LONDON BOROUGH OF RICHMOND UPON THAMES

Background Paper – Biodiversity Net Gain

Planning

18 January 2024

(to accompany submission of the Local Plan Publication (Regulation 19) Version

Contents

Purpose of this paper

This background paper sets out details to support the emerging Local Plan and the approach taken towards biodiversity net gain (BNG). An ambitious approach is considered justified by the Council's local circumstances, as there continue to be growing pressures on the habitats for protected and other species.

Biodiversity Net Gain and the Environment Act

BNG is an approach that contributes to the recovery of nature while developing land, whilst making sure that habitat for wildlife is in a better state than it was before development. The Council will require development proposals to maximise biodiversity benefits and ecological connectivity through ensuring that biodiversity is a key consideration early in the design process.

The 2021 Environment Act sets out that developers in England are required to deliver 10% BNG when building new housing, industrial or commercial developments. This requirement will see an uplift in biodiversity post-development compared to a baseline assessment of biodiversity undertaken prior to development commencing and will see new habitats and green spaces created, for example.

BNG is additional to existing habitat and species protections, such as ancient woodland, therefore new habitat as well as the enhancement of existing habitat will retain and improve ecological connectivity. The 'mitigation hierarchy' encourages BNG to be delivered on the development site to which it relates wherever possible, penalising off-site BNG delivery. The national target of 10% BNG is the minimum requirement and therefore no cap has been set for a maximum BNG sought locally through Local Plan policy. The Government's Planning Practice Guidance sets out that plan-makers can complement the statutory framework for biodiversity net gain, and may seek a higher percentage than 10%, including on an area-wide basis, although it notes such policies will need to be evidenced.

The rollout of BNG has been pushed back twice already, with DEFRA now confirming that BNG is set to become mandatory for large sites ion 12th February 2024, whilst it remains that BNG will be required on small sites from April 2024, although a specific date has not yet been disclosed. Applicants will need to submit a BNG plan once permission has been granted and this will need to be approved by the Local Planning Authority prior to commencement of development onsite. In addition, secondary legislation released in November 2023 confirmed the information expected to be submitted at the application stage including use of the appropriate BNG metric, that applicants should be following the Biodiversity Gain Hierarchy of delivering onsite BNG first and purchasing credits as a last resort and that additional local requirements to be determined at the planning application stage can be added to a local list of validation requirements.

As part of the preparation of this paper, a draft was shared with Duty to Cooperate bodies including Natural England in November 2023. In December 2023, Natural England provided feedback to the Council regarding this background topic paper. Natural England stated in their response that they are supportive of this policy and agree that it is justified and consistent with national policy given local circumstances. They are also content that 20% BNG has been proposed borough-wide in Richmond upon Thames for those types of development set out in Policy 39 of the Submission Local Plan.

National Planning Policy Framework

The NPPF 2019 introduced a requirement for planning policies to minimise impacts on, and provide net gains for, biodiversity. The NPPF within paragraph 174 states that net gains for biodiversity, including the establishment of ecological networks, should be reflected within planning policies and decisions. The NPPF in paragraph 179 also supports development that primarily seeks to conserve or enhance biodiversity, whilst the design of developments should integrate biodiversity into the development fabric, especially where this can result in a biodiversity net gain.

London Plan

The London Plan (2021) provides support for biodiversity primarily through 'Policy G6 Biodiversity and access to nature'. This policy supports the protection and enhancement of designated and non-designated sites for nature and species. It also sets out that 'development proposals should manage impacts on biodiversity and aim to secure net biodiversity gain' and 'proposals which reduce deficiencies in access to nature should be considered positively.'

In addition, Policy G5 requires all major developments to include urban greening as a fundamental element of site and building design, introducing the Urban Greening Factor (UGF) to evaluate the quantity and quality of urban greening provided by a development proposal. There is guidance in the Mayor's Urban Greening LPG (2023) and Urban Greening for Biodiversity Net Gain: A Design Guide.

Emerging Local Plan's Strategic Vision 'The best for our borough' and the strategic objectives

The emerging Local Plan sets out a strategic vision for the borough for 2039, which includes responding to the climate emergency and taking action so that 'new development has met high standards for sustainable design, increased urban greening and tackled the biodiversity loss by protecting species and habitats, and enabling them to adapt to a changing climate.' By the end of the Local Plan period, progress will have also been made towards 'tackling biodiversity loss by retaining and improving existing as well as creating new biodiverse areas, increasing the quality of our green spaces, and greening the borough.'

The Local Plan sets out strategic objectives for protecting and enhancing biodiversity within the borough, namely improving green and blue infrastructure so that more walkable wildlife corridors link sites to networks, whilst also requiring genuine net gains for biodiversity from development.

Council's Climate Change Strategy

In 2019, the London Borough of Richmond upon Thames declared a climate emergency with the aim for the Council to become carbon neutral by 2030. The Climate Emergency Strategy 2019-2034 recognises the impacts of climate change on the borough and sets out actions to combat climate change in multiple areas, such as waste, air quality, the natural environment as well as the water environment. In terms of biodiversity, the strategy's ambition is to improve and protect the biodiversity and ecology of our green spaces (including through Council maintenance programmes), support quality networks of green infrastructure and ensure the consideration of biodiversity both in policy and practice across the Council's services.

The Strategy ensures that the borough's rich biodiversity is protected through the actions of the Council's Biodiversity Action Plan, by:

- Encouraging planning applications to preserve/enhance wildlife corridors within their scheme. Promote encouragement of species that have not been found during surveys, if within their range, as well as maintaining species already found to be present.
- Ensure that all planning applications are accompanied with appropriate information as requested by the LBRuT validation checklist.
- Require mitigation for increased urban surfaces in any development: green roof, green wall etc. to offset increased urbanization.

Council's Corporate Plan

The Council has also adopted it's Corporate Plan 2022-2026 which sets out how the Council will work towards delivering a greener, safer and fairer borough.

The Council has set out a number of actions that it will achieve by March 2024 that will protect and enhance biodiversity in the borough, such as:

- Increase number of parks with pollination stations and biodiversity features.
- Create a dynamic borough-wide habitat shapefile which can be used to protect and enhance green corridors which link our parks and open spaces.
- Work with partners including Environment Agency to deliver the next phase of river restoration works at Mereway.

A full list of actions and priorities can be found with the Corporate Plan 2022-2026.

The Council also has a **Nature Conservation Policy Statement** (2019) for the protection and enhancement of nature conservation in the borough, with a specific emphasis on maintaining and improving biodiversity and wildlife habitats.

Biodiversity in the London Borough of Richmond upon Thames

The Local Plan

The Richmond upon Thames Local Plan sets out that the borough is characterised by extensive areas of open land including nationally and internationally designated areas such as Richmond Park and Bushy and Home Park, as well as the borough's rivers and their corridors, such as the Thames and the River Crane, which link across borough boundaries playing a strategic function. There are many smaller pieces of open land, such as residential gardens, smaller patches of woodland and allotments that contribute towards the network of habitats that host so much of the borough's biodiversity. The LBRuT BAP sets out that good quality habitats such as these provide 'connectivity' and therefore are key for species survival, especially for mobile species in an urban environment.

These areas which are of nature conservation and biodiversity value, and their green linkages help to protect and enhance biodiversity and are recognised in the adopted Local Plan 'Policy LP 15 Biodiversity' and the emerging Local Plan 'Policy 39. Biodiversity and Geodiversity'. The adopted policy sets out that biodiversity will be protected and enhanced on sites designated for their biodiversity as well as incorporating new habitats and biodiversity features in or between development sites and existing habitats. Furthermore, Policy LP 15 sets out that major

developments are required to deliver net gain for biodiversity, through incorporation of ecological enhancements, wherever possible. Part B of the existing policy also introduces a mitigation strategy where development would impact on species or habitats, especially those highlighted in the Richmond Biodiversity Action Plan, of avoid, mitigated and finally compensated. The emerging policy builds on the adopted Policy LP 15 by 'requiring development to deliver robust and measurable net gains for biodiversity' through the expansion and improvement of habitat features, as well as providing ecological enhancements which don't contribute towards BNG, such as bird boxes, bat boxes and stag beetle loggeries. Part 5 of Policy 39 also sets out the types of development that is expected to deliver a 20% measurable net gain for biodiversity, with these being:

a) small-scale householder applications which increase the footprint and/or floorspace of the existing dwelling;
b) all development proposals, including conversions or changes of use, that result in 1 dwelling unit or more;
c) non-residential development proposals which increase the footprint and/or floorspace.

The emerging Local Plan sets out in the supporting text in paragraph 21.74 that it expects development proposals to maximise biodiversity benefits and ecological connectivity by seeking to include:

1. habitat restoration, re-creation and expansion;
2. improved links between existing sites;
3. buffering of existing important sites and features, such as railway lines;
4. new biodiversity features within development; and
5. securing management for long term enhancement.

The emerging Local Plan also makes the link between securing biodiversity net gain and how this can respond to the climate change challenge, as well as meeting other strategic priorities such as for our health, wellbeing and recreation.

Richmond's Biodiversity Action Plan

Richmond's Biodiversity Action Plan (2019) sets out that the borough has one of the richest ecologies in London, including some of the best examples of London's habitats such as sites with rare species, rare assemblages of species, or which are of particular significance within large areas of otherwise built-up London. It sets out the threats to species and habitats and identifies the priority habitats (including some of regional and national importance) and priority species (including some of regional and national, and in some cases, international importance) in the borough and how these are monitored. The Richmond BAP identifies aims and actions to ensure habitats are maintained and, where necessary, enhanced, and for species to survive and thrive in the borough.

The Richmond BAP sets out that the priority habitats are:

- ancient and veteran trees
- broadleaved woodland
- hedgerows
- lowland acid grassland
- neutral grassland
- private gardens
- reedbeds
- rivers and streams, including the tidal Thames

The Richmond BAP sets out that the priority species are:

- bats
- native black poplar
- Hedgehogs
- house sparrows
- song thrushes
- stag beetles
- Swifts
- tower mustard
- water voles
- white-letter hairstreak
- elm

Work to progress the Richmond BAP continues in partnership with Habitats & Heritage and other key community groups and partners, including the monitoring of habitats and wildlife. The Richmond BAP is an important document for demonstrating the state of nature in the borough and the role that Planning needs to play in reversing biodiversity loss. For example, the Richmond BAP details the presence of bats in the borough and then addresses goals to protect the species, such as to 'encourage planning applications to preserve/enhance wildlife corridors within their scheme'(GA05) and to 'require mitigation for increased urban surfaces in any development: green roof, green wall etc. to offset increased urbanisation' (GA10).

Rationale for seeking a mandatory biodiversity net gain of 20%

The natural environment is a key concern for residents and Councillors alike, with responses to Local Plan consultations concerned with the protection and enhancement of our open natural spaces, the provision of suitable habitats for protected species and the impact of development on our local biodiversity. The Council wish to see biodiversity gains maximised in the borough, which has led to the development of Policy 39 going beyond national policy requirements for biodiversity net gain.

During the preparation of the Local Plan, there has been general support for the policy approach to biodiversity (Policy 39) including the 20% biodiversity net gain, although comments also raise whether this is feasible and viable. The Environment Agency recognise the importance of biodiversity in the ecological blue and green network through habitat creation and improvement. There is support for protecting and enhancing biodiversity by local groups such as the Friends of the River Crane Environment (FORCE), who aim 'to protect and enhance the environment of the River Crane, the Duke of Northumberland's River, their corridors and surrounding open spaces.'

The London Borough of Richmond is unique in its formation. More than two thirds of the borough is protected by either open space or Conservation Area status, whilst the River Thames dissects the borough. There are limited development opportunities in the borough; three major developments were completed in 2020/21, whilst only one major development was completed in 2022/23. Most other planning applications come through as infill within existing built-up areas. Given that the borough consists of either large areas that are protected space or built-up residential development, the remaining ecological network throughout the borough is reliant on private gardens and smaller

spaces including hedgerows and tree lines, which cumulatively create corridors and 'stepping stones' – with a close relationship between habitat quality and species survival.

With this context, the Council has been seeking net gains for biodiversity in Richmond ever since the Sustainable Construction Checklist was first introduced in 2006 to assess the environmental impact of development and mitigate any resulting harmful impacts. In addition, the Urban Greening Factor in London was introduced to ensure 'nature-based' solutions were developed. There continues to be growing pressure towards habitats for protected and non-protected species from built development itself, population growth bringing intense recreational uses and from climate change. Good quality and expanded multi-functional green and blue networks provide benefits for health and for everyone to engage with nature.

The emerging Local Plan sets out our response to a changing environment by recognising the need for greater biodiversity to accompany further development, and that this is just as vital where housing delivery is incremental as opposed to on larger sites. A Biodiversity Net Gain of 20% for most forms of development is set out within Policy 39 Biodiversity and Geodiversity. After analysing Regulation 18 comments, there was some opposition to a proposed Biodiversity Net Gain of 20%, as it was perceived as a development cost, with respondents stating that the requirement in the Local Plan should be reduced to 10% in line with the 2021 Environment Act. Secondary legislation on Biodiversity Net Gain is expected in November 2023 and the Council notes that the mandatory figure of 10% does not equate to a cap. As previously highlighted, a 20% BNG that accompanied development (rather than minimum targets set out in the Environment Act) would relieve pressure on existing green space, enhance the ecological network across the borough and account for the limited opportunity for off-site biodiversity enhancement within the borough.

Richmond's Biodiversity Action Plan has informed the approach to biodiversity that Richmond has taken since its first version in 2005 and most recently updated in 2019, with the aim that special habitats and species are protected. The Nature Conservation Review (2021 and 2022) by Salix Ecology forms a comprehensive review of sites designated for nature conservation importance in the borough. It reviewed existing designations as well as identifying new sites proposed for designation in the Local Plan and candidate sites (Appendix 4 in the emerging Local Plan) to ensure the borough has identified a coherent ecological network. Biodiversity Net Gain improvements are sought through the planning application process and especially Policy 15 with regards to infill and backland development, whereby any development must retain or re-provide features important to character, appearance or wildlife as well as result in no significant loss of garden land unless significant mitigation is put in place.

In this borough's context, it is therefore considered that the policy approach for securing measurable net gains is justified, and consistent with national policy given local circumstances. The Council's response in April 2022 to DEFRA's consultation on Biodiversity Net Gain Regulations and Implementation put forward the concerns that there is a risk that cumulatively biodiversity will be degraded and lost by excluding householder or self-build developments or through introducing thresholds, particularly in an urban context, and the importance in the borough of the local green infrastructure network.

The importance of private gardens in the London context

To underline the importance of private garden space, but especially rear garden space, Greenspace Information for Greater London (GiGL) in partnership with the London Wildlife Trusts undertook research titled 'London: Garden City?' (2010) to understand the importance of these spaces in London. The research discovered that 37,000 hectares (ha), approximately 24% of Greater London, was comprised of private, domestic garden land yet on average, an area of vegetated garden land the size of 2.5 Hyde Parks was lost each year. Furthermore, the area of garden buildings increased in area by 55% or 1,000ha. These changes will have knock-on effects for other environmental impacts, such as the urban heat island effect and excess water run-off due to impermeable surfaces.

The research also noted that there is a considerable difference in the average size of gardens in Outer London compared to those in Inner London and therefore, a cluster of larger gardens in Outer London will accommodate a greater variety of habitats compared to those clusters in Inner London. Private gardens within the borough therefore are of a proportionally greater consideration in the London context.

As set out above in the Biodiversity Action Plan, private gardens account for nearly one-fifth of the land in the borough and are identified as a priority habitat, identified as important for a number of species. The incremental impact of the loss of habitats in private gardens in the borough would therefore be detrimental, given the importance as set out above of small sites and stepping stones as key connections in the ecological network.

The existing approach to securing Biodiversity Net Gain

Through applying conditions to planning applications, the Council can demonstrate a tracked history of requiring applicants and developers to enhance the ecological conditions of their site post-development. As has been mentioned, the Council has been consistently seeking a net gain for biodiversity through the Sustainable Construction Checklist, despite not seeking a specific percentage net gain from development. This can be demonstrated for householder applications, major applications as well as for applications for commercial development.

The Council has not recorded post-development ecological conditions on site and therefore does not hold a maintained and standardised list of conditions or requirements that have been applied in the most recent plan period, dating back to July 2018. In order to assess the Council's ask for ecological enhancements on development sites, a desktop study was undertaken which assessed the period since the current Local Plan adoption in 2018 and focused on the ecological enhancements required through conditions.

There were 200 planning permissions (a range of types including minor and householder development) that were identified as having used LP15 of the Local Plan as part of the assessment against the development, and therefore used conditions attached to the planning application to achieve a biodiversity net gain. Only a sample of these planning applications were assessed but of those that were, the most common conditions used were:

- Ecological enhancements to include features such as bat bricks, bird bricks such as sparrow terraces and swift boxes, reptile/stag beetle habitats, hedgehog corridors including gaps within all fencing and invertebrate houses. In addition, a very common requirement is to ensure that all planting should be native or be wildlife friendly.
- Green (or brown) roofs to be installed on flat roofs and the details to be agreed with the LPA, including an extensive or intensive substrate type, species mix, depth and contouring of substrate, type of membrane, how levels of light, moisture, aeration and nutrients will be achieved, wildlife features and the maintenance plan.
- Biodiverse green walls on medium sized developments whilst minor applications have seen smaller examples such as trellises to support climbing plants.
- Tree planting schemes to safeguard existing trees as well as provide additional trees, with details to quantity, size, species, and position, planting methodology, proposed time of planting (season), 5 year maintenance and management programme.

Other conditions used that mitigated the impacts of development on biodiversity included the control of external illumination to prevent harm to wildlife, requiring bat surveys to be undertaken before development takes place, retaining hedges on-site in recognition of their important value to wildlife, and the submission of details of soft landscaping including a programme of planting.

Of those planning permissions that were surveyed, the condition attached to planning permissions which is most common is the condition that requires ecological enhancements to be delivered on-site (bird boxes, bat boxes, holes in boundaries for small mammals to pass through and native planting). The soft landscaping works condition is unanimously used, however it is the ecological enhancements condition which more often than not is relied upon to deliver biodiversity net gain within planning permissions. Table 1 shows a range of planning applications that used the 'ecological enhancements' condition to require developers to deliver biodiversity net gain on-site.

Table 1: Ecological enhancements sought through planning condition for different types of planning permissions.

Type of planning application	Development proposed	Conditions related to ecology seeking to achieve BNG	Ecological enhancements sought on-site
22/3794/FUL 77 North Road Kew, Richmond, TW9 4HQ Approved 09/03/2023	Conversion, refurbishment, and extension of former doctor's surgery to create a day nursery (change of use from class E(e) (health services) to use class E(f) (day nursery), including front, rear, and roof extensions, alterations to facing materials, alterations to vehicular access and pedestrian access, and provision of cycle storage, buggy storage, and refuse storage.	U0075763 Ecological enhancements.	1 no integrated bat bricks within the soffit or Habitat wildlife box, 1 no integrated bird bricks (either sparrow terraces or swift bricks), ensure all walls/fences have mammal holes to allow continued movement of wildlife, ensure all plant species are native or wildlife friendly.
22/1825/FUL	Demolition of existing dwelling and associated outbuildings, and erection of 4no. new 1bed	U0142328 NS08: Green Roof, U0142331 NS11: Tree Planting Scheme,	2 no integrated bat bricks within the roof; 1 no integrated bird brick (either sparrow terrace or swift brick; Retain

88 Richmond Road, Twickenham, TW1 3BB Approved 07/11/2022	and 2bed affordable flats, with associated landscaping, cycle and refuse stores.	U0142333 NS13: Hard and Soft Landscaping, U0142334 NS14: Ecological Enhancement, U0070394 NS02 Ecology (informative), U0070395 NS03 External illumination (informative)	the tree stump and protect during construction; 2no Invertebrate habitat to be included within the landscaping within each unit; Ensure all walls/fences have mammal holes to allow continued movement of wildlife; Plant species to be native or wildlife friendly.
22/1711/FUL 116A Amyand Park Road, Twickenham, TW1 3HP Minor development Approved 20.04.2023	Demolition of existing building. Erection of 2 semi-detached houses with associated landscaping, parking, and refuse/cycle storage.	U0077305 Ecology, U0154488 Ecological Enhancement/Mitigation	The hedgerow must be made up of native species with space to grow to minimums of 1.8m high and 1.0m width, include 1 no integrated bat bricks/roof tiles within the roof of each dwelling, include 1 no integrated bird bricks (either sparrow terraces or swift bricks) for each dwelling, include 1 no stag beetle loggery/Invertebrate habitat to be included within the landscaping within each garden space, ensure all walls/fences have mammal holes to allow continued movement of wildlife (including for hedgehogs), ensure all plant species are native or wildlife friendly.
18/3950/FUL Richmond Royal Hospital (Original Block) Kew Foot Road Richmond TW9 2TE Major development Approved 15.07.2019	(1) Conversion of the existing health facilities (use class D1) to a mixed-use development providing 71 no. residential apartments (use class C3) and 500 sqm of D1 (Health) floorspace. (2) Restoration, alteration, extensions and demolition (mainly of later additions) to the existing buildings, new build and provision of a lower ground floor basement (car parking, plant and servicing) and associated landscaping. (3) Listed building consent for the refurbishment and restoration of Shaftesbury House (Grade II listed), conversion of existing health facilities (use class D1) to residential apartments (use class C3) and all ancillary and associated works.	U0065621 NS30: Tree Planting Scheme Required, U0065622 NS31: Hard and Soft Landscaping, U0065623 NS32: Ecological Enhancements, U0065624 NS33: External Illumination, U0065625 NS34: Green Roof	Ecological enhancements to include Incorporation of soft landscaping within the final design to include native, nectar rich flowers and shrubs; and Inclusion of, no more than four (4) bird boxes, insect bricks, insect houses or a mix within the soft landscaping or attached to the building.

It is recognised that there will be a shift in emphasis in measuring biodiversity net gain, with a metric focus on habitats, and compensatory factors not factored into the BNG calculation, although habitat that is created (or restored) to conserve protected species can contribute to the calculation.

It is relevant to note also that the application of the Urban Greening Factor has required consideration early in the design process for features that make space for nature and deliver net gains for biodiversity. While compliance is assessed separately, the Mayor's guidance on Urban Greening for Biodiversity Net Gain: A Design Guide sets out which UGF surface cover types have the greatest potential to be designed to achieve net gains for biodiversity. In most cases, if a development proposal meets the UGF target score, it is also considered likely to achieve at least 10% BNG (unless the development proposal would result in the loss of high-quality habitats).

Examples of planning applications where post-development BNG far exceeds the 20% threshold

The majority of planning applications that the Council receives are proposed on sites that constitute previously developed land, due to the built-up nature of the borough, as well as the remaining existing open spaces being designated and protected due to their ecological or recreational importance. For example, all major developments currently listed on the Council's website (at the time of writing) are currently developments on previously developed land (see Appendix 1 for a list of these major developments).

Although biodiversity net gain is not yet mandatory, planning applications that the Council receive show that a biodiversity net gain of 20% is achievable on previously developed land. The following planning applications have been granted planning permission and demonstrate how a 20% biodiversity net gain target can be met.

Strathmore School:

The proposal for Strathmore School was for the demolition of the existing vacant school building and associated buildings and the erection of a new Special Education Needs and Disabilities (SEND) school including play areas, multi-use games area, car and minibus parking, cycle and bin storage, hard and soft landscaping, fencing, and associated works.

Alongside the documents to support the planning application, a biodiversity net gain assessment was submitted which documented how the site would meet national requirements for 10% biodiversity net gain. The site was found to be of low biodiversity value – hardstanding with small areas of modified grassland, scattered trees and bramble scrub – with no priority habitat on site. The development removed all existing habitat on site, aside from a few scattered semi-mature trees, and instead replace it with a sensory garden, native low level shrub planting, a native species-rich hedgerow, trees, an intensive green roof over 80% of the school building and other smaller areas of natural habitat.

The baseline habitat units prior to development were calculated at 1.72 habitat units attributed mainly to the scattered urban trees. Post-development habitat units however were calculated at 2.61, providing a 51.53% uplift in biodiversity, in addition to 0.98 habitat units for new hedgerow totalling a 100% increase in hedgerow units. Not only will this newly created habitat be of benefit to a variety of associated species including invertebrates and foraging/nesting birds and bats; it will also provide benefit to the wider landscape by providing habitat connectivity at a wider landscape

scale. The introduction of a green roof is a significant reason why this site is able to achieve far beyond the nationally set target of 10% biodiversity net gain and shows that similar features should be considered elsewhere, especially for larger developments of this size.

Strathmore Centre, Teddington

The proposal for the Strathmore Centre was for the demolition of all existing buildings and the erection of two 3-storey buildings comprising 30 residential dwellings, new nursery provision, car parking and landscaping including communal amenity space and an ecological enhancement area.

The Strathmore Centre site is approximately 0.6 hectares of brownfield land, which is primarily hardstanding and buildings with species poor intact hedgerow, species poor hedgerow with trees, dense scrub, improved grassland, tall ruderal vegetation, ephemeral short/perennial, amenity grassland and bare ground.

Although the habitat on-site was not of great value, it was subsequently still recognised by the applicant as providing nesting and foraging resources for protected species including bats, nesting birds and species of reptile once additional detailed plans had been provided. The Council's ecologist was also able to secure additional boundary treatment through hedge replacement which amounted to a 92.61% gain in linear features, in addition to the 9.97% net gain in habitats provided on site. Additional mitigation was also secured by condition for the installation of biodiversity enhancements (2 x integrated bird boxes, 2 x integrated bat boxes, Stag Beetle loggery, log piles and compost bins) as a result of survey findings. It was also agreed by condition that details for hard and soft landscaping and external lighting (conforming to industry standards) would be provided in order to ensure connectivity and reduce impacts on wildlife amenity both for within the site and in the wider area. The green roof was provided on 65% of the total potential roof plate area which fell short of the Local Plan policy requirement for 70%, however the addition of two green walls compensated for this marginal reduction in green roof provision.

Understanding our evidence base for the emerging Local Plan

The Biodiversity Action Plan and the Nature Conservation Sites Review have already been detailed above.

Habitats Regulations Assessment

A Habitats Regulations Assessment (HRA) was undertaken in November 2021, with the purpose of assessing potential negative impacts from the Local Plan on European sites, namely Special Protection Areas (SPA) and Special Areas of Conservation (SAC), and then of necessary, an assessment of alternative solutions, mitigation measures, or recommendations for any amendments to Local Plan policies is made to ensure no negative impacts remain for these European sites.

The only European site within the borough is Richmond Park SAC and as no development was proposed in the park, the site could be screened out from further assessment in relation to physical habitat loss. The only site external to the borough and within a 15km radius that has been deemed to be impacted by the emerging Local Plan policies is Wimbledon Common SAC, for which further traffic modelling is required to inform an assessment into adverse impacts of the Local Plan.

Green Belt, MOL, LGS and OOLTI Review

A review into open space designations was undertaken in August 2021 to understand how Green Belt, Metropolitan Open Land (MOL), Local Green Space (LGS) and Other Open Land of Townscape Importance (OOLTI) was performing against designation criteria. The borough's small percentage of Green Belt (2.29%) was seen to be performing strongly whilst six sites were recommended for LGS designation.

The vast majority of OOLTI sites (165 out of 168) comprising 2.26% of the borough were found to meet the criteria set out for OOLTI designation, however it was raised in the report that OOLTI designation does not prevent the ability to carry out development under permitted development rights, therefore weakening the effectiveness of this designation.

MOL covers 51.9% of the borough and therefore has the most significant open space impact on the borough by far. Of 38 General Areas assessed against criteria, 11 were found not to meet the MOL criteria overall. In addition, there were MOL designations that despite fulfilling the role for MOL purposes by meeting a majority of the designation criteria, did not have a biodiversity designation and/or performed weakly when assessed against biodiversity. Such examples include Udney Park, Vine Road Recreation Ground, Mortlake Cemetery West, Moormead Park, Crane Park East, Kneller Chase Bridge and Powder Mill. In the case of Crane Park East, it was stated that "there are opportunities for environmental improvements in this green space to enhance its function as a public open space, for biodiversity and green infrastructure connectivity." In the case of Moormead Park, the report mentioned that there was an opportunity to enhance the River Crane profile and the physical and visual access to enhance recreation and biodiversity value. Given the importance of MOL within the borough in terms of providing openness in an otherwise urban setting, there are opportunities for biodiversity net gain to address deficiencies where MOL does not perform strongly.

Implementation of Policy 39. Biodiversity and Geodiversity and next steps

At the time of writing, the implementation of the mandatory 10% biodiversity net gain is due to be rolled-out through regulations and national guidance by Government and Natural England which set the framework for policy implementation, for example to amend the national validation requirements so that applications for BNG-eligible development proposals are accompanied by a certain level of BNG information, and a mandatory condition.

A proposed Biodiversity Net Gain of 20% has been considered by the Council in terms of deliverability.

The Local Plan Viability Assessment (2023) has tested the cumulative impact of the emerging Local Plan policy requirements. This tested the requirement for a 20% enhancement to biodiversity in perpetuity by applying an increase in build costs of 0.2%, which is double the figure indicated in the 2019 DEFRA report 'Biodiversity net gain and local nature recovery strategies impact assessment'. The Impact Assessment indicates that costs on brownfield sites in London for a 10% biodiversity net gain equate to 0.1% of build costs (Central Estimate – see Table 20 of DEFRA Impact Assessment). The Local Plan Viability Assessment found the impact on the residual land value of each scenario varies, but the impact is typically a reduction of circa 0.5%. It notes the impact can be more

significant when the starting residual land value is very low but did not identify this as a main policy area impacting on viability.

It is also relevant to consider deliverability in terms of the type of development expected to come forward in the borough. As set out above, the BNG metric focus is on habitats, and therefore it is relevant to consider the emphasis in the Local Plan is on brownfield sites coming forward - which are likely to have a low biodiversity baseline, and where it is expected that urban greening can achieve greater gains than the mandatory 10%. There are no large greenfield sites foreseen in the borough's future delivery pipeline. As already demonstrated in this topic paper, the typology of sites to come forward in the past has largely been through infill and conversions, secondary employment and residential redevelopment, which is expected to continue with more efficient use of existing sites, utilising vacant space, and small site brownfield redevelopment expected as the future patterns of delivery. More details are set out in the separate Housing Delivery Background Paper.

Biodiversity SPD

The Council set out in the emerging Local Plan that we will produce further guidance in the form of an SPD on biodiversity, specifically on biodiversity net gain, and will set out for applicants and developers how biodiversity net gain can be delivered on a variety of sites, ranging from major to small-scale proposals. This can be taken forward once the emerging Local Plan progresses towards adoption. The Biodiversity SPD should assist developers to achieve the Local Plan's policy aim of 20% (where applicable), not just in terms of understanding costs, but also the time and effort required by developers to address BNG.

It should be noted that Natural England have produced a Biodiversity Metric 4.0 (latest version) to aid developers in calculating biodiversity net gain, whilst a small sites metric is also available for applicable developments. Both tools will provide consistency for BNG delivery and it is envisaged that when used in tandem with the Biodiversity Action Plan (BAP) and other Council strategies, provide a net gain in keeping with Local Plan policy ambitions.

The Council will be setting up a monitoring database, and details around securing delivery through Section 106 or Conservation Covenants can be covered in the SPD.

While the Council's priority is to address biodiversity net gain on a site, the SPD will set out further guidance on following the mitigation hierarchy where a developer is seeking to demonstrate that 20% net gain is not deliverable on their development site.

A Local Nature Recovery Strategy for London

The Local Nature Recovery Strategy is a new system of spatial biodiversity strategies in England, required by law under the Environment Act 2021. The GLA is responsible for producing London's LNRS and will work with all 33 of London's boroughs as well as the six neighbouring counties – most pertinent for Richmond, this will include Surrey.

The LNRS for London will set out London's strategic biodiversity priorities and also deliver a comprehensive spatial habitat map with London's strategic Nature Recovery Network. Much like what the Richmond Local Plan is trying to do, the LNRS will better improve the quality, size and connectivity of London's Sites of Importance for Nature Conservation (SNCI's) and better support

local policy. It is expected that this will set out habitats of strategic importance, although will draw upon existing borough Biodiversity Action Plans.

The Richmond BAP has an action to prepare a connectivity strategy and map of LBRuT identifying key habitats, known features (e.g. bat roosts), quality of connectivity, light pollution etc. The work towards producing London's LNRS will complement this ambition and ensure that mitigation for development delivers the most suitable interventions for biodiversity net gain in the borough. The GLA anticipate the LNRS work to be completed by 2025.

Conclusion

This paper highlights the importance of biodiversity in the borough and that due to pressures on species and habitats there is a need to protect and enhance biodiversity on sites in the borough. Existing policy requirements require features in new development that have already become part of the planning process in the borough, many of which cut across other policy requirements for blue and green infrastructure and deliver multi-functional benefits. The policy approach for securing measurable net gains in Policy 39 is therefore considered justified and consistent with national policy given local circumstances.

Appendix 1

Provided below is a list of current major applications that were live at the time of finalising this biodiversity topic paper. All of the below applications were for development on previously developed land.

- Marble Hill House Marble Hill Park Richmond Road Twickenham TW1 2NL 18/2977/NMA

Non material amendment to planning approval 18/2977/FUL to the design of the Ice House Seat. Works requiring an amendment to the original planning consent. Restoration of the Ice House Seat, for which an earlier design proposal was approved. Works within the Conservation Area requiring additional consent Tree management works within the former non-intervention areas, including the installation of woodland paths and associated soft landscaping.

- Hampton Court House Campbell Road East Molesey Not Validated

Retrospective application for erection of single storey educational buildings.

- 80 George Street And 2 4 6 8 And 12 Paved Court Richmond 23/2308/VRC

Variation of condition U0146403 (Approved Drawings), U0146424 (Terrace Screening), U0146426 (Roof Terrace Furniture) and U0146421 (Ecology Enhancements) of planning permission ref 22/2333/FUL and removal of condition U0162732 (Plant room) of non-material amendment ref 22/2333/NMA in order to provide Class E floorspace at fifth floor, add an external terrace at fifth floor, make elevational changes and associated amendments including to PV, cycle spaces and green roof, and amend details of ecological enhancements.

- The Stag Brewery Lower Richmond Road Mortlake London SW14 7ET 23/1937/FUL

Use of the existing buildings and land including erection of external film sets for film production operations and ancillary activities. (Refer to covering letter dated 23 August 2023 to understand how this application interacts with any future comprehensive redevelopment of the site).

- Richmond Inn Hotel 50 - 56 Sheen Road Richmond TW9 1UG 23/1897/VRC

Variation of condition U148816 - Approved plans of planning permission 22/1496/FUL to revise internal layouts, reduce guest beds from 57 to 50, increase height of BTM by 200mm, lower ground floor by 160mm, amend landscaping including location and extent of planting. Relocate the lift, courtyard facing windows, bin and cycle store and plant. Add new substation, new door, mechanical heat recovery units to each guest bed, louvres at lower ground floor, extraction unit, below ground trench. Replace window with door. Omit bay window

- Richmond Royal Hospital (Original Block) Kew Foot Road Richmond TW9 2TE 23/1123/VRC

Variation of conditions U0061968 - NS03: Building Regulation M4(2), and U0061969 - NS04: Building Regulation M4(3) (Wheelchair) of planning permission 18/3950/FUL.

- Sheldon House Cromwell Road Teddington 23/0741/FUL

Demolition of a seven-storey residential building; erection of five-storey residential building plus lift overrun comprising 27 units (including 3 wheelchair units) incorporating cycle storage and refuse/recycling store; formation of 6 car parking spaces (including 3 disabled spaces) and 1 delivery bay; landscaping including child play space and ecology area.

- Royal Botanic Gardens Kew Green Kew Richmond TW9 3AB 23/0410/FUL

Demolition of the existing 'White Peaks' development and replacement with a new part two, part single storey building and associated hard and soft landscaping, to provide a new Learning Centre at the Royal Botanic Gardens, Kew.

- Thames Young Mariners Base Riverside Drive Ham Richmond TW10 7RX 22/3139/FUL

Demolition of existing buildings and construction of replacement buildings with associated residential accommodation, changing block, replacement staff accommodation and outdoor activity equipment including high ropes, climbing wall, coasteering course, supporting pontoons with associated hard and soft landscaping and parking.

- Kneller Hall Royal Military School Of Music Kneller Road Twickenham TW2 7DU 22/3004/FUL

The demolition of existing modern buildings on the site and the conversion of and extensions to Kneller Hall and other ancillary buildings associated with the former royal military music school to a day school (Use Class F1), together with the construction of associated new purpose-built buildings including teaching space, indoor sports facilities, sporting pavilion and forest school building. Alterations to the existing playing fields, to include an all weather pitch with fencing, flood lighting to existing tennis courts, sustainability measures and re-turfing. Provision of a new access from Whitton Dene, and other ancillary works including parking areas, hard and soft landscaping, lighting, access alterations and energy centre. Internal and external alterations to Kneller Hall and the curtilage listed buildings to facilitate the day school use, including demolition and rebuilding of single storey extension to the west wing of Kneller Hall, extension to the Band Practice Hall and re-opening of Whitton Dene site entrance.

- Greggs And No. 2 Gould Road Gould Road Twickenham TW2 6RT 22/2556/FUL

Demolition of existing buildings (with retention of a single dwelling) and redevelopment of the site to provide up to 116 residential units and 175 sqm commercial floorspace (Use Class E) with associated hard and soft landscaping, car parking and highways works and other associated works.

- Greggs And No. 2 Gould Road Gould Road Twickenham TW2 6RT 22/2557/FUL

Demolition of existing buildings (with retention of a single dwelling) and redevelopment of the site to provide 97 residential units and 883 sqm industrial floorspace (Use Class E(g)(iii)) and 117sqm of affordable workspace (Use Class E) with associated hard and soft landscaping, car parking and highways works and other associated works.

- St Clare Business Park And 7 - 11 Windmill Road Hampton Hill 22/2204/FUL

Demolition of existing buildings and erection of 1no. mixed use building between three and five storeys plus basement in height, comprising 86no. residential flats (Class C3) and 1,311.2sq.m of commercial floorspace (Class E); 1no.two storey building comprising 595sq.m of commercial floorspace (Class E); 14no. residential houses (Class C3); and, associated access, external landscaping and car parking.

- Kingston Bridge House Church Grove Hampton Wick KT1 4AG 22/1029/FUL

Updated to: Change of use of the building from student accommodation to provide 70 C3 homes including 4 social rent units, and x 7 wheelchair accessible M4(3) dwellings, facade and elevational improvements, infill extension at ground floor level and with associated landscaping, access, parking/refuse provision and external alterations.

- The Stag Brewery Lower Richmond Road Mortlake London SW14 7ET 22/0900/OUT

Hybrid application to include: 1. Demolition of existing buildings (except the Maltings and the façade of the Bottling Plant and former Hotel), walls, associated structures, site clearance and groundworks, to allow for the comprehensive phased redevelopment of the site: 2. Detailed application for the works to the east side of Ship Lane which comprise: a. Alterations and extensions to existing buildings and erection of buildings varying in height from 3 to 9 storeys plus a basement of one to two storeys below ground to allow for residential apartments; flexible use floorspace for retail, financial and professional services, café/restaurant and drinking establishment uses, offices, non-residential institutions and community use and boathouse; Hotel / public house with accommodation; Cinema and Offices. B. New pedestrian, vehicle and cycle accesses and internal routes, and associated highway works c. Provision of on-site cycle, vehicle and servicing parking at surface and basement level d. Provision of public open space, amenity and play space and landscaping e. Flood defence and towpath works f. Installation of plant and energy equipment 3. Outline application, with all matters reserved for works to the west of Ship Lane which comprise: a. The erection of a single storey basement and buildings varying in height from 3 to 8 storeys b. Residential development c. Provision of on-site cycle, vehicle and servicing parking d. Provision of public open space, amenity and play space and landscaping e. New pedestrian, vehicle and cycle accesses and internal routes, and associated highways works.

- The Stag Brewery Lower Richmond Road Mortlake London SW14 7ET 22/0902/FUL

Erection of a three-storey building to provide a new secondary school with sixth form; sports pitch with floodlighting, external MUGA and play space; and associated external works including landscaping, car and cycle parking, new access routes and other associated works.

- Barnes Hospital South Worple Way East Sheen London SW14 8SU 21/3107/FUL

Demolition of existing structures and redevelopment of site including construction of three new buildings comprising 106 residential units of mixed tenure (Use Class C3), alterations and conversion

of two existing buildings for 3 residential use (Use Class C3), car and cycle parking, landscaping and associated works.

- Richmond Upon Thames College Egerton Road Twickenham TW2 7SJ 19/2381/RES

Detailed Reserved Matters application including Appearance, Landscaping, Layout and Scale for the Tech Hub Development Zone pursuant to Conditions U08030 and U08031 of Outline Planning Permission 15/3038/OUT dated 16/08/2016. Demolition of existing sports hall and the construction of a 2-storey office building (Use Class B1) together with associated parking, cycle parking and landscaping. Outline Application 15/3038/OUT constituted Environmental Impact Assessment (EIA) development and a full Environmental Statement (ES) was submitted in support of the outline application.

- Homebase 84 Manor Road Richmond TW9 1YB 19/0510/FUL

THIS APPLICATION WAS CALLED IN BY THE MAYOR OF LONDON, WHO IS NOW ACTING AS THE LOCAL AUTHORITY FOR THE DETERMINATION OF THIS APPLICATION. THE DOCUMENTS UPLOADED FROM 9 OCTOBER 2023 REPRESENT AMENDMENTS SUBMITTED BY THE APPLICANT TO THE GREATER LONDON AUTHORITY. THE GREATER LONDON AUTHORITY IS RESPONSIBLE FOR THE PUBLICITY OF THIS APPLICATION. PLEASE SUBMIT ANY REPRESENTATIONS TO MANORROAD@LONDON.GOV.UK Demolition of existing buildings and structures and comprehensive phased residential-led redevelopment to provide 453 residential units (of which 173 units will be affordable), flexible retail, community and office uses, provision of car and cycle parking, landscaping, public and private open spaces and all other necessary enabling works (THIS SECRETARY STATE HAS REMOVED THE HOLDING DIRECTION AND IS CONTENT FOR THE GREATER LONDON AUTHORITY TO DETERMINE THE APPLICATION).