

Environmental Information Regulations Request No. 6325

Received 19/7/2021

Responded 22/7/2021

Request/Response

1. When is the Local Planning Authority planning to introduce Biodiversity Net Gain as a mandatory requirement for all small development projects in the LPA's jurisdiction? Please provide a specific date and a short definition of what the LPA classes as a 'small development project'.

The Council will be required to comply with any mandatory requirements of the Environment Bill once it becomes law, as applied through the Town and Country Planning Act, which applies to all proposed development projects except for those permitted under a General Development Order. Any specific district-wide policy regarding Biodiversity Net Gain would be delivered as part of the new Local Plan (2019 - 2039), which is currently in development. According to the Council's Local Development Scheme, it is not expected that the Plan will be adopted before Q3 2023/4.

The Council has no specific definition of a 'small development project' in respect of Biodiversity Net Gain, however the Local Plan does set out a number of ecological requirements in respect of development size. Criterion (iv) Policy DEN4: Biodiversity and Green Space of the [Development and Site Allocations \(DaSA\) Local Plan](#), requires that "developments of more than 2 hectares or 50 dwellings (whichever is the smaller) should produce a Green Infrastructure masterplan as part of their proposals." In addition, paragraph 6.44 of the policy's supporting text sets out that ecological surveys and reports are required as part of applications for 'major development' which is defined by the NPPF as "For housing, development where 10 or more homes will be provided, or the site has an area of 0.5 hectares or more. For non-residential development it means additional floorspace of 1,000m² or more, or a site of 1 hectare or more...". Paragraph 6.44 also extends this requirement to all application proposals which "impact on a designated site or Priority Habitat; and proposals where there is a reasonable likelihood of a protected or Priority species being present and affected by the development". In relation to the principle of biodiversity net gain the Council's [Green Infrastructure Study Addendum 2016](#) clarifies what ecological reports should contain, including "The report should demonstrate how the application can result in net gains in biodiversity wherever possible".

2. If a specific date has not yet been decided, does your Local Planning Authority intend to introduce a requirement for planning applications to include localised Biodiversity Net Gain plans for small development project within the 24 months following the passing of the Environment Bill? (Please define 'Biodiversity Gain Plan' as any document that is analogous to the type of document specified in the Environment Bill).

The Council will be required to comply with any mandatory requirements of the Environment Bill once it becomes law, as applied through the Town and Country Planning Act, which applies to all proposed development projects except for those permitted under a General Development Order.

The Environment Bill is currently at the Report Stage in the House of Lords before further amendments will be proposed during its 3rd Reading. It is expected that the Bill will receive Royal Assent in Autumn 2021. Any specific district-wide policy regarding Biodiversity Net Gain would be delivered as part of the new Local Plan (2019 - 2039), which is currently in development. According to the Council's Local Development Scheme, it is not expected that the Plan will be adopted before Q3 2023/24. It is therefore possible that the Council will introduce a requirement for planning applications to include localised Biodiversity Net Gain plans for small development project within the 24 months following the passing of the Environment Bill; however, it is impossible for there to be any certainty on this matter given that the precise timetable for either document is unknown.

3. Is there any material that sets out what criteria a Biodiversity Gain Plan needs to meet in order to be accepted by the authority for a small development project? If such material exists please can it be attached to your response. If such material does not exist, please provide a brief description of what criteria a Biodiversity Gain Plan needs to meet within your LPA. (Again, please define 'Biodiversity Gain Plan' as any document that is analogous to the type of document specified in the Environment Bill).

The Council does not currently require planning applications to be accompanied by a 'Biodiversity Gain Plan' as analogous to the document specified in the Environment Bill. However as previously mentioned, the Council does require certain development proposals to be accompanied by an ecological survey/report (as set out in our validation checklist), and development proposals of more than 2 hectares or 50 dwellings (whichever is the smaller) should produce a Green Infrastructure masterplan as part of their proposals. For information on the general description of criteria as to what needs to be included within an ecological report please see the following guidance from Natural England: <https://www.gov.uk/guidance/protected-species-how-to-review-planning-applications>

4. Who is the official at your Local Planning Authority that is tasked with ensuring that Biodiversity Net Gain is implemented for the LPA?

At present, if relevant to a planning application, implementation of Biodiversity Net Gain is considered by the relevant planning officer. No particular official, member staff, or post has so far been considered to lead on ensuring implementation of Biodiversity Net Gain once it is mandated by law.

5. Does the LPA's approach to Net Gain require all 'Biodiversity Gain Plans' to be produced by an accredited ecologist?

This is yet to be determined.