

Planning Policy Team
South Kesteven District Council
Council Offices
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Grantham
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24 April 2024

Response to South Kesteven Local Plan Regulation 18 Consultation (email only).

Dear Sir or Madam,

Thank you for the opportunity to consult on the draft South Kesteven Local Plan. The Greater Lincolnshire Nature Partnership (GLNP) feel that it is important for all stakeholders to be involved in the planning process, as such we are keen to work closely with Local Planning Authorities to prepare local policy which achieves mutual benefits for nature and society while meeting the multiple objectives required by national policy and legislation.

The GLNP is a partnership of 49 organisations working together to achieve more for nature. This response is based on the joint values and positions as agreed by our members. Each of these organisations may respond individually with additional comments.

The GLNP feels that overall this is a positive plan with strong environmental policy. The following response generally consists of comments relating to points of clarity. However, due to the publication of secondary legislation and the latest guidance in relation to biodiversity net gain some amendments have been suggested for **New Policy 4**. Please find our comments below:

2041 Vision for South Kesteven

The GLNP broadly supports the vision of the plan, especially references to enhancing environmental assets and promoting opportunities for them to be enjoyed by all. Although, the GLNP is pleased to see a commitment to balancing the development needs of the District with the protection and enhancement of the natural environment.

We would like to see an explicit commitment to nature recovery within the vision. It is felt that this, on top of the commitment to protect and enhance the natural environment, would ensure that the plan's vision for the future of the area would be truly positive, as



required by **paragraph 15** of the NPPF. Especially in relation to the environmental objective of sustainable development (**NPPF paragraph 8c**).

Strategic objectives

Objective 11

The GLNP supports the recognition of the role open space and green infrastructure has in meeting health, social and community needs. This fits well with **paragraph 96c** of the **NPPF** which requires policies to “*enable and support healthy lifestyles, especially where this would address identified local health and well-being needs – for example through the provision of safe and accessible green infrastructure*”.

Objective 12

The GLNP supports this objective and its commitment to protect and enhance the District’s natural assets and blue green infrastructure. This is in line with the **NPPF** including **paragraphs 8c, 180** and **181**.

Given the intention to amend the objectives in accordance with strengthened national policy on biodiversity net gain, as stated in the summary of proposed changes, it would be useful to include reference to biodiversity net gain within objective 12. Example wording is as follows:

*“To protect and enhance the District’s natural, historic, cultural assets, blue green infrastructure (including trees, woodland, and watercourses) and the built environment through good design (**including appropriate implementation of biodiversity net gain**), sensitive use and management **and** Improved networks that respect important local characteristics, by ensuring new development is well designed, promotes local distinctiveness, integrates effectively with its setting and secures community safety, **while contributing towards nature recovery.**”*

By only referring to biodiversity net gain in Objective 13, which is focused on climate change, its role in nature recovery and addressing the biodiversity crisis may be undermined.

Objective 13

The GLNP supports objective 13 and its commitment to mitigating against and adapting to climate change contributing towards the requirement in **NPPF paragraph 158** for plans to take “*a proactive approach to mitigating and adapting to climate change*”. The GLNP

especially supports the reference to adaptation for wildlife, as well as links made between biodiversity net gain, green infrastructure and addressing the caused and impacts of climate change.

SD1: The Principles of Sustainable Development for South Kesteven District

The GLNP supports the inclusion of a requirement for development to consider how they can proactively enhance the natural environment in point **k**. It also supports the reference to green infrastructure's ability to store carbon. This is in line with the environmental objective of sustainable development as laid out in **paragraph 8c**, and other related paragraphs, of the **NPPF**.

Climate change

Once prepared, the GLNP would like to see any policy include the role of nature in addressing climate change and its impacts, through nature-based solutions, including landscape scale projects, and green infrastructure. This would contribute to the environmental objective of sustainable development as laid out in **paragraph 8c** of the NPPF as well as other paragraphs including **20d**, **102**, and **159a**.

Paragraph 10.4

The GLNP feels that to bring this paragraph in line with the associated paragraph in the **NPPF (180)**, either bullet point one should include "biodiversity sites of value" or bullet point three should include reference to enhancing biodiversity.

Also, in light of mandatory biodiversity net gain, which requires there to be a net gain in biodiversity, and the biodiversity duty (**NERC Act, 2006**), it is felt that "*where possible*" should be replaced with "*where appropriate*". This removes the potential for 'net gains in' and 'enhancement of' biodiversity to not be achieved while acknowledging that there are wider challenges to achieving them.

Suggested wording for bullet point three could be "*minimising impacts on **and enhancing** biodiversity and providing **measurable** net gains in biodiversity ~~where possible~~ **where appropriate**, contributing to the Government's commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;*"

The GLNP supports the inclusion of paragraph 10.6 and the reference to the wider benefits provided by the natural environment, in line with **paragraph 180b** of the **NPPF**, as well as

the paragraph's commitment for development to enhance the natural environment and biodiversity, in line with the environmental objective of sustainable development as laid out in **paragraph 8c**, and other related paragraphs.

EN2: Protecting Biodiversity and Geodiversity

The GLNP supports this policy. It is pleased to see reference to the wider multiple benefits of the natural environment in line with **paragraph 180b** of the **NPPF**, and the commitment to refusing applications which would adversely impact irreplaceable habitats, in line with **paragraph 186c** of the **NPPF**.

The GLNP also supports reference to the Local Nature Recovery Strategy and Geodiversity Strategy, ensuring that the enhancement of the natural environment and geodiversity assets are informed by existing strategic objectives.

The GLNP is also pleased to see the requirement for compensation and mitigation measures to be in place prior to the start of development.

Paragraph 10.9

The GLNP supports the inclusion of this paragraph, but feels that it needs to be updated following the commencement of mandatory biodiversity net gain. The paragraph should include the date from which the biodiversity net gain condition came into effect for major development and small sites.

Para 10.11

The GLNP supports the inclusion of this paragraph, but suggest the following amendment for clarification.

*“These maps identify known areas of high biodiversity value which make up the core of the District’s wider ecological network. **It also identifies opportunities to enhance this network through improved habitat management and habitat creation**”*

New policy 4: Biodiversity Opportunity and Delivering Measurable Net Gains

The GLNP also supports the inclusion of policy focusing on biodiversity net gain, however, it feels that the content of the policy should be revisited following the publication of secondary legislation and associated planning guidance. The following comments about specific paragraphs within the policy are based on the GLNP's understanding of current guidance, which can be found at <https://www.gov.uk/guidance/biodiversity-net-gain>:

1. The inclusion of requirements for development to take opportunities to retain and enhance biodiversity and geodiversity, in **paragraph 1**, are supported, as well as well as requirements for proposals to enhance ecological networks in line with biodiversity opportunity mapping and green infrastructure mapping, in **paragraph 2**. These inclusions are in line with the **NPPF**, particularly **paragraphs 8c, 180 and 185**.

2. The GLNP supports the inclusion of the target of “at least 10%” in **paragraph 4**. For accuracy this paragraph should refer to the DEFRA Statutory Metric as it is now known as opposed to Natural England’s Biodiversity Metric. It should also be made clear that meeting requirements set out in paragraphs one and two can contribute to BNG commitments where appropriate.

3. In light of the publication of the biodiversity net gain hierarchy, the GLNP feels that the wording “*or where greater gains can be delivered off-site*” in **paragraph 5** is no longer appropriate. This paragraph should be amended to comply with the hierarchy, for example, wording could be as follows:

“Adverse impacts on high distinctiveness onsite habitat should avoided or mitigated against, where this is not possible it should be compensated for through biodiversity net gain alongside all other habitat. Biodiversity net gain must be achieved according to the following, in the order they are given:

a) through onsite habitat enhancement

b) where onsite enhancement is not possible, through onsite habitat creation

c) where onsite habitat creation isn’t possible offsite biodiversity units should be sought (ideally local to the development impact, i.e. within the District or National Character Area)

d) as a last resort, where it can be evidenced that biodiversity units could not be arranged, statutory biodiversity credits should be purchased.

Where possible biodiversity net gains should be consistent with the Local Nature recovery strategy.”

4. It should be noted that paragraph 6 is contrary to the minimum requirements related to biodiversity net gain within the planning application process, laid out in government planning guidance and **Section 7, paragraph 1A of The Town and Country Planning (Development Management Procedure) (England) Order 2015**.

The paragraph should be amended to include these minimum requirements while being clear that in some cases further information will be required. It should also be clear that a “local list” of potential further information will be published.

Further to this a paragraph should be included referring to biodiversity gain plans, being clear what they should include and that they must be submitted once planning permission has been granted and must be approved prior to development commencing. This is where developers will be required to demonstrate that they can meet the 10% required by the net gain condition. This new paragraph should be located after paragraphs relating to planning application determination. Suggested wording is as follows:

“Once planning permission has been granted, unless exempt, a Biodiversity Gain Plan must be submitted and approved prior to the commencement of that development. This Plan is the mechanism to ensure that the biodiversity gain condition of 10% will be met and in particular should evidence that:

- ***the post-development biodiversity value of the development’s onsite habitat is accurate based on the approved plans and drawings***
- ***any offsite biodiversity gains have been registered and allocated to the development; and biodiversity credits, if they are necessary for the development, have been purchased.”***

5. It is also worth noting that the biodiversity gain condition is a post permission mechanism and that guidance suggests that permission cannot be refused if the application does not evidence how it will meet the condition.

While Government planning guidance (**Paragraph: 019 Reference ID: 74-019-20240214**) does require the broader consideration of biodiversity net gain in the determination of applications, it states *“it would generally be inappropriate for decision makers, when determining a planning application for a development subject to biodiversity net gain, to refuse an application on the grounds that the biodiversity gain objective will not be met”*.

It is also worth noting that with the availability of statutory credits that only cost and its impact on a development’s viability can really make biodiversity net gain unachievable.

As such, it is felt that **paragraph 7** should be amended to reflect the above, while making it clear that development which proves it can meet the 10% gain at the application stage will benefit the developer by streamlining the process, especially where it is shown that

biodiversity net gains will meet wider objectives, such as the creation of healthy places, flood management and climate change adaptation.

Suggested text could be as follows: *“Demonstrating the value of the habitat (pre and post-development) with appropriate and robust evidence ~~will be the responsibility of the applicant~~ **at the application stage is preferred, especially where net gains contribute to wider planning objectives, such as, creating healthy places, adapting to climate change or flood alleviation.** Proposals which do not demonstrate that the post development biodiversity value will exceed the predevelopment value of the onsite habitat by a 10% net gain ~~will be refused~~ **run the risk of delays prior to development starting.**”*

Concerns over the ability of a development to achieve 10% biodiversity net gain will prompt further discussion with the developer before a decision is made.”

6. The GLNP also feels that it is important for this policy or its supporting text to promote pre-application engagement between the LPA and the developer on matters relating to biodiversity net gain.

7. **Paragraph 8** should be amended to reflect secondary legislation by explaining that only significant on-site enhancements need to be secured and managed for 30 years. Wording could be as follows:

*“Ongoing management of any ~~new or improved~~ **significant onsite enhancements or any** offsite habitat **enhancement or creation**, together with monitoring and reporting, will need to be secured and funded for 30 years after completion of a development.”*

It should be reiterated that comments here do not reflect the quality of the policy only the fact that secondary legislation has changed the biodiversity net gain process since it was prepared. The GLNP are happy to work with South Kesteven District Council to amend this policy.

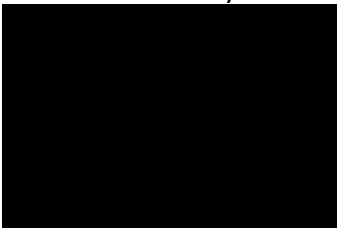
EN3: Green Infrastructure

The GLNP supports this policy and the reference to Green Infrastructure Mapping prepared by the Partnership. However, it would support reference to protecting the functionality of green infrastructure, with the following potential amendment to paragraph 3 of the policy:

“Proposals that cause loss or harm to this network, **or its functionality**, will not be permitted unless the need for and benefits of the development demonstrably outweigh any adverse impacts. In such cases development will only be permitted if suitable mitigation measures are provided to maintain the integrity of the green infrastructure network.”

Thank you once again for the opportunity to consult on the draft South Kesteven Local Plan. If you would like any further details on the comments above, please do not hesitate to get in touch at [\[REDACTED\]](#)

Yours sincerely



Luke Bamforth

GLNP Policy Officer

