New Forest DISTRICT COUNCIL

Biodiversity Duty

Status Summary

Report

Version A

Document Date: 1st January 2024

New Forest District (outside the National Park)

Contents

1. Background

Since 1 January 2023, all public authorities have been under an enhanced statutory duty to conserve and enhance biodiversity. Public authorities have 12 months (i.e. until 1 January 2024) to set out a plan confirming out how they will comply with this duty and the actions they can take. Thereafter, authorities must set appropriate policies and specific objectives; and then they must take action.

In terms of the legal context, the Environment Act 2021 introduced a strengthened 'biodiversity duty' requiring all public authorities in England to consider what they can do to conserve and enhance biodiversity. Further guidance[1] was published in May 2023 which, in summary, confirmed that authorities must:

a) Consider what they can do to conserve and enhance biodiversity by 1 January 2024. No formal reporting template has been provided for this;

b) Agree policies and specific objectives based on their consideration as soon as possible after 1 January 2024; and

c) Act to deliver the policies and achieve these objectives and report on them.

The first part of delivering the 'biodiversity duty' is to essentially identify the work of New Forest District Council (NFDC) that contributes towards the conservation and enhancement of biodiversity. This report highlights the main areas of NFDC's work that help to deliver the 'biodiversity duty'. These are provided in Sections 3.1 to 3.13 below. An overview of the existing NFDC policy context is provided in Section 2.

2. NFDC Policy and Context

The Development Plan sets out a strategy and policies for the use, development or protection of land and buildings in the Plan Area. The policies of the statutory development plan are the basis for deciding planning applications for development. Policies relating to biodiversity considerations can be found in the Local Plan Part 1 (adopted 2020) and Part 2 (adopted 2014).

Local Plan (Part 1) 2020

Biodiversity is identified as one of the 10 ten Strategic Objectives (SO) for the Local Plan Part 1 to support and achieve sustainable development:

SO2 Biodiversity and environmental quality (…"To safeguard and improve biodiversity, and the protection and enhancement of wildlife, species, habitats and water bodies in the Plan Area. To avoid where possible or fully mitigate where necessary, the direct and cumulative impacts of development on designated nature conservation sites. To promote the understanding of and care for the natural environment; managing recreational pressures in sensitive locations…").

[1] Complying with the biodiversity duty - GOV.UK (www.gov.uk)

Policy STR1: *Achieving sustainable development* (criteria iii – 'Achieving an environmental net gain and avoiding wherever possible or mitigating where necessary the direct and indirect impacts of development on the integrity of the New Forest, Solent, River Avon and other International Nature Conservation sites, and on other areas, species or habitats of nature conservation value').

Policy ENV1: *Mitigating the impacts of development on International Nature Conservation sites* ('…development will only be permitted where the Council is satisfied that any necessary mitigation, management or monitoring measures are secured in perpetuity as part of the proposal and will be implemented in a timely manner…').

Policy ENV3: *Design quality and local distinctiveness* (criteria v - '…Incorporate design measures that improve resource efficiency and climate change resilience and reduce environmental impacts wherever they are appropriate and capable of being effective…').

Policy ENV4: *Landscape character and quality* ('Where development is proposed there is a requirement to retain and/or enhance the following landscape features and characteristics, in particular criteria iii – 'Existing or potential wildlife corridors, footpath connections and other green links that do, or could, connect the site to form part of an integrated green infrastructure network').

Local Plan (Part 2) 2014

Saved Policy DM2: *Nature conservation, biodiversity and geodiversity* ('…Development proposals will be expected to incorporate features to encourage biodiversity and retain and, where possible, enhance existing features of nature conservation value within the site. Existing ecological networks should be identified and maintained to avoid habitat fragmentation, and ecological corridors should form an essential component of green infrastructure provision in association with new development to ensure habitat connectivity').

Saved Policy DM9: *Green Infrastructure linkages* ('…Development proposals should maintain, and where possible enhance, the integrity of the network of green infrastructure within settlements. In designing new development, even where the loss of some trees and hedgerows or other existing green infrastructure is unavoidable, developers should seek to:

- retain identified 'Landscape features';
- minimise the loss of existing 'green' features on a site;
- maximise the potential to create links with adjoining green infrastructure;
- provide natural green spaces within a development; and
- maintain or create wildlife corridors through a site').

NFDC have a range of additional planning policy guidance prepared to supplement policies in the local plan, some of which are formally adopted and some which represent informal guidance. Further information is provided in Section 3.

3. Consideration of Biodiversity Options – Delivering for Biodiversity

3.1. Biodiversity Net Gain (BNG) & Development Management

The mandatory requirement for Biodiversity Net Gain (BNG) in larger new development commences in January 2024; with the start for smaller developments being April 2024. Further guidance and regulations were published by the government in November 2023 to support the implementation of mandatory BNG.

From 7th July 2020 New Forest District Council has sought a minimum of 10% BNG as a requirement of planning permission for 'major' new build development, demonstrated via the Biodiversity Metric. 'Minor' applications, have not been exempt from providing biodiversity net gains but use of the Natural England Biodiversity Metric has not typically been required. An Interim Ecology and Biodiversity Net Gain Advice Note was published[2] to support this local requirement. Going forward, the Council will keep under review whether it is appropriate to increase the minimum BNG sought from development sites above 10%.

Table 3.1 provides a log of the planning applications considered 'major development' where BNG has been sought in advance of the requirement being legally mandated. Green demotes where the minimum 10% biodiversity net gain has been achieved, orange shows a net gain but under 10% and red shows where a biodiversity net loss has been recorded and offsets are required.

Table 3.1 – NFDC major developments where BNG has been sought

Application Number	Application Name	% BNG Area	% BNG Linear	Metric Version
20/10228	BURGATE ACRES	17.64	239.58	2.0
20/11469	TINKERS CROSS	17.97	24.48	3.0
20/11456	PORT AND MARITIME REGIMENT RLC MCMULLEN BARRACKS AND RETAINED SMC PORTSIDE AREA	11.71	20.6	2.0
21/11097	SS.12 - LAND TO THE SOUTH OF DERRIT LANE	24.54	6.99	2.0
20/11192	SS 5. LAND SOUTH OF MILFORD ROAD	-40.42% (40.46 BU)	65.92	4.0
23/10316	SS 16. LAND NORTH OF, STATION ROAD, FORDINGBRIDGE SP6 1JW	11.69	13.33	4.0
20/10997	LAND NORTH OF, SALISBURY ROAD, CALMORE	18	48	3.1
21/11156	MARCHWOOD MILITARY PORT, CRACKNORE HARD, MARCHWOOD SO40 4ZG (NB: SUBJECT TO LEGAL AGREEMENT)	-33.7% (-141.05 BU)	54.22%	2.0
21/10052	LAND TO WEST OF, WHITSBURY ROAD, FORDINGBRIDGE	5.97	14.38	3.1
21/11237	SS. 18 LAND WEST OF BURGATE, SALISBURY STREET, FORDINGBRIDGE SP6 1LX	28.93	15.39	3.1
21/11731	SS9 LAND EAST OF, EVERTON ROAD	33.9	15.22	3.1
22/11424	SS6 LAND EAST OF LOWER PENNINGTON LANE, PENNINGTON,	127.17	-0.89	3.1

[2] NFDC – Ecology and Biodiversity Net Gain Interim Advice Note

Application Number	Application Name	% BNG Area	% BNG Linear	Metric Version
22/10219	SS1 LAND NORTH OF COOKS LANE TOTTON SO40 2BQ	-25.99 (30.05BU)	-3.16	3.1
22/10449	CORKS FARM, NORMANDY WAY, MARCHWOOD	-1.12 (0.4BU)	40.92	2.0
22/10854	LAND WEST OF HILL STREET, CALMORE, NETLEY MARSH	10.86	13.67	3.1
23/10476	SS 7. LAND NORTH OF MANOR ROAD, MILFORD ON SEA	-25.38 (8.61BU)	18.03	3.1
21/11179	LAND TO THE EAST OF BROCKHILLS LANE, NEW MILTON	Gain	Gain	-
22/10418	LAND SOUTH OF, GORE ROAD, NEW MILTON	15.34	100.27	3.0
21/11723	LAND OFF, MOORTOWN LANE, RINGWOOD	47.46	14.81	3.0
21/10042	LAND NORTH OF, HIGHTOWN ROAD, HIGHTOWN, RINGWOOD BH24 3DY	5.64	2789	3.1
22/11268	MIDDLE BURGATE HOUSE, SALISBURY ROAD, BURGATE, FORDINGBRIDGE SP6 1LX	10.13	85.66	3.1

Offsetting

NFDC is in advanced discussions with several major landowners regarding the delivery of BNG units off-site where it is not possible to provide the necessary gains on-site.

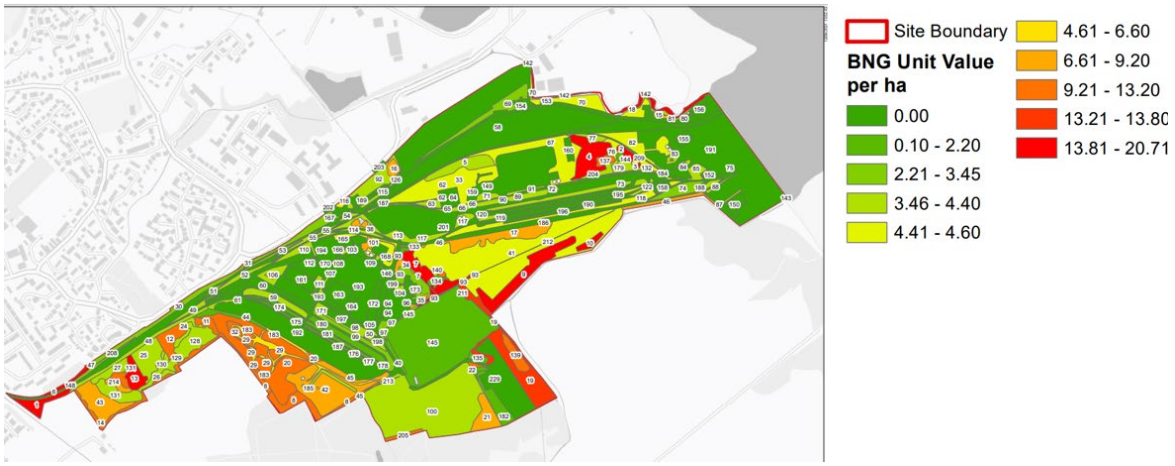
Furthermore, NFDC are contributing to a Partnership for South Hampshire (PfSH) study looking at opportunities for delivering BNG on council owned land. Work on this is on-going.

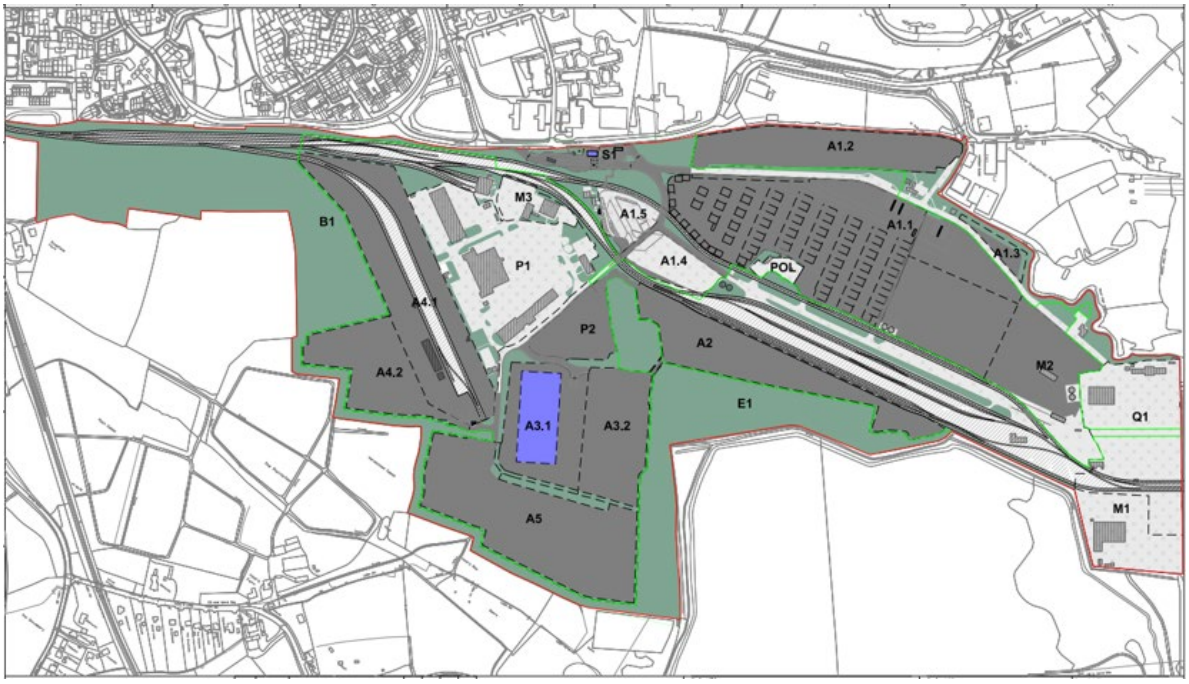
Offsetting Case Study – Solent Gateway & Cadland Estate

Solent Gateway (also known as Marchwood Military Port) is allocated for development under Policy ECON3 (Marchwood Port) of the adopted NFDC Local Plan 2016-2036

The proposals comprise the development of approximately 40ha of land within an existing port facility (totalling approximately 84ha), through the phased intensification of the Port to make effective and efficient use of the site for port and port-related uses including, additional hardstanding for open storage, buildings for warehousing, industrial, office, security and staff welfare purposes, along with access improvements, circulation routes, servicing and parking, as well as landscaping, ecological areas, secure boundary fencing and other works.

As part of an approved planning application (21/11156) for the development of Solent Gateway a comprehensive suite of surveys was undertaken to establish the 'pre-intervention' baseline habitats present.

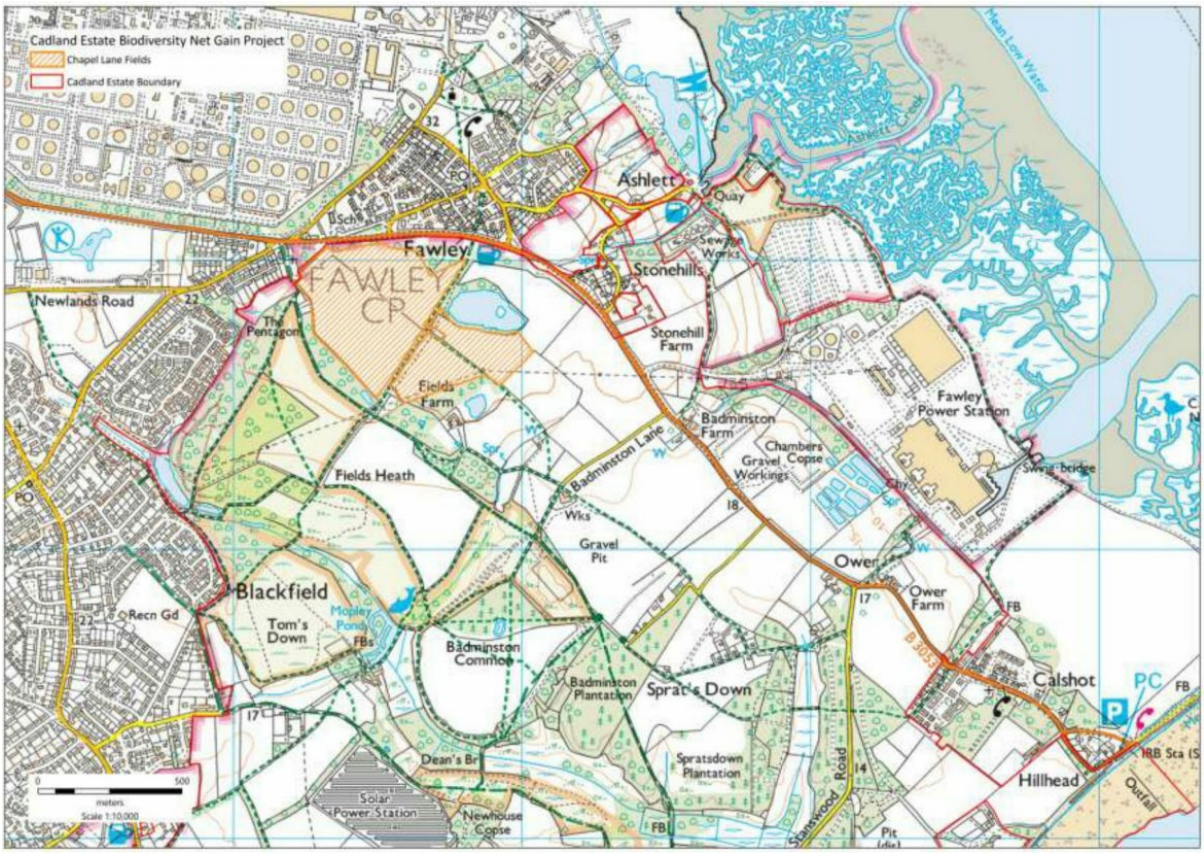




The mitigation hierarchy was applied highlighting those areas of greatest biodiversity value and retaining these within the masterplan for the site.

Baseline	Onsite	Habitat Loss	Habitat Enhancement	Habitat Creation	Habitat Succession	Total Onsite Delivery	Units required for BNG 10% Target
Habitat Units	323.76	-140.00	25.68	5.66	0	215.09	**141.05**
Hedgerow Units	4.40	0.88	0	3.27	0	6.79	**10% gain achieved**

Approximately 60% of the total required biodiversity units are delivered on-site but an offset is still required.



Four fields which form part of the Cadland Estate (totalling 25.14ha) were identified for offsite offsetting becoming a biodiversity gain site. The site is located approximately 8km south of the port in the waterside area just within the New Forest National Park Area.

The overall potential biodiversity unit contribution of the biodiversity gain site on the Cadland Estate is 181.73 Habitat Units. 141 biodiversity units are required to deliver 10% BNG for Solent Gateway, and a contingency of circa 40 BU has been secured. This contingency allows flexibility for any unforeseen issues. For example, if onsite (i.e. within Solent Gateway) habitat doesn't establish to a quality / condition anticipated to meet the onsite target for BNG credits, then the additional habitat provision on the Cadland site could be implemented to meet any unanticipated shortfall from the 10% target.

The offset, management and monitoring are secured via a Section 106 agreement for the approved planning application.

3.2. Climate Change SPD

NFDC has recently consulted on a draft Climate Change Supplementary Planning Document (SPD). The SPD, when adopted, is expected to be used to inform the determination of planning applications for the construction of new homes and for other developments in the New Forest district area outside of the National Park. The key objectives of the SPD are to encourage the development industry to take all reasonable steps to reduce carbon emissions when designing and constructing new buildings, and to make new development more sustainable and resilient to climate extremes. The SPD sets out best practice approaches or standards that we encourage developers to target or to adopt. The Council is now considering feedback received from the recent consultation.

3.3. Biodiversity Enhancements in NFDC Housing Stock

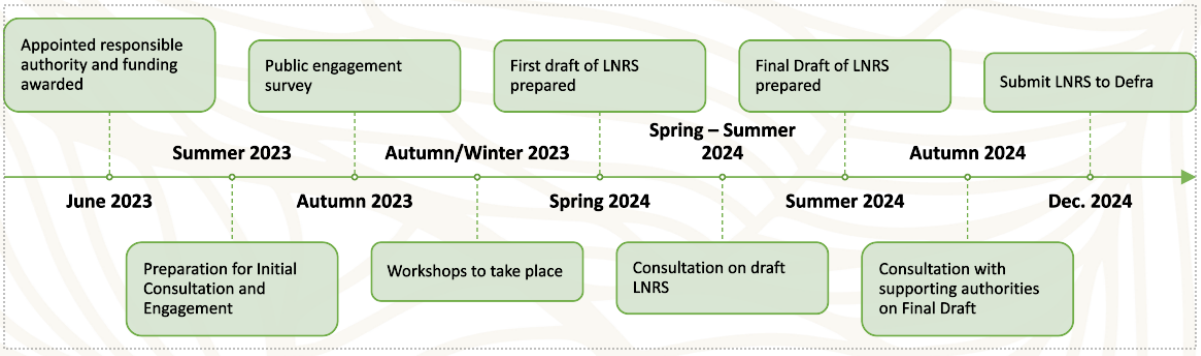
NFDC are committed to incorporating ecological enhancements, including swift nesting provisions into our own developments and as part of planned maintenance works on NFDC owned assets. We have identified budget for 70 swift bricks to be incorporated into NFDC properties as part of our energy retrofit programme – this is being delivered though our climate and nature emergency action plan.

Further work is being undertaken in collaboration with our housing team and Hampshire Swifts to incorporate swift bricks / other nest features through insulation remedial works at North Milton Estate.

Opportunities to incorporate these ecological enhancement features are assessed on a project-by-project basis.

3.4. Local Nature Recovery Strategy (LNRS)

Hampshire County Council is leading on a Local Nature Recovery Strategy for the whole of Hampshire, including New Forest District, as required by the Environment Act 2021. The Local Nature Recovery Strategy for Hampshire is a locally led strategy, guided by a steering group of 11 organisations from all sectors. This collaborative strategy will set out the priorities for nature recovery and help to shape how future funding will be spent to maximise benefits for both people and nature across the county. NFDC officers are playing an active part in preparation of this strategy.



Working with the Hampshire & Isle of Wight Wildlife Trust, the County Council is arranging a series of community workshops. NFDC are participating in all relevant workshops including:

- Woodland and Forestry
- Coastal Onshore and Offshore Habitats
- Rivers and Wetlands
- New Forest and Forest Fringes
- South Hampshire Farming and Conservation
- Access, Health and Wellbeing

3.5. Species Conservation Strategies – Great Crested Newt District Level License (DLL)

NFDC holds a Great Crested Newt District (or "Organisational") Licence, designed by NatureSpace and granted by Natural England, under which developments affecting great crested newt can now be authorised.

3.6. Green and Blue Infrastructure (GBI)

In the summer of 2021, New Forest District Council (NFDC) began work on preparing a Green Infrastructure Strategy for the New Forest District settlements (outside of the National Park). An Officer led Pilot Study was undertaken in New Milton. Further settlement areas within the strategy include:

- Totton and Eling
- Marchwood
- Hythe and Dibden
- Fawley/Blackfield/Holbury
- Milford on Sea
- Lymington and Pennington
- Ringwood
- Fordingbridge, Ashford and Sandleheath

The methodology from the New Milton Pilot Study was refined and is now in the process of being rolled out across the other settlements detailed above.

The overarching aim of the Green Infrastructure Strategy is to protect and enhance the Green Infrastructure network within the New Forest District (outside of the National Park).

Primary aims and objectives of the Green Infrastructure Strategy include:

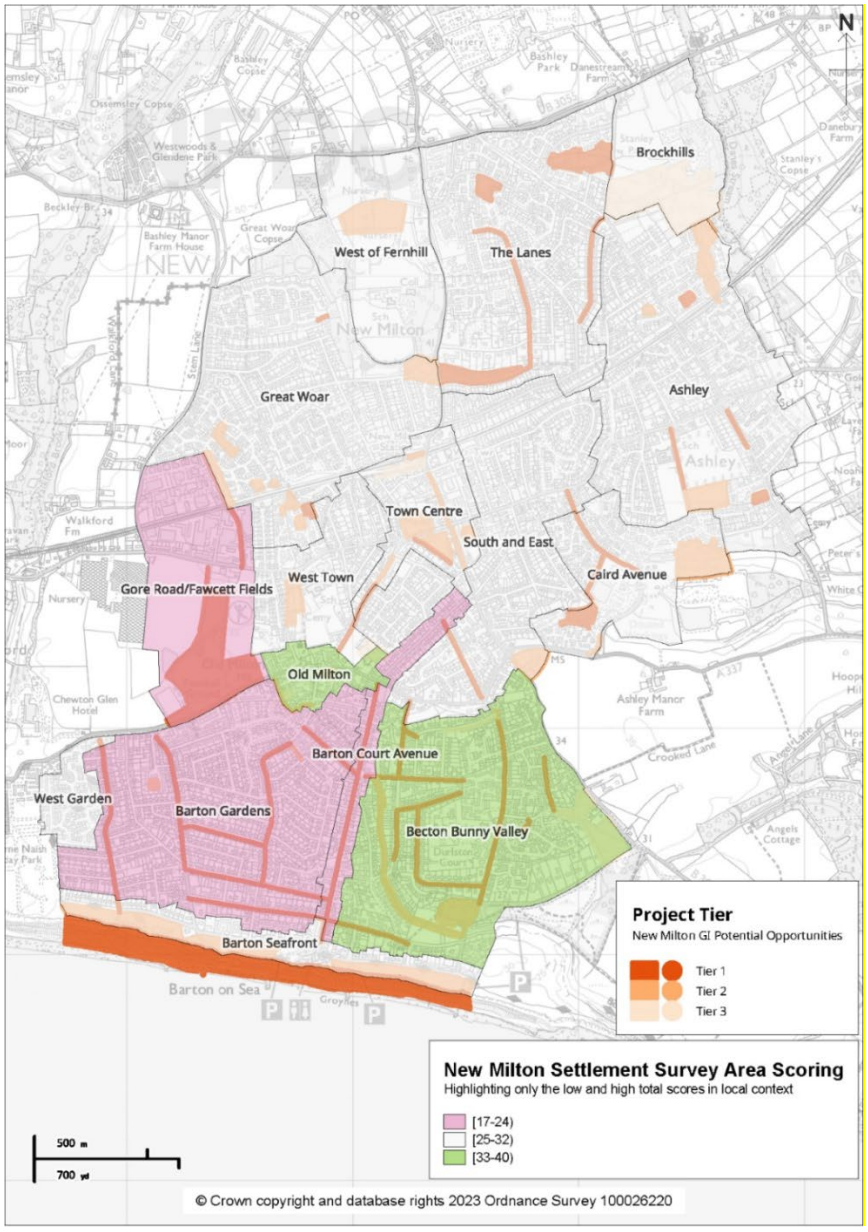
- To inform future Local Plans and contribute to the supporting evidence base - identify the location of existing and proposed green infrastructure networks and set out appropriate policies for their protection and enhancement;
- Assess the quality of current Green Infrastructure and identify any gaps in provision to help support the implementation of existing Development Plan policies;
- Identify and engage with relevant stakeholders and provide resources and guidance to empower them to undertake their own Green Infrastructure assessments;
- Support delivery of actions to support the 2021 Declaration of a Climate and Nature Emergency within the District; and
- To inform infrastructure delivery requirements and Community Infrastructure Levy schedules.

Further secondary aims of the Green Infrastructure Strategy include:

- Outputs that evolve into Local Plan consultation material in support of the Development Plan;
- Contribute to reducing flood risk on local communities;
- Protect and enhance biodiversity (including contributing where possible to the implementation of the Local Nature Recovery Strategy);

- Promote access to Green Infrastructure through greater connectivity of spaces (where appropriate);
- Maximise multifunctionality and interest of new and existing Green Infrastructure;
- Enhance the quality of the landscape (e.g. diversifying tree species to reflect local landscapes);
- Compliment active travel initiatives;
- Assist social cohesiveness providing valued spaces for communities;
- Contribute to health and wellbeing in our communities; and
- Enable review and monitoring of Green Infrastructure projects.

The New Milton Pilot study has identified a range of opportunities to strengthen green infrastructure and in many cases associated biodiversity value. The overarching study and settlement study report for New Milton is expected to be published in Quarter 1 2024.



In addition to the aforementioned settlement-based studies, NFDC have commissioned consultants to undertake a broader strategic study looking at green and blue infrastructure planning and opportunities in the waterside area of the District. This work is on-going.

3.7. Recreation Mitigation

The recreational pressures arising from residential development within our Plan Area have a potentially harmful impact on the internationally important nature conservation sites within the New Forest. To comply with both national and international legislation to protect the designated sites, measures need to be taken to ensure adverse effects on the integrity of protected sites from recreational impacts is avoided or mitigated. Our Local Plan policy, supported by the NFDC Mitigation for Recreational Impacts SPD[3], provides a mitigation strategy to address these issues.

The SPD sets out the strategy using a suite of measures either provided by, or funded by, residential development within our Plan area to provide the required mitigation. It also sets out design guidance for how on-site recreation mitigation should be provided as part of new development.

Mitigation for recreational impacts has four main elements:

- Provision of new areas of publicly accessible alternative natural recreational greenspace (ANRG);
- Enhancement of existing greenspace and footpaths/rights of way in all settlements where new residential development takes place;
- Access and visitor management – measures include the provision of rangers for the New Forest European sites;
- Monitoring – the gathering of further information, including the condition of European sites' habitats and species and visitor patterns, and to gain a better understanding of the effects of visitors and other factors influencing the condition of the protected sites; and the monitoring of progress in implementing the mitigation strategy.

All recreation mitigation projects are screened and assessed for potential ecological constraints and opportunities. Wherever possible and consistent with the primary aims for providing recreational mitigation, suitable projects seek to provide uplifts in biodiversity value ascertained via the biodiversity metric and species-specific enhancements.

[3] NFDC Mitigation for Recreational Impacts on New Forest European Sites SPD: https://www.newforest.gov.uk/article/1938/Recreational-Mitigation-Strategy

3.8. Ancient Woodland Inventory Update

NFDC has contributed to a study updating the ancient woodland inventory within the District. Under the existing ancient woodland mapping, ancient woods less than 2ha in size are omitted (due to technical mapping challenges and evidence availability). Improved mapping technology and evidence availability now allows ancient woodland down to 0.25ha in size to be mapped. This is viewed as essential to inform planning and development and consideration of irreplaceable habitats in biodiversity net gain.

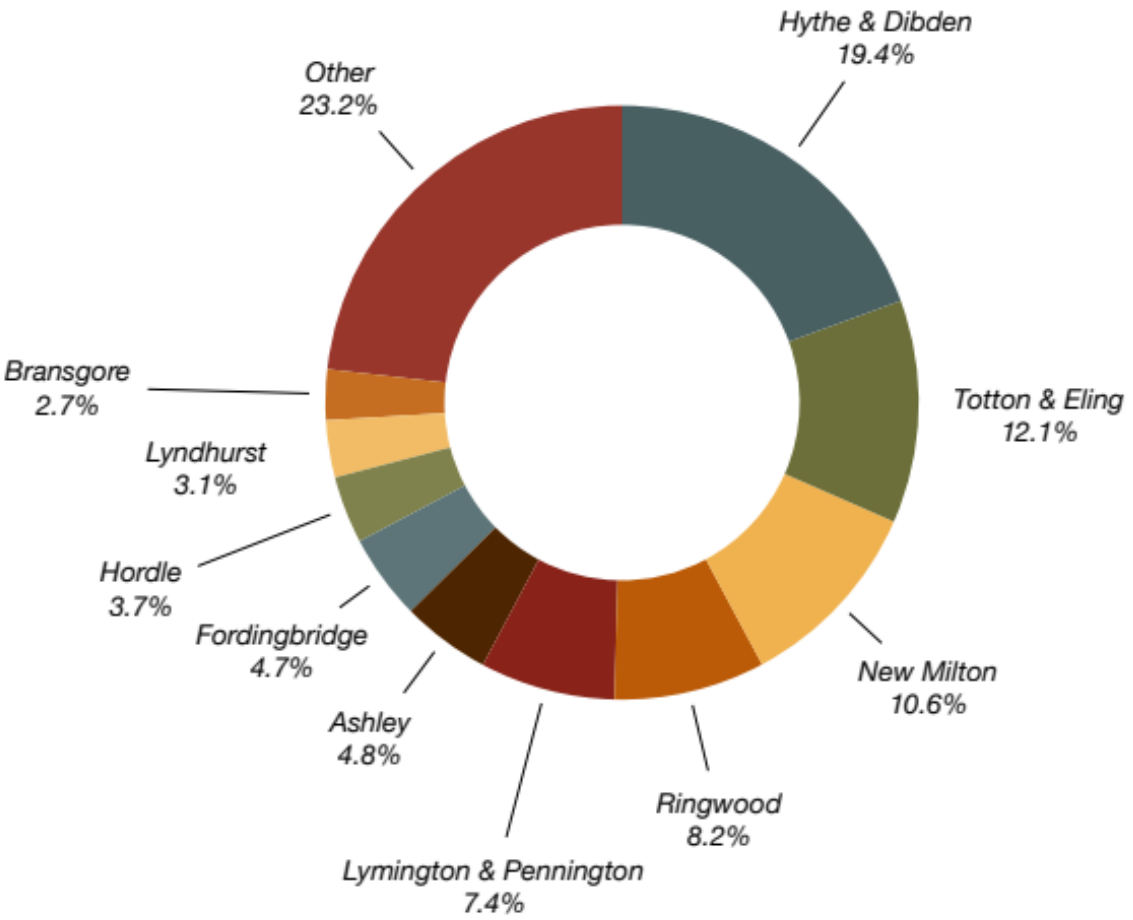
3.9. Grass Strategy

NFDC have been trialling wildflower creation and management techniques across suitable areas of the District as part of the council's Grass Strategy. This has been undertaken in a bid to increase biodiversity value and be of value for pollinators.

3.10. I-Tree

NFDC have commissioned an i-Tree inventory study to provide detailed information on the natural capital in the New Forest, expressing the economic value of some of those benefits in monetary terms.

Figure 3.1 Tree Population Shares by Parish



A summary of the studies findings are provided below:

- There are approximately 25,100 trees in the New Forest DC tree inventory.
- These trees and shrubs have the potential to remove over 11 tonnes of air pollution annually at a value of £828,000.
- These trees reduce water runoff by over 11,400 m³ per year – equivalent to over 4.5 Olympic swimming pools. The surface runoff being averted annually is worth an estimated £23,000 in avoided costs.
- In total, the trees store around 9,930 tonnes of carbon and sequester 253 tonnes of carbon annually with associated values of around £9.2 million and £233,000 respectively.
- Trees also confer many other benefits such as habitat provision, soil conservation and noise reduction.
- 137 species of tree were recorded across the NFDC study area. The most common tree species are English oak (*Quercus robur*) with an estimated 18% of the total tree population, Common ash (*Fraxinus excelsior*) with an estimated 9% trees and Hawthorn (*Crataegus monogyna*) with an estimated 5%.
- Whilst containing a good breadth of species, NFDC inventory has a notably high share of English oak (18%), especially amongst larger trees. Threats to these oaks such as Acute Oak Decline (AOD) and Oak Processionary Moth (OPM) could have a disproportionate impact on the whole.
- The Capital Asset Value for Amenity Trees (CAVAT) was calculated to be £300 million.
- The structural profile of NFDC's trees shows a heavy concentration within a single size cohort, with a far lower number of younger trees as future replacements.

3.11. Climate and Nature Emergency Declaration

NFDC declared a Climate and Nature Emergency in October 2021 and is committed to achieving Net Zero in line with the Government's 2050 target. The Council is committed to improving the resilience of the district to the impacts of climate change and safeguarding the long-term sustainability of the area's assets and attributes.

Climate action is delivered through three main programmes of work - Carbon Reduction, Climate Adaptation and Nature Recovery – underpinned by a fourth pillar of Programme Management.

The Nature Recovery Programme sets out internal and external priority areas for action. Protecting biodiversity, facilitating the connectivity of habitats and ensuring stewardship through long-term plans is key to reversing national and global trends in biodiversity and habitat loss. The programmes seek to fully understand the risks and opportunities for nature recovery on NFDC land and design interventions that support nature recovery across the district and beyond.

Action to reduce greenhouse gasses, adapt to a changing climate and enhance natural environments are aspects of broader, holistic sustainability and should not be considered in isolation. Ensuring that actions align to long-term success is the ultimate goal and requires a

considered approach that balances finances, health and wellbeing, ecosystem services, cost of living and the needs of future generations.

3.12. Procurement Embedding Climate Change and Nature

NFDC recognises, that its procurement of goods, works and services has a vital role in encouraging more sustainable business operations.

A targeted approach to procurement is utilised to determine and target categories of works, goods and services that have an impact upon the environment. This is intended to help ensure delivery of positive outcomes through the procurement process (e.g. through appraising: energy conservation, emissions to air, discharges to water, waste and social environment).

Suppliers tendering for council contracts are required to set out how their proposals contribute to the goals of the council's declared Climate Change and Nature Emergency and specifically what innovations and improvements will be delivered from the start of contract and step changes to be delivered throughout the contract life cycle under the impact headings of nature, health, economy and social.

Our contract management processes measure climate & nature emergency interventions along with committed targets and deliverables through the contract life cycle. The council will tackle climate change and reduce waste in line with the UK Government National Procurement Policy Statement as set out in PPN 05/21 including:

- Contributing to the UK Government's legally binding target to reduce greenhouse gas emissions to net zero by 2050;
- Reducing waste, improving resource efficiency and contributing to the move towards a circular economy; and
- Identifying and prioritising opportunities in sustainable procurement to deliver additional environmental benefits, for example enhanced biodiversity, through the delivery of the contract.

3.13. Resources – Expanding Resource and Investing in Expertise

NFDC have invested in bringing in ecological and environmental expertise with a full-time ecologist and climate change manager in post. NFDC are further recruiting for an additional ecology officer to support the roll out, monitoring and reporting of biodiversity net gain in the district.

To support the delivery of BNG, NFDC are also seeking to procure specialist software for the assessment, management, monitoring and reporting of BNG.

4. Looking Forwards – NFDC Future Actions for Biodiversity

This report provides an overview of actions currently being taken by NFDC to conserve and enhance biodiversity and detail the positive changes being made. It is intended that this report will be updated and further developed in 2024 alongside development of the LNRS and potentially future local plan work to set out specific policies and objectives.

Thereafter, government guidance[4] confirms that the Authority must publish a 'Biodiversity Report' setting out the policies and actions that have been carried out to comply with the biodiversity duty. This will include the actions we have completed to meet biodiversity net gain obligations as a local planning authority.

Specific on-going actions and priorities are envisaged to include:

- Preparing a future Local Plan review – biodiversity will be a fundamental part of this review and actions will cascade from this e.g. building the Local Plan evidence base and associated policies.
- Preparation of a Biodiversity Supplementary Planning Document.
- Continued involvement in the preparation of a Local Nature Recovery Strategy– this will help define our actions and prioritise these in conjunction with the Local Plan.
- Continued development of a Green Infrastructure Strategy,
- Implementation of Biodiversity Net Gain and working with landowners/managers to help deliver strategic offsets aligned with the evolving Local Nature Recovery Strategy.
- Investment in skills and resources including securing an additional ecologist resource and software to help manage Biodiversity Net Gain assessment, monitoring and reporting.
- Continue to look at providing ecological enhancements as part of planned maintenance works on a project-by-project basis.
- Delivery and reporting of mandated Biodiversity Net Gain.

[4] Complying with the biodiversity duty - GOV.UK (www.gov.uk)