

Report to Norfolk Strategic Planning Member Forum
10th July 2023
Report of Norfolk Strategic Planning Group
Subject BNG Areas to investigate for joint working 2023/24

Purpose

The purpose of this report is to set out proposals for continued investigation of BNG and the impacts it has on LPAs in Norfolk.

Recommendation

It is recommended that the forum agrees to:

1. Endorse the principle of continued exploration of BNG and how it is best implemented with investigation into areas of BNG where working together can reduce costs and provide consistency for Local Authorities and Developers in the region.

Financial implications

No financial implications at this stage but there may be identified areas where work could be commissioned. This work is likely be financed through the existing NSPF budget.

Contact officers

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Further Information

None.

Report

Background

From November 2023, it will be a legal obligation for developers to consider the environmental impact of their development and ensure that biodiversity is left in a better state than before.

The Environment Act 2021 makes a 10% biodiversity net gain (BNG) mandatory for most development. It will apply to larger sites from November 2023 and smaller sites from April 2024. By this date Councils will need to be able to assess and determine planning applications and their associated biodiversity gain plans to check that they are legally compliant.

Some key points around BNG are:

1. A Biodiversity Metric will be introduced to calculate the gain on a site.
2. BNG (habitat creation or enhancement) could be onsite or offsite (or a combination of the two) but more weight is given to key/local schemes
3. BNG habitat has to be secured for at least 30 years via obligations/ conservation covenants
4. Unlike nutrient neutrality there will be an alternative national scheme offering statutory credits however statutory credits should be seen as a last resort
5. There will be a national register for off site schemes
6. Readiness funding has been provided to LPAs for 22-23 and is expected for 23-24
7. We are still waiting for secondary legislation for much of the detail.

Impacts on LPAs from the introduction of BNG

There are significant impacts on Local Authorities for the introduction of BNG.

For Development Management more resource will be required to complete the additional steps in the planning process for BNG. There will be a greater need for ecological skills to deal with applications, and changes to process and software to manage planning applications will be required.

Local Authorities will have an important role to play to:

- Ensure Strategic priorities for a district are understood and evidenced
- Ensure that BNG plans provided by developers are fit for purpose.
- Ensure right types of habitat offered in the right places.
- Local Authorities may consider offering their own schemes on their own land for BNG credits this will ensure that there is a local market and enough BNG credits particularly for small developers.
- Ensure reporting and monitoring of schemes is conducted

As all LPAs will need to implement BNG there is significant value in looking at BNG together, helping to share the work required and providing consistency in the approach to BNG taken, similar to the benefits this has provided for Nutrient Neutrality.

BNG Activities to be Explored

The list of activities below have been discussed with officers and are highlighted as potential areas to explore subject to further discussion/agreement. NB not all of these areas will apply to all authorities:

- Looking into the opportunity to offer a shared Ecological Resource (Where required)
- Engaging with NGOs (such as NWT, RSPB) in the county to understand their current thinking and interest in offering up projects for BNG and to see if they would be interested in overseeing some sort of 'County Accredited Scheme'
- Engaging with Landowners particularly in areas of 'strategic significance' or through an environmental call for sites coordinated with LNRS
- Looking further into opportunities to support developers through (likely to be more applicable to small developments):
 - Opportunity to offer council owned land for credits – baselining selected council owned sites and assessment of opportunity to offer credits on these.
 - Engage with Norfolk Environmental Credits
 - Explore opportunities for the creation of a Habitat Bank
 - Assess the challenges BNG is likely to bring to small developers
- Exploring consistent approach to reporting and monitoring or a county wide system for monitoring

Progress will be reported back to the October Member Forum.