

<b>CABINET</b>	<b>AGENDA ITEM No. 7</b>
<b>17 October 2022</b>	<b>PUBLIC REPORT</b>

Report of:	Adrian Chapman, Executive Director Place & Economy	
Cabinet Member(s) responsible:	Cllr Marco Cereste- Cabinet Member for Climate Change, Planning, Housing and Transport	
Contact Officer(s):	Jim Newton - Assistant Director Planning & Building Control (interim)	07551046980
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### INTERIM BIODIVERSITY NET GAIN (BNG) APPROACH

RECOMMENDATIONS	
<b>FROM:</b> Adrian Chapman - Executive Director Place & Economy	<b>Deadline date:</b> N/A
<p>It is recommended that Cabinet:</p> <ol style="list-style-type: none"> <li>1. Endorse the proposals set out in the report as an interim approach of guiding principles for securing biodiversity net gain for developments within Peterborough.</li> <li>2. Delegate to the Executive Director Place &amp; Economy to make minor changes to the technical note, if required.</li> </ol>	

#### 1. ORIGIN OF REPORT

- 1.1 This report is submitted to Cabinet following consideration of the draft interim Biodiversity Net Gain Approach by the Climate Change & Environment Scrutiny Committee on the 5 September 2022 and CLT 28<sup>th</sup> September 2022.

#### 2. PURPOSE AND REASON FOR REPORT

- 2.1 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.

The primary purpose of this report is to seek Cabinet's endorsement of the interim approach for Peterborough (set out in appendix 1) 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.

- 2.2 This report is for Cabinet to consider under its Terms of Reference No. 3.2.9, *'To promote the Council's corporate and key strategies and Peterborough's Community Strategy and approve strategies and cross-cutting programmes not included within the Council's major policy and budget framework.'*

#### 3. TIMESCALES

Is this a Major Policy Item/Statutory Plan?	<b>NO</b>	If yes, date for Cabinet meeting	<b>N/A</b>
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#### **4. BACKGROUND AND KEY ISSUES**

- 4.1 Peterborough City Council, like neighbouring authorities across Cambridgeshire, 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).
- 4.2 Full details of the proposed approach are set out in appendix 1. 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 a range of alternatives which have maximum benefit for biodiversity and can offer significant landscape repair at scale.
- 4.3 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.

##### **Key issues**

- 4.4 There are several key issues that have informed the policy created. These include:
- The lack of an existing habitat bank within Peterborough.
  - The need to provide a transparent approach which supports the creation of long-term habitat enhancement at a landscape scale.
  - The aspiration to support the recently formulated Doubling Nature Vision endorsed by Council's across Peterborough and Cambridgeshire.

#### **5. CONSULTATION**

- 5.1 Prior to drafting this paper the proposal has had input from a broad range of officers within the Council and other Local Planning Authorities within Cambridgeshire.

The Climate Change and Environment Scrutiny Committee has been consulted on this paper, at its meeting of 5<sup>th</sup> September 2022.

#### **6. ANTICIPATED OUTCOMES OR IMPACT**

- 6.1 It is anticipated that Cabinet will endorse the interim Biodiversity Net Gain (BNG) Approach

#### **7. REASON FOR THE RECOMMENDATION**

- 7.1 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.

#### **8. ALTERNATIVE OPTIONS CONSIDERED**

- 8.1 Other alternative options include:
1. Propose an alternative or modified approach – This was dismissed as it was considered that alternative approaches would not meet best practice guidance and be inconsistent with the approach taken by adjoining authorities within Cambridgeshire.

2. Do nothing and wait for more guidance from DEFRA (timescales unknown)- This would potentially lead to confusion and an inconsistent approach to BNG within Peterborough and could equally impede growth.

## 9. IMPLICATIONS

### Financial Implications

- 9.1 The proposed approach does not directly have any financial impacts on the Council yet will allow significant financial investment within Biodiversity across Peterborough in a targeted and strategic manner.

### Legal Implications

- 9.2 The proposal takes into consideration National and Local Policy along with current best practice. Deviation from this approach may open the Council up to possible legal challenge

### Equalities Implications

- 9.3 There are no known implications, positive or negative.

### Rural Implications

- 9.4 There are no known implications, positive or negative.

### Carbon Impact Assessment

- 9.5 It is considered that the approach will have a overall positive impact on carbon emissions through the creation of measurably more biodiversity habitat which will have the potential to capture carbon.

## 10. BACKGROUND DOCUMENTS

Used to prepare this report, in accordance with the Local Government (Access to Information) Act 1985

- 10.1 Natural England, Biodiversity Net Gain Brochure, 2022, [https://naturalengland.blog.gov.uk/wp-content/uploads/sites/183/2022/04/BNG-Brochure\\_Final\\_Compressed-002.pdf](https://naturalengland.blog.gov.uk/wp-content/uploads/sites/183/2022/04/BNG-Brochure_Final_Compressed-002.pdf)

Natural Cambridgeshire, Doubling Nature Leaflet, 2019, <https://naturalcambridgeshire.org.uk/wp-content/uploads/2019/07/Doubling-Nature-LR.pdf>

UK Government, Environment Act 2021, <https://www.legislation.gov.uk/ukpga/2021/30/contents/enacted>

DEFRA, Consultation on Biodiversity Net Gain Regulations and Implementation 2022, <https://consult.defra.gov.uk/defra-net-gain-consultation-team/consultation-on-biodiversity-net-gain-regulations/>

Natural England, The Biodiversity Metric 3.1, 2022, <http://publications.naturalengland.org.uk/publication/6049804846366720>

CIRIA, Biodiversity Net Gain Principles and Guidance for UK construction and developments, 2019, [https://www.ciria.org/Resources/Biodiversity\\_Net\\_Gain.aspx](https://www.ciria.org/Resources/Biodiversity_Net_Gain.aspx)

## 11. APPENDICES

- 11.1 Appendix 1- Interim Biodiversity Net Gain Approach

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