



Report

17th January 2024

To: Members of Cabinet

Report Title: Biodiversity Net Gain and Red House Farm Habitat Bank
Boundary – Revision to 19th July 2023 Cabinet Decision

Relevant Cabinet Member(s)	Wards Affected	Key Decision?
Ros Jones, Mayor of Doncaster	Wheatley Hills & Intake	No

EXECUTIVE SUMMARY

1. This report discusses amending a previous decision made by Cabinet on 19/07/2023 that approved the opening of a Habitat Bank at Red House Farm. It recommends that Cabinet approve the removal of an area of land from the Habitat Bank if planning permission is granted for the proposed Waterfront (East) Remediation Scheme. The removed area of land would then be used to secure delivery of offsite biodiversity units as part of any Waterfront planning permission (if granted). The financial mechanism of paying for the habitat creation and ongoing management of parts of the Red House Farm site removed from the Habitat Bank scheme are proposed to change as a result of this decision, but on the ground, post habitat creation, there would be no material difference in what is delivered as part of the Habitat Bank project.

EXEMPT REPORT

2. Not exempt

RECOMMENDATIONS

3. **OPTION 1 (RECOMMENDED)** That Cabinet approves, subject to planning permission being granted for application 23/02196/3FULM, that the boundary of Red House Farm Habitat Bank, previously agreed by Cabinet on 19th July 2023, be amended to exclude areas of land that will be used to deliver offsite compensation required for planning application 23/02196/3FULM.



WHAT DOES THIS MEAN FOR THE CITIZENS OF DONCASTER?

3. This decision would have the same outcomes for the citizens of Doncaster as described in the Cabinet Report approved on 19/07/2023 (appended to this report and hereafter referred to as Background Paper 1).

BACKGROUND

The Waterfront Planning Application

4. The Council has submitted a planning application to remediate the Waterfront (East) mixed use site as a precursor to plans for its future redevelopment. This site is one of the largest brownfield regeneration opportunities of its size in the country, and the application builds on previous work and investment to date, such as land assembly and site access and wider remediation.
5. The Waterfront (East) remediation planning application, like the majority of other planning applications submitted of this type and scale, needs to be compliant with the adopted Local Plan 2015-2035, including with respect to Biodiversity Net Gain and Policy 30: Valuing Biodiversity & Geodiversity and its supporting Supplementary Planning Document. It therefore needs to demonstrate how it will deliver a 10% net gain in biodiversity. To achieve policy compliance, the planning application for the Waterfront remediation scheme must secure 24.94 biodiversity units offsite.
6. Prior to mandatory legal net gain, the Council has been asking that developers provide details of a scheme where offsite Biodiversity units will be delivered or pay a Biodiversity Offsetting Contribution of £27,500 per biodiversity unit. These contributions are secured via a s106 agreement. The Council is not legally able to enter into a s106 agreement with the Local Planning Authority. Therefore, payment of a biodiversity offsetting contribution cannot be secured for the Waterfront (East) development and instead a scheme needs to be identified where the offsite units will be delivered.

Proposal to offset impacts of the Waterfront development at Red House Farm

7. Members will recall that a decision was made at the meeting of Cabinet on 19th July 2023 which sought approval to set up a Habitat Bank on an area of Council owned land adjacent to Sandall Beat Wood, known as Red House Farm. The intention was for biodiversity units created on this site to be sold on the open market once biodiversity net gain becomes a legal requirement of all planning applications. This decision envisaged between 100 and 150 biodiversity units being created on the site.
8. The Habitat Bank at Red House Farm is 2.7 km from the proposed Waterfront (East) Development. As described in background paper 1, it is intended that a range of habitats including woodland, scrub, trees and neutral grassland will be delivered on the site. As the Waterfront development needs to deliver grassland, scrub and tree units offsite it has been identified that the Red House Farm site would be an appropriate location to deliver the necessary

offsite biodiversity units as it is also within the main urban area and relatively close to the site.

- Figure 1 shows the extent of the Red House Farm Habitat Bank as was proposed in background paper 1. This report recommends, subject to planning approval being granted for the Waterfront application, altering the extent of the Red House Farm Habitat Bank to exclude the areas shown on Figure 2.

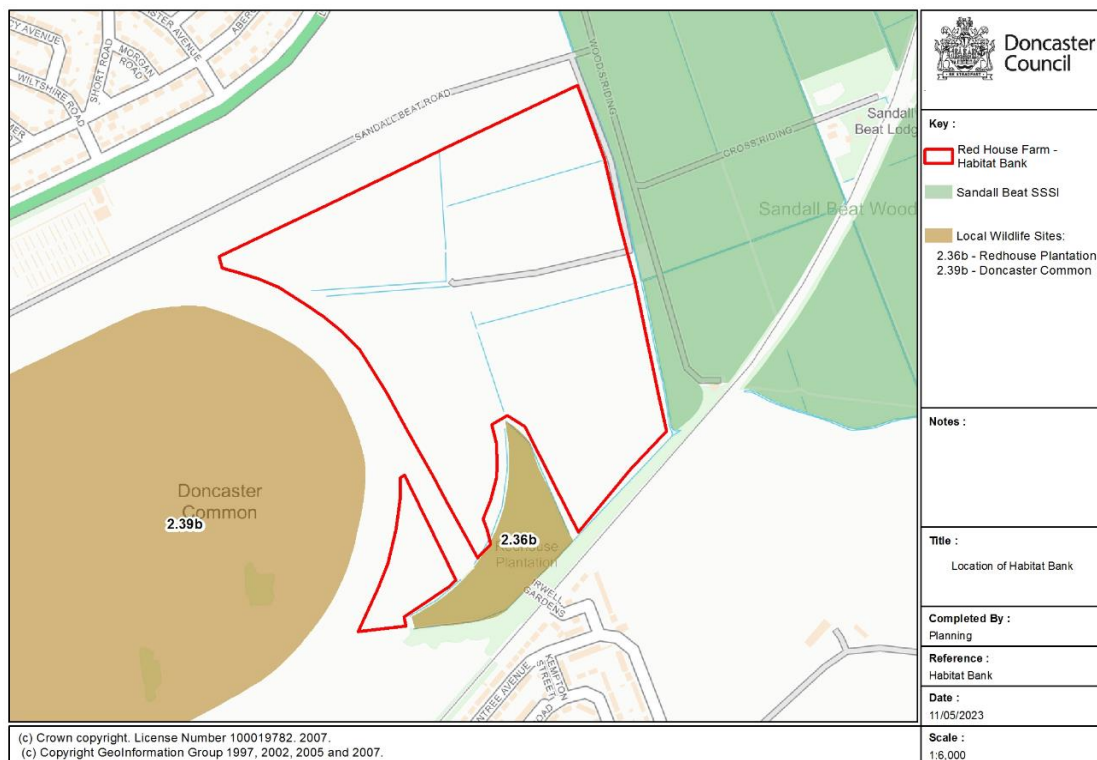


Figure 1 (above): Extent of proposed Habitat Bank Approved by Cabinet on 19th July 2023 as detailed in background paper 1.

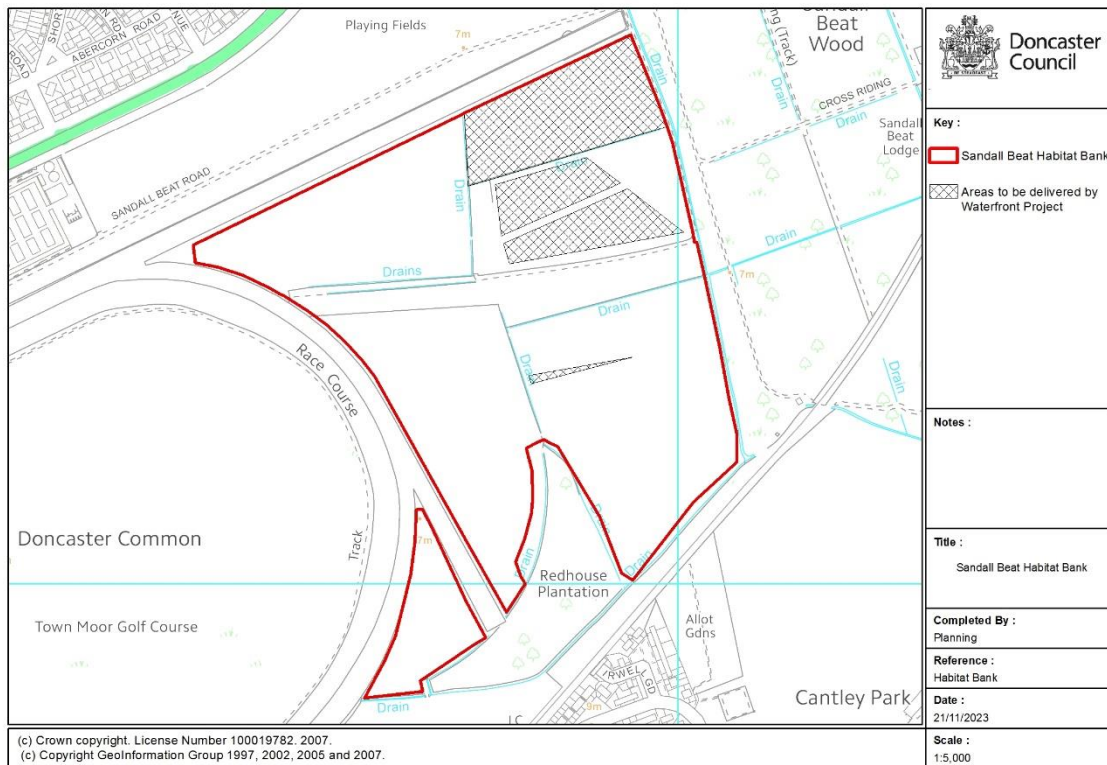


Figure 2 (above): Extent of areas proposed to be removed from the Habitat Bank and delivered by the Waterfront Project.

10. The excluded areas would deliver the same habitats as was previously envisaged but would instead be secured through an appropriate planning condition attached to the Waterfront planning application. This would mean that 24.94 fewer biodiversity units would subsequently be available for sale on the open market.

Summary

11. If members of Cabinet were to agree with the recommendations in this report, then it would mean:
- The development at Waterfront would be facilitated by allowing offsite biodiversity units to be delivered on the Red House Farm site.
 - The areas identified in Figure 2 would be removed from the Red House Farm Habitat Bank.
 - Fewer biodiversity units would therefore be available for sale from the Red House Farm Habitat Bank once biodiversity net gain becomes mandatory.
 - The financial mechanism of paying for the habitat creation and ongoing management of parts of the site, shown in Figure 2, would change but on the ground, post habitat creation, there would be no material difference in what is delivered on the site to that which is described in background paper 1.

OPTIONS CONSIDERED

12. Alternative options, all of which are NOT RECOMMENDED, are considered below.




Option 2 (NOT RECOMMENDED) Do not approve the removal of areas from the Red House Farm Habitat Bank and require that the planning application at Waterfront find an alternative site on which to deliver the necessary offsite biodiversity units.

13. Option 2 is not recommended because there is a risk that alternative offsite units would need to be procured from outside the Borough and Cabinet have previously expressed a desire to see biodiversity net gain delivered locally. In addition, if units could not be found, then planning permission for the Waterfront Scheme would not satisfy planning policy requirements and risks being refused.


REASONS FOR RECOMMENDED OPTION

14. Option 1 is recommended because it will facilitate the delivery of planning application 23/02196/3FULM and facilitate bringing forward the Waterfront mixed use site as a precursor to plans for its future redevelopment. It will also ensure that biodiversity net gain is delivered within the Borough.


IMPACT ON THE COUNCIL'S KEY OUTCOMES

Great 8 Priority	Positive Overall	Mix of Positive & Negative	Trade-offs to consider – Negative overall	Neutral or No implications
 Tackling Climate Change	✓			
Comments: As well as helping to deliver biodiversity and better ecological networks, new habitats can also provide investment in other ecosystem services such as flood alleviation, carbon storage and improved air quality. These additional ecosystem services will help Doncaster to limit the negative impacts of and adapt to climate change.				
 Developing the skills to thrive in life and in work				✓
Comments: N/A				
 Making Doncaster the best place to do business and create good jobs	✓			


Comments: The remediation of the Waterfront site will have a positive benefit on business in Doncaster, unlocking an underused site near the town centre that will be well placed to attract future investment.

 <p>Building opportunities for healthier, happier and longer lives for all</p>	✓			
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Comments: The loss of species and habitats poses as much a danger to life on Earth as climate change does. As well as underpinning the food we eat and the air we breathe, we depend on it for protection from other threats, like pollution, flooding and climate breakdown. The biggest driver of biodiversity loss is land-use change. The measures described in this report, will not only alleviate the impacts of biodiversity loss but provide a large additional green space for the people of Doncaster to enjoy.

 <p>Creating safer, stronger, greener and cleaner communities where everyone belongs</p>	✓			
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Comments: Ensuring that there are biodiversity units for sale within Doncaster will help to bring wildlife closer to communities while at the same time delivering other benefits that will make communities safer by delivering ecosystem services such as flood alleviation, clean air and carbon storage all of which will be increasingly important in mitigating the negative impacts of climate change.

 <p>Nurturing a child and family-friendly borough</p>	✓			
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Comments: Access to nature and green spaces have proven benefits for people's mental health and personal well being. The delivery of Habitat Banks within Doncaster will mean the creation of new wildlife rich habitats that can help to connect children and families to nature.

 <p>Building Transport and digital connections fit for the future</p>				✓
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Comments: N/A

 <p>Promoting the borough and its cultural, sporting, and heritage opportunities</p>				✓
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Comments: N/A

Fair & Inclusive				✓
<p>Comments: In line with the corporate approach for compliance against the Equality Act 2011 due regard must be shown across all activity within the Council. The recommendations in this report represent high level strategic decisions, hence there are no detailed impacts on any people, groups or individuals on which to base a due regard statement. However as biodiversity net gain becomes further developed, and a clearer picture becomes available of how and where biodiversity net gain projects are being delivered, a due regard statement may need to be completed and reported.</p>				

15. Legal Implications [Officer Initials: AH | Date: 28/11/2023]

As a matter of law, a Council cannot enter into a legal agreement with itself. Where a Council owns land and seeks planning permission, instead of securing a BNG financial contribution in a S106 agreement, a planning condition is attached to any planning permission requiring a biodiversity net gain scheme to be agreed on land identified outside an application site.

16. Financial Implications [Officer Initials: OB | Date:07/12/23]

The costs per unit at the Red House Farm Habitat Bank have not yet been finalised and are subject to further approvals as per the original 19th July 2023 cabinet report. As units at this habitat bank scheme will need to be costed based upon a full cost recovery model, and the scheme aims to be cost neutral, it should not make any difference to the final financial position of the habitat bank if the proposal in the report goes ahead. Fewer units will be available to be sold on the open market than originally planned but also the costs of maintaining the Habitat Bank will be reduced if the area within the boundary is reduced. As per the original report, the price per unit, when agreed, needs to be set at a rate that will recover the estimated costs over the full thirty years commitment to the scheme, once sold.

This report focuses on the change to the original Habitat Bank proposal, which will allow the delivery of a Biodiversity Net Gain (BNG) scheme offsetting the Waterfront (East) Remediation Scheme to also be delivered at this site, if required, if planning permission is granted for the Waterfront Scheme application 23/02196/3FULM.

The full costs of delivering this separate BNG scheme form part of the overall approved budget for the Waterfront scheme. Once the 30-year costs of delivering and maintaining the overall site have been established, an Officer Decision Record will be completed to approve the commitment to these costs, as per in the delegations in the 19th January 2022 cabinet report for the Levelling Up Fund (LUF1) Programme.

17. Human Resources Implications [Officer Initials: DK | Date: 28/11/2023]

There are no direct HR Imps in relation to this report, but if in future staff are affected or additional specialist resources are required then further consultation will need to take place with HR.

18. Technology Implications [Officer Initials: PW | Date: 01/12/23]

There are no technology implications in relation to this report

RISKS AND ASSUMPTIONS

19. There are no significant risks in relation to delivery of the Habitat Bank at Red House Farm in associated with OPTION 1. If the development at Waterfront is not delivered then the Habitat Bank units created on the site will instead be sold on the open market.

CONSULTATION

20. The decision to open a habitat bank at Red House Farm was subject to considerable consultation see background paper 1. The suggested amendments contained in this report were discussed with the Mayor on 20/11/2023 and both Portfolio Holders for: Sustainability and Waste; and, Finance, Traded Services and Planning on 19/12/2023 – both were supportive of the recommendation in this report.

BACKGROUND PAPERS

21. Background Paper 1 - Report to Cabinet 19th July 2023 – [Biodiversity Net Gain & Habitat Banks](#)

GLOSSARY OF ACRONYMS AND ABBREVIATIONS

22. BNG – Biodiversity Net Gain

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