

BNG Habitat Bank report for Committee

Planning Committee 31st July 2024 – Agenda Item

Application No. 24/00956/HABITA

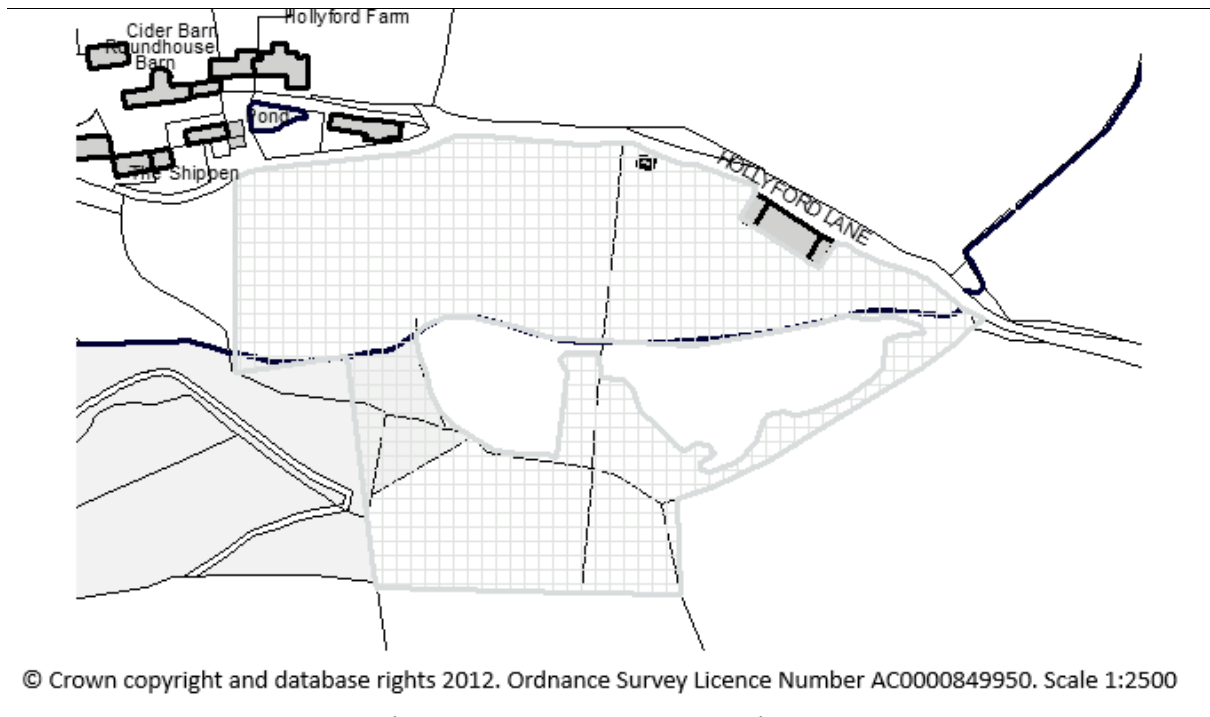
Grid Ref: 284297 : 107437

Applicant: Mr Matthew Pulfer

Location: Hollyford Farm
Stockleigh English
Credton
Devon

Proposal: BNG Habitat Bank - 2.56ha

Date Valid: 2nd July 2024



REFERENCE NO: 24/00956/HABITA

RECOMMENDATION

To approve the signing of a S106 agreement to secure a BNG Habitat Bank of 2.56ha.

PROPOSAL

This is a proposal to create a BNG Habitat Bank of 2.56ha at Hollyford Farm, Hollyford Lane, Stockleigh English, which represents 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 comprises three agricultural fields and a small part of a wooded area to the south of Hollyford Lane, in the Stockleigh English Ward of the District. The site is located in open countryside but is not subject to any other special designations. Planning permission 24/00154/FULL recently approved the erection of an agricultural storage building in one of the fields. In the officer report it was noted that the proposed building would be to service the 3 hectares to the south of Hollyford Lane, in which the applicant is creating a BNG site. The site would require a lot of improvement, and planting, to create new woodland, hedgerow, and grassland and the applicant is working with Devon County Council and the LPA to create a site where the land is offered for sale as BNG units.

In terms of the baseline for the site, Habitats present within the site included small rural trees, line of trees, species-rich and native hedgerow with trees (associated with a bank), species-rich native hedgerow, a small allotment area, blackthorn scrub, bramble scrub, developed land; sealed surface, lowland mixed deciduous woodland, mixed scrub, other neutral grassland, willow scrub and tall forbs. The watercourse within the site does not form part of this habitat bank proposed. It has been outlined that the site is currently subject to minimal management (maintained access paths) and has not been in regular management for over 18 years. This is evidenced by extensive scrub encroachment and a reduction in the potential botanical diversity within the site.

A Habitat Management and Monitoring Plan (HMMP) is to detail the habitat creation and long-term management proposals required to achieve the proposed habitats for Hollyford Farm. 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.

The results of the BNG assessment showed that the site has the potential to generate 9.86 habitat units and 3.10 hedgerow units; subject to appropriate management and habitat creation/enhancement.

APPLICANT'S SUPPORTING INFORMATION

Statutory BNG Metric, Biodiversity Net Gain Assessment, Habitat Management and Monitoring Plan, supporting correspondence

RELEVANT PLANNING HISTORY

With respect to this area of land the following planning history is relevant:

24/00154/FULL - PERMIT date 26th March 2024 Erection of an agricultural storage building to replace existing container, caravan and office

DEVELOPMENT PLAN POLICIES

Mid Devon Local Plan 2013 – 2033

S1 Sustainable development priorities
S9 Environment
S14 Countryside

National Planning Policy Framework
National Planning Practice Guidance
The Environment Act 2021

CONSULTATIONS

Council's Forward Planning Team – 11th July 2024

Following consultation to check whether there are any constraints or policy concerns associated with this site, the response from the Forward Planning Team was 'We don't see any issues with that site'.

County Council's Ecologist – 10th July 2024

I can confirm I have previously been involved in this scheme and have approved the ecology information.

I may be wrong, but I also believe Mr Pulfer has applied for a planning application for a storage barn associated with the management of this habitat bank – I haven't been involved in the planning application but have been working with Mr Pulfer regarding the ecology information.

County Council's Ecologist – 15th July 2024

Further clarification was sought over the planning permission for the storage shed and whether this could impact upon the Habitat Bank. The response from the County Ecologist was 'The planning application has no bearing on the BNG possible so no issues there.'

MATERIAL CONSIDERATIONS AND OBSERVATIONS

As referred to earlier in this report, 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 Habitat Bank will be secured by legal agreement with the Land Owner to legally ensure the highest quality delivery of the habitats. 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 proposal is to create a habitat bank of 2.56ha at Hollyford Farm, Stockleigh English. The HMMP submitted as part of this proposal for a habitat bank, outlines that the primary aim of this HMMP is to provide management prescriptions to ensure that the proposed habitat types and conditions are achieved and maintained throughout the 30-year agreement. The key proposals include:

- Enhancement of other neutral grassland (poor/moderate to good condition)
- Enhancement of Lowland mixed deciduous woodland (moderate to good condition)
- Enhancement of scrub (various scrub habitats enhanced to mixed scrub)
- Creation of other neutral grassland, mixed scrub and rural trees and tall forbs.
- Creation of species-rich hedgerows (with and without trees)
- Enhancement of hedgerows to include trees and to become species-rich where they are not already.

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 commented upon above, the site is situated on the southern side of Hollyford Lane with the main farmhouse and complex of buildings being located further to the northwest. The site is approximately 1000m northwest of the village of Stockleigh English, within the countryside. The Council's Forward Planning Team have confirmed that there are no site constraints and as such the proposals appear acceptable for this site.

2.2 Habitat Banks are large-scale habitat creation and enhancement projects that deliver an uplift in biodiversity value and restore nature at scale. A Habitat Management and Monitoring Plan (HMMP) would be formulated for this site. The site- and habitat-specific BNG management objectives including detailed activities for creation, establishment and subsequent habitat management would be found in the Habitat Management Plan.

2.3 The purpose of the HMMP would detail the habitat creation and long-term management proposals required to achieve the proposed habitats for Hollyford Farm across the period of 30 years. The County Ecologist has been involved in the discussions for the creation of the Habitat Bank and has also confirmed that the recent planning permission for a storage building to be used in connection with the creation of the habitat bank will not have an impact on the BNG possible.

3. **Biodiversity Net Gain (BNG)**

3.1 An ecological assessment 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. The Biodiversity Net Gain Assessment outlines Habitats on site included neutral grassland on both sides of a valley leading down to a watercourse. In areas surrounding the grassland, particularly in the north, was extensive areas of tall ruderal vegetation dominated by nettle. Areas of fen (aligned closest to the NVC community M27 *Filipendula ulmaria* – *Angelica sylvestris* mire) were present to the south of the watercourse; assumed to be fed by a natural spring located in the southeast of the site and the stream; excluded from proposed Habitat Bank. Willow scrub was present in the centre of the site (planted and self-seeded) and adjacent to the off-site barn in the north. There was an area of semi-natural broadleaved woodland in the southeast of the site, adjacent to Hollyford Copse (Ancient Woodland Inventory). Mature hedgerows bordered the northern boundary of the site, with a line of trees forming the western boundary. The southeastern boundary comprised of mixed scrub (outgrown hedgerow).

- 3.2 The results of the BNG assessment showed that the site has the potential to generate 9.86 habitat units and 3.10 hedgerow units; subject to appropriate management and habitat creation/enhancement. This represents a 66.57% increase in habitat units and 80.59% increase in hedgerow units.
- 3.3 Habitat units for sale would comprise of other neutral grassland (medium distinctiveness), mixed scrub (medium distinctiveness) and lowland mixed deciduous woodland (high distinctiveness; 0.26 units from this habitat type) and rural trees. Hedgerows units for sale comprise of species-rich hedgerows (medium distinctiveness), species-rich hedgerows with trees (high distinctiveness) and species-rich hedgerows with trees associated with a bank (very high distinctiveness).

4. Section 106 agreement and monitoring

- 4.1 A S106 agreement would be entered into whereby the Habitat Bank would be secured for 30 years with the Land Owner to legally ensure the highest quality delivery of the habitats. The oversight of the HMMP 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 With respect to monitoring, this would be a programme of repeated surveys carried out to a pre-defined standardized method, with a baseline against which subsequent surveys are compared. Monitoring surveys have a specific purpose and aim to determine whether a management objective and/or target has been achieved or whether progress is being made towards achieving that target. A well-designed monitoring survey should detect changes in the data over time and trigger responses if any of the changes are undesirable.
- 4.3 The aim of the project is to achieve the best outcomes for nature whilst achieving the condition criteria targeted within the metric. Where management is not having the anticipated outcomes, it will be adapted. Given that monitoring is proposed at intervals of five years with the exception of one at 2 years to know that habitat creation has started, the landowner will be required to ensure appropriate management of the site and that management prescriptions are showing signs of improving the site. The appointed ecologist will identify issues and lack of progress towards condition targets.
- 4.4 The landowner will make a record of day-to-day observations, and a log of all habitat management and creation prescriptions undertaken each year including the date these were undertaken. This will assist the ecologist in determining issues and where improvements can be made. Management and habitat creation will be undertaken as documented within the relevant Habitat Type Tables provided. Where habitats are not

showing signs of achieving individual habitat criterion that have been targeted, further measures are detailed within the 'Risk Register and Remedial Measures'. Where additional issues arise or the interventions proposed are not effective, the appointed Ecologist will propose changes to management prescriptions to achieve project goals.

- 4.5 Changes to the HMMP not mentioned within this report will require approval from Devon County Council. Changes to management, such as stocking densities, timings of grazing will not require approval from DCC but will be recorded in the monitoring reports produced by the appointed ecologist. At any stage in the project, where it becomes apparent that management prescriptions are not providing the desired outcomes, the appointed ecologist would be contacted and would review the issues. An updated HMMP would be produced and sent to DCC for approval.
- 4.6 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. Mid Devon as Local Planning Authority (LPA) would oversee the monitoring, reviewing the progress of the habitat bank against the proposed management objectives. This is to provide the LPA confidence in the performance of the Habitat Bank in line with the Biodiversity Unit sales used as part of the planning process to secure the 10% net gain in biodiversity from developments.
- 4.7 It should be noted that the applicant as the landowner is responsible for implementing the management works in the HMMP. The HMMP ensures that works do not adversely affect any protected species within the site and is compliant with UK Wildlife Legislation.

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.