

Planning Policy Team
South Kesteven District Council
Council Offices
The Picture House
St Catherine's Road
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 Regulation 18 draft of the South Kesteven Local Plan. The following is a joint response prepared by **Natural England, Lincolnshire Wildlife Trust** and the **Greater Lincolnshire Nature Partnership** and is based on agreed comments. Each of these organizations may also respond individually.

2041 Vision for South Kesteven

The inclusion of climate change within the vision is welcome. However, it is felt that while there is reference to protecting and enhancing the natural environment, specific mention of nature recovery and the Nature Recovery Network would strengthen the plan's commitment to the nature and biodiversity. It is felt that this, on top of the commitment to protect and enhance the natural environment, would contribute to the positive preparation of the plan, as required by **paragraph 15** of the NPPF. Especially in relation to the environmental objective of sustainable development (**NPPF paragraph 8c**).

Strategic objectives

The strategic objectives are generally welcomed, particularly **Objective 13** which includes reference to mitigating against and adapting to climate change, which contributes towards the requirement in **NPPF paragraph 158** for plans to take "*a proactive approach to mitigating and adapting to climate change*". 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 are especially supported.

However, while the inclusion of **Objective 12** is supported, 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 might be useful to include reference to biodiversity net gain within the text. 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.

Climate change

Once prepared, any climate change policy within the Regulation 19 draft should 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**.

New Policy 2: Best and Most Versatile Agricultural Land.

The inclusion of this policy is welcome.

EN1: Landscape Character

This policy is generally welcome.

Paragraph 10.4

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 to 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;*”

Paragraph 10.8

Reference to the Local Nature Recovery Strategy is welcome, however it is felt that further explanation is required.

EN2: Protecting Biodiversity and Geodiversity

This policy is broadly supported. Again, further explanation of the LNRS should be included in supporting paragraphs.

Paragraph 10.9

The inclusion of this paragraph is supported, but it is felt 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 inclusion of this paragraph is supported, 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**”*

Paragraph 10.13

This paragraph should make it clear that Biodiversity Opportunity and Green Infrastructure Mapping will be used to assign strategic significance in relation to biodiversity net gain, within the Statutory Biodiversity Metric. It should also make it clear that Biodiversity Opportunity Mapping will be incorporated within the LNRS.

While reference to the LNRS is welcome, it is again felt that further information should be included. For example:

“The Nature Recovery Network is a major commitment in the UK Government’s 25-Year Environment Plan and intends to improve, expand and connect habitats to address wildlife decline and provide wider environmental benefits for people. LNRS is required under the Environment Act and will inform future Local Plans, ensuring that sustainable development contributes to local and national environmental objectives. Statutory guidance on alignment between Local Plans and LNRS is anticipated as part of the Governments work on planning reform.”

New policy 4: Biodiversity Opportunity and Delivering Measurable Net Gains

The inclusion of this policy is welcome. In light of secondary legislation and recently published guidance (<https://www.gov.uk/guidance/biodiversity-net-gain>) some amendments are required:

1. Paragraph 4 should refer to the “Statutory Biodiversity Metric” not “Natural England’s Biodiversity Metric”.
2. In light of the publication of the biodiversity net gain hierarchy, it is felt 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.”

3. Paragraph 6 should be amended to refer to the minimum information requirements for applications subject to the biodiversity gain condition as set out in government planning guidance and **Section 7, paragraph 1A of The Town and Country Planning (Development Management Procedure) (England) Order 2015**.

It should be clear that 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.

4. 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, wording in paragraph 7 relating to the determination of planning applications based in a biodiversity net gain context should be amended to reflect the latest guidance and secondary legislation. For example:

*“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.”

Further to this wording 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. Potential wording could be 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. **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.”

EN3: Green Infrastructure

The inclusion of this policy is supported, though it is felt it could be expanded to more reflect advice included in Natural England’s Green Infrastructure Framework: Principles & Standards. Applying these standards locally can help to deliver good green infrastructure networks which provide multiple benefits.

Including standards on green infrastructure such as Accessible Greenspace, Urban Nature Recovery, Urban Greening Factor, Urban Tree Canopy Cover, as well as strategic Sustainable Urban Drainage (SuDS), within the Local Plan, will offer developers greater certainty about what green infrastructure is required on site when used in conjunction with the Green Infrastructure Mapping developed by the GLNP and Green Infrastructure Principles in **Appendix 2**.

It is also felt that to help the GI standards to be delivered, local authorities should set green infrastructure targets. These should include delivery levels over time. For instance, the % of people having good quality publicly accessible greenspaces within 15 minutes' walk from home by 2030.

It is also suggested that the health benefits of green infrastructure should be emphasised. Green and blue spaces can have a positive impact on preventing health issues through providing opportunities for more active and healthy lives. Green infrastructure can also supply other health benefits by helping to address some of the environmental causes of poor health, such as poor air quality, by filtering particulates, and reducing urban summer temperatures by cooling the air. Ultimately. Policy should ensure that green Infrastructure:

- Maximises health and wellbeing outcomes particularly in deprived areas and for disadvantaged groups.
- Addresses issues of inequality in access to quality natural greenspace and routes.
- Delivers indirect benefits such as urban cooling, noise reduction, flood risk management and air quality improvements which can improve health outcomes.
- Provides access to nature benefiting physical and mental health through enabling meaningful people-nature connections.
- Creates links between urban areas and surrounding countryside to improve access to nature for all including through improved Public Rights of Way (PRoW), access by public transport and active travel routes.

In relation to access to nature Natural England's Accessible Greenspace Standard (GI Standard 2) should be used. This is in line with the Environment Improvement Plan (EIP) Goal 10: Enhancing beauty, heritage and engagement with the natural environment.

EN5: Water Environment and Flood Risk Management

It is felt that paragraph 4 of this policy should state that SUDS should be designed in accordance with Schedule 3 of the Flood and Water Management Act and any other relevant legislation.

The policy should also refer to the role of nature-based solutions in flood management at a wider catchment scale. Promoting their use where appropriate and feasible.

DE1: Promoting Good Quality Design

It is felt that reference should be made within this policy of the Natural England Green Infrastructure Planning and Design Guide 2023 which provides evidence based practical

guidance on how to plan and design good green infrastructure. It complements the National Model Design Code and National Design Guide and can be used to help planners and designers develop local design guides and codes with multifunctional green infrastructure at the heart. This will help to inspire the creation of healthier, nature-rich, climate resilient and thriving places to live, learn, work and play. It is suggested that the Green Infrastructure design guide should be included in the list of supporting evidence.

Policy OS1: Open Space and Recreation

This policy is welcomed; however, it is suggested that it should link with the green infrastructure policy (EN3).

It might be useful to refer to Natural England's Accessible Greenspace Standards to determine open space needs based on size, proximity capacity and quality. The Environmental Improvement Plan has highlighted an initial focus on access to green and blue spaces within 15 minutes' walk from home.

Allocations

It has been noted that development of the following allocations has the potential to adversely impact Local Wildlife Sites.

SKPR278c

This site is adjacent to Whalebone Lane Verges LWS and Old Somerby Road Verge LWS, any development must be designed in a way which avoids adverse impacts on these sites.

SKPR65

This site is adjacent to Cold Harbour Road Verges (& East) LWS and Blue Harbour Road Verges LWS any development must be designed in a way which avoids adverse impacts on these sites.

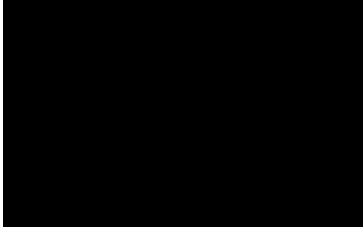
Thank you once again for the opportunity to consult on the South Kesteven Local Plan. The organisations involved in this response are keen to work closely on the preparation of local planning policy to ensure the best results are achieved for the natural environment and people alike. If you have any questions or require any further detail please let me know at

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Yours sincerely



Luke Bamforth

GLNP Policy Officer

