



Awareness and Use of Biodiversity Opportunity Areas and Kent Nature Partnership's Local Plan Advice by Local Planning Authorities

Introduction

This report details the results of research undertaken by Kent Wildlife Trust on behalf of the Kent Nature Partnership (KNP) to ascertain:

- How Biodiversity Opportunity Areas (BOAs) are being used by each Local Planning Authority including an assessment of how each of the Local Planning Authorities is referring to BOAs in their Local Plans, if at all.
- The extent to which Local Wildlife Sites are being protected in Local Plans through policy detail, supporting text or in constraint maps.
- The level of awareness of the Local Plan Advice produced by the Kent Nature Partnership, whether or not it has been used, and any barriers to use.
- Examples of good policy practice.
- Additional training or information needs for the Local Planning Authorities and engagement opportunities for the KNP on planning issues.

What are Biodiversity Opportunity Areas?

Biodiversity Opportunity Areas show where action to enhance biodiversity should be focussed in order to secure the maximum biodiversity benefits. It sets out the conservation priorities for biodiversity within each area, so that habitat enhancement, restoration and recreation projects make the most of opportunities to establish large habitat areas and networks of wildlife habitats (www.kentbap.org.uk/kent-boas/).

What are Local Wildlife Sites?

It is recognised that features and sites of significant nature conservation interest exist outside the network of statutorily protected wildlife areas in the UK. One method for the conservation of wildlife outside these statutory sites is the identification and designation of Local Wildlife Sites.

In Kent, Local Wildlife Sites have been identified and designated since 1985, originally by the Kent Biodiversity Partnership and now by the Kent Nature Partnership. There is now a

network of around 460 sites in the current administrative areas of Kent and Medway. The sites cover a total of around 27,000 hectares, or roughly 7% of the county's land area.

The primary purposes of the Local Wildlife Sites system are:

- a) To help secure the protection of nationally and locally threatened habitats and species, particularly where these are identified in the England and Kent Biodiversity Strategies.
- b) To clearly identify sites of substantive nature conservation value that should be protected from damage.
- c) To provide a framework for the targeting of management work, advice, grant aid and other activities in order to secure the effective conservation of the most important features of Kent's biodiversity.

Kent Nature Partnership's Local Plan Advice

Owing to limited capacity to comment on Local Plans, KNP developed a self-assessment checklist and guidance note to help planning authorities ensure that relevant nature considerations are included in their Local Plan. It can be found here:

<http://www.kentnature.org.uk/planning-policy-advice.html>

Methodology

To ascertain the representation of BOAs and Local Wildlife Sites in strategic planning documents and examples of good policy practice, Local Planning Authority consultation websites were examined for their Local Plan development documents. The Local Development Scheme and the Evidence Base were also examined in this way. Consultation responses made by Kent Wildlife Trust have been used where documents are under review subsequent to consultation.

To ascertain the awareness of the Local Plan Advice, whether or not it has been used, and any barriers to use, telephone interviews were undertaken with the most relevant representative of the Local Planning Authority that was available while the work was being undertaken (the last two weeks of January 2017).

Any additional training or information needs for the Local Planning Authorities or engagement opportunities for the KNP were identified both through identification of gaps within strategic and supporting planning documents and through the telephone interviews.

The questions asked of each interviewee can be found in Appendix 1.

Limitations

Development of strategic planning documents can take a few years, with several years in between reviews. Inevitably the Local Planning Authorities are at different stages, from beginning the review of plans adopted prior to the National Planning Policy Framework to nearing adoption of Development Management Policy documents.

Inevitably there is a degree of staff turnover during these periods. Only in one instance was the most relevant person (who was still employed by the Local Planning Authority) unavailable owing to annual leave.

No prior warning was given of the telephone interviews, so answers to questions were 'off the cuff', most notably questions about information gaps and training needs.

Results

The results are presented in Table 1. Only three of the nine available Local Plans included specific reference to Local Wildlife Sites in their policy wording. Five of these Local Plans made specific reference to Biodiversity Opportunity Areas in policy wording. The spatial representation of these areas is more complex but many of the available Local Plans do not show either Local Wildlife Sites or Biodiversity Opportunity Areas on their constraints maps.

Some of the answers given during the telephone interviews do not suit tabular format, and sometimes strayed from the questions asked, but it is considered that what was said may be useful and this is therefore presented in Appendix 2. At least one interviewee wished to remain anonymous in this respect, so removing these from the table also addressed this issue.

Table 1. Summary of references to Local Wildlife Sites and Biodiversity Areas in Local Plans

Local Authority	Local Plan Status (as of Jan 2017)		Policy wording reference	Supporting text reference	Maps	Aware of/use of KNP planning guidance?	If KNP planning guidance not used, why?
Ashford	Draft Local Plan 2030 Preferred Options (regulation 19)	LWS	Env1 Biodiversity, Env2 Ashford Green Corridor; NOT in site-specific policy	Yes	No	Yes, used in formation of Green Corridor policy	N/A
		BOA	Env1 Biodiversity; NOT in site-specific policy	Yes	Yes on separate map		
Canterbury	Local Plan Publication Draft 2014 at Examination (July 2016)	LWS	Policy LB7	"locally designated sites"	Yes on proposals maps	New in post but vaguely aware of it. Believed it was used in formation of plan.	N/A
		BOA	Policy LB8	Yes	No		
Dartford	Development Policies Local Plan 2015 at Examination (at Main Modifications)	LWS	Policy DP25 "nature conservation and enhancement" BUT only states, "nationally recognised and other protected	Yes in "nature conservation and enhancement paragraph 15.22	Very loosely as indicative areas in figure 7 and submission policy map 11	Yes, through Planning Policy Forum, and it was referred to during policy formation (DM).	N/A

			sites”				
		BOA	DP25 “nature conservation and enhancement”	“nature conservation and enhancement” paragraph 15.25	Yes in submission policy map 12		
Dover	Land Allocations Local Plan adopted Jan 2015. Due to begin review of Local Plan soon.	LWS	Some site-specific policy, such as reference to LWS in Policy LA6 for “Former Melbourne County Primary School”	“natural and historic environment” paragraph 2.19	No	No.	Unaware of document. Local Plan adopted 2010.
		BOA	No	No	No		
Gravesham	Currently developing DM policies for consultation.	LWS	N/A	N/A	N/A	Relevant officer unavailable but would be surprised if not aware of it.	N/A
		BOA	N/A	N/A	N/A		
Maidstone	Local Plan	LWS	Policy DM3 “historic	LWS referred to	Not on allocated	Yes, was aware	N/A

	Publication 2016 at Examination (Dec 2016 Interim findings)		and natural environment” refers to avoiding damage to “internationally, nationally and locally designated sites of importance for biodiversity”	in paragraph 17.24	sites maps or on map 1, which shows where development should be restricted	of the documentation. New in post but colleagues had used it, particularly in the Green and Blue Infrastructure Strategy	
		BOA	Policy DM3 refers to avoiding damage to “Local Biodiversity Action Plan priority habitats” and “enhance, extend and connect designated sites of importance for biodiversity, priority habitats and fragmented Ancient Woodland”	No	No		
Medway	Currently (Jan 2017) consulting on Reg18 stage 2.	LWS	No	No	No	Yes, and intend to use it at appropriate stage.	Considered too early.
		BOA	No	No	No		

Sevenoaks	Early stage of Local Plan preparation- no formal consultation as yet. I&O due spring/summer 2017.	LWS	N/A	N/A	N/A	Yes, but have not used it.	Considered to be at too early a stage for it to be useful.
		BOA	N/A	N/A	N/A		
Shepway	Places and Policies Local Plan 2016 Preferred Options	LWS	Policy NE2, only as “locally designated sites” bullet point 4; Site specific policy: UA25 Princes Parade, Hythe and LWS SH26.	No	No	Yes, and did refer to it while formulating documents.	N/A
		BOA	Policy NE2	Yes paragraph 13.7	No		
Swale	Local Plan Part 1 2014 post-examination	LWS	KWT made recommendations to include within Policy CP7, new documents not yet available. KWT made recommendations to include within the site specific policy.	No	Yes on publication proposals map	Yes, used it informally as a helpful starting point.	N/A

		BOA	KWT made recommendations to include within site-specific policy for three site allocations for North Kent Marshes. New documents not yet available.	No	No		
Thanet	Local Plan to 2031 Preferred Options (regulation 19) waiting for Examination	LWS	Chapter 12 Policy GIO1	Yes in paragraph 12.1 and 12.2 refers to LWS and RNRs	Shown in document on "Thanet's existing green infrastructure" indicative map	Yes. Also aware of BOAs, though principle officer with responsibility not available. Used it.	N/A
		BOA	SP23 and SP24	Yes paragraph 4.35 and paragraph 4.40	No		
Tonbridge & Malling	Preferred Option due first half of 2017	LWS	No biodiversity policy; Not in site-specific policy	No	No not shown in Key Constraints map or in Site Allocations	Yes, but haven't used yet.	At early R18 stage, so it's not seen as particularly useful at the moment. Have had regard to it, but the response pro-forma is of limited use until working on policy wording. Needs more flexibility. Perhaps needs to better reflect the different stages of Local Plan development and the various documents that are developed. Do not know what the targets are (habitats and area) and KBS
		BOA	No	Yes in "Kent Habitats and the Natural Environment"	No		

							too broad.
Tunbridge Wells	Early stage of Local Plan preparation- no formal consultation as yet. I&O due spring/summer 2017.	LWS	N/A	N/A	N/A	Yes. Filled it in with intentions despite being pre-I&O. Would be nice if someone could look it over.	N/A
		BOA	N/A	N/A	N/A		

Conclusion

Owing to the relatively small sample set and qualitative nature of the results, no formal analysis has been carried out. We leave the reader to draw their own conclusions from the results presented in Table 1 and Appendix 2 based upon their own needs and expectations. However, a number of recommendations have been drawn out, with the broad aim of supporting Local Planning Authorities in meeting the aims of the Kent Biodiversity Strategy. These are presented below. It is beyond the scope of this report to prioritise or examine funding mechanisms for these recommendations.

Local Plan Policy Recommendations

As a result of this review, it is recommended that a Local Planning Authority includes:

- BOA and Local Wildlife Site information within the policy wording of any Local Plan policy on biodiversity. This policy should explicitly state that Local Wildlife Sites should be protected from inappropriate development; and that BOAs should be used for targeted enhancement or habitat creation in order to improve nature conservation networks.
- BOA and Local Wildlife Sites should be included within specific site proposals in any Site Allocation DPD. This is particularly important because this is where Local Plans often have “prescriptive” individual site details and accurate site maps. This adopted policy will be used by the Development Management Team, in order to assess a planning application against it. They will therefore be able to see immediately that the BOA or Local Wildlife Sites needs to be part of their consideration and negotiation with developers. This is a very powerful overlap between policy and casework and ensures continuity between these two areas of planning work.

Recommendations

The following suggestions are provided for consideration. They have arisen from the research for this report but also informal discussions with planning officers during BOA workshops in 2016.

- Investigate the best way to provide the Local Wildlife Site and BOA information to Local Planning Authorities for constraint maps. While Local Wildlife Site Geographic Information System (GIS) layers are provided to local authorities, it would appear that this does not always filter through to planning departments.
- Provide more detailed habitat and species information for each specific BOA. This could take the form of recommended enhancement measures for any developments proposed within these areas, ‘design for biodiversity’ tailored to each area.
- Break down the targets within the Kent Biodiversity Strategy to the borough level.
- Improve communication between Local Planning Authorities, particularly those at different stages, to allow sharing of successful policy wording, evidence approaches etc. Providing a forum for such communication, or workshops, may be popular.
- Revise Planning Protocol Guidance to better reflect plan making process, particularly expanding guidance on stage-by-stage measures.

- Provide recommended policy wordings that have passed the examination stage. A couple of examples are presented in Appendix 3.
- Consider providing guidance as to how the targets can be delivered through the planning process, particularly how it relates to development management in the face of viability arguments.
- Provide guidance for recommended evidence base documents.

References

Biodiversity Opportunity Areas in Kent leaflets from www.kentbap.org.uk

Kent Wildlife Trust (2015) Local Wildlife Sites in Kent (formerly Sites of Nature Conservation Interest) Criteria for Selection and Delineation Adopted by the Kent Nature Partnership October 2015 version 1.5.

Appendix 1: Questions asked during telephone interviews with Local Planning Authority officers

Question 1	Are you aware of the guidance that Kent Nature Partnership produced to assess Local Plan policies against the Kent Biodiversity Strategy? (strategic priorities for the natural environment in Kent)			
Answer	Yes	No		
Question 2	Did you use, or do you intend to use, this guidance in the development of your Local Plan?		Would you be interested in receiving this guidance?	
Answer	Yes	No	Yes	No
Question 3	Would any further information, guidance or training be useful to you with regard to addressing environmental policy in your Local Plan?	Why not?	[Send link to guidance]	Why not?

Appendix 2: Answers provided to question 3, and any additional comments made during telephone interviews

NOTE: These are not direct quotes. They are not attributed and only provided for consideration.

- We have engaged with KNP partners as part of the plan consultation process [said by a number of officers]
- Officers have attended meetings of KNP.
- We have tried to engage with KNP without success.
- Happy to engage with KNP and other on environmental issues, but didn't get much back from attempts to engage with KNP.
- Not familiar with guidance documents, nor with the Kent Nature Partnership. Would welcome documents and further guidance if available.
- The guidance perhaps not well publicised.
- Guidance not terribly useful.
- Yes, was aware of document. Too early a stage for it to be useful.
- Have arranged workshops themselves for stakeholders to input and value this kind of event.
- Model policies/case studies/good practice examples would be useful, including delivery which is a key issue.
- We would like a list of simple measures that lead to increase in biodiversity on developments that we can ask developers for.
- Signposting the range of guidance available for biodiversity design would be helpful.
- 'How to green development' would be helpful. Happy to host workshops.
- A general refresher regarding biodiversity policy and legislation would be useful, particularly for Development Management.
- Would like a better understanding of SAMMS.
- Development Management seen as more of an issue – need help interpreting policies for specific proposals.
- We have no internal expertise and rely a lot on input from statutory agencies and NGOs. It is useful to know who can be drawn on for this kind of input.
- We perhaps need more hand-holding with regard to what the priorities and targets are for our area.
- We have no in-house expertise so really need external help if to do a good job.

- Internally there is a lack of understanding of Local Wildlife Sites and other designations.
- Currently undergoing a major review of planning services at present, skills gaps unknown at this stage.
- Do we need a separate evidence document for biodiversity?
- We use BS42020.
- We have a lack of resources, but have high Green Infrastructure aspirations.
- There are lots of different regulations, legislations and policies, as well as the different designations, and dealing with differing responses from different stat agencies and NGOs is problematical – no unified voice from environmental sector.
- Development Management policies that require contribution to the KBS are hard to justify in the face of viability arguments, and there are limited positive contributions.
- Need more recognition of significant differences between the LAs, including urban vs rural.
- Need greater understanding of planners' role and more targeted approach.

Appendix 3 Examples of policy including Local Wildlife Sites or BOAs

Canterbury District Local Plan 2014

This is an example of biodiversity policy which includes specific reference to Local Wildlife Sites:

Policy LB7 Locally Designated Sites

Development or land-use changes likely to have an adverse effect, either directly or indirectly, on:

Local Wildlife Sites;

Local Nature Reserves; or

Regionally Important Geological / Geomorphological Sites

will only be permitted if the justification for the proposals clearly outweighs any harm to the intrinsic nature conservation and/or scientific value of the site. Where development is permitted on such sites, careful site design should be used to avoid any negative impact. Where negative impact is unavoidable, measures must be taken to ensure that the impacts of the development on valued natural features and wildlife have been mitigated to their fullest practical extent. Where mitigation alone is not sufficient, adequate compensatory habitat enhancement or creation schemes will be required. Any application affecting locally important sites will be expected to demonstrate enhancement measures to benefit biodiversity.

This is the supporting text, which whilst not part of the policy, does add important context to its interpretation):

Locally designated sites

10.43 There are Local Nature Reserves at Bishopstone Cliffs, Larkey Valley Woods, Seasalter Levels, Bus Company Island, Foxes Cross Bottom, Curtis Wood, Tyler Hill Meadow, Jumping Downs, No Man's Orchard and Whitehall Meadows. The network of local sites is strategically important for delivering biodiversity targets as they contain many important habitats such as ancient woodlands and lowland grassland. Local Nature Reserves are protected by statute, under Section 21 of the National Parks and Access to the Countryside Act 1949, and amended by Schedule 11 of the Natural Environment and Rural Communities Act 2006, by principal local authorities and are designed to increase the public enjoyment and understanding of nature as well as promoting nature conservation.

10.44 The District also contains a range of habitats and geological features of local significance designated as Local Wildlife Sites (LWS). Local Wildlife Sites are non-statutory sites of significant value for the conservation of wildlife. These sites represent local character and distinctiveness and have an important role to play in meeting local and national targets for biodiversity conservation. There are 49 Local Wildlife Sites in the Canterbury District.

10.45 Roadside Nature Reserves (RNR) are a network of roadside verges that have been identified through the Road Verge Project (a partnership between Kent County Council, Kent Highways and Kent Wildlife Trust) as containing scarce or threatened habitats or species. Due to their linear nature they also act as important wildlife corridors, enabling species to

travel between other habitats. They are managed by Kent Wildlife Trust. There are nine RNRs in the Canterbury District.

This is an example of policy that makes specific reference to Biodiversity Opportunity Areas, again extracted from Canterbury District Local Plan 2014:

Policy LB8 Landscape Scale Biodiversity Networks

New development will need to:

avoid the fragmentation of existing habitats and support the creation of coherent ecological networks through both urban and rural areas; and

retain, protect and enhance notable ecological features of conservation value such as ancient woodland, neutral grassland, hedgerows, trees, wetlands, river corridors and other water bodies, and habitats that offer breeding or feeding sites of local importance to populations of protected or targeted species. Only lighting that has been sensitively designed to minimise disturbance to protected species and their food sources (e.g. low level, directed, warm, tinted lighting) will be permitted.

Strategic opportunities for biodiversity improvement will be actively pursued within the Biodiversity Opportunity Areas. Development which significantly damages opportunities for improving connectivity of habitats in these strategically important areas will be refused.

This is the supporting text:

Landscape Scale Biodiversity Networks

10.48 Traditionally, nature conservation has focused on protecting important sites. This approach has been successful, however it, alone, cannot sustain biodiversity in the long-term. Important sites are still fragmented and isolated from one another. In order to successfully conserve a viable natural environment, there is a need to reconnect biodiversity with ecosystems, and change the scale of work towards a landscape focused habitat network. This is particularly important for a changing climate which is likely to affect natural species distribution.

10.49 Improving, connecting and extending wildlife-rich areas allows species to be more robust in their existing environment, and move through the landscape in response to changing conditions in the environment. As well as enabling populations of the same species to colonise new areas, it increases their potential genetic diversity and likelihood of resilience to disease and climate change. There is a need to increase the quality of the entire countryside for wildlife and ensure a healthy and functional environment. This is vital to our own quality of life. Connected habitats are important in rural, urban and suburban areas, with private gardens offering great potential for biodiversity in their own right and as connections to the wider landscape.

10.50 Biodiversity Opportunity Area (BOA) maps (produced by South East Biodiversity Forum) are a reflection of the areas where biodiversity improvements are likely to have the most beneficial results for establishing large habitat areas and/or networks or wildlife habitats. The Council will therefore pursue net gains for biodiversity in and around BOAs, and projects which seek to enhance biodiversity within the Canterbury District will be supported.