

Biodiversity and Planning

Environment Committee Sub-Group
6 September 2022



Current Planning Approach

National and local planning policy

- The National Planning Policy Framework (NPPF) and policy S5.4 and DM5.5 of the Local Plan are implemented to “contribute to and enhance the natural environment” and “protect and enhance biodiversity and geodiversity”.
- Decision making is directed to follow the mitigation hierarchy. Applications for development should:
 - Avoid harmful impacts, any residual harm should be
 - Adequately mitigated on site, and as a last resort ...
 - Compensated for off site.
 - Schemes that cannot adequately compensate harm should be refused.
- Policy also establishes that net gains in biodiversity value should be sought.



Current Planning Approach

Considering planning applications

- Decisions regarding development proposals must take all material considerations into account. This means considering both the benefits and harm that might arise from development.
- For biodiversity, development proposals that deliver benefits - for example provide employment or homes - should only be refused if the potential harm cannot be adequately avoided, mitigated or compensated.
- To consider development proposals the planning team work closely with the Council's ecologist (Jackie!).
- Applicants are encouraged to engage in pre-application discussion. This can identify issues at an early stage and ensure proposals avoid harm wherever possible.
- For many schemes we are now making use of the Defra biodiversity metric to calculate the net impact of development.



Environment Act – Responsibilities and Priorities

Biodiversity Net Gain (BNG)

- Mandatory requirement (2023) for all planning applications (with exemptions) to deliver a minimum 10% biodiversity net gain on development schemes
- Delivery through a number of mechanisms including on and off-site mitigation/compensation or credit scheme
- Register of sites nationally for delivery of off-site compensation
- Minimum requirement for 30-year management and monitoring of net gain sites
- Monitoring & Enforcement of BNG sites by LPA
- Reporting to Government on BNG delivery



Environment Act – Responsibilities and Priorities

Local Nature Recovery Strategies (LNRS)

- A new system of spatial strategies for nature that will be set up across England to drive forward nature recovery and identify areas for habitat delivery and enhancement. Each LNRS will be composed of a partnership of LA's, environmental organisations and landowners and will be tasked with delivering a 'strategy' through a 'Responsible Authority' for nature recovery that includes biodiversity mapping and identifying key areas for habitat delivery including sites for biodiversity net gain.
- LNRS will also support wider objectives such as mitigating or adapting to climate change in an area.
- LNRS will guide effective delivery of biodiversity net gain and other nature recovery measures by helping developers and planning authorities avoid the most valuable existing habitat and focus habitat creation or improvement where it will achieve the best outcomes.



Environment Act – Responsibilities and Priorities

Strengthened Biodiversity Duty (Section 40 of NERC Act 2006)

- Duty amended to ensure public authorities (Local Authorities) look strategically at their policies and operations (functions) from time to time (at least every 5 years) and assess what action they can take ‘to further’ the conservation and enhancement of biodiversity. They must also have regard to the relevant Local Nature Recovery Strategies, Species Conservation Strategies and Protected Sites Strategies, as part of the consideration
- This will include a reporting duty requiring Local Authorities to produce a Biodiversity Report every five years. The Reports will describe action taken and its impact, which can then be used to guide future action. Biodiversity Reports by Local Authorities will include a summary of action taken under the biodiversity net gain policy



Environment Act – Challenges

Biodiversity Net Gain (BNG)

- Additional responsibilities in assessing net gain requirements on all planning schemes and ensuring adequate training has been provided to deliver this
- Identifying/assessing potential Local Authority sites to add to a National Site Register for delivery of future net gain projects
- Assessing Net Gain Plans over the mandatory 30-year management and monitoring period associated with each planning application to ensure they meet legislation requirements
- LPA enforcement responsibility will require ecological expertise to assess non-compliance of net gain delivery schemes
- Delivery of net gain projects on Local Authority land (identified on the National Register) and their future monitoring and management
- Adequate resources to deliver the above requirements
- Reporting of Biodiversity Net Gain delivery to Government in required timescales



Environment Act – Challenges

Local Nature Recover Strategy

- Biodiversity mapping of resources in NT to provide baseline information for Strategy
- Working with a number of organisations, groups and landowners with competing priorities
- Identifying suitable sites to deliver nature recovery projects and biodiversity net gain
- Assisting in the delivery of the LNRS and any associated monitoring and reporting to Government
- Identifying funding sources to deliver projects in NT
- Adequate resources to deliver requirements of the Strategy

Strengthened Biodiversity Duty (Section 40 of NERC Act 2006)

- Adequate resources to deliver the requirements of the updated and strengthened Biodiversity Duty including the requirement for Local Authorities to regularly report on the action taken to conserve and enhance biodiversity (Biodiversity Reporting)

