## South Warwickshire Local Plan

**Preferred Options Consultation**

**Chapter 11: A Biodiverse and Environmentally Resilient South Warwickshire**

The good news: WDC seems to have taken on board most of the comments and suggestions we made in the Issues and Options consultation for this chapter. The result is a set of ‘draft policy directions’ (DPDs) that if implemented in full would maximise biodiversity recovery and environmental resilience.

The bad news: Labour government policy is to ‘build, baby, build’ with much discussion of removing environmental protections as obstacles to development. At the same time the large housebuilders remain focussed on profit ahead of people and planet and will be arguing hard to weaken environmental protections in the plan and then claiming a lack of viability if forced to implement them.

We should therefore be arguing that the Policies emerging from these DPDs should be as robust as possible with mandated requirements rather than recommendations with caveats. The policies should aim to avoid overlap (so that developers are not required to do the same work twice under two different policies) and be internally consistent with other emerging policies in the plan. For example DPD 49 in chapter 11 on agricultural land and how it relates to solar farms needs to be consistent with Draft Policy D in chapter 7 on large scale renewable energy.

Biodiversity, food, water, health and climate are all inter-connected in ways that need to be reflected in our plan as this recent [report](https://www.carbonbrief.org/ipbes-nexus-report-five-takeaways-for-biodiversity-food-water-health-and-climate/?utm_source=cbnewsletter&utm_medium=email&utm_term=2024-12-18&utm_campaign=Cropped+No+UN+deal+for+drought+Brazil+beef+investigations+New+IPBES+reports) from CarbonBrief sets out. It will be important right across the local plan to learn from plans with strong policies from other authorities which have been approved. I think Andy’s suggestion of using AI to develop these could be very helpful. How much we can encourage officers and their consultants along this route remains to be seen.

We need to respond to the current consultation as the Green Party with as many individual submissions as possible. My recommendations for Chapter 11 follow. I have tried to keep to the 100 word count as far as possible.

Happy to discuss further and have these amended by colleagues!

**11.1 Protection of Sites, Habitats and Species**

#### Draft Policy Direction-36 - Protection of Sites, Habitats and Species

The SWLP will include a policy to protect and enhance internationally, nationally, and locally important biodiversity and geodiversity sites and assets, both designated and non-designated, using the evidence-based documents such as the emerging Local Nature Recovery Strategy (LNRS) and the findings of the Habitat Regulations Assessment (HRA) as a guide.

The policy will cover:

Nationally Important and Protected Sites:

* Sites of Special Scientific Interest (SSSIs)
* National Nature Reserves
* Ramsar sites
* Special Areas of Conservation
* Special Protection Areas
* Sites identified for formal designation under the above schemes/categories

Locally Important Sites and Assets:

* Ancient woodland
* Ancient and Veteran trees
* Local Nature Reserves
* Local Wildlife Sites, including potential, and in certain instances rejected ones.
* Sites not yet subject to formal designation but known to make a positive contribution to biodiversity and/or geodiversity
* Irreplaceable habitats (as defined in the [Biodiversity Gain Requirements (Irreplaceable habitat) Regulations 2024](https://www.legislation.gov.uk/uksi/2024/48/contents/made))
* Local Geological Sites
* Sites of geological or geomorphological importance
* Protected rare, endangered, or priority species, particularly those recognised in local biodiversity action plans

The policy will follow the principles outlined in the [Lawton Report](https://webarchive.nationalarchives.gov.uk/ukgwa/20130402151656/http%3A/archive.defra.gov.uk/environment/biodiversity/documents/201009space-for-nature.pdf) of more, bigger, better, and joined up. It will do this by:

* Protecting existing important sites and assets.
* Enhancing existing important sites and assets.
* Identifying opportunities to create and enhance habitat connectivity by identifying new sites for designation.
* Creating new habitats which support Warwickshire target species.

*Support. The mandate to protect, conserve and enhance must be non-negotiable and in no circumstances should offsetting be allowed. The importance of protected sites for natural flood management where appropriate should be highlighted, cross-referenced to draft Policy J in chapter 7 on flood risks.*

*A green / blue map identifying all existing sites, options for new sites and connectivity should form part of the plan. For example Finham Brook in Kenilworth from upstream of the castle across Kenilworth down to the wetland area to be created under the HS2 bridge over the Brook.*

**11.2 Local Nature Recovery Strategy**

#### Draft Policy Direction-37- Local Nature Recovery Strategy

Development proposals will be expected to support the principles of LNRS and demonstrate that a positive contribution will be made to the regional nature recovery network by maintaining and enhancing local ecological networks through habitat creation, protection, enhancement, restoration and/or management.

*Support. As the LNRS is a statutory requirement this is non-negotiable. However LNRS for the Warwickshire, Coventry and Solihull is still in preparation. The next iteration of the draft of the plan should take account of the emerging strategy and ensure that its provisions are hard-wired into the plan. This draft policy direction should also build on the WDC Biodiversity Action Programme and the Warwickshire Wildlife Trust Strategy*

*(*[*https://www.warwickshirewildlifetrust.org.uk/sites/default/files/2022-08/WWT%20Strategy%202030\_final.pdf*](https://www.warwickshirewildlifetrust.org.uk/sites/default/files/2022-08/WWT%20Strategy%202030_final.pdf)*)*

**11.3 Biodiversity Net Gain**

#### Draft Policy Direction-38 - Biodiversity Net Gain

All development proposals (unless exempt) must achieve a minimum of 10% BNG (or any higher percentage mandated through local or national policy/legislation) over the pre-development site value as measured by the DEFRA Statutory Biodiversity Metric.

As work on the SWLP progresses we will explore evidence to seek a higher percentage of BNG above the statutory 10% requirement to achieve greater biodiversity benefits.

Proposals should:

* Be supported by core biodiversity gain information;
* Be secured for at least a 30 year period from the substantive completion of the development;
* Be delivered in accordance with the approved habitat management and monitoring plan;
* Follow the mitigation hierarchy to avoid, minimise, mitigate, compensate/offset loss;
* Aim to achieve the required net gain on-site within the development boundary.

Where a proposal adequately demonstrates in the biodiversity gain plan that the mitigation hierarchy has been followed and the required net gain cannot be fully achieved on-site within the site boundary, it must secure alternative provision of the required biodiversity units through:

* The purchase of registered offsite biodiversity units using the Local Nature Recovery Strategy as a guide and in line with the below locational hierarchy:
	1. Within the Local Planning Authority area where the impact occurs
	2. Within a neighbouring Local Planning Authority area
	3. Within Warwickshire, Coventry and Solihull
	4. Elsewhere in England

or as a last resort,

* The purchase of statutory biodiversity credits from the government.

*Support. In looking at whether BNG in excess of 10% is desirable the plan should draw on the experience of other local authorities where a higher rate has been approved. Measuring BNG is a process involving both evidence and judgement, and the authorities need to be confident that they have the resources and expertise to review and interrogate BNG plans put forward by developers. There is otherwise a danger that this becomes another box-ticking exercise rather than a genuine commitment to enhance biodiversity. SDC and WDC should start now to develop a scheme of offsite biodiversity units within their areas.*

**11.4 Environmental Net Gain**

#### Draft Policy Direction –39- Environmental Net Gain

We will aim to have a policy that requires development to contribute positively to the natural environment by providing measurable net improvements in biodiversity and ecosystem services. The initial focus will be on BNG and carbon sequestration, but the policy will be updated to incorporate other ecosystem services as a comprehensive ENG framework is developed.

*Support. This emerging policy feels like work in early progress. Research needs to be done on other authorities that have introduced similar policies. It will be important to avoid overlap with DPD 38 (BNG) so as not to increase the burden on developers through duplication. A clear definition of how ENG goes above and beyond BNG is important as is how ENG will be measured.*

**11.5 Green and Blue Infrastructure**

#### Draft Policy Direction-40 Green and Blue Infrastructure

New development will ensure that existing and new GBI is considered and integrated into the scheme design from the outset. The functionality, accessibility and quality of existing open space should be reviewed and increased wherever this is possible.

One mechanism to ensure that GBI is delivered in line with the above requirements as well as the Green Infrastructure Framework, is to produce a "Greening Factor" for an area.

A Greening Factor is a planning tool used to improve the provision of Green Infrastructure in an area. When applied to a development site, it provides a threshold for the total area of a site which is expected to be covered by an element of GBI.

It is proposed that the GBI policy in the SWLP provides a Greening Factor for development across the South Warwickshire region. The policy will provide direction in line with the below:

Different Greening Factors will be calculated for major residential development, minor residential development, and commercial development. This is to take account of the significant pressure major residential development places on existing GBI.

The delivery of a greening factor on a site must be based on a baseline assessment of existing GBI, demonstrating that high value assets have been retained and enhanced where appropriate. This must be supported by the submission of a long-term maintenance plan for major developments.

The following green interventions will count towards a development's Greening Factor. These include where green features are present on a site and are retained.

* Trees and hedges, including canopy cover
* Areas of open space, including Green Wedges
* Green roofs and walls
* Multi-functional SuDS
* Community designated Local Green Space
* The enhancement and/or creation of habitats
* Allotments and food growing spaces
* Carbon Sequestration

A Site's BNG contribution will also count towards the overall Greening Factor of a site.

Ecological enhancements will be expected to be delivered in line with the findings of the following evidence-based documents, and designations:

* the emerging LNRS,
* Habitat Regulations Assessment (HRA)
* [Warwickshire, Coventry & Solihull Local Biodiversity Action Plan](https://www.warwickshirewildlifetrust.org.uk/LBAP#:~:text=selection%20of%20priority%20species%20and%20habitats)
* Warwick District Council's Biodiversity Action Programme.
* Nature improvement areas (e.g. Dunsmore Living Landscape)
* [Warwickshire, Coventry and Solihull Green Infrastructure Strategy](https://www.southwarwickshire.org.uk/doc/213175/name/SUB%20REGIONAL%20GREEN%20INFRASTRUCTURE%20STRATEGY%202024%20final.pdf)

The SWLP will expect the above green interventions to be delivered in a manner which further enhances the effectiveness of their deployment. Furthermore, there are considerations for each of the above which go beyond their role in contributing to a Greening Factor. To ensure the SWLP acknowledges this, separate sub-policies will be produced for each. The next section details the direction these policies will take.

*Support. The challenge here will be to develop a robust method for measuring Green and Blue Infrastructure and avoid duplication with the work done to define the baselines for BNG and ENG.*

**11.6 Carbon sinks and sequestration**

#### Draft Policy Direction-41 - Carbon Sinks and Sequestration

* Development will be expected to protect and enhance carbon sinks that are sequestering carbon above a certain threshold. This will be based on the data shown in the map below. The threshold has not yet been set due to the need for further evidence including further Green Infrastructure evidence.
* Where damage or loss is unavoidable then suitable mitigation must be sought through delivery of the Greening Factor as set out in the Green and Blue Infrastructure Policy.
* We will explore the possibility of policies which require a net gain in carbon sequestration.

*Support.*

**11.7 Trees, Hedges and Woodland**

#### Draft Policy Direction-42-Trees, Hedges and Woodland

SDC and WDC will resist the loss of trees of value based on amenity, historic or ecological value, apart from where;

* the tree is dead, dying or dangerous; or
* the tree is demonstrated as causing significant damage to adjacent structures or felling is for reasons of good Arboriculture practice.
* There will be a presumption in favour of the retention and enhancement of existing trees, woodland and hedgerow cover on-site. Trees that fulfil the below criteria must be retained on site, unless there is a sound arboricultural reason not to:
	+ Tree Preservation Orders
	+ Trees in a conservation area
	+ Ancient Woodland
	+ Ancient and Veteran trees
	+ Protected hedgerows
	+ Traditional Orchards
* Development will be expected to increase tree canopy cover, this will be supported by a tree canopy assessment in line with guidance that is to be developed.
* Tree planting will be in line with:
	+ [The UK Forestry Standard 5th edition](https://assets.publishing.service.gov.uk/media/651670336a423b0014f4c5c0/Revised_UK_Forestry_Standard_-_effective_October_2024.pdf)
	+ [The England Trees Action Plan 2021-2024](https://assets.publishing.service.gov.uk/media/60a3ddd1d3bf7f2886e2a05d/england-trees-action-plan.pdf)
	+ Local Tree Strategies and other local strategies
	+ [A guide to planning new woodland in England](https://www.gov.uk/government/publications/a-guide-to-planning-new-woodland-in-england)

### *Support.*

### **11.8 Parks, Gardens, Food Growing, Open Space and Local Green Space**

#### Draft Policy Direction 43a- Local Green Space

* LGS currently within adopted Neighbourhood Plans will be rolled over into the SWLP plans.
* New Local Green Space designations will be supported, and these will be updated and shown on policies maps.
	+ Existing Local Green Space proposals, including RURAL.4 of the Stratford-upon-Avon Site Allocations Plan will continue to be progressed, informed by consideration of any reasonable alternatives.

#### Draft Policy Direction-43b- Registered Parks and Gardens

* The policy will protect and where possible enhance registered parks and gardens.
* Support efforts to reinstate landscape or built features which contribute positively to the historic interest of the park or garden.
* where extensions are proposed to properties backing on to registered communal grounds, they must preserve the significance of views into, from and across the garden, including any impacts from pollution, as listed in the above Pollution Policy.

#### Draft Policy Direction 43c- Open Spaces

* Development involving the loss of open space will not be permitted unless significant public benefits outweigh the loss.
* The Councils will seek to enhance and improve open space and to provide new areas of open space where there is a deficiency in quantity, quality or accessibility.
* New development will be required to ensure adequate provision of open spaces in line with future guidance.
* It is expected that open spaces will be provided in the first instance onsite and only when it can be demonstrated that this is not achievable physically to deliver, then an off-site contribution will be sought to enhance or provide new open space, within 400m of the development. Technical evidence will be obtained to determine thresholds for open space provision.
* We will seek opportunities to improve access and accessibility to open spaces for all users.

#### Draft Policy Direction 43d-Urban Parks and Play Areas

* Developments will be required to ensure adequate play provision is provided in line with future guidance.
* It is expected that play spaces will be provided in the first instance onsite or in the immediate vicinity and only when it can be demonstrated that this is not achievable physically to deliver, then an off-site contribution will be sought.
* Develop better and more local and inclusive play spaces for all users
* Create a more child friendly public realm by encouraging the provision of play spaces in wider urban settings.
* Multi Use Games Areas (MUGA) will be requested as part of Major development sites and the aspiration is that every resident will have a MUGA available to them within 15 minute's walk. This will help foster community cohesion and help with active lifestyles. Should there be insufficient space to provide a MUGA onsite or other demonstrable reason why this cannot be provided, then an off-site sum will be requested to enable the creation or enhancement of existing facilities. Design guidance for MUGA's will be outlined in future guidance.

#### Policy Direction 43e Allotments, Orchards and Community Gardens.

* Developments should seek to provide space for food growing. Technical Evidence will be obtained to inform and provide guidance.
* Food production spaces should be provided onsite in the first instance and only where it is robustly demonstrated that it is not feasible or practical to provide this onsite will an off-site commuted sum to enhance or provide new facilities be considered.
* Consideration should be given in orchards to the species selected which should be a mix of local species and also climate resilient species in line with future guidance. A management and maintenance plan will also be needed.
* To ensure that these developments contribute towards biodiversity at the design stage as well as at the use stage i.e. ponds, natural hedging and the inclusion where possible of bee hives

*Most of these policy areas are a roll-over from the current local plan. The new policies should be developed on basis of a thorough review of the effectiveness of the current policies with the addition of new and emerging research on how to achieve these goals.*

**11.9 Outdoor sports and leisure**

#### Draft Policy Direction-44- Outdoor Sports and Leisure

* The redevelopment of existing community, sport and leisure uses and land formerly used as such to other uses will only be supported where it can be demonstrated that: there is no need or demand for such uses on the site and adequate alternative provision is available to meet the needs of the area; equivalent or better replacement facilities are secured on or off site that are equally accessible to the community or the development is for an alternative sport or leisure facility or use the benefits of which clearly outweigh the loss of the current or former use.
* Where strategic residential development is proposed the provision of new facilities will be sought. The needs for sports and leisure will be assessed on a case-by-case basis depending on the type of development, the location of the site in relation to existing facilities and the capacity of existing facilities. Evidence of this will be available within the Playing Pitch Strategy, and an outdoor and .
* Proposals for the extension or redevelopment of existing community, sport or leisure facilities to expand and/or diversify the existing use will be supported.
* Outdoor sports and leisure provision will be easily accessible for all users.

*Support. This builds on the policies in the existing local plan.*

**11.10 Areas of restraint**

#### Draft Policy Direction-45- Areas of Restraint

* Areas of Restraint will be utilised across the two districts, with Stratford designations being reviewed, and new designations being identified within Warwick where appropriate.
* Areas of Restraint will seek to protect areas that make an important contribution to the character of the settlement.
* The policy will seek to ensure that development does not harm the open nature of these identified areas, unless the scheme has demonstrable community benefits and contributes significantly the Local Plan's core objectives.
* Projects which enhance the character and visual amenity of Areas of Restraint will be encouraged, as will the promotion of beneficial uses such as public access, nature conservation and food production.

*Support. 11.10, 11.11, 11.12 and 11.13 all refer to designated areas with slightly different objectives and protection regimes. The final policies need to be clear as to the exact definitions in each case and to ensure there are no overlaps and contradictions. Too much complexity will be difficult for developers to address and may make it difficult for planning officers and planning committees to come to reasonable decisions. While there is clearly a need for enhanced protection of certain areas outside those covered in 11.1 it is important to avoid over-engineering the policies.*

**11.11 Protecting the Cotswold National Landscape**

#### Draft Policy Direction-46- Protecting the Cotswold National Landscape

* The Cotswold AONB/National Landscape Policy will remain largely the same, however a buffer zone will be introduced to help ensure that we are pro-actively responding to the duty to 'seek to further' the purpose of conserving and enhancing the natural beauty of the area.
* The Buffer Zone will assist development management officers, and those wishing to develop within the setting of the National Landscape.
* The buffer zone will not be an extension to the National landscape Designation.

*Support.*

**11.12 Special Landscape Areas**

#### Draft Policy Direction 47- Special Landscape Areas

South Warwickshire contains some very special landscape areas, and in order to ensure these are suitably protected and their character maintained Special Landscape Areas will be designated across both Stratford on Avon and Warwick.

The SLA designation will not restrict development, but instead ensure that development in these areas does not have a harmful impact on the areas' distinctive character and appearance.

*Support. This policy will require the designation of special landscape areas in Warwick district to add to those already identified in Stratford. This designation should be done in conjunction with Warwickshire Wildlife Trust and town and parish councils. Careful drafting will need to ensure there is no overlap with other policies and so as to minimise the burden on developers.*

**11.13 Protecting and enhancing landscape character**

#### Draft Policy Direction-48- Protecting and Enhancing Landscape Character

Development will avoid detrimental effects on the landscape setting and on features which make a significant contribution to the character and setting of an asset, settlement or area. Where a proposal would result in landscape harm, the general principle is that it should be refused unless there would be an over-riding benefit of the development for instance to meet an evidenced local housing need. Developments will require high quality landscaping schemes that positively contribute towards enhancing the character and amenity of the landscape and seek to incorporate measures to minimise and mitigate the effect of development upon the landscape, while also seeking to minimise the cumulative effect of development to prevent coalescence. These schemes will consider the landscape context, local distinctiveness and historic character and landscape, including tranquillity.

* Developments will take into account the local topography and built form, as well as key local views and vistas and seek to avoid creating hard developed edges to the open countryside.
* We will explore the need for major developments applications to require a full Landscape Visual Impact Assessment.
* We will explore the possibility of requiring long-term management and maintenance (minimum of five years) of new landscape proposals to ensure their establishment. Evidence will be gathered to inform this approach.

*Support. As with DPD 47 clear definitions will be required as well as clarity as to which areas are covered by this designation (as is done with the greenbelt).*

**11.14 Agricultural Land**

#### Draft Policy Direction-49- Agricultural Land

* Development outside the identified growth strategy sites/ settlements will be required to protect best and most versatile agricultural land.
* Any development that is put forward in the best and most versatile agricultural land will need to demonstrate that the benefits of the development outweigh the harm.
* The large-scale renewable energy developments will be prioritised on the poor-quality agricultural land (Grades 3b, 4 and 5).

*Support. Following recent controversies over planning for solar farms this DPD is to be welcomed. Combined with a strong mandate elsewhere in the plan to support rooftop solar PV on all new residential and other buildings this should provide a strong framework to drive forward local renewable energy generation in the most appropriate places. It needs to be combined with (presumably nationally agreed) measurement of the quality of agricultural land. Whether the quality of agricultural land addresses soil-quality as one of the criteria is presumably outside the scope of this plan, but highly relevant to biodiversity recovery across the districts.*