

Barnet Local Plan EIP – Note on Biodiversity

Reason for producing this note

At the hearing session on Wednesday 5th October that considered Matter 5 - Climate Change, Environmental Considerations and Green Belt, Inspector Philpott requested provision of a Note covering policy ECC06 to encompass the following:

1. Pull together and signpost specific evidence which demonstrates compliance with paragraph 179 a) of the Framework, including explanation of mapping and stepping stones / prevention of habitat fragmentation.
2. Explanation of how All London Green Grid and Landscape Framework are reflected on the policy map.
3. Explanation of approach and phraseology in terms of wildlife networks and green corridors element of 10.26.5.
4. Investigate LB Enfield's approach to beelines and status of that Plan.
5. Smart wording in terms of accounting for potential changes to the Environment Act 2021.
6. Justification for 10% BNG in Barnet specifically and relationship to legislation.
7. Working through how contributions would work.
8. How All London Green Grid contribution would be calculated and spent, together with the approach of signposting SPG.
9. Effectiveness of ECC06(b) and wording, including reference to SPD having 'regard to' rather than 'meeting requirements'.
10. ECC06(e) and enhancement, links to London Plan.
11. Consistency between ECC06 with para 180 of NPPF.
12. Para 10.26.10 clarify status of Environment Act.

Background

Following submission of the Barnet Local Plan in November 2021 the Council in June 2022 produced a table of proposed modifications (EXAM 4). This document was produced after consideration of the Reg 19 soundness representations received, together with subsequent discussions with parties on the drafting of Statements of Common Ground. EXAM 4 includes proposed modifications to policy ECC06 and the supporting reasoned justification paragraphs in the biodiversity headed section 10.26 of the Draft Local Plan.

During the examination hearing session where under Matter 5 was discussed, these proposed modifications were considered, (EXAM 4 MM279 to MM285 refer) In light of that discussion, the Inspector has requested further clarification, explanation and justification of the matters detailed in this note; the Council now proposes a series of additional further modifications as set out below.

The following format has been used in this Note to denote further proposed modifications to the submission version of plan as revised by the proposed modifications listed in EXAM 4.

~~Strikethrough text~~ to indicate text proposed for removal.

Underlined text to indicate additional text.

Considerations

- 1. Pull together and signpost specific evidence which demonstrates compliance with paragraph 179 a) of the Framework, including explanation of mapping and stepping stones / prevention of habitat fragmentation.**

Paragraph 179a) of the NPPF sets out the role of Local Plans to identify, map and safeguard local habitats and biodiversity. The Green Infrastructure SPD references the Borough's vision to deliver a range of measures to protect and enhance key assets and their contributions to cultural and natural heritage as well as maximising the physical and mental health benefits for residents. This document also signposts sources of further advice and support to help ensure a robust and positive approach to identifying and designing for biodiversity. A further aspect of the SPD is to illustrate good practice for identification, protection, mitigation and enhancement of biodiversity through the development planning process and improving access to it. The Green Infrastructure SPD is cross-referenced consistently within the Local Plan and specifically part b) of Policy ECC06 seeks to ensure that the SPD and any future updates are suitably considered.

The London Environment Strategy (2018)¹ also sets out how the Mayor intends to work in partnership with others to ensure that London's biodiversity is enhanced, setting out a range of actions to improve the environment and address the most urgent challenges facing the city. The strategy also considers the value of natural capital and the importance of sustainable management to utilise resources effectively. Additionally there is potential to consider how Barnet can benefit from a Local Nature Recovery Strategy in the future. Barnet have been working closely with neighbouring local authorities in a multi-functional and sub-regional context as part of the Duty to Cooperate. As the Green Infrastructure SPD was produced in 2017, the Council is planning to update this, which will consider the latest requirements of the Environment Act. There is opportunity to highlight these opportunities for further, integrated initiatives in order to demonstrate the Borough's commitment to biodiversity.

The following modifications are proposed to paragraphs 10.26.3 and 10.26.4:

It is particularly important that opportunities be taken to preserve, enhance or create areas of natural water and vegetation within heavily built-up areas, as these can assist the Borough adapt to a changing climate while providing access to access to natural areas for residents. The Council will utilise the Climate Change Adaption Manual⁶² and the Greenspace Information for Greater London (GiGL) database to identify areas of the Borough that can have their ecosystem value improved providing climate resilience, habitat enhancement and access to nature for residents. The London Environment Strategy also highlights the importance of London's natural capital as a valuable asset, which like other forms of capital, should be managed sustainably and utilised effectively to benefit the wellbeing of Londoners and the local economy.

¹ <https://www.london.gov.uk/programmes-and-strategies/environment-and-climate-change/london-environment-strategy>

Barnet is fortunate in having space that consists of contiguous private gardens. Suburban gardens are considered to be of great value to nature and may even be the most important habitat in a neighbourhood. Parts of the Borough that have large and well established gardens with mature trees, shrubs, water features and other habitats are particularly important for nature in urban settings, but such features can also occur in small gardens, especially where neighbours work together to create or maintain links between gardens such as hedgehog highways. New developments should seek to link into such networks to ensure that linkages are improved as a result of a site being redeveloped. Local Nature Recovery Strategies have been included within the Environment Act and should be used, where relevant, to establish priorities and map proposals for specific actions to provide wider environmental benefits.

2. Explanation of how All London Green Grid and Landscape Framework are reflected on the policies map.

The Council states at para 10.26.5 that it will use the Mayor's GIs maps and tools to identify existing and potential green corridors in Barnet. This resource has helped the Council to depict green infrastructure on the Policies Map. The Council will have recourse to this resource in making any further proposed modifications to the Policies Map.

3. Explanation of approach and phraseology in terms of wildlife networks and green corridors element of 10.26.5

LBB propose to update paragraph 10.26.5 as follows, for consistency and clarification:

~~The recognised sites of importance to nature~~ Sites of Importance for Nature Conservation (SINCs) and Local Wildlife Sites, together with the public parks and suburban gardens of Barnet, provide the Borough with the opportunity to create green corridors for wildlife ~~that also function as~~ and ecological networks. Green corridors are relatively continuous areas, ~~of open space leading through the built environment and which may link SINC sites to each other and to the Green Belt.~~ Often consisting of railway embankments and cuttings, roadside verges, canals, parks, playing fields, residential gardens and rivers, they should allow wildlife to move through an area and ensure the habitats do not fragment further. The Council will use the Mayor of London's Green Infrastructure maps and tools⁶³ to identify both existing and potential green corridors across the Borough.

(Footnote 63: <https://www.london.gov.uk/what-we-do/environment/parks-green-spaces-and-biodiversity/green-infrastructure-maps-and-tools#acc-i-54374>)

4. Investigate Enfield approach to beelines and status of that Plan

The London Borough of Enfield most recently consulted on a Regulation 18 Draft Local Plan. The Consultation ended in September 2021². The evidence base notes the

² <https://www.enfield.gov.uk/services/planning/new-enfield-local-plan>

mapping of beelines within the review of the Council's Biodiversity Action Plan (Figure 5.9³).

There is scope for LBB to incorporate beelines within the review of the Green Infrastructure SPD and any future Local Nature Recovery Strategy. LBB are not proposing any further modifications on this point.

5. Wording in terms of Environment Act 2021 and the requirement for 10% Net Gain in Barnet. NB - This incorporates Points 6 and 12.

As originally drafted, ECC06 (d) provides for the relevant level of Biodiversity Net-Gain as set out in legislation.

As set out in EXAM 1h: Biodiversity Technical Paper⁴, Modifications in EXAM 4⁵, (MM279-MM285) update the position and provide greater clarity on the expectations of the Environment Act 2021 in respect of Biodiversity Net Gain while allowing for the flexibility required in implementation as and when the relevant Regulations are published. The Government's Environmental Improvement Plan 2023⁶ has now been published and sets out key actions to take forward and deliver national goals up to 2043.

The Government intend that the 10% requirement for net-gain will begin in November 2023. This should be onsite with provisions made where this is not possible. This is likely to be within the timescale of examination and adoption of the LBB LP.

Prior to adoption of the Local Plan, LBB proposes a factual review of the Main Modifications and Local Plan adoption draft to ensure the policies refer to the correct stage of relevant legislation and regulations, including the Environment Act 2021. Text within the LBBLP will be updated to refer to the Environment Act 'or other relevant national requirements'.

7. Provide further explanation on how contributions would work

The Local Plan sets out how development proposals will be subject to S106 and CIL in Chapter 12. This includes which infrastructure could be sought by which mechanism, how viability will be assessed and the process for dealing with contributions, including monitoring and enforcement. The Council will update the supporting text of ECC06 to provide clear signposting to Chapter 12, as updated by proposed Modifications MM301 to MM304.

³ https://www.enfield.gov.uk/_data/assets/pdf_file/0013/11911/Review-of-Enfield-Biodiversity-Action-Plan-2021-Planning.pdf

⁴ <https://www.barnet.gov.uk/media/13555>

⁵ <https://www.barnet.gov.uk/sites/default/files/Matter%205%20Written%20Statement%20-%20LB%20Barnet.pdf>

⁶

As well as the requirement within ECC06, the Local Plan provides additional information of contributions required in respect of green and blue infrastructure in the following polices, and their supporting text:

1. Policy CDH07 Amenity Space and Landscaping
2. Policy ECC02A Water Management Policy

Additionally, the Infrastructure Delivery Plan has an important role to play in terms of identifying and coordinating the provision of infrastructure. The Green Infrastructure SPD also serves to complement and inform the Council's IDP. The IDP will identify needs, gaps and deficits in provision as well as costs to deliver and therefore is a vital tool in informing what contributions will be required from development. The IDP is considered a live document, however it is recognised that it should be updated to specifically consider biodiversity needs (within the Green Infrastructure section). The proposed changes to the Local Plan are covered in the response below.

8. How All London Green Grid contributions would be calculated and spent, together with the approach of signposting SPG

The All London Green Grid Strategy identifies the potential for a Regional Park within the Brent Valley and Barnet Plateau Green Grid Area. There are a number of improvements that could be supported, often to improve accessibility to maximise their potential. Improvements to signage, lighting, surfaces and surveillance can encourage residents to use the space as well as improved cycle, pedestrian and bus routes. Additional text has been added to paragraph 10.19.8 to explain the role of financial contributions towards green spaces (EXAM 66⁷); however, specific improvements, as referred to above, are also likely to be identified in the IDP and therefore calculations of cost will be derived. Provision and/or improvements will then be secured through S106 or CIL.

In addition to incorporating MM279 the following amendment to paragraph 10.26.6 is also proposed:

Development proposals should consider any impact on biodiversity including areas designated for nature conservation, protected species and habitat/species prevent loss and provide mitigation to these areas as well as providing opportunities to create or improve habitat and linkages for wildlife. Development should aim to avoid loss of areas of biodiversity. Where loss cannot be avoided then adequate mitigation should be provided or compensation provided as a last resort. Financial contributions will be secured through S106 agreements or utilising the Community Infrastructure Levy Infrastructure Payments Policy. The Council will also continue to work jointly with partners to deliver the objectives of the All London Green Grid SPG. Embedding the ALGG into plans and strategies will give greater opportunity to access funding mechanisms for strategic projects in addition to S106 and CIL (Chapter 3, ALGG⁸). Barnet's Infrastructure Delivery Plan (IDP) will be updated regularly to reflect the requirements and associated costs to deliver improvements or identified projects.

9. Effectiveness of ECC06(b) and wording, including reference to SPD having 'regard to' rather than 'meeting requirements'.

⁷ <https://www.barnet.gov.uk/sites/default/files/EXAM%2066%20-%20LBB%20Note%20-%20Open%20Spaces.pdf>

⁸ <https://www.london.gov.uk/programmes-and-strategies/environment-and-climate-change/environment-publications/all-london-green-grid>

LBB Local Plan Policy ECC06(b) as originally drafted requires planning applications to “meet the requirements of the Green Infrastructure SPD”. The Council proposes a new modification to reflect wider requirements of green infrastructure policy documents that will be prepared within the lifetime of the plan. This reflects wording within proposed MM282 (EXAM 4), which states the Council will work with relevant partners and incorporate the conclusions of wider relevant strategies in determining planning applications.

The Council proposes a further modification to ECC06(b):

b) ~~ensuring that~~ have regard to the requirements of local and strategic green infrastructure studies as incorporated in the Green Infrastructure Strategy SPD, or other relevant local guidance are met;

10. ECC06(e) and enhancement, links to London Plan

The Council proposes the following modification to ECC06(e) to better reflect the requirements of the London Plan 2021:

e) ~~placing emphasis on~~ provide measures that enhance and support biodiversity, creating multiple benefits, including social benefits, and integration into the wider London networks to meet the requirements of London Plan Policy G5. in meeting the Urban Greening Factor and SUDs delivery;

11. Consistency between ECC06 with para 180 of NPPF

The Council considers that ECC06 as drafted, with the modifications proposed in EXAM 04, is consistent with paragraph 180 of the NPPF (updated 2021). To ensure the policy is robust, the Council proposes the following modification to the penultimate para of ECC06 which now becomes criterion (g):

(g) ~~Where significant harm~~ adverse impacts from development on biodiversity cannot be avoided measures must be taken to ensure that they are appropriately managed so as to reduce and /or mitigate any disturbance to wildlife as appropriate. These measures should be included as part of a planning application and a monitoring schedule agreed at the time of planning permission. Applications will be refused where adverse impacts cannot be avoided, adequately mitigated or compensated for.

Conclusion

The Council invites the Inspectors to consider and recommend that the Council makes the additional further modifications set out in this paper recognising that those considered to be Main Modifications will need to be formally consulted upon following the examination hearing sessions.

