

Castle Point Biodiversity Report 2023 to 2025

Client

Castle Point Borough Council

Date:

June 2025



Essex County Council

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Version	Date	Author	Description of changes
1.0	24.04.2025	Neil Harvey	Draft for comment
1.1	13.05.2025	Neil Harvey	Client comments incorporated
1.2	19.06.2025	Neil Harvey	Committee comments incorporated
Title of report		Castle Point Biodiversity Report 2023 to 2025	
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1. Introduction

- 1.1. Castle Point Borough Council instructed Place Services to produce a report to satisfy requirements established by the introduction of the Environment Act in 2021 in the form of an amendment to the Natural Environment and Rural Communities Act 2006 (NERC Act). The requirements relate to the “the general biodiversity objective” set out In Section 40 of the NERC Act, amended by the Environment Act to be: “the conservation and enhancement of biodiversity in England through the exercise of functions...”.
- 1.2. The amendment to Section 40 includes a new subsection (1) that calls for Local Authorities to *“from time to time consider what action the authority can properly take, consistently with the proper exercise of its functions, to further the general biodiversity objective.”* At subsection 1C it is stated that the first consideration required by subsection (1) must be completed within a year of the amendment coming into force, which means by 1st January 2024.
- 1.3. Subsection (1A) states:
“After that consideration the authority must (unless it concludes there is no new action it can properly take) —
(a) determine such policies and specific objectives as it considers appropriate for taking action to further the general biodiversity objective, and
(b) take such action as it considers appropriate, in the light of those policies and objectives, to further that objective.”
- 1.4. Section 40A inserted into the NERC Act by the Environment Act requires Local Authorities to publish biodiversity reports, with the first due within three years of the duty coming into force, which means by 1st January 2026.
- 1.5. The contents of a biodiversity report are set out in the legislation to be:
“(3)(a) a summary of the action which the authority has taken over the period covered by the report for the purpose of complying with its duties under section 40(1) and (1A),
(b) a summary of the authority’s plans for complying with those duties over the period of five years following the period covered by the report,
(c) any quantitative data required to be included in the report by regulations under subsection (8)(b), and
(d) any other information that the authority considers it appropriate to include in the report.”
- 1.6. And, for local planning authorities:

“(4)(a) a summary of the action taken by the authority in carrying out its functions under Schedule 7A to the Town and Country Planning Act 1990 (biodiversity gain as condition of planning permission) over the period covered by the report,

(b) information about any biodiversity gains resulting or expected to result from biodiversity gain plans approved by the authority during that period, and

(c) a summary of the authority’s plans for carrying out those functions over the five year period following the period covered by the report.”

1.7. This report constitutes Castle Point Borough Council’s first consideration report, and also its first biodiversity report and presents the information required in this structure, which follows example structures provided in Government guidance:

- Section 2 – Council Information
- Section 3 – Policies, objectives, actions
- Section 4 – Consideration of other strategies
- Section 5 – Biodiversity Net Gain Information

2. Castle Point Borough Council

2.1. Castle Point is a local government district that was granted borough status in 1992 and serves as the local planning authority for the towns of South Benfleet, Hadleigh and Thundersley together with Canvey Island. Its functions include:

- Planning and development management
- Housing and benefits
- Parks and open spaces
- Environmental health
- Licensing
- Regeneration
- Building control
- Bins and recycling
- Council Tax and Business Rates administration
- Street scene management

2.2. The Borough covers just over 4500 hectares, making it the third smallest district in Greater Essex¹ by area, and has a population of around 90,000, the fourth smallest of the districts in Greater Essex. Canvey Island has a town council, but the mainland part of the Borough is unparished. The Council has 350 staff, half of which are employed directly and the other half through contracted services.

2.3. The Council is made up of 39 Councillors representing 13 wards, with three Councillors elected from each ward. The Council's officers are led by a Chief Executive supported by three Directors, a Section 151 Officer, a Monitoring Officer and ten other Assistant Directors.

2.4. There is currently no Cabinet Member or Officer that has explicit responsibility for the biodiversity duty or the natural environment, except in relation to the maintenance of parks and open spaces.

2.5. The areas of Council services with the most potential to affect biodiversity, positively and negatively are:

- Planning and development management: the Borough's Local Plan will set out the policies that direct where and how development will be permitted across the administrative area. This includes allocating land parcels for future development, but also planning policies specifically aimed at conserving and enhancing biodiversity.
- Parks and open spaces: the Council manages a wide variety of parks and open spaces across the Borough, including some that support significant biodiversity value, designated

¹ Greater Essex is defined as the 12 districts and boroughs of Essex together with the Unitary Authorities of Southend-on-Sea and Thurrock.

as Local Wildlife Sites. At present, maintenance of parks and open spaces is carried out by a horticultural contractor, and in habitat terms this is generally limited to grass cutting.

- **Property and facilities:** the Council owns and maintains buildings and other assets, including Council housing, that may be used by protected and Priority species, such as bats and nesting birds. An approach to ensuring that legally protected species are unaffected by maintenance works should be in place. Recent guidance on ensuring legal compliance in relation to bats affected by large scale housing maintenance projects could be of relevance.²
- **Environmental Health:** the Council is responsible for monitoring air quality, which is primarily seen as a public health issue, although it can have an impact on some habitats and species. The Council is also responsible for more general environmental permitting, of activities that could be polluting to the environment.
- **Licensing:** the Council is responsible for issuing licences for events, which may include activities that have the potential to impact biodiversity, either by physical disturbance of habitats, or by noise and visual disturbance of species. An approach to identifying and assessing the potential impact of certain planned events should be in place.
- **Regeneration:** the Council works in partnership with businesses and other bodies to pursue regeneration projects for the benefit of the community. Although these projects have the potential to impact biodiversity – positively and negatively – they are generally covered by development management processes.
- **Public information:** communication with residents by various means provides the opportunity to inform them of issues around biodiversity and to encourage engagement and positive action.

² <https://www.bats.org.uk/resources/guidance-for-professionals/bats-and-large-scale-housing-maintenance-projects-guidance-for-england>

3. Objectives and actions

3.1. This section sets out the objectives that the Council has set to meet the biodiversity duty, the existing policies guiding consideration of biodiversity in the planning system, and the actions it has taken for biodiversity in recent years in the form of strategies and other initiatives. In each of these areas, any plans for future action are noted. It also identifies additional measures that should be considered to fulfil the duty more fully.

Objectives

Castle Point Challenge

3.2. In October 2024, the Council set out eight community commitments as part of the Castle Point Challenge, which sets out the priorities for the development of the Borough. One of the eight commitments is to “Protect your environment”, which is explained as *“protecting the most valuable landscapes, open spaces and heritage in the Borough, for the benefit of residents and wildlife”*.

3.3. Under the Environment heading the document states: *“We will move towards achieving net zero in our buildings and our fleet vehicles and must consider the impact on the environment of everything we do.”*

3.4. It goes on to say: *“We are at the forefront of planning for greater accessibility to the wonderful natural environment in the Borough and helping others achieve their ambition. For example, working with the RSPB and Land Trust on Canvey Island and the Salvation Army on rewilding major parts of their massive estate in Hadleigh.”*

Corporate Plan

3.5. The current Corporate Plan is based upon the commitments set out in the Challenge document and states the Council’s key aims and priorities during the period 2025 to 2028, with the outcomes being sought and the performance indicators by which progress will be measured.

3.6. One of five stated ambitions is “A greener and cleaner environment” against which progress will be monitored by four metrics, three of which are focused on carbon, recycling, and street scene maintenance, the fourth being:

“How much land is on the national Biodiversity Net Gain (BNG) Site Register or registered as part of a countryside stewardship scheme”.

Policies

Local Plan Policies

- 3.7. Castle Point's existing Local Plan is that adopted in 1998, although since 2007 only certain policies have been retained. The retained policies with relevance to biodiversity are considered below.
- 3.8. EC7 – *Natural and semi-natural features in urban areas* calls for the retention and enhancement, where possible, of natural features within urban areas for reasons including their wildlife value. The examples given of natural features area trees, watercourses and open spaces.
- 3.9. EC13 – *Protection of wildlife and their habitats* states “*The council will refuse development which is prejudicial to the interests of all wildlife and the retention and management of important habitats*”. The supporting text specifically refers to Sites of Importance for Nature Conservation, now known as Local Wildlife Sites.
- 3.10. EC14 – *Creation of new wildlife habitats* encourages the creation of new nature reserves and the incorporation of wildlife habitats into development proposals, particularly where they adjoin existing habitats of importance for nature conservation.
- 3.11. EC21 – *Woodland management and tree preservation orders* states an intention to work with landowners to encourage appropriate management of existing woodlands and to use Tree Preservation Orders to protect woodland and trees, where appropriate.
- 3.12. EC22 – *Retention of trees, woodland and hedgerows* sets out the expectation that these features should be retained within development proposals wherever possible, and that they should be adequately protected during construction.
- 3.13. **Future action** - Within the life of this report, the Council is expecting to adopt a new Local Plan (The Castle Point Plan), which will include the main mechanisms for fulfilling their biodiversity duty as it relates to development management. The Issues and Options Consultation Document highlights the importance of the natural environment for the quality of life of residents and for the maintenance of biodiversity. There were specific questions about how to protect habitats – including Local Wildlife Sites – and to ascertain whether there was support for a higher level of net gain than the mandatory 10%, and the application of an Urban Greening Factor. The consultation ran from July to September 2024.
- 3.14. At the time of writing, the draft plan, which will contain the proposed new policies, has not yet been published for consultation.

Essex Coast Recreational disturbance Avoidance and Mitigation Strategy

- 3.15. The Essex Coast RAMS was adopted as a Supplementary Planning Document (SPD) in December 2020. This strategy was produced in response to an assessment that the cumulative impact of recreational visits to internationally designated Habitat Sites by residents of new housing across Essex was likely to have a significant impact on their integrity. The strategy identifies measures to avoid and mitigate the impact by managing the behaviour of visitors to the Habitats Sites, and it calculates a per unit tariff to be paid by developers to fund their delivery.
- 3.16. In combination with the provision of suitable alternative natural greenspace (SANG) within or near new residential developments, recreational areas that provide a high-quality natural experience that can prevent some visits to the Habitat Sites, the strategy is considered to be sufficient for the Council to discharge its duty as a responsible authority in relation to this issue.

Biodiversity Net Gain SPD

- 3.17. The Council consulted on a Biodiversity Net Gain SPD in January 2024 and, although it was not subsequently adopted, it remains available as guidance on implementation for applicants, setting out the Council's expectations. The document is based upon the guidance published by the Government at the time of its preparation. Essex County Council has since produced evidence of need and viability to support Local Planning Authorities considering implementation of 20% net gain across the county³.
- 3.18. **Future Actions** - Work is underway with colleagues from across Essex to prepare an up-to-date version of this guidance which reflects best practice and guidance that has emerged since the initial draft was prepared.

Other Actions

Local Wildlife Site Review

- 3.19. The Council has maintained a current evidence base on non-statutory sites of importance for nature conservation – Local Wildlife Sites (LoWS) – with the most recent review completed in 2023 and endorsed by the Essex Local Sites Partnership (which operates under the auspices of the Local Nature Partnership). This ensures that, alongside its nationally and internationally designated sites, the habitats of the most importance to biodiversity in the Borough receive recognition and protection in the development management process.

Biodiversity Strategy

- 3.20. In 2019, the Council commissioned a Strategic Biodiversity Assessment that was intended to guide the delivery of biodiversity in the Borough in advance of a Local Nature Recovery Strategy. The document proposes the principles that should guide the development of a strategic approach

³ <https://www.essexdesignguide.co.uk/design-details/landscape-and-greenspaces/biodiversity-net-gain/>

to conserving and enhancing biodiversity, which are then applied to information about the ecological and environmental character of the Borough to generate some clear priorities for the management, restoration and creation of habitats.

Open Space Assessment

3.21. In 2023, the Council commissioned an assessment of open space in the Borough as part of the evidence base for its new Local Plan. The assessment included an audit of existing open spaces, a review of demand for open space in relation to the existing community and planned development, and proposed standards – quantitative and qualitative – for the delivery of new open spaces and the enhancement of existing ones. The report includes policy recommendations to achieve the extent and condition of open spaces assessed to be necessary according to national guidance and standards.

South Essex Estuary Park

3.22. Through its participation in the Association of South Essex Local Authorities, the Council is working in partnership to develop a new regional parkland with connected habitats and accessible green spaces. The park is expected to deliver multiple environmental benefits including restoring biodiversity and the proposal arises from the South Essex Blue and Green Infrastructure Strategy, prepared in 2020 by the South Essex Councils.

3.23. **Future actions** – As part of the evidence gathering to support the new Castle Point Plan, there is an update to the South Essex Green and Blue Infrastructure Strategy in progress, and a Design Code is in preparation that will include measures aimed at conserving and enhancing biodiversity within new developments.

Recommendations

3.24. The single most significant action that the Council could take to further benefit biodiversity would be to create direct and explicit responsibility for it within the governance structure, including both Councillor and Officer accountability, at an appropriate level so that the subject is considered in all relevant discussions.

3.25. Policies should be included in the new Local Plan to ensure the protection of existing LoWS and to focus mitigation, compensation and enhancement measures from new development – including those associated with Biodiversity Net Gain – on habitats and species that are of local or national nature conservation priority, and that are most characteristic of the Borough. Policies should be consistent with aims and objectives of the Greater Essex Local Nature Recovery Strategy, which is due to be published in July 2025. This could include policy to enhance the impact of biodiversity net gain, by requiring a level above the mandatory 10%, and/or by directing where gain should be delivered and prioritising what form it should take.

- 3.26. The management of land by the Council, including areas of public realm land and all sites owned by the Council, should be reviewed with the aim of accommodating and encouraging biodiversity. In particular, management strategies for the maintenance and enhancement of LoWS owned by the Council should be prepared, with reference to those species and habitats for which they have been designated. The current, uniform, landscape-based maintenance of all open spaces is not likely to be the best approach to maintaining the condition of the habitats present. Alongside this action, the Council should encourage other LoWS landowners to positively maintain and enhance their sites for biodiversity, signposting access to appropriate advice and resources.
- 3.27. The Council should establish a framework that allows for the review of internal policies and processes that could affect biodiversity, including the management of property and facilities, environmental permitting, events licensing and regeneration. At a basic level, this could mean including a process for identifying and assessing the impacts of decisions on biodiversity, but this could be extended to include actively seeking opportunities for positive enhancement measures, which would be more in line with the biodiversity duty.
- 3.28. The Council should actively promote the understanding of biodiversity to its residents and businesses, particularly in relation to the importance of parts of the Borough in local, national and international terms. This could be used to influence behaviour in sensitive locations, or to encourage local action for the enhancement of biodiversity in gardens or community spaces.

Table 1: Summary of Recommended Actions

	Action	Requirement	Timescale
Action 1	Clear governance	Attribute accountability for the Biodiversity Duty to a Cabinet Member and Lead Officer	Short
Action 2	Development Management policies	Incorporate robust policies for the conservation and enhancement of biodiversity within the Castle Point Plan	Short
Action 3	Land management	Review the management of Council land – especially LoWS – to maintain and enhance biodiversity. Encourage other landowners with LoWS to maintain and enhance biodiversity also.	Medium
Action 4	Process review	Establish a suitable framework for incorporating consideration of biodiversity into all internal decision-making processes and practices.	Medium
Action 5	Education	Actively promote the understanding and appreciation of biodiversity to residents and businesses	Medium

4. Consideration of Strategies

- 4.1. Castle Point Borough Council has played an active role in the preparation of the Greater Essex Local Nature Recovery Strategy, both directly and through its participation in the Essex Planning Officers' Association. The Strategy is due to be published in July 2025.
- 4.2. There are no protected site strategies in effect within the Borough at present.
- 4.3. There are no species conservation strategies in effect within the Borough at present, although there is a Great Crested Newt District Level Licensing scheme active in Essex that is available to developers applying for planning permission. Natural England are developing a Water Vole Species Conservation Strategy, which will be piloted across East Anglia starting in summer 2025 and which will be available in Castle Point as an alternative to conventional licensing.

5. Biodiversity Net Gain Information

- 5.1. The Council has set out on its website the information that it expects to receive in order to consider biodiversity net gain as part of a planning application (<https://www.castlepoint.gov.uk/biodiversity-net-gain-bng>) and provides links to other resources that will support applicants, including the Government's Planning Practice Guidance webpages.
- 5.2. The required information at application includes a '*Biodiversity Net Gain Statement*' – for which a template has been provided – a site plan, a completed Statutory Biodiversity Metric calculation tool and a draft '*Biodiversity Gain Plan*'. Links are provided to the Government's templates for a '*Biodiversity Gain Plan*' and a '*Habitat Management and Monitoring Plan*', which are required in order to discharge the mandatory condition applied to all relevant grants of planning permission.
- 5.3. The Council has contracted Place Services to review information submitted in relation to biodiversity net gain alongside a more general service level agreement for ecological support on planning matters.
- 5.4. Since the introduction of mandatory biodiversity net gain for most applications on 12th February 2024 – and subsequently for small sites on 2nd April 2024 – Place Services has reviewed eight applications that required mandatory biodiversity net gain. Of these:
- four were initially received with adequate biodiversity net gain information
 - a holding objection was recommended for one for which adequate information was subsequently submitted
 - a holding objection was recommended for two 'small sites' where the baseline was considered to be inaccurate
 - a holding objection was recommended for one due to inadequacies in the information submitted, with no subsequent re-consultation to date
- 5.5. No applications to discharge the mandatory condition have yet been received and so no '*Biodiversity Gain Plans*' have yet been fully approved.
- 5.6. This process for considering and approving submitted biodiversity net gain information will be continued over the life of this report, in line with all published Regulations and guidance.
- 5.7. The final regulations and guidance relating to reporting have not yet been published and so there may requirements in addition to those set out below. As far as is understood at present, the Council will need to record gains resulting, or expected to result from approved '*Biodiversity Gain Plans*' in order to meet the reporting requirements set out in the Environment Act 2021. Defra has produced a draft template spreadsheet which demonstrates the extent of quantitative biodiversity net gain data that it expects to be reported.

5.8. This includes:

- Numbers of applications requiring biodiversity net gain
- Numbers of biodiversity gain plans approved, broken down by how net gain is secured (onsite, offsite, statutory credits)
- Total baseline and post construction unit values, unit change and percentage change broken down by how net gain is secured
- Impacts on irreplaceable habitat
- Location of offsite net gain in relation to LPA and NCA boundaries
- Results of monitoring – meeting or failing to meet expectations
- Total baseline and post construction unit values, and unit change broken down by habitat type – for habitat, hedgerows and watercourse units

5.9. Proprietary software applications are available to assist Local Planning Authorities with the collation of this data, which otherwise would be time-consuming.

5.10. The Council will need to monitor any biodiversity net gain secured onsite by planning obligation or delivered offsite by a third-party habitat bank secured by a Section 106 agreement with the Council. Monitoring intervals and methodologies should be specified within habitat management plans and the responsibility for the field work will be on the body delivering the habitat management. The Council will be expected to be satisfied that the predicted gains are being achieved and carry out enforcement where they are not.

6. Conclusions

- 6.1. Castle Point Borough Council has not yet fully incorporated the Biodiversity Duty into its governance system, although it is currently being delivered through the Place and Communities team.
- 6.2. The Council needs to fully review processes and practice across its services to ensure that biodiversity is considered in accordance with the Duty, particularly with regard to land management.
- 6.3. In preparation for the new Castle Point Plan, the Council has undertaken a range of studies – alone and in partnership – to provide an evidence base in relation to biodiversity. It is preparing Local Plan policies that reflect this evidence and that are in line with current Central Government guidance.
- 6.4. A further ‘consideration report’ and ‘biodiversity report’ will be required by 2030, within five years of the date on which this report is published. Although the Council is currently subject to Local Government Reorganisation, along with all of the local planning authorities in Essex, the legal requirement to review this report by 2030 will remain and will apply to the relevant successor Local Authority.

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