

BNG Habitat Bank report for Committee

AGENDA ITEM

Planning Committee 12th June 2024

Application No. 24/00715/HABITA

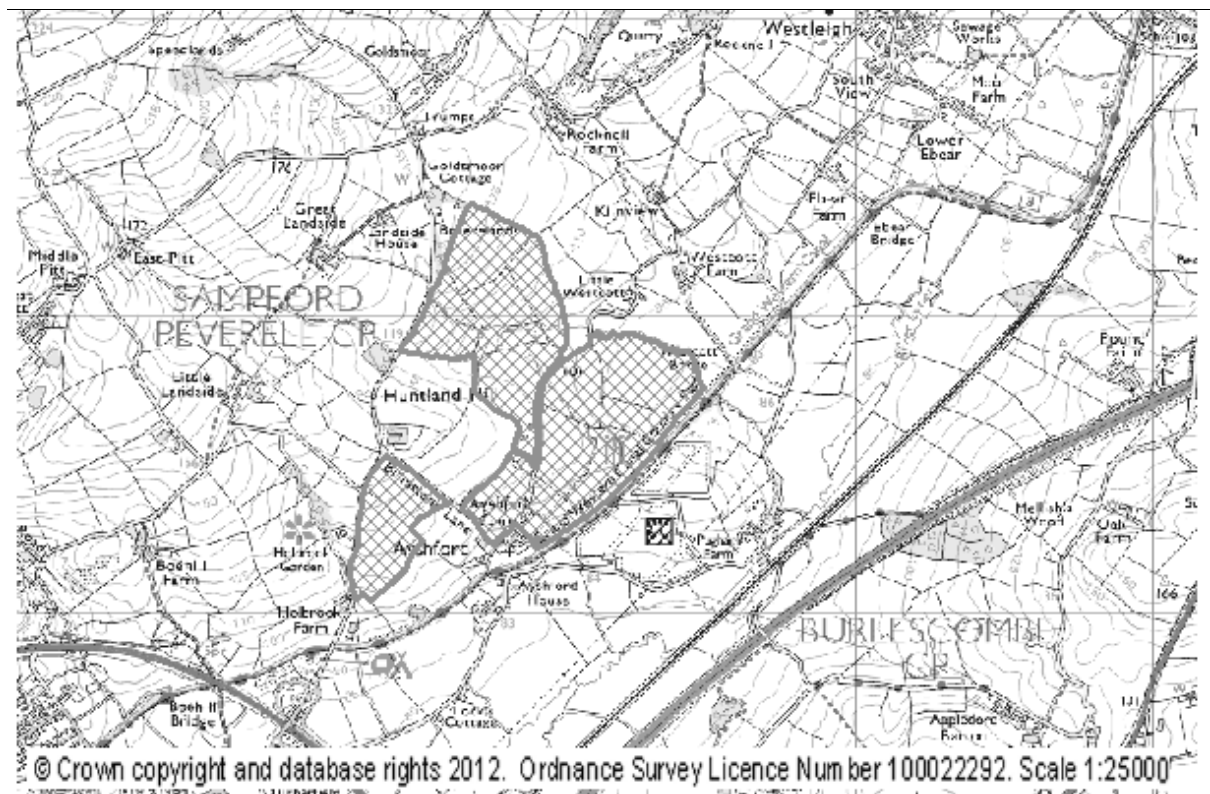
Grid Ref: 304882 : 115589

Applicant: Mr Simon Caudwell

Location: Higher Ayshford Farm
Westleigh
Tiverton
Devon

Proposal: BNG Habitat Bank - 59.85ha

Date Valid: 13th May 2024



REFERENCE NO: 24/00715/HABITA

RECOMMENDATION

To approve the signing of a S106 agreement to secure a Biodiversity Net Gain Habitat Bank of 59.85ha.

PROPOSAL

This is a proposal to create a BNG Habitat Bank of 59.85ha on a site within the Local Planning Authority of Mid Devon. Under Schedule 14 of the Environment Act 2021, all developments need to deliver at least a 10 % increase in biodiversity as a result of their proposals; Biodiversity Net Gain (BNG). This can be delivered on-site or off-site. Habitat Banks are one-off solutions that unlock more sustainable development locally and meet wider nature recovery objectives.

The Site, at Higher Ayshford Farm is to the north and north east of the hamlet of Ayshford. The site comprises 16 fields, over three separate parcels of land, which are currently actively managed for agricultural purposes. The site is outside of any landscape designation and within flood zone 1. The Grand Western Canal Conservation Area is located adjacent to the south eastern boundaries of the site. To the south are a number of listed buildings, including the Grade I Ayshford Chapel and Grade II* Ayshford Court.

In terms of the baseline for the site, the Habitat Bank comprises 5 fields totalling 14.85ha as arable leys, 11 fields totalling 40.48ha as cereal crop and 1.78ha area of intensive orchard within an arable field. Other areas of habitat found within the site include, hedgerows, woodland and riparian habitats including ditches and ponds.

The site will be managed as a biodiversity unit bank for a minimum period of 30 years. The proposed habitats for the site will be made up of primarily species-rich grasslands within retained hedgerow borders.

A Habitat Management and Monitoring Plan (HMMP) details the habitat creation and long-term management proposals required to achieve the proposed habitats. The management period is defined by net gain principles and planning obligations associated with the proposed development and so must cover a minimum 30-year period. The plan is designed to be an adaptive, 'live' document and should be reviewed and amended regularly to ensure the management objectives remain fit to achieve their intended aims over the 30-year management period. Third party oversight of the HMP will be carried out by Mid Devon District Council as the Local Planning Authority, who would review progress of the habitat bank against the proposed management objectives.

APPLICANT'S SUPPORTING INFORMATION

Habitat Management and Monitoring Plan, Statuary BNG Metric

RELEVANT PLANNING HISTORY

There is no relevant planning history on this site.

DEVELOPMENT PLAN POLICIES

Mid Devon Local Plan 2013 – 2033

S9 Environment

S14 Countryside

DM25 Development affecting heritage assets

National Planning Policy Framework

National Planning Practice Guidance

The Environment Act 2021

2021

CONSULTATIONS

N/A

MATERIAL CONSIDERATIONS AND OBSERVATIONS

As referred to earlier in this report, the applicant is seeking to establish a Habitat Bank on the site. Habitat Banks are one-off solutions that unlock more sustainable development locally and meet wider nature recovery objectives. They are large-scale habitat creation and enhancement projects that deliver an uplift in biodiversity value and restore nature at scale. The uplift in biodiversity is measured by the current version of the Statutory Biodiversity Metric (Defra, 2023) (the Metric) and translated into Biodiversity Units (BU) that can then be sold to developers to meet their BNG obligations that are now mandatory.

The main issues in the determination of this application are:

- **Principle of this site as a Habitat Bank**
- **Site Specifics**
- **Biodiversity Net Gain (BNG)**
- **Section 106 agreement and monitoring**

1. Principle of this site as a Habitat Bank

1.1 The area habitats within the site totals 57.11ha. The HMMP submitted as part of this proposal for a habitat bank, envisages that the existing areas of cropland will be replaced by the creation of species-rich neutral grassland swaths, through the introduction of species rich seed mix and the implementation of more favourable management. Existing areas of modified grassland will be enhanced by introducing a species rich seed mix and again more favourable management. The other habitats found, such as hedgerows, woodland, ditches and ponds will be retained as present due to their being difficult to enhance, and/or little scope for improvement from a BNG perspective.

1.2 In light of the requirements of the Environment Act, to secure a 10% net gain of biodiversity from developments, it is considered that the principle for the creation of a habitat bank is acceptable.

2. Site Specifics

2.1 As previously identified, the site is situated close to the hamlet of Ayshford, and adjoins the Grand Western Canal. There are a group of listed buildings close to the site, including a grade I and grade II* listed building. The proposed use of the site as a habitat bank is not considered to adversely affect these heritage assets.

- 2.2 A variety of protected species have been identified in the area, however once the created habitats are established, the project will have a positive impact on these species.
- 2.3 The site is in an open countryside location and is not within any allocations within the Mid Devon Local Plan.
- 2.4 Habitat Banks are large-scale habitat creation and enhancement projects that deliver an uplift in biodiversity value and restore nature at scale. The Habitat Management and Monitoring Plan (HMMP) details the habitat creation and long-term management proposals required to achieve the proposed habitats across the period of 30 years.

3. Biodiversity Net Gain (BNG)

- 3.1 A baseline habitats survey was undertaken to establish a baseline for the site, as well as to understand the local ecological priorities for biodiversity enhancement design, and to inform the proposed management measures that would need to be actioned for the lifetime of the project. Soil sampling has been carried out to demonstrate that the soil types across the site are favourable to grassland habitats.
- 3.2 The baseline habitats for the site are:
- Modified grassland (0.48 ha) in Good condition
 - Modified grassland (1.2 ha) in Moderate condition
 - Modified grassland (12.89 ha) in Poor condition
 - Cereal crops (40.46 ha) in condition assessment N/A
 - Intensive orchard (1.78 ha) in Poor condition
 - Broadleaved woodland (2.62 ha) in Moderate condition
 - Pond (non-priority) (0.05 ha) in Poor condition
- 3.3 Following the detailed assessment including desk study and field survey, the following habitats are proposed which are considered beneficial for the Site, the local area, and which contribute to local ecological targets. The proposed habitats for the Site are:
- Other neutral grassland (55.33 ha) in Good condition
 - Traditional orchards (1.78 ha) in Good Condition
- 3.4 These habitats have been deemed the most suitable for the prevailing soil conditions and will complement the other retained habitats and existing areas of wildlife interest.
- 3.5 It has been stated that prior to creation works, the baseline habitats equated to 142.84 habitat Biodiversity Units (BU). Following creation works, the site will provide a total net gain in 547.48 habitat BU, before baseline has been accounted. As such the creation of the Habitat Bank will produce an overall biodiversity increase of 404.64 habitat BU, which equates to a biodiversity net gain of 283.28%.
- 3.6 The creation of the habitat would be phased, and it is anticipated that habitat creation will not be commenced until the units have been purchased by third parties. This applies to any futures phased delivery of habitat creation/enhancement. In order to keep track of unit sales a log will be kept which allocates units/parcels of land to a specific buyer, which can then be tracked centrally. This log will be shared with the Local Planning Authority during the monitoring reporting and at any other stage as required.

4. Section 106 agreement and monitoring

- 4.1 A S106 agreement would be entered into whereby the Habitat Bank would be secured for at least 30 years. The oversight of the Habitat Management Plan would be carried out by Mid Devon District Council as the LPA, who would review progress of the habitat bank against the proposed management objectives.
- 4.2 The habitat will be established over the first 5 years, after which management of the site will change to post-establishment management with monitoring at specified periods to review the success of the habitat and provide remedial actions where appropriate, if targeted creation measures have not been achieved. The key elements of this monitoring will be to review whether the long-term management practices are maintaining the site in the targeted condition scores for the proposals. During this period, adaptive management measures will be reviewed to determine whether there are any opportunities to alter management to encourage additional habitat enhancements.
- 4.3 It should be noted that the land owner will be responsible for the delivery of the habitat creation, enhancement and management prescriptions detailed within the Habitat Management and Monitoring Plan (HMMP). They will also be responsible for ensuring that ongoing monitoring is undertaken and that monitoring reports are provided to Mid-Devon Council on the dates specified within the HMMP.

5. Conclusion

- 5.1 Members are recommended to sign the s106 and enable the habitat bank to be established on site, thereby allowing off site credits to be purchased within Mid Devon as appropriate.