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Our ref: 492102



John Halton
Pendle Borough Council
BY EMAIL ONLY

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Dear John Halton,

Pendle Local Plan Fourth Edition - Regulation 19 Publication Consultation

Thank you for your consultation on the above received by Natural England on 25 October 2024.

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

We welcome this opportunity to comment on the Pendle Local Plan 4th Edition (2021-2040) Publication Draft. Our comments are provided below.

DM04: Biodiversity Net Gain

In line with [Schedule 7A of the Town and Country Planning Act \(1990\) \(as inserted by Schedule 14 of the Environment Act 2021\)](#) all new development must deliver a minimum of 10% BNG as of 12 February 2024 for major applications and 2 April for minor applications. This must follow the mitigation hierarchy as set out in paragraph 186(a) of the [National Planning Policy Framework \(NPPF\)](#) incentivising on-site BNG delivery.

Natural England expect to see specific policy wording within the Local Plan relating to BNG and the principles in which development proposals will be subject to in delivering the mandatory BNG requirement. For instance: use of the mitigation hierarchy; quantification of biodiversity loss or gain in applying the [Statutory Biodiversity Metric or Small Sites Metric](#); avoiding loss that cannot be offset by compensation such as irreplaceable habitats; additionality in that achieving BNG is additional to other requirements relating to biodiversity.

We welcome the inclusion of recommended amendments to the Biodiversity Net Gain (BNG) policy within the Local Plan. Please see below for additional comments to help strengthen the wording:

3. Prior to publication of the Local Nature Recovery Strategy, habitat provision should use documentation noted on p27 of the [Statutory Biodiversity Metric User Guide](#) to inform strategic significance.
5. "Conservation Credits" should be reworded "Statutory Biodiversity Credits" to remain consistent with [Schedule 7A of the Town and Country Planning Act \(1990\)](#).
8. Specific wording detailing the required length of the BNG commitment should be provided. It is a legal requirement for maintenance, management and monitoring of BNG to be secured

for a minimum period of 30 years with reports to be submitted in years 1, 2, 3, 5 and every 5 years thereafter.

Please see Annex A for further example policy wording.

DM05: Ecological networks

Natural England welcome the promotion of the Lancashire Local Nature Recovery Strategy.

When published the Local Nature Recovery Strategy (LNRS) will provide opportunity to prioritise the protection and restoration of habitats. It will highlight opportunity areas and measures, in a Local Habitat Map, where wildlife corridors and stepping stone habitats can be created to facilitate species movement and dispersal across Lancashire and beyond.

It may be useful to include an element that highlights how the LNRS is linked to delivery mechanisms such as Biodiversity Net Gain to ensure the plan remains relevant in terms of LNRS post adoption. Once adopted, LNRS will inform the strategic significance quantification within the [Statutory Biodiversity Metric](#). Therefore, inclusion of sites in the LNRS will confer the benefit of increased biodiversity value in the metric.

In addition, the Local Plan should reflect Pendle's involvement in preparation of the LNRS; and that the Local Plan can support delivery in Pendle as identified in the LNRS priorities and measures, as well as relevant opportunity mapping for nature recovery.

For any queries relating to the specific advice in this letter please send your correspondence to consultations@naturalengland.org.uk marked for my attention.

Yours sincerely

Isaac Lees
Higher Officer
Cheshire, Greater Manchester, Merseyside & Lancashire Area Team

Annex A – Biodiversity Net Gain Policy Wording Example

Biodiversity Net Gain (BNG) for new development is a key tool in halting and reversing the decline in nature.

TCPA development, except where [exempt](#), will only be permitted where a measurable Biodiversity Net Gain of a minimum of 10% is demonstrated, and secured for at least 30 years in line with the [Environment Act 2021](#). BNG can be achieved on-site, off-site or through a combination of on-site and off-site measures.

In delivering this requirement, development proposals will be subject to the following principles, which are set out in more detail in national [BNG Planning Practice Guidance](#) and [Biodiversity Net Gain Collection](#):

- Use of the mitigation hierarchy as set out in paragraph 180 of the NPPF – development proposals must demonstrate how they have adhered to the mitigation hierarchy and, specifically, how they have avoided and minimised loss, enhanced, and created biodiversity on the development site itself. Only then will compensation outside of the development site itself (in an off-site area) be acceptable.
- Quantification of biodiversity loss and gain – in applying the mitigation hierarchy, the [Statutory Biodiversity Metric](#) must be used to quantify the biodiversity value of the development site pre-development (baseline), post-development and for any off-site areas proposed for compensation. The metric will therefore calculate the required minimum 10% uplift in biodiversity value. A [Biodiversity Gain Plan \(BGP\)](#) and a [Habitat Management and Monitoring Plan](#) must also be submitted to set out the details of the proposed BNG and long-term management and monitoring of habitats.
- Avoiding biodiversity loss that cannot be offset by compensation – development proposals must avoid impacts on [Irreplaceable Habitats](#) which cannot be offset to achieve net gain. Should impacts on irreplaceable habitats be unavoidable, bespoke compensation for these impacts will need to be agreed with the LPA, outside of any BNG provision. Any mitigation and/or compensation requirements for irreplaceable habitats or other statutory designated sites should be dealt with **separately** from BNG provision.
- Additionality – achieving Biodiversity Net Gain is additional to other requirements relating to biodiversity. Development must achieve nature conservation outcomes that demonstrably exceed existing obligations (i.e. do not deliver something that would occur anyway).

In applying the above and where a development proposal is unable to deliver a net gain of at least 10% on the development site itself, the following principles apply to the selection of off-site areas:

- Proximity to loss – there is an expectation that off-site areas will be located as close as possible to the development site, incentivised by the metric's spatial risk multiplier, so that the area experiencing loss of biodiversity through development benefits from the compensation.
- Best biodiversity value – off-site areas should be chosen in line with local priorities for nature recovery, incentivised by the biodiversity metric's strategic significance score, particularly those set out in the Local Nature Recovery Strategy (upon completion) and in any strategy or local plans in the meantime.
- Legally secured - off-site areas will need to be legally secured for at least 30 years, either via Section 106 or Conservation Covenant agreements.