

# Planning Committee

21 June 2024

Agenda item number 13

## Local Validation List – update for Biodiversity Net Gain

Report by Planning Consultant

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### Summary

Consultation has been undertaken on proposed amendments to the Local Validation List to include increased Biodiversity Net Gain (BNG) requirements and no objections have been received.

### Recommendation

That Planning Committee approve the proposed amendments and refer this to Authority for approval.

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## 1. Background

- 1.1. Members will recall that a report covering the topic of Biodiversity Net Gain (BNG) was presented to the 1 March 2024 meeting of the Planning Committee ([Biodiversity Net Gain \(broads-authority.gov.uk\)](https://broads-authority.gov.uk)). BNG, as used in planning, is a process that seeks to secure actions and measures that will increase biodiversity. Biodiversity is a measure of all the life on earth – species, habitats, and ecosystems – and the UK is one of the most nature-depleted countries in the world, having experienced a 19% decline in the average abundance of wildlife in the UK since the 1970s. BNG seeks to reverse this by using the planning system to require that any development subject to planning

permission has a measurably positive impact on biodiversity by creating and improving natural habitats.

- 1.2. BNG became mandatory for major developments from 12 February 2024 and for small sites from 2 April 2024. This means that all applications that are ‘in scope’ for BNG must now provide baseline information on the existing biodiversity value of the site in the form of a completed statutory Metric. Whilst the Metric will set out the current position, all the information on how the BNG will be delivered is left to the pre-commencement stage and required through the imposition of a General Biodiversity Gain Condition. The previous report explained that deferring submission of this information to later in the process, after permission had been granted, would lead to uncertainty around how the BNG would be delivered and limit the LPA’s confidence in the outcomes.
- 1.3. There is provision in the legislation for a Local Planning Authority (LPA) to require the submission of additional information through their Local Validation Lists, including on how the BNG will be delivered. Any such changes to a Local Validation Lists would need to be the subject of consultation prior to adoption. The report recommended that the Broads Authority’s Local Validation List be amended to require additional information on how the BNG would be provided. Members agreed the recommendation.

## 2. Consultation on the validation checklist

- 2.1. Amendments were made to the Local Validation List to allow the LPA to require the provision of information on BNG as part of the application process. A proportionate approach was proposed, with extent and complexity of the information required being dependent on the scale of the proposed development. The proposed amendments were as follows:

<b>Type of application</b>	<b>Information required</b>
All	A draft fully completed Metric tool including post-development calculations.
Major	As above, plus a draft Biodiversity Gain Plan or other report on how the BNG requirement will be delivered.
Proposals including off-site or significant on-site BNG.	As above, plus draft Heads of Terms for a section 106 or other legal agreement to secure provision of BNG and its monitoring for 30 years.

Information was also provided on the background and purpose of BNG, along with links to legislation and guidance. An extract from the Local Validation List covering the proposed BNG amendments is attached at Appendix 1.

- 2.2. The proposed amendments were the subject of consultation for an eight week period from 25 March to 17 May 2024. The consultation was undertaken in conjunction with the consultation on the Preferred Options version of the Local Plan for the Broads.

2.3. Comments on the proposed changes were received from four stakeholders. These are attached at Appendix 2 and summarised as follows:

Consultee	Comment
Bramerton Parish Council	Thanked for consultation, but no resources to respond in detail.
Norfolk County Council, Public Health team	Checklist should be updated to reflect the Planning in Health Protocol.
Natural England	Welcomes the opportunity to comment, but no specific recommendations or comments.
Norfolk Constabulary, Designing Out Crime Officer	Provides detailed comments on design principles in relation to crime.

2.4. None of the comments made raised objections to or specific comments about the proposed changes. The comments made by the teams at Norfolk County Council and Norfolk Constabulary, which were not related to the BNG element of the Local Validation List, will be considered when the Local Validation List is reviewed in its entirety on adoption of the Local Plan for the Broads.

### 3. Next steps

- 3.1. No objections or adverse comments were received about the proposed inclusion of additional BNG requirements so it is considered appropriate to progress the changes.
- 3.2. The changes will need to be approved by the Broads Authority and it is proposed to bring a report to the meeting on 26 July 2024.

### 4. Conclusion and recommendation

- 4.1. As part of the Broads Authority’s delivery of BNG, it is considered appropriate to update the Local Validation List to enable the LPA to require that planning applications include sufficient information to demonstrate how the mandatory BNG measures can be delivered. This will provide increased certainty of BNG outcomes for the LPA and ensure that environmental betterment is delivered.
- 4.2. It is recommended that the Planning Committee approve the proposed amendments and refer the matter to the Authority for decision.

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Date of report: 05 June 2024

Appendix 1: [Extract from Local Validation List showing proposed amendments](#)

Appendix 2: [Validation Checklist consultation responses](#)

# Appendix 1 - Extract from Local Validation List showing proposed amendments

## Mandatory Biodiversity Net Gain

Biodiversity Net Gain (BNG) became mandatory for planning applications relating to major developments from 12 February 2024 and for small sites from 2 April 2024.

There are a number of exemptions, these include (more details in online guidance):

- Developments below the threshold (de minimis);
- Householder applications;
- Self and custom build houses;
- Biodiversity gain sites;
- Development orders, including permitted development rights.

To meet mandatory BNG requirements, a development must show a post-development increase in biodiversity of 10% over the pre-development baseline value. To calculate these values a DEFRA Statutory Biodiversity Metric Tool must be completed by an appropriately competent person to quantify biodiversity into Units, which can be used for comparison purposes. The delivery of BNG must be secured and monitored for a period of 30 years.

A Local Planning Authority is required by law to include a General Biodiversity Gain Condition on all planning applications unless covered by an exemption. Where mandatory BNG is required, a minimum level of information must be provided with the application as specified by the legislation (see links below for further information).

To allow the Broads Authority, when determining the application, to ensure that statutory BNG requirements can be delivered, additional information will be required as follows:

Type of application	Information required
All	A draft fully completed metric tool including post-development calculations.
Major	A draft Biodiversity Gain Plan or other report on how the BNG requirement will be delivered.
Proposals including off-site or significant on-site BNG.	Draft heads of terms for a section 106 or other legal agreement to secure provision of BNG and its monitoring for 30 years.

The Broads Authority has created a webpage to inform potential applicants:

<https://www.broads-authority.gov.uk/planning/planning-permission/biodiversity-net-gain>

The government has published BNG guidance:

<https://www.gov.uk/government/collections/biodiversity-net-gain>

See Local Plan for the Broads policy DM13. Particular requirements are:

<b>Policy</b>	<b>Requirement</b>	<b>Threshold</b>
DM13	Biodiversity enhancement statement covering DM13 and Biodiversity Enhancement Guide requirements.	All development
DM13	Proposals on previously developed/brownfield land may require surveys to determine if the site has open mosaic habitat of intrinsic biodiversity value.	Development on previously developed land/brownfield land

Prospective applicants are encouraged to engage with the Broads Authority planning team to discuss their application at an early stage through the free pre-application advice service.

Please contact [planning@broads-authority.gov.uk](mailto:planning@broads-authority.gov.uk)

## Appendix 2 - Validation Checklist consultation responses

Name	Organisation	Comment
Yvonne Wonnacott	Bramerton Parish Council	Thank you for including Bramerton Parish Council in your representation for the two consultations; The Local Plan for the Broads - Preferred Options and Validation Checklist. Unfortunately, the Parish Council does not have the resources to respond in detail to these consultations.
Keith Mawson	Policy and Prevention Public Health, Norfolk County Council	Public Health notes that the section on Health and Wellbeing of the draft Validation Checklist refers to policies in the existing Broads Authority Local Plan. The Validation Checklist should be updated to reflect the thresholds required by the Planning in Health Protocol and the 'Small sites Checklist' as soon as is reasonably practicable.
Yvonne Wonnacott	Bramerton Parish Council	Thank you for including Bramerton Parish Council in your representation for the two consultations; The Local Plan for the Broads - Preferred Options and Validation Checklist. Unfortunately, the Parish Council does not have the resources to respond in detail to these consultations.
Sarah Morrison	Natural England	We welcome the opportunity to comment on the Broads Authority Validation Checklist. We recognise the importance of ensuring planning applications are submitted with sufficiently detailed information that can help to result in sustainable development that conserves and enhances the natural environment. Natural England has no specific recommendations for additions or amendments to the draft document.
Penny Turner	Norfolk Constabulary	<p>You are already familiar with the Constabulary assessing Planning Applications to ensure that the County does NOT have to suffer the consequences of poor design that could become a legacy on the community and authorities alike.</p> <p>As a Designing Out Crime Officer my role within the planning process is to give advice on behalf of Norfolk Constabulary in relation to the layout, environmental design and the physical security of buildings, based upon the established principles of 'Crime Prevention through Environmental Design'.</p> <p>Your Planning Authority took the opportunity to have 'Crime Prevention through Environmental Design' training approx. 15months ago and now work closely with the Constabulary to achieve these shared aims.</p> <p>The government's Chief Planning Officer, Steve Quartermain, wrote to all planning authorities reminding them of the important role the planning system plays in ensuring appropriate measures are in place in relation to crime prevention and security.</p> <p>Secured by Design aims to achieve a good standard of security for buildings and the immediate environment. It attempts to deter criminal and anti-social behaviour within developments by introducing appropriate design features that enable Natural Surveillance and create a sense of ownership and responsibility for every part of the development.</p> <p>These features include secure vehicle parking, adequate lighting of common areas, defensible space and a landscaping and lighting scheme which when combined, enhances Natural Surveillance and safety.</p>

Name	Organisation	Comment
Penny Turner	Norfolk Constabulary	<p>I would appreciate it if the applicants could be directed to the numerous Design Guides available for residential, commercial and educational applications and further information can be found at: <a href="https://www.securedbydesign.com/guidance/design-guides">https://www.securedbydesign.com/guidance/design-guides</a></p> <p>Experience shows that incorporating security measures during a new build or refurbishment reduces crime, fear of crime and disorder. The aim of the Police Service is to assist in the Design process to achieve a safe and secure environment for residents and visitors without creating a “fortress environment”.</p> <p>This aligns with The National Planning Policy Framework July 2021 which requires that: “Planning policies and decisions should aim to achieve healthy, inclusive, and safe places which... are safe and accessible so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion....</p> <p>The National Design Guide promotes active frontages, natural surveillance and risk assessment and mitigation at an early stage of the design process, so security measures can be integrated into positive design features. It sets out the characteristics of well-designed places and demonstrates what good design means in practice.</p> <p>All new developments should provide a venue that makes the most from the proven crime reduction methodologies of Secured by Design gained from over thirty five years policing experience and supported by independent academic research.</p> <p>The interactive design guide <a href="https://www.securedbydesign.com/guidance/interactive-design-guide">https://www.securedbydesign.com/guidance/interactive-design-guide</a> is also a very good and self-explanatory tool that can walk applicants through the various elements of designing out crime in a visual manner. It should also be brought to the attention of all applicants.</p>
Penny Turner	Norfolk Constabulary	<p>These key design guides should help all applicants to ensure that they have submitted a considered Planning Application.</p> <p>I always begin assessing any proposal by carefully examining the Design &amp; Access Statement. However, to merely request such a document is included in the list does NOT always solve the problem.</p> <p>Many applications include one, but the standard of content varies Vastly. Some applicants never detail their considerations regarding community safety; and yet when you examine their proposal it is very much aligned with good design principles contained within the Secured by Design documents. Other applications include bland “please all” phrases; but then go on to provide a design that is more for an opportunist criminal than a resident.</p> <p>Several years ago, the Commission for Architecture and the Built Environment, CABE (Now merged into the Design Council) provided a document entitled “Design and Access Statements, how to read write and use them”. This document contained appropriate information for applicants to use when making their submissions.</p> <p>Perhaps the solution would be for applicants to detail their community safety considerations in a clear manner. The Validation List should have a Community Safety section that could be incorporated in to the required Design &amp; Access Statement.</p>

Name	Organisation	Comment
Penny Turner	Norfolk Constabulary	<p>I have deliberately not used the “crime” word as it is very clear that it seems to create a negative impression on planning applicants. Community Safety creates a much better impression.</p> <p>If you should wish to discuss any of my comments, or require some assistance with Secured by Design principles, then please do not hesitate to contact me.</p> <p>I am very keen to help in any way I can to provide future developments that reduce the opportunity for crime and the fear of crime, creating a safer more secure and sustainable environment for future residents and visitors within The Broads Authority jurisdiction.</p>