



Report to:	Climate and Environment Advisory Committee 21 st June 2021.
Lead Cabinet Member:	Lead Member for Planning
Lead Officer:	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 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.

Prior to November 2023, Greater Cambridge Shared Planning Service is looking to be day-one ready for this new legislation. 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).

This paper proposes an interim approach for Greater Cambridge to fulfil that 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

2. This Advisory Committee is asked to consider the proposal and recommend that Cabinet, at its meeting on 11th July 2022, endorses 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.

Reasons for Recommendations

3. To provide a practical and consistent approach to BNG to help Planning Officers, Planning Committee and developers.

Details

4. The proposed interim approach is set out in the attached guidance note at appendix A, which also includes details of two emerging habitat banks within Greater Cambridge .
5. The proposed approach will be considered by Cambridge City Council in a parallel Member approach by its Executive Councillor for Planning and Transport after Planning and Transport Scrutiny Committee on 28th June 2022

Options

6. Approve this interim approach as written
7. Approve an amended approach
8. Do nothing and wait for more guidance to come from DEFRA (timescales unknown)

Implications

9. 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

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

Risks/Opportunities

11. This proposal offers an opportunity to provide a transparent approach which supports the creation of long-term habitat enhancement at a landscape scale.
12. 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

13. 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

14. 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

15. This proposal and technical note 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.

Alignment with Council Priority Areas

Being green to our core

16. 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

17. 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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