



Guiding Principles for Local Plan Documents

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Duty to Cooperate

Local Authorities and other public bodies that are subject to the duty to cooperate (Localism Act 2011) are required to cooperate with Local Nature Partnerships and must have regard to their activities when they are preparing local plans. The Town and Country Planning (Local Planning) (England) Regulations, as amended by the Town and Country Planning (Local Planning) (England) (Amendment) Regulations 2012 to include Local Nature Partnerships, includes specific reference to LNPs as bodies that Local Planning Authorities should consult.

The National Planning Policy Framework (NPPF) 2019 further requires strategy policy-making authorities to collaborate with the LNP in their plan-making.

Paragraph 25 of the NPPF states:

*“Strategic policy-making authorities should collaborate to identify the relevant strategic matters which they need to address in their plans. **They should also engage with their local communities and relevant bodies including Local Enterprise Partnerships, Local Nature Partnerships, the Marine Management Organisation, county councils, infrastructure providers, elected Mayors and combined authorities (in cases where Mayors or combined authorities do not have plan-making powers).**”*

The Planning Practice Guidance, published by the Ministry for Housing, Communities and Local Government can be found here:

<https://www.gov.uk/guidance/plan-making>

In this document ‘this guidance’ refers to *Planning Practice Guidance: Maintaining effective cooperation* as accessed on 20/08/2020.

Paragraph 023 of this guidance states:

“Who are additional signatories to the statement of common ground?”

Additional signatories will be those bodies who have a role in the matters covered in a statement of common ground, and with whom an authority needs to cooperate in order to plan for these matters.

These may include: other relevant public bodies (such as: Local Enterprise Partnerships, Local Nature Partnerships, and the Marine Management Organisation in coastal areas); other authorities (such as county councils, combined authorities without plan-making powers, and strategic policy-making authorities outside of the area covered by the statement); infrastructure providers; or any other non-government organisations (such as advisory bodies) the authority cooperates with to address strategic matters through the plan-making process. This is not an exhaustive list.

In the case of local planning authorities and county councils, prescribed bodies under the duty to cooperate can be treated as additional signatories. Engagement between authorities and prescribed bodies which does not involve agreements on strategic matters can be detailed in Authority Monitoring Reports.”

Paragraph 030 of this guidance states:

“Local Enterprise Partnerships and Local Nature Partnerships are not subject to the requirements of the duty, but local planning authorities and county councils in England, and prescribed public bodies must cooperate with them. Local planning authorities must have regard to their activities when they are preparing their local plans, so long as those activities are relevant to plan-making.”

The guidance also states that cooperation should take place throughout Local Plan preparation in order to help identify and assess the implications of any strategic cross boundary issues, and cooperation should continue into delivery and beyond. Paragraph 030 states that at examination of the local plan *“if the Inspector finds that the duty has not been complied with they will recommend that the local plan is not adopted and the examination will not proceed any further”*, most likely leading to withdrawal of the plan.

The LNP would expect all relevant local authorities and other public bodies to co-operate with the LNP and have regard to our responses in line with the above referenced guidance. For instances where the LNP is unable to respond on an individual basis, we have outlined the key principles that we would expect to underpin local documents and decision-making with respect to the planning of sustainable development, along with consultation with your in-house Ecologist.

What is the Berkshire Local Nature Partnership?

Local Nature Partnerships are a key commitment of the Government's Natural Environment White Paper¹, 2011. The Berkshire LNP is a partnership of many organisations working together in Berkshire for the benefit of nature and our natural services. We:

- Take a strategic view of the challenges and opportunities involved and identify ways to manage the natural environment as a landscape scale system for the benefit of nature, people and the economy.
- Have the expertise, evidence and authority to guide decision-making relating to the natural environment and its value to social and economic outcomes, and we seek to work closely with local authorities, Local Enterprise Partnerships (LEPs) and Health and Well-being Boards.
- Contribute to achieving the Government's national environmental objectives locally, by providing the advice and expertise required for the identification of local ecological networks, alongside addressing local priorities.
- Work with other organisations and Partnerships to improve awareness of the issues surrounding nature conservation and the value of the natural environment.

Guiding Principles for Local Plan Documents

Guiding Principles

1. Consider the value of the natural environment & the range of services & benefits it is providing
2. Ensure decisions are based on the best available ecological information and data
3. Protect and enhance existing natural assets
4. Seek opportunities to improve natural connectivity
5. Ensure there is adequate access to quality green-space
6. Identify where nature can be incorporated into other infrastructure designs
7. Secure adequate long term management of new and existing natural infrastructure

Principle 1: Consider the value of the natural environment and the range of services and benefits it is providing

Some of the services and resources provided by our natural environment include:

- Clean air
- Water quality
- Flood management
- Space for recreation
- Food production
- Timber production
- Building materials
- Carbon sequestration
- Climate regulation
- Health and wellbeing
- Community cohesion
- Noise reduction
- Wildlife habitat

Further Information:

¹ HM Document (2011). The Natural Choice: Securing the Value of Nature. TSO (The Stationery Office).

Millennium Ecosystem Assessment: Synthesis Report (2006)

MA & WRI

<http://www.maweb.org/en/index.aspx>

UK National Ecosystem Assessment: Synthesis of Key Findings (2011)

UNEP-WCMC

<http://uknea.unep-wcmc.org/Resources/tabid/82/Default.aspx>

What nature can do for you: a practical introduction to making the most of natural services, assets and resources in policy and decision making (2010)

DEFRA

<http://archive.defra.gov.uk/environment/policy/natural-environ/documents/nature-do-for-you.pdf>

Principle 2: Ensure decisions are based on the best available ecological information and data

Local plans and development should be informed by the best available data. This includes, but is not limited to, data held by:

- Thames Valley Environmental Records Centre (TVERC)
- The Berkshire Local Nature Partnership
- Natural England
- Environment Agency
- Forestry Commission
- Local recording groups

This data should be used alongside local ecological expertise and knowledge. In order to ensure that our local data sets remain as up-to-date as possible and to improve data sharing within the county we recommend that any data gathered from ecological reports or surveys are passed to TVERC where possible.

Further Information

Local Sites, Habitat and Species data from TVERC:

<http://www.tverc.org/cms/>

Information on the Berkshire Nature Strategy, including habitat networks from the LNP:

<http://berkshirelnp.org/>

Datasets held by Natural England:

<http://www.naturalengland.org.uk/publications/data/>

Information held by the Environment Agency:

<https://www.gov.uk/government/organisations/environment-agency>

Datasets held by the Forestry Commission:

<http://www.forestry.gov.uk/datasetsanddownloads>

Biodiversity Action Reporting System (BARS):

<http://ukbars.defra.gov.uk/>

Interactive Mapping hosted by Natural England:

<http://www.magic.gov.uk/>

Planning Practice Guidance on the Natural Environment:

<http://planningguidance.planningportal.gov.uk/blog/guidance/natural-environment/>

Principle 3: Protect and enhance existing natural assets

The primary aim of any Local Plan or development regarding nature should be to seek to protect and enhance existing natural assets. In particular planning policies and decision-making should seek to protect and enhance areas designated for their biodiversity importance; this includes internationally and nationally designated sites, including Special Areas of Conservation, Special Protection Areas, Wetlands of international importance (Ramsar Sites) and Sites of Special Scientific Interest and locally designated sites, including Local Nature Reserves and Local Wildlife Sites.

There are species of animal and plant that are protected under the Conservation of Habitats and Species Regulations 2017, in addition to the Wildlife and Countryside Act 1981 (as amended). These species are protected by law, including breeding and in some circumstances resting sites for the animal species.

The Natural Environment and Rural Communities (NERC) Act 2006 contains a list of habitats and species of principal importance in England. This list is designed to be used by decision makers, such as public bodies, in implementing their duty under section 40 of the NERC Act 2006, to have regard to the conservation of biodiversity in England, when carrying out their normal functions. We would expect Local Plans to seek to protect and enhance these habitats and species.

Further Information:

Biodiversity Planning Toolkit (2011) by Association of Local Government Ecologists (ALGE):

<http://www.biodiversityplanningtoolkit.com/>

Planning Naturally: spatial planning with nature in mind: in the UK and beyond (2013) by RSPB, CIEEM and the RTPI:

<http://www.rspb.org.uk/ourwork/policy/planning/planningnaturally.aspx>

Planning for a healthy environment: good practice guide for green infrastructure and biodiversity (2012) by the Town & Country Planning Association and The Wildlife Trusts:

<http://www.rspb.org.uk/ourwork/policy/planning/planningnaturally.aspx>

Natural England's guidance on protected species:

<http://www.naturalengland.org.uk/ourwork/regulation/wildlife/species/europeanprotectedspecies.aspx>

British Standard BS 42020:2013 Biodiversity. Code of practice for planning and development:
<http://shop.bsigroup.com/en/ProductDetail/?pid=000000000030258704>

Principle 4: Seek opportunities to improve natural connectivity

Connectivity is an important component of a resilient natural environment. A connected environment can respond to environmental pressures, such as climate change, recover from extreme events and support increased and more diverse wildlife. Any opportunity to enhance the natural environment should seek to improve natural connectivity.

Opportunities for natural connectivity in Berkshire are currently identified by the network of Biodiversity Opportunity Areas (BOAs). These are defined geographical areas which have been identified as having the potential to be enhanced as habitat networks. It is the Government's intention that a nationally coherent Nature Recovery Network will be spatially planned and implemented and the LNP is working to develop this in Berkshire.

Further Information:

Biodiversity Opportunity Areas by the Berkshire LNP:

<http://berkshirelnp.org/index.php/what-we-do/strategy/biodiversity-opportunity-areas>

Wildlife Trusts Nature Recovery Network summary:

https://www.wildlifetrusts.org/sites/default/files/2018-06/Nature_recovery_network_final.pdf

Principle 5: Ensure that there is adequate access to quality green-space

There is strong evidence to suggest that access to green space is beneficial to both physical and mental wellbeing and cognitive function. Green-space can include open spaces in and around towns; parks, canals and nature areas, and the countryside including farmed land, woodland and rivers.

The utilisation of outdoor space has been identified by Public Health as being an indicator for the wider determinants of health¹. People need good quality (biodiverse), accessible green space.

Investment in the green infrastructure of an area also increases the inward investment and property values in proximity².

Further Information:

Health and Natural Environments – an evidence based information pack by Natural England:

http://www.naturalengland.org.uk/Images/health-information-pack_tcm6-31487.pdf

Monitoring of Engagement with the Natural Environment (MENE) by Natural England:

<http://www.naturalengland.org.uk/ourwork/evidence/mene.aspx>

References:

1. Department of Health (2013) Public Health Outcomes Framework 2013 to 2016 and technical updates.
2. Defra (2012) Green Infrastructure's contribution to economic growth: a review.

Principle 6: Identify where nature can be incorporated into other infrastructure design

Natural space and biodiversity are best considered at an early stage in any development design, and can often form multi-purpose solutions; for example sustainable urban drainage systems (SuDs) can both support nature and help to manage surface water in urban areas. It is important that green infrastructure functions for both people and wildlife.

Further Information

Natural England's Green Infrastructure Guidance:

<http://publications.naturalengland.org.uk/publication/35033?category=49002>

Green infrastructure by design: adding value to development:

http://www.naturalengland.org.uk/Images/MKSM%20GI%20by%20Design%20Guide%20Single%20Page%20Spread%20Web_tcm6-19781.pdf [Note: this has been produced for the West Midlands]

Principle 7: Secure adequate long term management of new and existing natural infrastructure

The natural environment requires good management to remain in favourable condition and function effectively. It is therefore vital that plans identify the long term monitoring and management of both new and existing natural infrastructure.

A funding plan for the ongoing management and maintenance of our natural infrastructure needs to be factored in from the start. There are several different models or approaches which can be taken. Local authorities might include adequate capital and revenue provisions in their own budgets, and planning conditions such as the Community Infrastructure Levy (CIL) and other developer contributions can all play a role. Natural infrastructure can be managed by a dedicated charitable trust or in partnership with organisations with the necessary knowledge and skills to manage it. Not-for-profit organisations and voluntary and community groups can contribute time and labour, raise funds and inspire local ownership to support and manage local sites.