

Report of the Portfolio Holders for Economic Development and Asset Management and Environment and Climate Change.

BIODIVERSITY NET GAIN

1. Purpose of Report

To provide Members with an update on the implementation of the requirement to secure a minimum 10% Biodiversity Net Gain for planning proposals that came into force 12 February 2024.

2. Recommendation

Cabinet is asked to NOTE the procedure for dealing with major applications, with regard to the new requirements for Biodiversity Net Gain.

3. Detail

The Environment Act 2021 (Commencement No. 8 and Transitional Provisions) Regulations 2024, which is a statutory instrument, was made on 17 January 2024. This requires developments, where planning permission is required, to achieve a 10% minimum Biodiversity Net Gain (BNG). This will apply to 'major' developments from 12 February 2024, with the requirement for other 'minor' applications to achieve the same likely to follow in Spring 2024.

As such, from the 12 February 2024, any planning application received on or after that date that would be classed as 'major' development (that is, a development of 10; or where dwellings are proposed on sites of 0.5 hectares or more where the number is not known; or buildings where the floor space is 1,000 square metres or more; or on a site having an area of 1 hectare or more) would need to provide supporting information as to how the development would achieve a net gain of 10% minimum.

The purpose of the new regulations is to ensure habitats on development sites are either protected, enhanced, or compensated for which aims to leave the natural environment in a measurably better state than it was before development.

The Planning Authority have taken the following actions:

- As part of the implementation of the regulations above, the Broxtowe Borough Council website has been updated so as to include a dedicated page which would set out an explanation of what BNG is, what it seeks to achieve, what is required of developers when submitting a planning application, and how the gain would be secured and monitored. Links to the regulations and other useful websites are included.

- Planning Officers have been fully briefed and two Planning Officers have attended a specific BNG training course for which they have received certification, and have attended several webinars to keep up to date with the latest information. These officers have been nominated to be able to provide an initial review of any BNG information received as part of a planning application, to ensure that it is of a reasonable standard. Following this initial internal assessment, the relevant key information will then be sent on to an Ecology specialist for in depth review.
- An Ecology specialist, who will be retained on a consultancy basis by the Authority, will be asked to review in depth BNG reports which are considered to be in an acceptable format that have passed the initial review by the planning officers.

4. Key Decision

This report is not considered to constitute a key decision as defined under Regulation 8 of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 as it would not:

1. result in the Council incurring revenue or capital expenditure or savings of £250,000 or more; or
2. be significant in terms of its effects on communities living or working in an area comprising two or more Wards or electoral divisions in the Council's area.

5. Updates from Scrutiny

Not applicable.

6. Financial Implications

The comments from the Head of Finance Services were as follows: There are no financial implications as the work would be a statutory requirement of the Local Planning Authority.

7. Legal Implications

The comments from the Monitoring Officer / Head of Legal Services were as follows:

The legal context is set out in the body of the report, in line with the appropriate action taken by the Council thus far. The delivery of BNG is a mandatory requirement once the secondary legislation is agreed, the Council will be required to manage its agreement and delivery.

8. Human Resources Implications

The comments from the Human Resources Manager were as follows:
Not Applicable

9. Union Comments

The Union comments were as follows:
Not Applicable

10. Climate Change Implications

The climate change implications are contained within the report.

11. Data Protection Compliance Implications

This report does not contain any OFFICIAL(SENSITIVE) information and there are no Data Protection issues in relation to this report.

12. Background Papers

https://www.legislation.gov.uk/ukxi/2024/44/pdfs/ukxi_20240044_en.pdf