



Report to:	Cabinet – Monday, 11 July 2022.
Lead Cabinet Member:	Councillor Dr. Tumi Hawkins, Lead Cabinet Member for Planning
Lead Officer:	Stephen Kelly, Joint Director of Planning and Economic Development

An interim approach to Biodiversity Net Gain (BNG) including offsite provision

Executive Summary

1. The Environment Act introduces the requirement for 10% Biodiversity Net Gain (BNG) above baseline conditions for all developments in England from November 2023. Local Planning Authorities (LPA) will need to ensure that developments in their jurisdictions comply with this new legislation and that BNG is delivered in a sustainable and transparent way.
2. This paper proposes an interim approach for Greater Cambridge (set out in appendix A) to fulfil this need while recognising the principles already set out in the Environment Act around BNG, and emerging best practice. It is intended to provide guidance for planners, Planning Committees, and developers on a credible approach as developments currently underway need a practical and consistent approach to this challenge.

Recommendations

3. Cabinet is asked to consider the proposal and endorse it as an interim approach of guiding principles for siting biodiversity net gain for developments within South Cambridgeshire, with delegated powers given to the Joint Planning Director of Planning and Economic Development to make minor changes to the technical note.

Reasons for Recommendations

4. To provide a practical and consistent approach to BNG to help Planning Officers, Planning Committee and developers in the period between now and November 2023 when Government will announce its approach.

Details

5. Greater Cambridge Shared Planning Service is looking to be day-one ready for this new legislation when it takes effect in November 2023,. This means having viable solutions to the challenge of where to site BNG (if not wholly within the

redline boundary) and how to approach this prior to new laws and guidance coming from Department for Environment, Food, and Rural Affairs (DEFRA).

6. Full details of the proposed approach are set out in appendix A, which also includes details of two emerging habitat banks within Greater Cambridge. The approach proposes a sequence for deciding where Biodiversity Net Gain should be located based on the mitigation hierarchy. It starts first with provision on site themselves, and where this not possible looking to strategic locations which have maximum benefit for biodiversity and can offer significant landscape repair at scale, before moving to more local community-led solutions.
7. First principles suggested in the approach are that BNG should be delivered onsite wherever possible. BNG is in addition to Green Infrastructure (GI), an important element including trees, accessible natural greenspace and soft edges, which should always be included in all new developments. While GI may count toward BNG scores, it's likely that some elements of biodiversity will need to be mitigated offsite especially on smaller development sites.
8. Scoring biodiversity mitigation through the Defra Metric gives weight for local mitigation, but it also gives weight for siting BNG at strategically important sites across wider district geographies, and so there is a balance of local context to be weighed in each case, which should help Developers, Planners and Planning Committees arrive at the appropriate outcome for BNG.
9. The proposed approach was considered by the Climate and Environment Advisory Committee (CEAC) on June 21st. CEAC supported the proposal and also asked that guidance was given to Parish Councils to enable them to develop local opportunities for BNG, including around how they can establish baseline data for their sites.
10. To address this, Officers propose a cross-council outreach programme for Parish Councils to make them aware of this change to legislation and help them discover what opportunities might exist within their areas for local BNG delivery.
11. Working more closely with Parish Councils, Officers would aim to ensure that where genuine and credible opportunities exist to site BNG close to local development, that such opportunities were fully considered and supported through the planning system in Greater Cambridge. This would be highlighted in training and briefing sessions on BNG planned for both Planning Officers and Planning Committees, as well as in information for planning agents and developers.
12. The approach set out in appendix A was approved by Cambridge City Council in a parallel Member approach by its Executive Councillor for Planning and Infrastructure following consideration by the Planning and Transport Scrutiny Committee on 28th June 2022.

Options

13. Approve this interim approach as set out in appendix A.
14. Propose an alternative or modified approach.
15. Do nothing and wait for more guidance to come from DEFRA (timescales unknown).

Implications

16. In the writing of this report, taking into account financial, legal, staffing, risk, equality and diversity, climate change, and any other key issues, the following implications have been considered: -

Legal

17. A modified Section 106 document is currently being prepared by 3C legal in order to ensure that any agreements for offsite BNG listed in the approach document, or others that may come into operation conform to existing legal frameworks and are fit for purpose.

Risks/Opportunities

18. This proposal offers an opportunity to provide a transparent approach which supports the creation of long-term habitat enhancement at a landscape scale.
19. A lack of any clear or consistent approach towards BNG, particularly off site BNG in the period prior to mandate in Nov 2023 may cause confusion, open the Council up to criticism and possibly legal challenge.

Climate Change

20. The proposal would strengthen the Council's green credentials and would thus contribute to greening and carbon sequestration services provided by enhanced vegetation and habitats.

Health & Wellbeing

21. Health and wellbeing is linked to a sustainable natural environment accessible to residents. By putting in place a robust approach to BNG we would help to ensure the protection and enhancement of biodiversity and green Infrastructure across all Greater Cambridge developments.

Consultation responses

22. This proposal has had significant input from a broad range of officers from within the Council, discussions with relevant NGOs in the field, other LPAs and the Planning Advisory Service. It was considered by both SCDC Climate and

Environment Advisory Committee and Cambridge City Council Planning and Transport Scrutiny Committee.

Alignment with Council Priority Areas

Being green to our core

23. This interim approach would suggest that the Council are taking this issue (BNG) seriously and getting ahead of the curve on an important topic directly relevant to green policies and greening actions.

A modern and caring Council

24. This interim approach would suggest that the Council are taking this issue seriously and getting ahead of the curve on an important topic.

Appendices

Appendix A: GCSPS Protocol for the provision of BNG including offsite provision.

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