

REPORT TO:	ENVIRONMENT & DEVELOPMENT SERVICES	AGENDA ITEM: 9
DATE OF MEETING:	13th AUGUST 2020	CATEGORY: RECOMMENDED
REPORT FROM:	ALLISON THOMAS, STRATEGIC DIRECTOR – SERVICE DELIVERY	OPEN
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SUBJECT:	BIODIVERSITY OFFSETTING AND UPDATE FROM BIODIVERSITY WORKING GROUP	
WARD(S) AFFECTED:	ALL	TERMS OF REFERENCE: EDS01

1. Recommendations

That the Committee:

- 1.1 Approves the proposed biodiversity enhancement works to sites outlined in the attached Biodiversity Net Gain Report.
- 1.2 Notes the update on the ongoing work of the Biodiversity Working Group

2. Purpose of the Report

- 2.1. To seek authorisation to undertake biodiversity enhancement works to sites in the Swadlincote Urban Area in order to offset biodiversity losses associated with the Swadlincote Regeneration Area and provide Councillors with an update of the work of the Biodiversity working Group.

3. Detail

A. Biodiversity Offsetting Proposals

- 3.1. Planning Permission for the construction of an all-purpose single carriageway connecting between the existing roundabout spur at Occupation Lane, Woodville and the A514 Derby Road Swadlincote was approved by Derbyshire County Council in September 2019. Since then a Compulsory Purchase Order (CPO) has been made to allow the required land to be purchased, and funding for the road agreed.
- 3.2. One of the conditions (Condition 8) of the planning approval for the project requires that "No development, including preparatory works, shall take place until an Ecological Design Strategy (EDS), addressing biodiversity mitigation,

compensation and enhancement to ensure the proposal does not result in a net loss of biodiversity in line with the DEFRA approved Biodiversity Accounting Metrics, has been submitted and approved in writing by the Local Planning Authority”

- 3.3. Having undertaken a review of the ecological impact, the County Council received a report, undertaken by its retained consultants for the final project AECOM that the scheme would lead to a net loss of around two thirds of the ecological habitat on site, This is equivalent of 23.64 area-based habitat units based on the DEFRA Metric.
- 3.4 In trying to offset ecological losses associated with development it is possible to deliver improvements on the site where there is sufficient land to do so, however, in this instance the land parcel being developed for the road does not include sufficient additional land to accommodate the necessary biodiversity enhancements. As an alternative the Council has sought to work with a partner to deliver gains. Should this approach not be possible the County Council could utilise habitat banks, which are previously identified strategic offset sites. This option requires a payment to purchase the amount of “conversion credits” required, but this would fund works elsewhere in the UK.
- 3.4. It is understood that DCC approached the National Forest to ascertain whether any ecological enhancement works could be undertaken in South Derbyshire on land that it owns or manages. No such opportunities could be identified in South Derbyshire, although the potential for projects outside of the District was highlighted. Subsequently, a similar request was made to this Council for assistance as the County was keen to keep the required biodiversity enhancements in the District.
- 3.5. Following this request, a number of sites with potential for ecological enhancements (as identified in the Council’s Nature Sites List, reported to this Committee in August 2019, and located close to the proposed road) were identified by officers of this Council’s Biodiversity Working Group. The sites were then surveyed for the District Council by an ecologist from Derbyshire Wildlife Trust. Five sites were surveyed, of which three were identified as being suitable for ecological enhancement. These are sites at:

Sandholes:

- 3.6 This site is a proposed Local Green Space and has been identified as a site capable of enhanced management in the Council’s Nature Sites List. The grassland is in poor condition. The proposals for this site are increase the quality of 2 ha of grassland through some initial works and secure a maintenance contribution for next 32 years and monitoring contribution from Derbyshire County Council. The total costs of the project will be circa £75K and it will deliver a net improvement of around 13.5 habitat units at an average cost of under £5,600 per unit.

Unnamed Grassland (off George Street Church Gresley).

- 3.7 This site is around 1.3ha and like Sandholes is characterised by species poor grassland. The proposals are to improve the diversity and condition of this

grassland to good and in doing so deliver a net increase of 8.25 habitat units. The costs of these works which will include initial works, 32 years management and monitoring will be circa £49K at an average cost of £5,900 per habitat unit.

Swadlincote Woodlands. (Area of plantation woodland)

- 3.8 This site forms parts of a larger local wildlife site which has been identified as a local site for further invention and improvements on the Council's nature sites list. The parcel to be improved comprises if around 1.2ha of plantation woodland. Works would seek to improve the quality of this woodland by thinning existing trees, planting new trees and improving the ground flora. The cost of these work is around £19K, this will cover initial work, ongoing management and monitoring for 32 years and the proposals will deliver about 2.2 habitat units of gain at a cost of around £9,000 per habitat unit created.
- 3.9 Cumulatively these three projects will deliver sufficient biodiversity enhancements on the receptor sites of a similar nature to losses associated with the road to fully offset the identified losses resulting from the construction of the new highway. Whilst the cost of works to the County Council will be around £143K, this investment into the proposed sites will have clear benefits for local communities and biodiversity in the District and will allow the Council to invest in nature on a number of sites identified for priority action in a previous report to this Committee in August 2019. Moreover, initial guidance on the likely cost of securing biodiversity gain published by DEFRA¹ indicates that offsite gains will cost in the order of £9,000 and £15,000 per biodiversity unit. On this basis the initial assumed costs for the necessary enhancements were expected to be of the order of £210-350K. The projects proposed by the District Council will cost an average of £6,000 per biodiversity unit. On this basis the proposals provide a clear benefit to both authorities.
- 3.10 It is expected that management of the offset sites will be undertaken by the Council's open spaces team and could help build capacity for managing other Council owned or managed sites in the interests of biodiversity.

B. Biodiversity Working Group Update

- 3.11 Councillors may recall that a Biodiversity Working Group was set up by the Council in June 2019, its terms of reference being confirmed in August 2019 by this Committee. Its purpose is to:
- identify and review existing policies, strategies, plans and practices, identify gaps and issues and identify remedial actions
 - benchmark these against good practice elsewhere
 - collate existing data and evidence on habitats and species and identify key issues
 - audit and analyse the range and roles of interested stakeholders and communities of interest, geography and/ or practice
 - prepare a Strategic Action Plan for Nature which will set out a range Council priorities and actions to conserve and enhance biodiversity through a coordinated, Council-wide approach to the creation and/or management of new and existing sites.

¹ Natural England (2019) The Biodiversity Metric 2.0 – User Guide and Technical Supplement – Beta Test.

- 3.12 To date, progress has been made in a number of areas. Work has commenced on the Action Plan For Nature and a number of meetings have held with key stakeholders including County Ecologist, National Forest and the Environment Agency to devise an approach to biodiversity opportunity mapping and collate available evidence on the ecological condition of the District's habitats and the opportunities for habitat creation/enhancement.
- 3.13 Work on collating data and formulating the methodology for identifying biodiversity opportunity areas is ongoing. There has been some delay to this work due in part to Covid-19, the ability of partners to support/undertake work on biodiversity mapping, a delay in the progression of the Environment Bill due to the general election earlier in the year and the need to reassign an officer at Derbyshire Wildlife Trust to the Biodiversity Net Gain project considered earlier in this report. However, this work is again being prioritised.
- 3.14 Presently it is anticipated that a draft of the biodiversity opportunity mapping (BOM) for the District will be available in the Autumn. The BOM work will collate existing data to identify opportunity areas for the creation of new or enhancement of existing biodiversity and audit and analyse the range of roles of other agencies for delivering improvements. Following receipt of this key work it will be combined by the review of existing policies and strategies within the Council, information held by the Council on how Council-owned or managed sites are currently managed and best practice elsewhere and a draft Action Plan for Nature will be compiled shortly after. The draft Action Plan for Nature will be brought before the Committee for comment.

4. Financial Implications

- 4.1 Neutral Impact – It is expected that funding for improvements will be met from S106 capital and maintenance sums together with external funding. It is likely that the work of the Biodiversity Group, future plan making and management, including the commissioning of consultants can be delivered within the cost of existing budgets with any specific upfront costs associated with plan preparation being funded out of existing departmental spending. For example, the Strategic Action Plan for Nature will form part of the evidence base for any future Local Plan and will negate the need for a Local Plan focussed biodiversity study and strategy.

5. Corporate Implications

Employment Implications

- 5.1 Beneficial. Environmental conservation and enhancement will improve the attractiveness of the District as a great place to live, visit and invest.

Legal Implications

- 5.2 Beneficial. This work will allow an updated audit of Council functions against the requirements of the Natural Environment and Rural Communities (NERC) Act (a previous NERC Audit of Council functions was undertaken in 2009) and the emerging Environment Bill which is expected to be enacted by the end of 2020.

Corporate Plan Implications

- 5.3 The work of the Biodiversity Working Group and the preparation of the Action Plan for Nature is likely to contribute to the delivery of a number of aims set out in the Corporate Plan. These include:
- to enhance biodiversity across the District (Our Environment)
 - to improve public spaces to create an environment for people to enjoy. (Our Environment)
 - Promote health and wellbeing across the District. (Our People)
 - To influence the improvement of infrastructure to meet the demands of growth. (Our Future)
 - Enable the delivery of housing across all tenures to meet Local Plan targets (our Future)
 - Provide modern ways of working that support the Council to deliver services to meet changing needs (Our Future)

Risk Impact

- 5.4 The actions of the Biodiversity Working Group will have a beneficial mitigating action against the corporate risk of failing to meet increasing community aspirations for environmental stewardship.

6. Community Impact

Consultation

- 6.1 None.

Equality and Diversity Impact

- 6.2 None.

Social Value Impact

- 6.3 Beneficial. The proposed projects and preparation of the Action Plan for Nature will support improved access and awareness of biodiversity in the District.

Environmental Sustainability

- 6.4 Beneficial. Enhancements to identified sites will improve their ecological condition and will enable the delivery of the Swadlincote Regeneration Route in accordance with the terms of its permission. The preparation of an Action Plan for Nature will allow the Authority to better coordinate management and delivery of biodiversity resource in the District.

7. Conclusions

- 7.1 The specific projects identified in part A of this report will ensure that the development of the road does not lead to a loss of biodiversity in the District by working with the applicant (DCC) to improve sites elsewhere in the Swadlincote area to offset losses. However, future development in the District could, if inappropriately managed, lead to losses in biodiversity. The preparation of an Action Plan for Nature will allow the Council to manage existing sites in the interests of biodiversity and target new habitat creation associated with new development to areas where the greatest benefits can be realised.

8. Background Papers

8.1 Woodville Link Road Biodiversity Net Gain Report.