



Date: Thursday, 3 September 2020

Time: 10.00 am

Venue: THIS IS A VIRTUAL MEETING - PLEASE USE THE LINK ON THE AGENDA TO LISTEN TO THE MEETING

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## **PLACE OVERVIEW COMMITTEE TO FOLLOW REPORT (S)**

### **7 Biodiversity (Pages 1 - 6)**

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## Committee and Date

**Place Overview Committee**

**3 September 2020**

## Item

**Public**

## **Overview of Ecology Services**

### **Responsible Officer**

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### **1.0 Summary**

1.1 This report provides an overview of the Ecology work carried out by Shropshire Council's Regulatory Services including how the team supports the Council to discharge its statutory biodiversity duty.

### **2.0 Recommendations**

2.1 Committee considers and comments on Regulatory Services' approach to conserving and protecting biodiversity.

### **3.0 Opportunities and risks**

3.1 Biodiversity loss is a major environmental challenge.

3.2 The Government's 25 Year Environment Plan is centred on the pledge that ours will be the first generation to pass the natural world on in a better state to our children.

3.3 Ecological decline is part of the Climate Emergency which includes sharp declines in pollinators that are crucial to food supply, declining soil health, loss of habitat and connectivity of habitats as well as species extinction. Biodiversity and habitats are suffering and declining as a result.

### **4.0 Financial assessment**

4.1 There are no financial implications to this report.

### **5.0 What is Biodiversity?**

5.1 At its simplest, biodiversity can be defined as 'nature in all its forms and processes'. It is the existence of a wide variety of plant and animal species living in the natural environment which are essential to human wellbeing. Biodiversity plays a vital role in:

- The protection of water courses and flood prevention;
- Soil formation and protection;
- Nutrient storage and recycling;
- Pollution breakdown and dispersal;
- Contribution to climate stability;
- Maintenance of ecosystems;
- Pollination of food crops;

- Medicinal resources and pharmaceutical drugs;
- Natural resources for the economy;
- Recreation and tourism;
- Health and Wellbeing.

## **6.0 The Council's legal duties in respect of Biodiversity**

6.1 The Natural Environment and Rural Communities Act (NERC) 2006, section 40, sets out a "biodiversity duty":

*"Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity".*

*"Conserving biodiversity includes, in relation to a living organism or type of habitat, restoring or enhancing a population or habitat".*

- 6.2 Section 41 of the Act requires the Secretary of State to publish a list of the living organisms and types of habitat which in the Secretary of State's opinion are of principal importance for the purpose of conserving biodiversity. Any decision which may affect biodiversity must also consider these listed species and habitats.
- 6.3 The Conservation of Habitats and Species Regulations 2017 translates European Habitats Directive legislation and gives strict protection to European Protected Species of plants and animals as well as Special Areas of Conservation (SACs) and Special Protection Areas (Birds Directive), which the council must have regard to when exercising any of its functions. Most sites are described as being in an 'unfavourable state' with many declining. The Stiperstones and Hollies SAC and the River Clun SAC are examples of Special Areas of Conservation (SAC) in Shropshire. The River Clun SAC supports one of the last English sites for the Freshwater Pearl Mussel, and the Stiperstones SAC with its purple moorland is considered to be one of the best European dry heath areas.
- 6.4 Under the European Habitats Directive, six areas have been identified as Special Areas of Conservation (SACs). Sixteen sites in northern Shropshire fall under two Ramsar designations, recognising their international status under the International Convention on Wetlands. Many biodiversity designations continue across administrative boundaries and benefit from a cross boundary approach.
- 6.5 All wild birds, some animals and some plants are protected to varying degrees by the Wildlife and Countryside Act 1981 and the Countryside and Rights of Way Act 2000. The Wildlife and Countryside Act also deals with law regarding nationally designated sites for nature conservation or Sites of Special Scientific Interest (SSSIs). Shropshire examples are the Long Mynd and Cole Mere Country Park. The Local Planning Authority must take into account the advice of Natural England when considering a proposal which might affect a SSSI. Natural England is the Government's statutory conservation adviser for England.
- 6.6 A considerable body of case law has built up regarding protected sites and species. When Shropshire Council carries out its own projects or gives any permission or consent for the projects of others, it must also consider relevant case law.

## **7.0 How the Ecology team supports Shropshire Council services which have influence over biodiversity**

7.1 Shropshire Council's Ecology Team is based in Regulatory Services and provides ecology expertise to a broad range of services and projects which have an influence over biodiversity.

### **7.2 Planning Consultations**

The team respond to planning consultations which raise ecological risks, in order to protect important habitats and maintain the favourable conservation status of species to help the Council adhere to its statutory biodiversity duty. Planning Enforcement is also critical to ensuring that developers are undertaking agreed work to deliver and maintain the Biodiversity outcomes required. The team also support the council at planning appeals and have been called upon to act as expert witnesses in public inquiries and hearings helping the council successfully defend its decisions relating to ecological and biodiversity matters.

### **7.3 Pre-application Advice**

Planning applicants are encouraged to discuss their development proposals in advance of submitting a planning application. When formal pre-application is sought by development management, Regulatory Services' ecologists provide site specific advice on the need for ecological assessment and surveys, based on species data records, GIS mapping layers and site visits. This helps ensure that all biodiversity and geodiversity related factors are considered up front in the design stage, mitigation measures are put in place if needed, and that relevant and appropriate supporting information is submitted with the application, avoiding potentially long delays during determination.

7.4 The Ecology Team does not receive any of the fees charged by the Council for work undertaken in providing pre-application advice.

### **7.5 Advice to Planning Policy**

Local planning is effectively a collection of planning policy documents which consider a wide range of important planning issues such as housing, employment, retail, the environment, and transport. Together all these documents create "The Local Plan". The Local Plan plays a crucial role in prioritising and shaping development in Shropshire.

7.6 It is a legal requirement for local authorities to prepare a Habitats Regulations Assessment (HRA) for plans and projects which have the potential to impact on habitats of European importance. The purpose of the HRA screening report is to identify which international sites could possibly be affected by the proposed plan, the potential pathways by which the sites may be affected and, where possible, to detail avoidance or mitigation measures to be applied in allocating sites or drafting the wording of any policies. Impacts that must be considered include direct, indirect, alone, or in combination with other plans and projects e.g. neighbouring local authorities' local plans.

7.7 The team has produced the HRA screening report for the current consultation on the Regulation 18: Pre-Submission Draft of the Shropshire Local Plan as well as interim HRAs for all previous consultations as part of the Local Plan Review. The

team has also completed HRA's for local communities wishing to adopt a neighbourhood plan including the parishes of Woore and Market Drayton.

### **7.8 Green Infrastructure Mapping**

The team have been working with Planning Policy to provide expert strategic and technical support throughout the process of developing a Green Infrastructure Strategy as part of the Local Plan review. Ecology Officers have worked collaboratively with the consultant (Land Use Consultants) including reviewing, updating and expanding Shropshire Council's Open Space data – 1500 GIS data records for open space sites have been individually checked and reviewed, 1059 new records added to the Open Space dataset and 150 sites that were missing entirely from the data records added and classified. Alongside this Officers have reviewed ongoing work by the consultant and provided constructive critical oversight on the progress and direction of the commission. We have been actively seeking inter-team collaboration and have provided expert support on incorporating best practice for Green Infrastructure to the Shrewsbury Big Town Plan, Place Plan Review, and Shropshire Active Travel Strategy. We are coordinating the integration of Green Infrastructure policies with Biodiversity Net Gain, Active Travel and the revised Planning for the Future strategy.

### **8.0 Public Health Outcomes**

The ecology work we do also contributes to the Shropshire Health and Wellbeing Strategy 2016-21 and to Public Health Outcome 1.16: utilisation of outdoor space and the wider determinants of health. The team have also been working closely with the Public Health Consultants on developing policy and determinants that will bring real benefits to communities through improvement to their open spaces and green infrastructure. Expressions of interest to explore this work further have been made by some town councils, with a long-term aim to help improve the quality of open space within their communities.

### **9.0 How Shropshire Council can best utilise its own resources (highway verges, street trees, parks etc)**

9.1 The team also works closely with the council's drainage team, historic and environment team, highways team and their appointed contractors, economic growth team and PSG. The team provide ecological advice with regard to consents, plans and projects and also seek positive environmental gains.

9.2 Roadside verges are vital links to allow wildlife to move freely between fragmented habitats. The team have worked with Highways and other partners over a number of years to protect and promote wildflower-rich road verges. In 2019 the team assisted in helping partners in the 'Restoring Shropshire's Verges Project to bid for £10k of lottery funding to trial road verge enhancements in several locations in south Shropshire.

9.3 The team have also been helping to provide assistance with regard to securing grant funding from specialist sources helping draw down monies to make projects more viable across the council e.g. BREEAM (Building Research Establishment Environmental Assessment Method).

9.2 Much of the decline in ecological and biodiversity value in the county arises from unregulated activities. This is recognised by many key stakeholders and the team

are working with partners such as Shropshire Wildlife Trust, National Farmers Union, Natural England, Environment Agency, Natural Resource Wales and neighbouring authorities to help reduce the harm. Partnerships include being a member of the Local Nature Partnership (LNP), whose geographical coverage mirrors that of the marches LEP. The LNP mandate is to generate multiple benefits for the economy, health and well-being and natural environment. The team are also working closely with the Rivers Trust, University Centre Shrewsbury CREST industry panel and local wildlife sites partnership to help deliver sustainable growth.

#### **10.0 Team “Highly Commended” Award**

Regulatory Service’s ecology team was highly commended at the 2019 Chartered Institute of Ecology and Environmental Management (CIEEM) Awards in the Planning Authority of the Year category. Shropshire has seen a rapid increase in the number of intensive livestock units which contribute to the already high background levels of airborne ammonia and nitrogen deposition which can affect wildlife sites. Officers worked with colleagues within the authority and external national organisations to ensure that effective interim planning guidance was produced on assessing the impacts of ammonia and nitrogen deposition on sites of special scientific interest, international and local wildlife sites and Ancient Woodlands – Shropshire Council is the first local authority in England to do so. This ambitious approach strives to improve the quality of planning applications, facilitating solutions in an ecologically-rich environment in line with new caselaw and existing legislation.

#### **11.0 Future Challenges and Opportunities**

In the future, delivery of much needed housing and infrastructure should not be at the expense of the environment. This is a clear message in the Environment Bill currently in its passage through Parliament. A mandatory 10% net gain in biodiversity will be required from development, calculated using a standard method designed by Defra. The LPA will need to approve a biodiversity net gain plan before a planning permission can be issued. The Environment Bill also requires the mapping of Nature Recovery Networks and the production of Local Nature Recovery Strategies. Future legislation changes following Brexit remains unclear at the current time, however, ecology and biodiversity remain at the heart of many current themes the county and the country faces in delivering sustainable growth. There are also opportunities to develop the councils in-house service provision of specialist ecological advice with real opportunities to reduce spend on external consultants.

#### **12.0 Conclusion**

12.1 It is vitally important that we recognise the impacts of the decisions we make on biodiversity, directly or indirectly, and how they will impact on us and generations to come. Shropshire is valued for its beautiful countryside and wealth of wildlife by both residents and visitors. Our precious biodiversity needs careful protection and constant management if we are to halt its decline. The numbers of once common species such as song thrushes and cowslips have fallen dramatically over recent years. If the next generation are to have the same chances to enjoy the benefits of the natural world as we have, we must act to stop these declines and promote biodiversity.

**List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information)**

Meeting, date: Report heading

<b>Cabinet Member (Portfolio Holder)</b> Councillor Gwilym Butler
<b>Local Member</b> N/A
<b>Appendices</b>