

NEW FOREST NATIONAL PARK AUTHORITY

PLANNING COMMITTEE MEETING – 19 DECEMBER 2023

BIODIVERSITY DUTY REPORTING – UPDATE

Report by: David Illsley, Policy & Conservation Manager

1. Background

- 1.1 Since 1 January 2023, all public authorities have been under a statutory duty to conserve and enhance biodiversity. Public authorities have 12 months (i.e. until 1 January 2024) to set out a plan confirming out how they will comply with this duty and the actions they can take. Thereafter, authorities must set appropriate policies and specific objectives; and then they must take action.
- 1.2 In terms of the legal context, the Environment Act 2021 introduced a strengthened 'biodiversity duty' requiring all public authorities in England to consider what they can do to conserve and enhance biodiversity. Further details are available at [Complying with the biodiversity duty - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/complying-with-the-biodiversity-duty) and (in summary) authorities must:
- a) Consider what they can do to conserve and enhance biodiversity by 1 January 2024. No formal reporting template has been provided for this.
 - b) Agree policies and specific objectives based on their consideration as soon as possible after 1 January 2024.
 - c) Act to deliver the policies and achieve these objectives and report on them.

2. Consideration of biodiversity options

- 2.1 The first part of delivering the 'biodiversity duty' is to essentially scope out the work of the National Park Authority that contributes towards the conservation and enhancement of biodiversity. The table in Annex 1 to this report highlights the main areas of the National Park Authority's work that help to deliver the 'biodiversity duty'.
- *New Forest National Park Partnership Plan 2022 – 2027:* The 'Re:New Nature' Partnership' brings together the work of partners to deliver nature recovery across the National Park. The Partnership Plan priorities around 'nature recovery' are particularly relevant to the conservation and enhancement of biodiversity.
 - *New Forest National Park Authority Business Plan and annual work programme:* The Authority's own work priorities are set out in our Business Plan 2023 – 27 are supported by our annual work programme for 2023 – 24. Our Business Plan mirrors the five themes from the New Forest National Park Partnership Plan, driven by our purposes and duty. 'Nature Recovery' – including enhancing biodiversity - is a key theme in the Business Plan.

- *Planning policy function:* The New Forest National Park Local Plan (2019) includes a series of policies in the ‘Conserving & enhancing the nature environment’ chapter relevant to delivering our biodiversity duty. In addition, the adopted recreation mitigation strategies for the internationally designated sites of the New Forest and Solent help support the biodiversity of these sites. The key planning policy documents for the National Park (forming the statutory ‘development plan’) all undergo a Habitats Regulations Assessment and (where necessary) appropriate assessment to ensure impacts on internationally designated sites are considered in the plan-making process. This includes the National Park and minerals & waste local plans and neighbourhood plans.
- *Development management function:* Through our Development Management function we secure appropriate mitigation & compensation and will also secure Biodiversity Net Gain (BNG) from January 2024 onwards (see separate report on the local validation requirements which includes an update on the requirements around biodiversity). We have already secured on-site biodiversity net gain on several key development sites in the National Park and are engaging with landowners to secure BNG sites within and adjacent to the National Park. Through our development management work we also apply the requirements of the Habitats Regulations (through Habitats Regulations Assessments and appropriate assessments) and the process of Environmental Impact Assessments to appropriate development proposals. These processes include the consideration of development impacts on site integrity and the wider environment and are important tools in the Authority’s work in conserving and enhancing biodiversity.
- *Engagement with emerging Local Nature Recovery Strategies:* National Park Authorities have a formal role as designated ‘supporting authorities’ in the preparation of Local Nature Recovery Strategies (LNRs). In the New Forest context, we are engaging with Wiltshire Council and Hampshire County Council as the ‘responsible authorities’ for the two LNRs that will cover the National Park area and support the delivery of projects to enhance biodiversity.
- *‘Other’ Authority work to conserve and enhance biodiversity, including:*
 - We administer the £600,000 ‘Farming in Protected Landscapes’ programme for the National Park over a four-year period. The fund is available to farmers, commoners and landowners to support nature recovery – such as increasing habitats to improve biodiversity or greater connectivity between habitats.
 - Enhancing biodiversity and supporting nature recovery is a key theme in the work of our education officers as they engage with schools and colleges. In September 2023 we secured a £1.4million grant for 3-year project under the National Lottery Community Fund’s Youth for Climate and Nature scheme.
 - We support the work of the New Forest Land Advice Service – [Land Advice Service - New Forest National Park Authority \(newforestnpa.gov.uk\)](https://www.newforestnpa.gov.uk) – who provide land management advice to land managers across the New Forest to deliver enhancements to Sites of Importance for Nature Conservation, pond creation, hedgerow management and equine management amongst others.

3. Conclusions and next steps

- 3.1 As outlined in the introduction to this report, public bodies are required to consider what they can do to conserve and enhance biodiversity by 1 January 2024. This statutory duty applies to Government departments, local authorities, planning authorities (including national park authorities) and statutory undertakers. The actions taken by relevant authorities for biodiversity will contribute to the achievement of the Government’s national goals and targets on biodiversity.
- 3.2 As required by the timetable set out in the Environment Act 2021, Annex 1 to this report sets out a high-level summary of the main work of the National Park Authority to conserve and enhance biodiversity across our statutory planning function; working with partners through the agreed priorities set out in the National Park Partnership Plan 2022 – 2027 and a range of other work.
- 3.3 Members are invited to endorse this initial scoping (Annex 1), which will be worked up in more detail in 2024 to set out specific objectives. As a local planning authority, Government guidance (see [Reporting your biodiversity duty actions - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/guidance/reporting-your-biodiversity-duty-actions)) confirms that the Authority must publish a ‘Biodiversity Report’ setting out the policies and actions we have carried out to comply with our biodiversity duty. This will include the actions we have completed to meet biodiversity net gain obligations as a local planning authority. National Park Authorities have the option of including information about how they have complied with the biodiversity duty in the National Park Management Plan reporting and monitoring.
- 3.4 In conclusion, the New Forest National Park Authority supports the duty set out in the Environment Act 2021 for relevant authorities to conserve and enhance biodiversity. Although the New Forest National Park Authority is not a major landowner and does not manage a large land estate like some other bodies covered by the biodiversity duty, our statutory planning functions and extensive partnership work enable us to make significant contributions to the Government’s biodiversity objectives.

Recommendations:

1. **Members endorse the summary of the current work/actions undertaken by the Authority that contribute to the delivery of our ‘biodiversity duty’ (Annex 1); and**
2. **Note that further work will be undertaken in 2024 to develop this summary into specific objectives, consistent with the priorities set out in the National Park Partnership Plan 2022 – 2027 and other relevant strategies.**

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Papers: **PC 442/23** – cover paper
Annex 1 - summary of current work/actions that contributes to delivering the NPA’s ‘biodiversity duty’

Equality Impact Assessment: No impacts have been identified.

Annex 1 - New Forest National Park Authority summary of current work/action that contributes to the biodiversity duty

Work area	Relevant policies/strategies already in place	Detail	Future plans/comments
<p>Management / Partnership Plan</p>	<p>New Forest National Park Partnership Plan 2021 – 2026) and in particular the section on ‘Nature Recovery’. Re:New Forest - Partnership Plan 2022-2027 - New Forest National Park Authority (newforestnpa.gov.uk)</p>	<p>The New Forest National Park Partnership Plan covers the whole of the National Park area and is relevant to the work of the National Park Authority and a range of partners and other stakeholders.</p> <p>The section on ‘Nature Recovery’ aims to ensure habitats are more resilient, restored, expanded, connected and maintained to enable wildlife to thrive, both within and beyond the National Park.</p> <p>‘Nature recovery’ is a major commitment in the 25 Year Environment Plan and National Parks are at the heart of driving nature recovery and building our resilience to climate change.</p>	<p>Provisions within the Levelling Up & Regeneration Act 2023 further strengthen the role of National Park Management Plans in co-ordinating the work of partner organisations. The Act also strengthens the previous ‘duty of regard’ towards to two Park purposes to a duty to ‘seek to further’.</p> <p>The Re:New Nature section of the Partnership Plan is focused on nature recovery and highlights the urgent need for action to ensure the Park’s habitats are more resilient, better managed for wildlife, bigger and more joined up. To help deliver this we are setting up a Re:New Nature Partnership, with further detail in report AM 655/23 approved by members in July 2023.</p>
<p>New Forest National Park Authority Business Plan 2023 – 2027 and related annual work programme</p>	<p>The New Forest National Park Authority Business Plan was endorsed by members in July 2023 and sets out a medium-term work programme. It is supported by an annual work programme that will be updated on a rolling basis. ‘Nature Recovery’ is a key theme within the Business Plan.</p>	<p>Our Business Plan and associated annual work programme set out the elements of the Partnership Plan that are delivered by the National Park Authority directly.</p> <p>The Plan confirms we will:</p> <ul style="list-style-type: none"> - steer the preparation of LNRs to ensure opportunities for nature recovery in the National Park are clearly identified and resources sought; 	<p>Our annual work programme will be updated on a rolling basis, setting out how the work of the National Park Authority itself will deliver against the wider National Park Partnership Plan objectives and priorities.</p> <p>Our Resources, Audit & Performance Committee has oversight of our performance and monitoring. The Committee meets 5 times a year and</p>

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		<ul style="list-style-type: none"> - established the Re:New Nature Partnership; - support the New Forest Land Advice Service to provide high-quality advice and training to landowners, farmers, commoners and land managers within and around the Park; and - Work with neighbouring planning authorities to adopt a strategic approach to mitigating recreational pressures arising from new development within the identified 13.8km 'zone of influence' of the New Forest's designated sites. 	<p>progress against our identified Business Plan objectives is a key element of the Committee' remit.</p>
<p>Planning policy</p>	<p>New Forest National Park Local Plan 2016 – 2036 (adopted August 2019) Local plan - New Forest National Park Authority (newforestnpa.gov.uk)</p> <p>New Forest National Park Design Guide SPD (January 2022) - Design guide - New Forest National Park Authority (newforestnpa.gov.uk)</p> <p>Solent Mitigation Strategy – focusing on mitigating recreational impact from new</p>	<p>Chapter 5 of the Local Plan sets out a suite of policies to help protect and enhance the natural environment. These support the delivery of the first statutory National Park purpose and include:</p> <ul style="list-style-type: none"> • SP5: Nature conservation sites of international importance • SP6: The natural environment <p>Monitoring and reporting is set out in our annual monitoring reports.</p> <p>Chapter 7 of the adopted Design Guide SPD provides guidance on 'landscape and ecological</p>	<p>The mandatory requirement for Biodiversity Net Gain (BNG) in larger new development commences in January 2024; with the start for smaller developments being April 2024. Further guidance and regulations were published by the Government in November 2023 to support the implementation of mandatory BNG.</p> <p>At this stage the Authority will be implementing the mandatory minimum 10% BNG requirements as set out in primary legislation. The future review of the New Forest National Park Local Plan will provide a route through which a National Park-specific BNG figure can</p>

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	<p>development – see Our strategy - Bird Aware Solent</p> <p>New Forest Habitat Mitigation Scheme (2020) Development Impacts on Protected Areas - New Forest National Park Authority (newforestnpa.gov.uk)</p>	<p>considerations’, setting out how development can make positive contributions towards biodiversity.</p> <p>Our Habitat Mitigation Scheme sets out how the recreational impacts of development across the National Park will be addressed through a costed package of measures. A similar scheme operates for development within 5.6km of the designated Solent habitats that development in the National Park area contributes towards.</p>	<p>be established, having regard to the evidence base (e.g. viability).</p> <p>The Authority is in advanced discussions with several landowners regarding the delivery of BNG units off-site where it is not possible to provide the requirement on-site.</p>
Development management	<p>Determination of planning applications in accordance with current legislation and policy. This includes the Environment Act 2021 requirements for Biodiversity Net Gain.</p>	<p>In addition to the requirements of the NPPF to provide for net gain in biodiversity (paragraph 174), policy SP6 in the Local Plan requires proposals to protect, maintain and enhance features of the natural environment, including habitats and species of biodiversity importance.</p> <p>Through our statutory development management function we assess relevant proposals through a Habitats Regulations Assessment (HRA) and Environmental Impacts Assessment (EIA), which consider impacts on designated sites and wider environmental impacts.</p>	<p>The Authority has successfully negotiated the delivery of Biodiversity Net Gain on several development sites in the National Park in advance of the requirement becoming mandatory in 2024 (e.g. Whartons Lane, Ashurst is delivering circa 14% on-site BNG).</p> <p>The Government published further information in November 2023 that will assist and we are highlighting the need for BNG in pre-app responses. BNG also features in our updated ‘local list requirements’ for the validation of planning applications.</p>

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Local Nature Recovery Strategies (LNRs)	The National Park Authority is identified as a 'supporting authority' for the emerging Wiltshire and Hampshire LNRs. Wiltshire Council and Hampshire County Council are the lead 'responsible authorities' for the strategies.	The National Park Authority has a statutory role in supporting the creation of these strategies through provision of evidence and advice. It is important the areas of the National Park covered by the respective LNRs have ambitious nature recovery targets.	Work on the emerging Wiltshire and Hampshire Local Nature Recovery Strategies continues and Authority officers are playing an active role in this. It is important that the LNR work incorporates the local work being undertaken in the New Forest through the Re:New Nature Partnership.
'Other' work	The National Park Authority is involved in a wide range of other strategies and projects – either through leading, supporting or convening – that assist in the conservation and enhancement of biodiversity.	<ul style="list-style-type: none"> - Recreation Management – we work with partners to ensure people's enjoyment of the special qualities of the New Forest is not to the detriment of the species and habitats. - We administer Government funding through the Farming in Protected Landscapes scheme to projects that support the natural environment, mitigate the impacts of climate change, provide public access opportunities or support nature-friendly farm businesses. - We support the New Forest Land Advice Service in delivering independent advice to landowners and land managers in and around the National Park. This includes work to enhance local nature conservation sites. 	<p>Partners are committed to the development of a spatial plan to guide recreational use of the National Park and ensure impacts on designated sites and other areas of biodiversity value are minimised.</p> <p>The Farming in Protected Landscapes fund is due to run until March 2025 and will continue to provide funding opportunities to support the natural environment.</p> <p>We continue to work with partners to identify and explore private finance sources to fund nature restoration locally. Further details are available at Private finance sources funding nature restoration locally - New Forest National Park Authority (newforestnpa.gov.uk) and this includes the markets around BNG, nutrient neutrality and the Woodland Carbon Code.</p>

