



Report to:	Climate and Environment Advisory Committee 12/10/2023
Lead Cabinet Member:	Lead Cabinet member for Planning – Tumi Hawkins
Lead Officer:	Stephen Kelly

Update on activity in support of Biodiversity Net Gain

Executive Summary

This report provides an update on the activities, actions and outcomes relating to the delivery of Biodiversity Net Gain by South Cambridgeshire District Council through the Planning and Development process advanced by Greater Cambridge Shared Planning over the last twelve months (from October 2022).

In the report we provide detail of activities undertaken and those planned in support of BNG, and how this underpins the Doubling Nature goal set out by this Council in its Doubling Nature Strategy from 2021.

Key Decision

1. No

Recommendations

2. It is recommended that efforts continue to ready the Council and the Planning Service for the implementation of mandatory BNG from November 2023.

Reasons for Recommendations

3. Councils in England will have new biodiversity duties as a result of the Environment Act 2021. Within the Greater Cambridge Planning Service, this means a new statutory duty to ensure that mandatory BNG at a minimum of 10% is delivered as a result of developments with the Greater Cambridge area.

Details

4. Between October 2022 and October 2023, the Natural Environment Team (NET) have made good progress advancing work to prepare for the imminent roll-out of Biodiversity Net Gain to all Local Planning Authorities in England from November

2023, as per the schedule set out by DEFRA in the Environment Act 2021. Among other things, the NET have developed and delivered:

Funding for activities

We applied to DEFRA for the New Burdens funding made available by central Government to all Councils in England in Financial Years 2022/23 and 2023/24, justifying the funding by demonstrating our actions and activities in preparation for BNG during those timescales. As a result, South Cambridgeshire District Council was awarded approximately £46,000 for FY 2022/23 and have thus been allocated an additional £46,000 for FY 2023/24, with indications that some level of future funding will continue, although amounts are unclear at this time.

In addition to the funding for South Cambridgeshire, we were also able to assimilate funding from the City of Cambridge (£26,000 PA in FY 2023/24) as a contribution toward joint BNG work being undertaken by officers within Greater Cambridge Shared Planning. This included the time of our new Ecologist to support City Planning applications requiring BNG oversight and input.

Additional Ecologist

The DEFRA funding has been used to hire a new permanent Senior Ecologist in order to support and deliver the additional work that will be generated as a result of mandatory BNG. This role sits within the Ecology Team at South Cambridgeshire District Council, but services Greater Cambridge.

Biodiversity Net Gain training

We developed and delivered in-person training on BNG at different times during 2023 to Greater Cambridge Shared Planning Officers as the information from Government emerged. This training was given to the Development Management Team and the Strategic Sites Team within the Planning Service.

In addition to training our own GCSP Officers, we began working in Partnership with Cambridgeshire County Council Environmental Team to develop and deliver BNG training to Planning Policy staff from different districts from across Cambridgeshire. This was delivered at an event in Eddington in July 2023.

In addition to the training of Officers, we are in the process of finalising some in-person training sessions for Members in the following Local Councils:

- South Cambridgeshire
- Cambridge City
- Huntingdonshire
- East Cambs

The Natural Environment Team are also currently in the process of finalising training sessions on BNG for the Compliance Team, Technical Support Officer Team, and wider Business Operations team, as well as any other groups within the Council that will need to understand and act on BNG as part of their duties.

Policy development

We have also been in consultation with the Planning Policy Team at GCSP regarding the development of new policies for the new GC Local Plan that support BNG as part of that new Local Plan process and those conversations are ongoing as new policy development advances.

Parish Engagement

To bolster our ability to support Parish Councils in South Cambridgeshire, we recently (September) submitted a bid to the National Lottery Heritage Fund (NLHF) to secure funding for a two-year post within the ecology team focused on Parish engagement around BNG and Local Nature Recovery Strategies. The funding bid was supported by Parishes, Members and is configured in such a way as to include the Wildlife Trust BCN as funded delivery Partners. The bid will be determined and we will be notified by December 2023. We were also able to secure a £10,000 contribution for the project from the Green To Our Core funding pot within the Council, increasing the attractiveness of the bid to HLF.

Systems to manage BNG data

In consultation with Business Operations Team, Section106 Officers, Planning Advisory Service, and Natural England regarding possible solutions to the storage and scrutiny of BNG data. We believe that storage and collection of monitoring data will be a key aspect of both successful delivery and diligent oversight of BNG within the Great Cambridge Shared Planning Service.

Updated application criteria for inclusion of BNG as and when direction from Central Government, DEFRA, DLUC, Natural England, or PAS has been provided. This has been in the absence of any official guidance being released from Central Government, and in anticipation of Secondary Legislation coming forward from both DEFRA and DLUC (4 changes in total required). We are told that all documentation has been finalised; however, it is awaiting Ministerial signoff before it can be released.

Offsite BNG Mitigation

We progressed and completed the first Section106 agreement with Cambridgeshire County Council Farms for an advanced creation habitat bank at Lower Valley Farm, Fulbourn. This is now signed and sealed as of August 2023, and with this resource set up biodiversity credits are now being sold to developers. We have sent a redacted version of this agreement to other parties that we are currently in conversation with regarding setting up other such sites.

We are in talks with the Wildlife Trust BCN, Cambridge Past Present and Future, Cambridge University, and Ground Control (private company) regarding the setting up of additional Habitat Banks in South Cambridgeshire. We have also had an indication from UK Power Networks that they are considering setting up their own Habitat Bank to offset three applications to be submitted in January, and any future works across the districts.

We are in the process of formalising the process for setting up new habitat banks (based on the PPA model) so that we can recover costs incurred by officers in discussions with 3rd party providers prior to the signing of a S106 agreement.

BNG Pre-App Service

We are currently in the process of configuring a new BNG fee-paying pre-application service for development applicants to enable discussion of BNG requirements for their applications with Ecology Officers. Loosely based on the current model used by Historic Buildings Team; however, all levels of advice will be chargeable, as there will be no statutory requirement for household applications to provide BNG. In addition to this new chargeable service, we will be also producing free advice sheets covering the basics of BNG made available through our website.

Ongoing assessment of Planning Applications for BNG

We are assessing BNG on all eligible planning applications, this is to test our own processes and adapt where necessary prior to mandatory BNG (at 10%) becoming law in November. BNG is already supported by the NPPF, but we cannot hold developers to a 10% net gain if it is unreasonable to do so.

Ecology Officers are continuing to attend training courses, seminars, and in-person meetings on wider issues regarding BNG, so that we can be ready for the expected commencement of mandatory BNG from November 2023. In addition, we are working closely with colleagues at the County Council and other Cambridgeshire District Councils to try and join up our wider work on BNG across the County.

Implications

5. 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:

Financial

6. Actions being taken forward will likely generate income for the Council going forward as while there is a statutory element of BNG, there are opportunities to offer services and charge for these in order to pay for officer time.

Legal

7. There will be an ongoing need to include legal services in the creation of Section 106 agreements to secure advanced habitat creation sites for BNG, (as per Lower Valley Farm)

Staffing

8. We have already recruited a new member of staff into the Ecology Team in order to support the additional BNG new burdens. This is a permanent post and is currently funded through DEFRA new burdens money. We anticipate that chargeable BNG work undertaken by the Council will raise enough to fund this post in perpetuity.

Risks/Opportunities

9. There exist more opportunities than there are risks associated with this work. Those opportunities include improving our local biodiversity, aligning with the Doubling Nature Strategy, working more closely with our Parishes and increasing public awareness of the value of our natural capital and how we are protecting and enhancing it.

Climate Change

10. As all BNG will be associated with the creation or enhancement of habitat, there will be relevant ecosystem services delivered through the created habitat, most notably carbon sequestration, but perhaps also shading, water management etc.

Health & Wellbeing

11. The creation of new green spaces supports the health and wellbeing agenda advanced by the council.

Alignment with Council Priority Areas

Being green to our core

12. Biodiversity Net Gain will create new habitat and enhance existing habitat and thus deliver multifunctional benefits to our area for local biodiversity.

A modern and caring Council

13. The strong support for the green initiative being advanced by the Council is evidence of the council being a modern and caring council.

Background Papers

None

Appendices

None

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