

Cotswold District Local Plan 2018 – 2031 Update

Town and Country Planning (Local Planning) Regulations 2012

Regulation 18 “Issues and Options” consultation/participation

Evidence Paper: Biodiversity

1. Introduction

- 1.1 “Biodiversity” is the variety of life on Earth – the variety of ecosystems or habitats, of species and of the genetic diversity they contain. We value wildlife in its own right but biodiversity also underpins much of the economic and social benefit we gain from nature.”¹

Biodiversity in and adjacent to Cotswold District

- 1.2 Cotswold District has a diverse range of habitats, species, important sites and features for biodiversity. There are a range of designated sites, land, within the District e.g. nationally designated for example SAC, SSSI and locally designated. Ancient woodlands and GWT reserves are not designated sites though they often fall within designated sites.
- 1.3 Special Areas of Conservation (SACs) are sites that have been formally designated by the government of each country in whose territory the site lies. In the Cotswold District part of the Beechwoods Special area for Conservation (SAC) - about 7% of its total area - is within the district’s administrative boundary. Two other Special Areas for Conservation, Rodborough Common SAC, North Meadow and Clattinger Farm SAC are within 3 kilometres of the boundary. A map of the SACs within and around Cotswold District is provided at Appendix I.
- 1.4 Special areas of conservation face many threats both nationally and locally, including grazing, pollution and invasive species. The two key threats locally are recreational pressures and pollution from traffic.
- 1.5 The adopted Cotswold District Local Plan highlights issues regarding the recreational disturbance at Cotswold Beechwoods SACs. Work is currently in progress to assess the potential recreational pressures affecting the Cotswold Beechwood SACs as well as Rodborough Common, North Meadow and Clattinger Farm and what can be done to mitigate them. This has become ever more critical in light of the pandemic as a result of the rise in demand for access to open spaces and the subsequent increased management needs of sites. Extra demand on the sites caused by future increase in housing may also prove to be a contributory factor.

Protected and priority species

¹ https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/693158/25-year-environment-plan.pdf

- I.6 [Protected and priority species in the UK include](#)²: badgers, bats, great crested newts, hazel of common dormice, natterjack toads, otters, plants both vascular and nonvascular, water voles, white clawed crayfish, birds and fish.
- I.7 Wildlife in the UK is protected by numerous laws and legislation. [The overarching policy 'A Green Future: Our 25 Year Plan to Improve the Environment'](#) sets out how the UK government aims to create a better environment by working with communities and businesses.
- I.8 Objectives in the Environment Plan include using the land more sustainably and creating new habitats for wildlife to stop the decline in native species and improve biodiversity. Some of these objectives will be met through development control processes and legal frameworks, but other methods include:
- a new system of financial support to help farmers turn fields to meadows rich in herbs and wildflowers, to plant more trees, restore habitats for endangered species, recover soil fertility and attract wildlife.
 - measures to help transform fragmented 'island' landscapes and habitats into connected sites by creating larger wildlife corridors which help species to move around more easily.
 - working with nature to protect communities from flooding, by slowing the flow of rivers and creating and sustaining wetlands to reduce flood risk and provide valuable habitats.
- I.9 In addition to the 25 year Environment Plan other important legislation includes the [The Wildlife & Countryside Act 1981 \(as amended\)](#)⁴ is the principal piece of UK legislation relating to the protection of wildlife. It consolidates and amends existing national legislation to implement the Convention on the Conservation of European Wildlife and Natural Habitats (Bern Convention) and Council Directive 79/409/EEC on the Conservation of Wild Birds (Birds Directive) in Great Britain.
- I.10 Other protection includes:
- [The convention on Biological Diversity](#)⁵
 - [The Aichi Targets](#)⁶
 - [The Conservation Designations for UK](#)⁷
 - [Wildlife and Countryside Act 2001](#)⁸
 - [Conservation of Habitats and species Regulations 2013](#)⁹
 - [Natural Environment and Rural Communities Act 2006 \(NERC Act\)](#)¹⁰
 - [Countryside and Rights of Way Act 2000](#)¹¹
 - [Habitats and Species of Principal Importance in England](#)¹²

² <https://www.gov.uk/topic/planning-development/protected-sites-species>

³ <https://www.gov.uk/government/publications/25-year-environment-plan>

⁴ <https://www.legislation.gov.uk/ukpga/1981/69>

⁵ <https://www.cbd.int/>

⁶ <https://www.cbd.int/doc/strategic-plan/2011-2020/Aichi-Targets-EN.pdf>

⁷ <https://jncc.gov.uk/our-work/conservation-designations-for-uk-taxa/>

⁸ <https://www.legislation.gov.uk/ukpga/1981/69>

⁹ <https://www.legislation.gov.uk/uksi/2017/1012/contents/made>

¹⁰ <https://www.legislation.gov.uk/ukpga/2006/16/contents>

¹¹ <https://www.legislation.gov.uk/ukpga/2000/37/contents>

¹² <https://webarchive.nationalarchives.gov.uk/ukgwa/20140712055944/http://www.naturalengland.org.uk/ourwork/conservation/biodiversity/protectandmanage/habsandspeciesimportance.aspx>

- [Hedgerow Regulations 1997](#)¹³
- [Wild Mammals \(Protection\) Act 1996](#)¹⁴
- [Protection of Badgers Act 1992](#)¹⁵
- [The Localism Act](#)¹⁶

I.11 Protected species in the district, which can be assisted directly by the work of Council, include bat species and great crested newts. Cotswold District Council has recently joined a new scheme ([district licensing](#)) that should help deliver landscape-scale conservation benefits for great crested newts.

The Wider Biodiversity in the District

I.12 Cotswolds has a wide variety of key habitats, with priority habitats totalling 12,797 or 11% of the district area. Further detailed information regarding habitat and species distribution is available from Gloucestershire Centre for Environmental Records. <https://www.gcer.co.uk/>

I.13 Although the priority habitats cover 11% of the District, those habitat parcels exist in very fragmented land parcels, these are often isolated. The mapping work for the [Gloucestershire Nature Recovery Network](#) has recently been completed. The Local Nature Partnership has started work on a county-scale Local Nature Recovery Strategy in line with National Planning Policy, the 25 year Environment Plan and the Environment Act 2021.

I.14 A Nature Recovery Network is described by the NPPF as:

“An expanding, increasingly connected, network of wildlife - rich habitats supporting species recovery, alongside wider benefits such as carbon capture, water quality improvements, natural flood risk management and recreation. It also includes the existing network of protected sites and other wildlife rich habitats as well as and landscape or catchment scale recovery areas where there is coordinated action for species and habitats.”

Mapping of a Nature Recovery Network can help inform:

- Planning policy and biodiversity net gain options;
- Design of major infrastructure projects;
- Biodiversity offsetting locations;
- Agri-Environment (ELMS) targeting;
- Biodiversity project prioritisation and partnership development; and
- A Local Nature Partnership led Natural Capital Investment fund.

The Gloucestershire Nature Recovery Network

I.15 The Nature Recovery Network (NRN) is in the government's 25 Year Environment Plan (25 YEP), within Chapter 2: Recovering nature and enhancing the beauty of landscapes.

I.16 [The Gloucestershire Nature Recovery Network](#)¹⁷ mapping aims to show the prioritised distribution of opportunities for creating a more resilient network of habitats for people and

¹³ <https://www.legislation.gov.uk/uk/si/1997/1160/contents/made>

¹⁴ <https://www.legislation.gov.uk/ukpga/1996/3/contents>

¹⁵ <https://www.legislation.gov.uk/ukpga/1992/51/contents>

¹⁶ <https://www.legislation.gov.uk/ukpga/2011/20/contents/enacted>

¹⁷ <https://naturalcapital.gcerdata.com/>

nature. Opportunity for the four main habitat categories to be extended into larger and more joined-up networks.

- I.17 The four habitat groups included in the Nature Recovery Network are:
- Open habitat (core habitat: largely grassland but also some lowland heath);
 - Woodland (core habitat: semi-natural woodland);
 - Arable (core habitat: farmland bird and specialist arable plant habitats); and
 - Wetland (core habitat: all open water and wetland habitats). This layer is treated as an overlay to the other categories.

Biodiversity Net Gain

- I.18 Biodiversity Net Gain is defined by Natural England as:

“...an approach to development, and/or land management, which aims to leave the natural environment in a measurably better state than beforehand.”

- I.19 Measurable net gain means compensation for losses and an increase in emphasis for protection, conservation and enhancement of sites. It is a financial calculation, which is used as the basis for suitable compensation strategies for losses to biodiversity as well as gains.
- I.20 In July 2021 [Natural England published Biodiversity Metric 3.0¹⁸](#). The Metric is a biodiversity accounting tool that can be used for the purposes of calculating biodiversity net gain and can be used or specified by any development project, consenting body or landowner that needs to calculate biodiversity losses and gains for terrestrial and/or intertidal habitats. This metric underpins the Environment Act’s provisions for mandatory biodiversity net gain in England.

2. Adopted Local Plan Objectives

Objective 1. Natural & Historic Environment

Through the use of appropriate planning policies, in the development management process:

- a. Conserve and enhance the high quality, local distinctiveness and diversity of the natural and historic environment.
 - b. Ensure that new development is of high quality and sustainable design, which reflects local character and distinctiveness, is appropriately sited, and provides attractive and inclusive environments.
 - c. Protect the open countryside against sporadic development, while also avoiding coalescence of settlements, particularly around Cirencester.
 - d. Support the creation of new green infrastructure to enhance environmental quality and provide health benefits.
- 2.1 The current local plan objectives do not specifically mention biodiversity. The following amended wording (bold font) for Objective 1 is suggested.

¹⁸ <http://publications.naturalengland.org.uk/publication/6049804846366720>

Through the use of appropriate planning policies in the development management process:

- a. Conserve, enhance **and protect** the high quality, local distinctiveness of the Cotswold District **and its natural and historic environment by delivering biodiversity net gain and improvements through the Nature Recovery Network including habitat creation.**

3. Adopted Local Plan Policies

- 3.1 The Local Plan makes specific reference to biodiversity in policies EN8 and EN9. Both policies promote the protection of sites for their importance for biodiversity. The policies also refer to the importance of landscape scale habitat restoration.

Built, Natural and Historic Environment (Policy EN1) - issues

New development will, where appropriate, promote the protection, conservation and enhancement of the historic and natural environment by:

- a. ensuring the protection and enhancement of existing natural and historic environmental assets and their settings in proportion with the significance of the asset;
- b. contributing to the provision and enhancement of multi-functional green infrastructure;
- c. addressing climate change, habitat loss and fragmentation through creating new habitats and the better management of existing habitats;
- d. seeking to improve air, soil and water quality where feasible; and
- e. ensuring design standards that complement the character of the area and the sustainable use of the development.

Biodiversity and Geodiversity: Features Habitats and Species (Policy EN8) - issues

- 3.2 Although policy EN8 refers to developer contributions to deliver biodiversity enhancements it does not refer directly to BNG or the level of net gain required. Nor does the policy refer specifically to nature recovery networks, although it does refer to landscape-scale projects

Biodiversity and Geodiversity: Designated Sites (Policy EN9) - issues

- 3.3 Policy EN9 does not make specific reference to the issues raised through the Habitats Regulation Assessment process as to how wider negative impacts on internationally important sites will be mitigated. Nor does it include reference to BNG or nature recovery networks.

4. The NPPF and Other Material Considerations

- 4.1 The NPPF sets out the government's planning policies and guidance for England

Biodiversity is covered in the following:

- **Chapter 2:** Achieving sustainable development - Paragraph 8
- **Chapter 8**

- **Chapter 13:** paragraph 145. Protecting Green Belt land
 - **Chapter 14:** Meeting the challenge of climate change, flooding and coastal change - Planning for climate change
 - **Chapter 15:** Conserving and enhancing the natural environment - paragraph 175.
- 4.2 **Chapter 2, 8c**, the environmental objectives, biodiversity is identified for improvement. In **Chapter 13** Protecting Green Belt land, green belts are viewed as a good way to retain biodiversity. In **chapter 14**, plans are asked to take a positive approach to climate change, adaptation and mitigation and in doing so take into account the long term implications for biodiversity. In **paragraph 174a of Chapter 15**, *Conserving and enhancing the natural environment* the NPPF says more about 'protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan). 174b goes on to flag up the concept of providing net gains for biodiversity in addition to protection and enhancement.
- 4.3 **At paragraph 179**, *Habitats and biodiversity* sites that feature biodiversity and geological importance of international, national and local scale are required to be identified and mapped, but also wildlife corridors and stepping stones that can connect them. Net gains are also identified to secure measurable improvements for biodiversity.
- 4.4 **At paragraph 180** net gain as well as suitable compensation strategies for losses to biodiversity are mentioned. Under the same paragraph, development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate.
- 4.5 Connectivity at a landscape as well as cross local authority boundary scale is reinforced in the NPPF as is the need to take a strategic approach to enhancing biodiversity through net gain and the nature recovery network.
- 4.6 The two themes that are given much increased emphasis in the NPPF (2021) are ensuring that development enhances biodiversity (BNG) and increasing biodiversity connectivity (through nature recovery networks).

The 25 Year Environment Plan

The 25 year Environment Plan makes reference to biodiversity and how this can be increased via a number of ways including a Nature Recovery Network. Much of the 25 year plan has been picked up on in the 2021 NPPF and the Environment Act 2021.

The Environment Act 2021

- 4.7 [The Environment Act](#)¹⁹ - which is the legislative framework for the 25 year Environment Plan - gained royal assent in November 2021.
- 4.8 The key legislative changes in the Act include:

¹⁹ <https://www.legislation.gov.uk/ukpga/2021/30/contents/enacted>

- The creation of an Office for Environmental Protection (OEP), to hold government and public authorities to account over their adherence to environmental law.
- The introduction of 10 per cent biodiversity net gain as a statutory requirement for new development, including nationally significant infrastructure.
- A requirement for the government to introduce long-term targets in the areas of air quality, water, biodiversity, resource efficiency and waste reduction.
- A legally binding target on species' abundance for 2030.
- A duty for water companies to secure a progressive reduction in the adverse effects of discharges from storm overflows.
- A requirement for organisations to 'pay regard to' five environmental principles: integration principle, prevention principle, precautionary principle, rectification at source principle, and 'the polluter pays' principle.
- Tackling illegal deforestation by building resilience, traceability and sustainability into the UK's supply chains.
- A new system of local nature recovery strategies.

Cotswold District Council Corporate Plan: Climate Change and Ecological Emergencies

4.9 The Council declared a [Climate Change Emergency in July 2019 and an Ecological Emergency in July 2020](#).²⁰ Its Corporate strategy embeds both of these strategies at its heart, with a commitment to making the Local Plan Green to the Core. As part of the Ecological Emergency it has committed to a number of actions:

- d) Review the adopted Local Plan to ensure that the ecological emergency and nature recovery (including green infrastructure, ecosystems services and natural capital) are strategic priorities for planning and new development, through site allocations, policies and an up-dated Cotswold Design Guide.
- e) Continue to support the development and implementation of the Gloucestershire Nature Recovery Network (including Bee lines) and the Gloucestershire Ecosystem Services and Natural Capital Mapping (and the Natural Capital Investment Strategy), including through the Local Plan, biodiversity net gain and developer contributions.
- j) Progress the Cotswold Water Park Biodiversity Strategy to maximise biodiversity and other opportunities in this area.
- m) Progress the ongoing green infrastructure (GI) agenda including through completing the draft District GI strategy; ensuring the inclusion of high quality well-managed GI in new developments, the review of the Local Plan, advice on neighbourhood plans; input into the county GI strategy; continuing support for and collaboration with the national GI benchmark, Building with Nature (which was created in Gloucestershire with support from the Council).
- n) Promote the creation of new natural green spaces and green links across the District.

²⁰ <https://www.cotswold.gov.uk/environment/climate-action/cotswold-climate-and-ecological-emergencies/>

o) Liaise with other partners to establish an ambitious biodiversity net gain system for Gloucestershire.

q) Consider the implications for the Council of the Environment Act.

Habitat Regulation Assessments (HRA)

4.10 The Habitats Regulations Assessment [\(HRA\)](#)²¹ is a process that seeks to protect the integrity of Internationally Designated Sites

4.11 The purpose of Habitats Regulations Assessment (HRA) of strategic plans such as the Local Plan is to make sure the plans do not harm internationally designated sites.

4.12 International Sites' consist of Special Areas of Conservation (SACs) and Special Protection Areas (SPAs) as well as the globally important wetlands known as Ramsar sites. The network of International Sites are of exceptional importance in respect of rare, endangered or vulnerable natural habitats and species within Europe and beyond.

4.13 International sites in close proximity of the Cotswold District are:

- **Rodborough Common SAC** - (Stroud)
- **North Meadow and Clattinger Farm SAC** - (Wiltshire)
- **Cotswold Beechwoods SAC** - (Cotswold)

4.14 [As a result of the UK leaving the European Union a number of changes to the Habitat Regulations 2017 have been made.](#)²² The 2017 Regulations are one of the pieces of domestic law that transposed the land and marine aspects of the Habitats Directive (Council Directive 92/43/EEC) and certain elements of the Wild Birds Directive (Directive 2009/147/EC) (known as the Nature Directives).

4.15 Most of these changes involved transferring functions from the European Commission to the appropriate authorities in England and Wales and were made operable from January 2021. All other processes or terms in the 2017 Regulations remain unchanged and existing guidance is still relevant.

4.16 The main changes to the 2017 Regulations are:

- the creation of a national site network within the UK territory comprising the protected sites already designated under the Nature Directives, and any further sites designated under these Regulations
- the establishment of management objectives for the national site network (the 'network objectives')
- a duty for appropriate authorities to manage and where necessary adapt the national site network as a whole to achieve the network objectives

²¹ <https://infrastructure.planninginspectorate.gov.uk/wp-content/uploads/2015/06/Advice-note-10v4.pdf>

²²

<https://www.gov.uk/government/publications/changes-to-the-habitats-regulations-2017/changes-to-the-habitats-regulations-2017>

- an amended process for the designation of Special Areas of Conservation (SACs)
- arrangements for reporting on the implementation of the Regulations, given that the UK no longer provides reports to the European Commission
- arrangements replacing the European Commission's functions with regard to the imperative reasons of overriding public interest (IROPI) test where a plan or project affects a priority habitat or species
- arrangements for amending the schedules to the Regulations and the annexes to the Nature Directives that apply to the UK

5. Current Local Plan Policy

- 5.1 Modifications to the current local plan's policy will be needed to reflect government updates in the NPPF, the 25 year Environment Plan and the Environment Act and the outcomes from the HRA related work to ensure the biodiversity integrity of internationally designated sites. The recommended changes also need to reflect Cotswold District Council's commitments as part of the actions to be taken in addressing the Climate Change Emergency and the Ecological Emergency.
- 5.2 The key changes relate to biodiversity net gain, nature recovery and the protection of internationally important sites (HRA issues). Ways in which biodiversity can be increased are through the Nature Recovery Network and Net Gain. The Mapping for the Nature Recovery Network in Gloucestershire has recently been completed, and this resource is now available to inform the Local Plan. The Gloucestershire Nature Recovery Strategy is currently being prepared - once complete this will likewise inform the Local Plan and policy updates.
- 5.3 To meet government policy and guidance requirements and meet the challenges around natural resource management there needs to be consideration of how the Local Plan engages with biodiversity net gain, for example through new policies, site allocation as well as setting a Biodiversity Net Gain (BNG) target. In doing so there is a need to appreciate and reflect the local context and what that means for each individual site and the wider environment.
- 5.4 Since the adoption of the Local Plan, the Environment Act has introduced new legislation that will require developments to achieve at least a 10% net gain for biodiversity.
- 5.5 Therefore it is recommended that the update to the Local Plan needs to ensure that Biodiversity Net Gain is given sufficient coverage either through a change to the wording of the policies EN8 and EN9 or in either, or both, of the supporting text for the policies.

6. Potential Policy Responses

1. Make more explicit biodiversity, net gain and the nature recovery network in the Local Plan's environmental objectives.
2. Update EN8 and EN9 and other relevant policies to emphasise the need for biodiversity net gain as a planning tool to contribute to the enhancement, creation, protection of biodiversity.

3. Ensure that the relevant policies make reference to a specific Biodiversity Net Gain figure of at least 10%, as recommended by the central government or a target figure of more than 10% (if the Environment Act allows Local Planning Authorities the ability to prescribe a higher percentage in some local circumstances). The target percentage could vary according to a number of factors - location of development (e.g. within AONB, nature recovery network, designated sites, etc.); and the location of any off-site biodiversity net gain delivery.
4. Make sure that the Nature Recovery Network can bridge gaps in biodiversity and that there is potential for large schemes to be required to submit a Nature Recovery Network Plan with their application.
5. Amend the policies or introduce a new policy that delivers the appropriate mitigation of any impacts on the SACs. For example, a new levy on development that goes towards that mitigation.

<p>Policy Approach</p> <p>The Policy approach taken allows the updates to the NPPF, and implications and guidance from the 25 Year Environment Plan as well as the CDC Corporate Plan, Climate Change Emergency and Ecological Action plan to be taken into account. Of particular importance in these updates is the need to reflect the work of the Nature Recovery Network mapping and the forthcoming Gloucestershire Nature Recovery Strategy. The Environment Act received Royal Assent in November 2021. The Act is fundamental to the update of the Local Plan. The percentage of Biodiversity Net Gain required for development has been set at a minimum of 10 % net gain figure. The Act enables the legal remit for the introduction of the Nature Recovery Network and the accompanying Nature Recovery Strategies. In particular the land use actions of the Environment Act 2021, paragraphs 104-108 of the Act clarifies, at a national level, the role of the Nature Recovery Network, which will be locally prepared and updated from time to time. In December 2021 work commenced on the regulations, the process for the NRS and the content, the statutory guidance.</p>	<p>Biodiversity is increasingly highlighted in national and local initiatives and policies. Not to include the updates concerning biodiversity in the Local Plan review would lead to a Local Plan that was not compliant with updates to national policy and a Local Plan that was not "green to the core".</p>
<p>(A) Alternative Option:</p>	

(B) Rejected Option:	To do nothing
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Appendix I: Map of Special Areas of Conservation within and around Cotswold District

