



TVNP Issues Paper

Biodiversity & Planning a Tees Valley Approach

10-03-20

1. Purpose of this report

To highlight the issues raised by the Environment Bill for planning, economic strategy, nature and biodiversity in the Tees Valley and propose an approach to make the Tees Valley 'Environment Bill Ready'.

2. Background

The Government published the 25 Year Environment Plan in Jan 2018. It sits alongside the Industrial Strategy and Clean Growth Strategy. It aims to improve the environment in a generation. A part of this ambition is net biodiversity gain from new development with the aspiration for net environmental gain. The Legislation for net biodiversity gain will be set out in a new Environment Bill.

At a meeting of the Tees Valley Planning Mangers on 14th January 2020 members met with representatives of the Tees Valley Nature Partnership (TVNP) to raise awareness of the forthcoming changes and to understand the needs of planning officers. The aim was to explore issues and collaborate with the way forward for the Tees Valley.

Members were keen to work Tees Valley wide to address the opportunities and challenges presented. It was agreed therefore TVNP would put together an issues paper for the next Planning Managers meeting on the 10th March.

The Tees Valley Nature Partnership (TVNP) already has the following item written into their Business Plan 2019 – 2022:

Activity 1.2: *Plan a series of Continual Professional Development (CPD) workshops for local planners on environmental policy changes.*

The TVNP Chair is also the in-coming regional Chair of the RTPI and TVNP are keen to build on this and develop a series of CPD workshops using local expertise and the RTPI Practice Advice Biodiversity in Planning.

TVNP are keen to go beyond awareness raising and collaborate with Planning Authorities in a wider context. This is explored further in this paper.

3. Issues

A. Getting the best BNG process for the Tees Valley

a. Tees Valley Ecological Expertise

Recent changes and those expected on the near horizon clearly demonstrate an increasing need for specialist ecological knowledge. As planning authorities with in-house ecologists would attest this expertise can not only assist in meeting planning requirements but also unlock opportunities to the local authority. The one full-time local authority ecologist who works in Hartlepool is due to leave the authority soon. There is one pending appointment in Darlington. Nationally, due to the changes discussed in this paper ecological expertise will be in high demand.

B. Getting the best Enhancement Opportunities for the Tees Valley

Although the focus of BNG is to enhance, create and mitigate habitats on development sites, the nature of the Tees Valley with closely bounded local authorities and the development context major proposals in TVCA's Investment Plan and at the South Tees Development Corporation, suggests that strategic biodiversity offsetting sites are likely to play a key role, and that a consistent and joined up approach across all five planning authorities is therefore the best option for both nature and the people and business of the Tees Valley

a. Biodiversity Net Gain (BNG)

The recent increase in the emphasis put on biodiversity in the planning system by Government is reflected in updates to the National Planning Policy Framework (NPPF) and in the forthcoming Environment Bill¹. Within the Bill there is a requirement for planning to deliver not only the current 'No Net Loss' and Biodiversity Enhancement, but also a minimum 10% Biodiversity Net Gain (BNG) – most likely for (at least) all major applications. Government, via the Environment Bill, is proposing a new transparent assessment process using the Defra Biodiversity Metric 2.0.

This proposed new approach creates challenges and opportunities for all involved in the development process including applicants, LPAs, statutory consultees and environmental organisations. However, we in the Tees Valley are well placed, having been at the forefront of this thinking with the Tees Estuary Partnership developing a comparable Habitat Banking approach focused on the Estuary. There is an opportunity to build on this learning and engagement.

¹ Extract from the December 2019 Queen's Speech: To protect and improve the environment for future generations, a bill will enshrine in law environmental principles and legally binding targets, including for air quality. <https://www.gov.uk/government/publications/environment-bill-2020/30-january-2020-environment-bill-2020-policy-statement>

b. Nature Recovery Strategies

Within the forthcoming Bill is the requirement to produce Local Nature Recovery Strategies across England setting out priorities and opportunities for protecting and investing in nature within a local area.

Each one will be produced locally ensuring local ownership and knowledge is embraced, and strategies are consistent and link together across England. They will cover all Local Planning Authorities (LPA) in England. These will identify the best areas to deliver BNG in order to improve wildlife connectivity. Rather than individual authority areas early signals seem to suggest this is likely to be at a Tees Valley scale

They will support strategic planning for housing and infrastructure and help direct net gain investment so that it has the greatest benefit for local wildlife and people.

Please note this will be a 'must have' (duty) rather than an 'opt in' option.

Defra hosted an early webinar in September 2019 to introduce these to the Local Nature Partnership network. [LNP National Webinar Introducing Nature Recovery Strategies](#)

The Tees Valley Nature Partnership (TVNP) has written the following item into their Business Plan 2019 – 2022:

Activity 2.1: *Set out future aspirations for the Tees Valley's natural environment through a series of Biodiversity Opportunity Area maps.*

c. Developing a Strong Pipeline of Biodiversity Enhancement Opportunities

A number of public, private and third sector organisations are already investing in enhancing the environment in the Tees Valley. The funding for these projects comes from a range of sources including, for example, public grant, charitable donations and contributions from developers under the current planning process.

There is opportunity for these same parties to invest more in early scheme development to provide a stronger pipeline of biodiversity enhancement projects to reflect the increased certainty of 'demand' provided by BNG requirements in the Bill. This stronger pipeline would benefit local people and wildlife in the Tees Valley. If this is guided by a Nature Recovery Strategy, it allows, alongside on-site mitigation, clarity and confidence for developers within the Tees Valley that they are able to offset their biodiversity impacts off-site in a strategic and sustainable way.

The 'Natural Environment and Rural Communities (NERC) Act 2006 places a duty on public authorities to 'have regard' to conserving biodiversity in the exercise of their functions'. In the new Environment Bill the act will be strengthened to cover the enhancement, as well as the conservation, of biodiversity and requires public authorities to actively carry out strategic assessments of the actions they can take to enhance and conserve biodiversity.

Designated public authorities will also be required to produce a five-yearly report on the actions taken to comply with the new duty.

In order to help achieve better conservation and increased biodiversity the government will introduce conservation covenants. This is a private, voluntary agreement between a landowner and a 'responsible body', such as a conservation charity or public body, to fulfil conservation objectives for the public good. Covenants will be voluntary but legally binding.

4. Next Steps

An initial SCOP (Strengths, Challenges, Opportunities and Possibilities) analysis has been started (see appendix 1). This could be developed further with Planning Managers at the meeting on the 10th March and then form the basis of options to be developed further.

The Environment Bill is progressing through the parliamentary process with the next milestone 5th May 2020. A publication date has not been set but we anticipate it will be within this calendar year. (<https://services.parliament.uk/bills/2019-21/environment.html>)

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Appendix 1: SCOP summary

	Strengths	Challenges	Opportunities	Possibilities
NPPF - BNG	<ul style="list-style-type: none"> ▪ Habitat Banking work developed by INCA for the Tees Estuary Partnership ▪ Defra Metric EA 'expertise (habitat banking funding?) ▪ Strong Nature Partnership with local expertise ▪ INCA/EA expertise locally 	<ul style="list-style-type: none"> ▪ New mandatory requirement for biodiversity net gain in the planning system. ▪ Additional cost of extra duties. ▪ Offsetting will be necessary beyond borough boundaries. ▪ Judicial review – worst case scenario. 	<ul style="list-style-type: none"> ▪ Strategic offsetting sites identify collaboratively ▪ TVNP CPD offer ▪ New opportunities for innovation as well as stimulating new economic markets. ▪ Pool expertise and resources 	<ul style="list-style-type: none"> ▪ Creation and the avoidance of loss of hectares of habitat for wildlife each year, which represents annual natural capital benefits of (to be calculated)
Ecological expertise	<ul style="list-style-type: none"> ▪ HBC & DBC ecologists work in Planning ▪ TV manageable scale to work with ▪ Wider ecological expertise within TVNP to tap into. 	<ul style="list-style-type: none"> ▪ Lack of & inconsistency of in-house ecological expertise ▪ Missed opportunities (e.g. section 106) 	<ul style="list-style-type: none"> ▪ Economies of scale - shared resource (people, land, offset money...) 	<ul style="list-style-type: none"> ▪ LA's acknowledge need and desire to rectify.
Nature Recovery Strategies (network)	<ul style="list-style-type: none"> ▪ TV a good spatial scale to work with ▪ Strategies will include map of existing nature...and will identify key opportunities for enhancement. - TVNP 	<ul style="list-style-type: none"> ▪ Joining GIS & data resource up across 5 planning authorities and other agencies. ▪ Responsibility for monitoring, reporting & governance? 	<ul style="list-style-type: none"> ▪ Learning from the TEP ▪ more detail will be given from govt., but can we pre-empt much of it now? ▪ Shared resource (people, land, offset money...) 	<ul style="list-style-type: none"> ▪ Agree TV a good scale to work on? ▪ Government will provide data, guidance and support for the Local Nature Recovery Strategies (funding?) –

	<p>Natural Networks & Opportunity Maps</p> <ul style="list-style-type: none"> ▪ TVNP just commissioned digitisation of original 1986 habitat maps to give a modern base-line ▪ SBC mapping expertise ▪ TVNP Natural Assets Working Group ecological 'expert group' 	<ul style="list-style-type: none"> ▪ Engagement with stakeholders, who, how? ▪ Technology - develop mapping 'fit for purpose' ▪ Bill <i>requiring</i> the development of Local Nature Recovery Strategies ▪ Additional resources needed to generate strategy & maps ▪ Additional resources needed to monitor 	<ul style="list-style-type: none"> ▪ Environment bill - establishes spatial mapping and planning tools to help inform nature recovery. ▪ New Environmental Land Management Scheme ▪ Governance – TVNP/NAWG? ▪ Help direct net gain investment to where it is needed most ▪ Will TV be in a good position as a national pilot? 	<p>what are the time scales can they back-fund our work?</p> <ul style="list-style-type: none"> ▪ Involvement with TVCA
Pipeline Development	<ul style="list-style-type: none"> ▪ Good legacy from TEP ▪ Potential investment from Defra bodies to develop pipeline ▪ Coordination of major schemes through TVNP 	<ul style="list-style-type: none"> ▪ Commercial confidentiality can be a barrier ▪ Metric and planning system needs to provide certainty and confidence 	<ul style="list-style-type: none"> ▪ Scale of some public sector led developments (e.g. tees crossing, STDC) allows greater coordination and strategic approach 	<ul style="list-style-type: none"> ▪ Early engagement allows increased on-site mitigation ▪ Long term investments in significant strategic offsets are agreed by major developers.
CPD	<ul style="list-style-type: none"> ▪ TVNP partners expertise to draw on. ▪ Direct link to RTPi ▪ TV scale better allows Natural England & EA to support 	<ul style="list-style-type: none"> ▪ changing policy environment ▪ Funding 	<ul style="list-style-type: none"> ▪ We can tailor to requirements ▪ RTPi CPD programme ▪ NEENP (North East England Nature Partnership) keen to 'join in' 	<ul style="list-style-type: none"> ▪ A contribution from the CPD budgets would assist the work of the TVNP. ▪ Policy as well as Development Control.

Climate Change Mitigation/ carbon offsetting	<ul style="list-style-type: none"> ▪ New TV Natural Capital Account will work out the figures. How much we need to offset. 	<ul style="list-style-type: none"> ▪ Expectation (duty?) on public bodies to cut and offset emissions of their operations and indirectly through the planning system. ▪ Much undeveloped land is in private ownership. 	<ul style="list-style-type: none"> ▪ New conservation covenants ▪ Some public land – needs audit and mapping ▪ Not just tree planting other habitats too especially the estuary. 	<ul style="list-style-type: none"> ▪ Add the offsetting opportunities to the mapping of natural assets. ▪ Link with TVCA carbon targets.
General	<ul style="list-style-type: none"> ▪ TV is a great scale to work on spatially. ▪ Excellent partnership working across the area. ▪ natural capital account due to be published this summer. ▪ Local Sites process (we have one!) ▪ Growing local political & public interest in nature/development. ▪ First mover advantage. 	<ul style="list-style-type: none"> ▪ 2018 TVCA were not interested in adopting any environment/nature remit but supportive in principal. ▪ Bill ‘requires public authorities to actively carry out strategic assessments of the actions they can take to enhance and conserve biodiversity’ ▪ Bill ‘Designated public authorities will also be required to produce a five-yearly report on the actions taken to comply with the new duty’ ▪ Local sites process has not been standardised across all 5 local authorities. 	<ul style="list-style-type: none"> ▪ Proactive - seize the opportunity to work out our system now. ▪ The Bill supports and enables action on the ground through working together... to create or restore wildlife rich habitats to enable wildlife to recover and thrive. ▪ Rationalise Local Sites process across whole area. 	<ul style="list-style-type: none"> ▪ Schedule options appraisal when Bill published. ▪ What would be the best model for the sector/the environment in the Tees Valley?