# *Information/Discussion Paper*

## Overview and Scrutiny Committee – 31st October 2022

## Biodiversity

This note contains the information to keep Members informed of matters relating to the work of the Committee, but where no decisions from Members are needed

### 1. Why has this come to scrutiny?

This paper has come to scrutiny at the request of Councillor Julian Tooke, who has requested that the overview and scrutiny committee look into the issue of biodiversity, and specifically how the council ensures it is taken into account in its decision-making.

### 2. Summary of the Issue

Biodiversity is already an important consideration for the authority, as we manage a significant proportion of the green space in the borough, including in particular, our parks and gardens, Leckhampton Hill and some 11 hectares of cemetery-related land.

Whilst the authority is acting to reduce carbon emissions to help tackle climate change, impacts are already taking place and scientists predict that these will increase over time, regardless of the mitigation measures we take to slow the rate of change. This is impacting significantly on nature, which is already in crisis as a result of human impacts on wildlife habitat across the globe and which is now being accelerated by rising temperatures/sea levels and an increase in climate related extreme weather events, including droughts, wildfires and flooding.

Discussions have taken place at Climate Leadership Gloucestershire which is recommending that a 'climate risk and vulnerability assessment' should be jointly commissioned by authorities in the county, to assist with contingency planning and prioritisation in relation to key issues such as flooding, drought and wildfire risks, storm events and increased risks to health, for example from heat events and new diseases, or diseases which currently affect only hotter countries but may become more prevalent here. Whilst these issues are likely to pose an increased threat to human populations, they are also likely to adversely affect biodiversity.

Biodiversity is also directly impacted by a number of the Council's functions which are already responding to this agenda, for example:

- The Council has adopted recognised best practice in the way it manages green space to encourage biodiversity;
- Cabinet recently approved the Climate Impact Assessment Tool, aimed at helping the

Council to evaluate and help mitigate the environmental impact of its service delivery, policy development, corporate projects and associated decision-making;

- Plans are already in place to identify local sites (including sites in CBC ownership) where biodiversity net gain (BNG) contributions, generated through the planning process, can be invested for local biodiversity gain. A minimum 10% uplift in BNG through the planning system is proposed to be made mandatory from late 2023.

- In partnership with the University of Gloucestershire, the Council has been awarded a grant to create a "Planting Toolkit", to assist local land owners to better understand biodiversity and how to encourage and promote it.

- Through it's function undertaking local flood management the Council undertakes maintenance of watercourses in a way which encourages biodiversity and encourages developers to adopt sustainable urban drainage and flood mitigation systems which also support wildlife. The Council is also exploring the feasibility for natural flood management techniques upstream of the urban area which encourage biodiversity.

## 3. Green Space Management

Biodiversity is now a consideration in everything the Council's Green Space Development Team does. For many years Cheltenham's Parks have been associated with well-manicured, and highly ornamental gardens, and whilst this is still the case there have been a number subtle, and less subtle interventions to introduce bio diversity into green spaces. Over the last four years, we have been gradually replacing seasonal annual bedding plants with flowering perennials. Bedding plants are resource hungry. They require heated green houses in production, intensive labour, and lots of irrigation water during the growing season. They are grubbed up and planted twice every year. Many of the plant varieties have had their ecological benefits bred out, in favour of dense flower heads whose food sources are inaccessible to pollinating insects. Perennials remain in the ground, and once established require very little water. They provide attractive flowers and foliage from Spring through to Autumn, and are beneficial to pollinating insect as well as a food source for birds when flowers and seed heads are left in place over Autumn and Winter.

Possibly the largest and simplest change we can make is in grassland management. Allowing grass to grow long will create an instant habitat for insects, by providing food sources, with the insects themselves a food source for birds and small mammals. It can also lower our fuel usage by drastically reducing the frequency of mowing rounds. There are many examples of this in our green spaces; Pittville Park, Cox's Meadow, and Springfields Park, are all large scale examples, while there are numerous open spaces and playing fields where perimeters, and other areas are deliberately left and then cut and collected at the end of every growing season. Occasionally, some areas are selected and sown with meadow seed mixtures to intensify the effect or to introduce more flowering species for effect. We take part every year in the "No Mow May" campaign. Another indirect benefit of long/perennial grassland management is a positive impact on the establishment rate of young trees. Such long grass significantly reduces ground temperatures and therefore evaporation of water which would otherwise be available to young trees. Water drawn by the grasses/meadows appears relatively insignificant. As we look to expand areas of meadow grassland it will be important to balance the need for short grass recreational space to ensure there is still ample opportunity for informal sport and dog walking.

Opportunities to enhance biodiversity are considered on all new landscape and recreation

projects. Recent playing pitch improvements at Burrows Playing Field included a native copse planting on the perimeter of the field. Planned enhancements of Naunton Park will incorporate proposals to develop meadow areas with excavated soil from adjacent paths, and swales as part of the drainage scheme. One of the best examples is the transformation of Springfields Park in Hesters Way from a conventional playing field into a diverse landscape combining mixed habitats, with natural play opportunities (see pictures in appendix 1).

Our green spaces offer further opportunities to sequester carbon through tree planting. The Council's Community Park Ranger has developed an annual programme for tree and copse planting with three or four community projects undertaken every year over autumn and winter. This year plans include Swindon Village and QEII playing fields, Clyde Crescent and Chargrove Lane open space as part of the Queens Canopy Jubilee planting initiative. They are a good way of engaging local people in environmental issues

The Council's Tree Officers undertake a programme of specimen tree planting in parks and green space, many of which are funded by private sponsors, and they liaise closely with Gloucestershire County Council on street tree planting. A Borough Tree Strategy is currently being suggested. It is anticipated that such a Tree Strategy would cover procedures and standards associated with the planning process (primarily privately owned trees) as well as procedures and practices in relation to CBC and CBH owned trees.

All of the changes described above have a knock on effect on Ubico, and it is important that maintenance practices are adapted. Traditional grass cutting machinery is not suitable to cut long grass, and therefore the fleet replacement programme has been adapted to include specialised machinery. All new trees and perennials require water to establish them, and there are competing demands on Ubico to continue watering traditional seasonal bedding schemes, and new perennials and native copses. This year being so hot and dry, has tested their capacity to the limit. Similarly, long grass can present fire risks in prolonged dry spells, so it is important to consider the safety of local residents when planning meadow areas and ensuring adequate precautions are built in.

## 4. Cheltenham's Climate Impact Assessment Tool

In autumn 2022, the Council will deploy Cheltenham's Climate Impact Assessment Tool, to make sure that we are appropriately considering climate impacts in all of our decisions. Use of this tool will help ensure projects and policies are aligned to CBC commitments to the climate and ecological emergency, helping to shape projects which have maximum positive impacts on the wellbeing of residents and the environment we live in. The tool prompts officers to review how a proposal or decision may impact plants, animals and microorganisms in the district and nudges for the consideration of a range of habitats, protection of key species and soil and waterway health. This tool will be used early on in project or policy design and will enable officers and Members to make changes to mitigate any anticipated negative impacts stemming from a decision.

## 5. Planning Policy and Development Management

In order to ensure that biodiversity is a priority within the planning department the team are guided by National and Local Planning Policies that seek to consider the impact of development proposals upon biodiversity. 'Biodiversity' or the resultant potential 'impact upon biodiversity' is a material planning consideration in the determination of planning applications and there is a strong policy framework in place which seeks to ensure protection

of biodiversity.

**National Planning Policy Framework ('NPPF')**

The NPPF sets out National Policy in connection with development proposals. Specific reference can be found for the Policy in terms of the need for the planning system to contribute to the achievement of 'sustainable development'. Sustainable development means the planning system has three overarching objections; economic objective, social objective and an environmental objective. A key component of the environmental objective is the need to improve biodiversity. Accordingly development plans shall be in accordance with the sustainable development principle. Section 15 of the NPPF refers to 'conserving and enhancing the natural environment' and there sets out that policies and decisions should contribute to and enhance the natural and local environment by protecting and enhancing sites of biodiversity as well as minimise impacts on and provide net gains for biodiversity. A key principle in the NPPF (Para. 180) is that if significant harm to biodiversity, resulting from development cannot be avoided, mitigated, or, as a last resort, compensated for, then planning permission should be required.

Of particular note to Cheltenham is paragraph 177: When considering applications for development within National Parks, the Broads and Areas of Outstanding Natural Beauty, permission should be refused for major development other than in exceptional circumstances, and where it can be demonstrated that the development is in the public interest. More can be found here.

**Planning Practice Guidance**

Development plans and planning decisions have the potential to affect biodiversity. LPAs and neighbourhood planning bodies can work collaboratively with other partners, including Local Nature Partnerships, to develop and deliver a strategic approach. Brownfield land of high environmental value be taken into account. A strategic approach to green infrastructure can provide many benefits including a strong economy, healthy communities and mitigating climate change, among others. Local Plans can designate Local Wildlife Sites & Local Geological Sites. These are areas of substantive nature conservation value and make a contribution to ecological networks and nature's recovery. Cheltenham Borough has 5 (p.40 of the Cheltenham Plan).Local Record Centres are effective mechanisms for facilitating access to environmental information. Gloucestershire Centre for Environmental Records is our partner.

The Gloucestershire Local Nature Partnership was commissioned by the Gloucestershire Joint Economic Growth Committee and the Local Enterprise Partnership (LEP) to develop a Natural Capital Baseline for the county, to allow planners, developers, ecologists and land managers to understand the spatial distribution of the ecosystem services in Gloucestershire. This baseline is a valuable resource which can help guide investment in promoting biodiversity, whilst also ensuring that development proposals have due regard to conserving the natural capital we already have in the county.

**Joint Core Strategy ('JCS')**

The Joint Core Strategy is the development plan for the area and planning decisions must be made in accordance with the development plan unless material considerations indicate otherwise. Biodiversity is given priority through Policy SD9

‘Biodiversity and Geodiversity’. This sets out the principle that development should avoid or satisfactorily mitigate harm to biodiversity or geodiversity of any site, be it designated or not. In addition Policy ENF3 ‘Green Infrastructure’ sets out protection of the green infrastructure network through improving quantity and quality of assets and improving linkages. The policy sets out that existing green infrastructure will be protected in a manner that reflects its contribution to ecosystem services which includes biodiversity.

**Cheltenham Plan**

The Cheltenham Plan is the adopted District Plan and should be read in conjunction with the JCS. It has guidance on a number of topics including Sites of Special Scientific Interest, Local Nature Reserves, Regionally Important Geological Sites and more. It further includes specific policies in terms of protecting local green space from development (Policy GI1), protection and replacement of Trees (GI2 and GI3) and protection of the Cotswold Beechwoods Special Area of Conservation (Policy BG1 and BG2).

**Planning applications**

When considering individual planning applications the planning team must consider the impacts of the proposed development on a wide variety of material planning considerations. This could include, for example, visual impact, impact upon the amenity of neighbouring occupiers, impact upon highway safety and other impacts. Biodiversity is a material consideration and ensuring there is no adverse impact is a priority for planning officers when considering proposals in respect of the above mentioned planning policy framework.

**Environment Act**

The Environment Act received Royal Assent on 9 November 2021, albeit very few provisions are yet in force.

The provisions of particular interest to planning are as follows:

- Environmental targets for air quality, water, biodiversity, resource efficiency and waste reduction and soil health and quality.
- A 'policy statement on environmental principles' explaining how the environmental principles should be interpreted and proportionately applied by Ministers of the Crown (in England) when making policy (except policies for defence, national security and taxation), to which those Ministers must have regard.
- The establishment of the Office for Environmental Protection, which describes its duty as to "protect and improve the environment by holding government and public authorities to account".
- Provisions relating to water and waste, which will have particular impacts on those sectors and consequential impacts on their planning.
- Biodiversity net gain becoming (in due course) a condition of planning permission and a requirement for nationally significant infrastructure projects. And related to this, a system of purchasing biodiversity credits in order that developments can meet the biodiversity net gain objective.
- Local nature recovery strategies covering the whole of England, with boundaries to be determined by the Environment Secretary.
- Species conservation strategies and protected site strategies.

- A power for the Secretary of State for the Environment, Food and Rural Affairs to amend general duties within the Habitats Regulations.

**Biodiversity Net Gain**

Under the Environment Act 2021, all planning permissions granted in England (with a few exemptions) will have to deliver at least 10% biodiversity net gain from November 2023. BNG will be measured using Defra's biodiversity metric and habitats will need to be secured for at least 30 years. This sits alongside:

- a strengthened legal duty for public bodies to conserve and enhance biodiversity,
- new biodiversity reporting requirements for local authorities, and
- mandatory spatial strategies for nature: Local Nature Recovery Strategies or 'LNRS'.

## 6. Planting Tool Kit

In partnership with the University of Gloucestershire, the CBC Climate team is developing an 'urban greening toolkit' aimed at landowners and residents of Cheltenham, who often lack the knowledge or confidence to identify plant and site selection for optimal climate mitigation effects. By looking at the role of landowners and stakeholders in providing valuable habitats through green infrastructure, and addressing some of the barriers which prevent land being used to its full potential, this toolkit for urban greening will create a more resilient town in the face of the climate emergency.

## 7. Local Flood Management

CBC are currently investigating scope to deliver an annual volunteer scheme to pull Himalayan Balsam along the River Chelt. In order to effectively reduce the presence of this non-native, invasive species (which has flood management implications due to bank erosion) the flooding and greenspace team are looking to coordinate a series of control days throughout summer periods.

More directly, sustainable urban drainage systems have the potential to not only to reduce flash flooding during high rainfall, but also in the creation of wetland habitats through retrofitting into existing green spaces and urban areas. Informal swales and top soil scrapes are an integral part of the Springfields Park landscape scheme and reflect a relatively low cost way of achieving similar results.

Watercourse maintenance is approached in a way which encourages biodiversity, in that channels are generally allowed to grow naturally unless maintenance is required as an identified risk to flooding. The council is also exploring areas of watercourses in the Cheltenham catchments where floodwater can be held back through natural barriers and other Natural Flood Management (NFM) techniques. This will likely be in partnership with Gloucestershire County Council who are appointing a NFM Development Officer.

## 8. Next Steps

Work will continue on all of these fronts over the coming year and officers will update on progress through regular member and cabinet member briefings.

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| **Background Papers** | Cabinet Report – Cheltenham's Climate Impact Assessment Tool https://democracy.cheltenham.gov.uk/documents/s41487/Agenda%20Item%207-%20Cheltenham%20Climate%20Impact%20Assessment%20Tool.pdf<br><br>Cheltenham Climate Emergency Action Plan: Pathway to Net Zero https://www.cheltenham.gov.uk/info/61/climate_and_sustainability/1731/climate_emergency_action_plan_-_pathway_to_net_zero#:~:text=Our%20Climate%20Emergency%20Action%20Plan,in%20the%20following%20web%20pages. |
| **Contact Officers** | Adam Reynolds, Green Space Manager, 01242 264260, adam.reynolds@cheltenham.gov.uk<br><br>Mike Redman, Director of Climate Change and Place Services, 01242 264209 mike.redman@cheltenham.gov.uk |
| **Accountability** | Cllr. Iain Dobie, Cabinet Member Waste, Recycling & Street Services |

# Appendix 1

## Picture Gallery

### Springfields Park

2005 before enhancement. Low value biodiversity, high levels of vehicular anti-social behaviour

After biodiversity enhancement in 2010 – aquatic habitat

2010 Contouring and boulders provide habitat and natural play, and have reduced anti social vehicle access

2022 New plant species have appeared over time. One grass cut per year (excluding football pitches)