

Report subject	Biodiversity Net Gain
Meeting date	15 December 2021
Status	Public Report
Executive summary	<p>Biodiversity Net Gain is an approach to development and / or land management that aims to leave biodiversity in a measurably better state than before. Biodiversity Net Gain in the development process is now a statutory requirement following Environment Act coming into force in November 2021. The Act proposes to require all development to deliver a mandatory 10% biodiversity net gain to be maintained for at least 30 years.</p> <p>Further resources and work are required for BCP Council to be ready for the implementation of biodiversity net gain on a much wider scale than at present. This paper advises on the actions envisaged to do this including the need to appoint 2 additional ecology officers to support the planning process once the mandatory net gain requirements are brought into force.</p>
Recommendations	<p>It is RECOMMENDED that Cabinet:</p> <ul style="list-style-type: none"> (a) Support the principle of biodiversity net gain and endorse the planning service using available tools to deliver the forthcoming statutory requirements where possible at the present time; (b) Note the formation of the officer Task Force between Planning and Environment and ask for a report of their work and recommendations within 6 months of the December 2021 Cabinet; (c) Support the £93,000 of ongoing revenue funding requested from 2022/23 onwards, to sufficiently resource the services outlined in this report; (d) Notes that the £93,000 per annum from 2022/23 onwards will formally be recommended to Council as part of the 2022/23 budget and Medium-Term Financial Plan Update report in February 2022.
Reason for recommendations	To ensure the Council is ready for and at the forefront of the biodiversity net gain requirements set out in the Environment Act.

Portfolio Holder(s):	<p>Councillor Bobbie Dove, Portfolio Holder for Community Safety and Regulatory Services</p> <p>Councillor Mark Anderson, Portfolio Holder for Environment and Place</p> <p>Councillor Philip Broadhead, Deputy Leader and Portfolio Holder for Development, Growth and Regeneration.</p>
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Wards	Council-wide
Classification	For Decision

Background

1. Biodiversity net gain is an approach to development and / or land management that results in the net improvement to biodiversity of that land when compared to its state beforehand.
2. It is not a new concept, but one that has gained increased political importance in recent times as part of a wider focus on the environment and sustainability. It comes from the growing recognition that the natural environment has often been negatively impacted by development. Whilst there are various designations across some land other less protected habitats have shrunk over the generations. Biodiversity net gain provides an opportunity to redress this and support a recover in nature to the benefit of existing and future generations.
3. In response, the government is seeking to raise the bar on biodiversity net gain through including within the Environment Act 2021 a mandatory requirement for all development requiring planning permission to achieve a 10% biodiversity net gain that can be maintained for at least 30 years. The Environment Act came into force in November 2021.
4. In term of current practice, existing development plan policy across BCP recognises the importance of biodiversity and seeks enhancements from development where possible. The Poole Local Plan already includes a specific requirement to achieve a biodiversity net gain albeit not to any prescribed level.
5. Evidently, however, a mandatory requirement for all development requiring planning permission to achieve a 10% net gain will have significant implications on the planning service and its users. It is understood there is a transition period of up to two years within the Act. With the Environment Act now in force it is considered timely for BCP Council to consider how to prepare and be ready for the mandatory requirements in order to be at the forefront of net gain and operate at pace with the implementation of this important national objective.
6. At the heart of the biodiversity net gain principle is the ambition to improve the environment where possible through the development process. This aligns closely to the Council's corporate commitment to a rich and sustainable environment in its

Corporate Strategy, Big Plan and Cleaner, Greener, Safer campaign. The new mandatory requirement for biodiversity net gain will underpin and support the Council's commitments to the environment, particularly helping the implementation of its Cleaner, Greener, Safer work.

7. This report sets out a proposed approach to prepare for net gain and seeks Cabinet approval to continue with its implementation.

Operating Biodiversity Net Gain in Practice

8. The practical application of biodiversity net gain in the development process requires an assessment to be undertaken of a site's baseline to establish the existing biodiversity state before any new development takes place. An assessment is then undertaken to establish the biodiversity position after the development has taken place including any measures to be included in order to achieve an uplift in biodiversity when compared to the baseline.
9. The prevailing method of documenting and assessing this process at present is through the Biodiversity 3.0 metric toolkit developed by Natural England. This was brought into effect in July 2021 and is considered to be most up to date way of assessing a development's contribution to net gain.
10. Natural England have also produced the Small Sites Metric and the Environmental Benefits from Nature Tool. These measures are available to use now within the planning process and designed to assist with preparing for the imminent statutory requirements for net gain.
11. In August 2021 the new British Standard for biodiversity net gain, BS 8683, was published partly to assist landowners and managers to deliver off-site net gains where development sites are unable to provide sufficient gain within their development.
12. It is also expected that following the Environment Act 2021 coming into force, secondary legislation and regulations will be released to set out more detail on how biodiversity net gain will be delivered and monitored.

Preparing for Biodiversity Net Gain

13. The concept of biodiversity net gain is understood within the local planning process but not applied any near to the proposed 10% levels included within the Environment Act 2021. Requiring a biodiversity net gain of at least 10% across all new planning applications is clearly going to have a significant impact on how applicants prepare their schemes and then how the local planning authority assesses them. To put this into context the BCP local planning authority currently processes around 4,500 planning applications per annum of which only a small proportion currently require any form of biodiversity assessment and mitigation.
14. Once the mandatory 10% requirement is in operation there will be a clear impact on both the industry and planning service response in both policy making and resourcing. In preparation for this and to service the anticipated demand from planning applications the Environment service has submitted a growth bid for 2 x additional ecology officers (1 x Senior and 1 x officer).
15. The additional officers will require an annual budget of around £92,000 per annum; this request has been submitted for consideration within the MTFP setting process. Cabinet is asked at this stage to endorse this request given the imminent statutory requirement for net gain. Once the budget has been agreed the recruitment process

will begin to add the required resource. There remains a need to agree whether the additional resource should sit within the Environment service or the Planning service.

16. In addition to needing to add officer resource to assess net gain through the planning process on every planning application, there are wider policy and delivery issues to consider.
17. In terms of policy there is a need for the BCP Local Plan to develop a standard and consistent policy approach to how development should deal with net gain. To support policy there will likely be a requirement for more detailed guidance to provide specific advice for how to calculate net gain based on proposed design responses on the ground. One option that some councils are pursuing are to bringing forward supplementary planning documents establishing expectations on how sites can incorporate net gain. The planning service are currently looking at this option to consider how quickly such guidance can be adopted to assist with the wider implementation of the Environment Act 2021.
18. Along with a clear need to develop policy and guidance, the Council also needs to consider a more strategic response to delivery as it is likely to be the case that large development sites will be unable in practical terms to achieve a 10% net gain in biodiversity on their own sites. Faced with such practical issues there is a need to consider alternative ways to deliver a net gain using off site measures. For example, there is emerging work nationally to look at credit schemes where areas of alternative land are set aside to deliver significant increases in biodiversity net gain that then development can buy into to be able to achieve their statutory 10% net gain requirement.
19. The Environment Act also requires net gain to be sustained for at least a 30-year period. This implies that there will also be a long-term monitoring role to check on the efficacy of biodiversity measures and possible take enforcement action where biodiversity deteriorates below the 10% uplift achieved at the start of the development. This again needs to be understood in terms of how monitoring will work and how it will be resourced.
20. The issues around resources, policy, guidance and delivery need further work in order to be able to advise the Council on how the Environment Act 2021 measures will be affected at the local level. In response, a Task Force is being set up including officers from the Planning and Environment services to develop the proposals further. It is proposed in this paper that the Task Force provides a report back to Cabinet within six months to set out a specific implementation plan including how the additional staff resources are to be deployed.
21. In the interim there are several significant developments emerging through the planning system that may provide immediate opportunity to deliver biodiversity net gain. This is particularly the case in Poole where achieving biodiversity net gain is a specific policy requirement in the Local Plan. Cabinet is asked to endorse the planning service continuing to seek biodiversity net gain on appropriate sites at the present time to start the process of being able to implement the Environment Act 2021 measures with pace and establish BCP Council as vanguard authority on this issue. It is recommended that the planning service use tools such as Biodiversity Metric 3 and others being developed and endorsed by Natural England to secure biodiversity net gain in the here and now.

Options Appraisal

22. The alternative option at this stage is to do nothing and wait for the Environment Act and wait until later in the transition period to respond to the new mandatory requirements.

Summary of financial implications

23. There is the implication of the growth bid request for 2 x ecology officers that will require budget of £93,000. It is considered that as it will be a statutory requirement this budget will need to be found although understand that it being considered through the MTFP process at present. The Planning service will work with finance to consider other opportunities to potentially fund these officers in the longer term through the planning obligations and CIL regimes.

Summary of legal implications

24. None identified

Summary of human resources implications

25. Net gain will add requirements on staff in terms of both policy development and additional application work to service. This is understood and part of the rationale for the staff growth bid.

Summary of sustainability impact

26. The delivery of biodiversity net gain will have a positive impact on sustainability. It will help support range of Council sustainability objectives including the Cleaner, Greener, Safer campaign.

Summary of public health implications

27. An improved natural environment as a result of net gain will have positive public health implications with more people being able to benefit from it.

Summary of equality implications

28. None identified

Summary of risk assessment

29. The risks of not preparing for biodiversity net gain at this stage will be a slower implementation of the mandatory requirements when they are established through the Environment Act 2021.

Background papers

None

Appendices

None