave Country Park	Nottinghamshire County Council (Friends Group)	60	LWS	Grass; Pond; Lake; Wood; Reedbed	Yes	Yes
Dewberry Hill, Radcliffe-on-Trent	Nottinghamshire County Council (Radcliffe-on-Trent Parish Council / (Radcliffe on Trent Conservation Group))	8.6	LWS	Grass; Wood	Yes	Yes
Gotham Railway Path	Gotham Parish Council	0.9	-	Wood; Grass	?	Yes

Site	Ownership (Management)	Area Ha	Designation	Habitats	Management Plan (last update)	Public Access
Gotham Sandbanks Nature Reserve	British Gypsum (Gotham Nature Reserve Trust)	1.05	SSSI; LWS	Grass; Wood	Yes	Yes
Grantham Canal	Canal & River Trust	25	SSSI; LWS	Pond; Marsh; Reedbed	Yes	Yes
Green Line, West Bridgford	Rushcliffe Borough Council	1.4	LWS	Grass; Wood	Yes	Yes
Gresham Marsh, West Bridgford	Environment Agency	8.8	LWS	Grass; Marsh; Reedbed	Yes	Yes
Greythorne Dyke Open Space, West Bridgford	Rushcliffe Borough Council	2.67	-	Grass; Marsh; Wood; Reedbed	In preparation	Yes
Holme Pierrepont Country Park	Nottinghamshire County Council (Holme Pierrepont Leisure Trust /Serco)	109	Part LWS	Grass; Wood; Pond	?	Yes
Keyworth Burial Ground	Keyworth PC	1.05	-	Grass	Yes	Yes
Keyworth Meadows	Keyworth PC (Friends Group)	1.25	LWS; LNR	Grass; Pond	Yes	Yes
Langar Community Wood	Naturescape	4.7	-	Wood	Yes	Yes
Langar Village Pond	Langar Parish Council	0.02	-	Pond	?	Yes
Lily Ponds, Radcliffe-on-Trent	Radcliffe-on-Trent Parish Council (Radcliffe on Trent Conservation Group)	4.7	Part LWS	Grass; Pond	Yes	Yes
Meadow Covert	Rushcliffe Borough Council	2	LNR	Wood	Yes	No

Site	Ownership (Management)	Area Ha	Designation	Habitats	Management Plan (last update)	Public Access
Wood, West Bridgford						
Meadow Park, East Leake	Rushcliffe Borough Council (ELPC / Friends Group)	18	-	Grass; Stream	Yes	Yes
Orston Millennium Green	Orston Parish Council	1	-	Grass; Pond	Yes	Yes
Orston Plaster Pits	Girl Guides	4.72	SSSI	Pond; Grass; Woodland	Yes	Guides
Queens Wood	Aslockton Parish Council	0.3	-	Woodland	Yes	Yes
Rushcliffe Country Park, Ruddington	Rushcliffe Borough Council	85	LWS; LNR	Pond; Grass; Wood; Lake; Reedbed	Yes	Yes
Sharphill Wood, Edwalton	Rushcliffe Borough Council (Friends Group)	9.6	LWS; LNR	Wood	Yes	Yes
Sheldon Field, Cropwell Butler	National Playing Field Association (Sheldon Field Management Committee)	10.4	-	Grass	Yes	Yes
Skylarks, Holme Pierrepoint	Notts Wildlife Trust	47	LWS	Grass; Wood; Lake; Reedbed	Yes (2026)	Yes
Springdale Wood, East Bridgford	Woodland Trust (Friends Group)	1.4	-	Wood	Yes	Yes
Stone Pit Wood, Gotham	Rushcliffe Scout District	3.1	LWS	Wood; Grass	Yes	Yes
Sutton Bonnington Diamond Wood	Nottingham University / Woodland Trust	19	-	Wood	In preparation	Yes

Site	Ownership (Management)	Area Ha	Designation	Habitats	Management Plan (last update)	Public Access
Sutton Bonnington Diamond Wood	Nottingham University / Woodland Trust	10	-	Wood	In preparation	Yes
Sutton Bonnington Spinney and Meadow	Sutton Bonnington Parish Council	2.5	LNR	Grass; Wood	Yes	Yes
The Hook, Lady Bay	Rushcliffe Borough Council (Friends Group)	15	LNR	Grass; Stream	Yes	Yes
Upper Saxondale Community Nature Reserve	Upper Saxondale Resident Association	3.2	-	Grass; Wood	Yes	Yes
Wilford Claypits, West Bridgford	Rushcliffe Borough Council (Notts Wildlife Trust)	4.3	SSSI; LWS	Pond; Marsh; Grass; Wood; Reedbed	Yes (2013)	Yes
Willoughby Wood, Willoughby on the Wolds	Woodland Trust	2.5	-	Wood	Yes	Yes
Wilwell Farm Cutting, Ruddington	Rushcliffe Borough Council (Notts Wildlife Trust)	7.5	SSSI; LNR	Marsh; Grass; Wood; Reedbed	Yes (2013)	Yes