

The Town and Country Planning (Local Planning) (England) Regulations 2012

SUPPLEMENTARY PLANNING DOCUMENT - BIODIVERSITY NET GAIN

Regulation 12 Consultation Statement

Consultation Period: 27th September – 8th November 2024

Total Responses Received: 46 (32 via online survey, 14 via email)

Purpose of the SPD

The Biodiversity Net Gain (BNG) Supplementary Planning Document (SPD) has been prepared to provide guidance on how developers, planners, and decision-makers can ensure that new development contributes to the protection and enhancement of biodiversity. The SPD supports the implementation of statutory BNG requirements and local policies, ensuring that development delivers measurable improvements for biodiversity. It also sets out the expectations for BNG delivery in Nottinghamshire, including the aspiration for 20% net gain where feasible.

Overview

The consultation stage on the draft BNG SPD gathered feedback from various stakeholders, including local authorities, developers, environmental organisations, and the general public. The responses provide valuable insights into the clarity, effectiveness, and areas for improvement within the SPD.

Consultation Methods

The consultation was promoted through multiple channels to ensure transparency and wide engagement. The draft SPD was made available on the County Council's website, and stakeholders were invited to participate via email and letters. A social media campaign was also undertaken to increase public awareness and encourage feedback.

Key Findings

- **Usefulness of the SPD:** 75% of respondents (24 out of 31) found the document helpful, with 18.75% (6 out of 31) indicating otherwise.
- **Understanding of BNG:** 81.25% (26 out of 32) agreed that the SPD helps them understand BNG and its importance in development.
- **Clarity of Guidance:** 59.38% (19 out of 32) found the guidelines clear, while 25% (8 out of 32) felt improvements were needed.
- **Additional Guidance Required:** 18 respondents provided suggestions for improving clarity and support within the SPD.
- **General Comments:** 26 responses provided further feedback, highlighting areas for refinement.

Main Issues from Responses

1. **Need for Clarity and Simplification:** Some respondents found the document technical and requested clearer language, reduced jargon, and fewer acronyms. While efforts have been made to improve clarity, it is important to note that the SPD is a document intended for use by developers, planners, and professionals. It is designed to ensure that planning applications adhere to statutory biodiversity net gain requirements using the correct metrics and methodologies.
2. **Monitoring and Reporting Clarification:** Clarifications were requested regarding the obligations for monitoring reports under Section 106 Agreements and conservation covenants.
3. **Off-Site BNG Location:** A strong preference was expressed for off-site BNG to be delivered as locally as possible, within the same village, town, or landscape setting rather than across the wider county.
4. **Historic Landscapes:** The SPD should acknowledge the importance of historic landscapes in BNG planning to ensure compatibility with heritage assets.
5. **Long-Term Management & Enforcement:** Concerns were raised about ensuring the delivery and maintenance of BNG commitments, particularly in cases where developers cease to operate.
6. **BNG in Waste and Industrial Areas:** Feedback suggested that biodiversity net gain can be achieved through various methods, including green roofs and industrial site enhancements, rather than solely through landfilling in mineral restoration.
7. **Concerns Regarding Playing Fields:** It was recommended that the SPD clarify that BNG should not be implemented in ways that compromise the use of playing fields.
8. **Cross-Boundary Considerations:** The SPD should emphasise coordination between local authorities to ensure BNG delivery aligns with regional priorities.
9. **Support for Access to Natural Sites and Educational Opportunities:** Stakeholders highlighted the importance of ensuring that developments enhance access to natural sites and resources, promote community engagement, and provide opportunities for education and training related to these resources. There was also a suggestion to connect BNG with public transport planning to encourage sustainable transport options and reduce car usage.
10. **BNG in Mineral Restoration:** Some stakeholders expressed concerns about the expectation for mineral restoration sites to deliver more than the statutory 10% BNG. Additionally, there were concerns that mineral restoration could become a means of commodifying biodiversity credits rather than prioritising genuine ecological enhancement. The SPD maintains that mineral restoration should contribute meaningfully to biodiversity and not serve primarily as a credit trading mechanism.

11. **Strengthening the 20% BNG Aspiration:** Some respondents noted that the SPD refers to a "minimum of 10%" and "at least 10%" BNG but does not fully reflect the ambition set out in the Nottinghamshire and Nottingham BNG Framework. The Framework establishes a shared aspiration for 20% BNG (or more), reflecting the historic need to restore Nottinghamshire's habitats. Respondents suggested that this target should be more strongly reiterated throughout the SPD.
12. **Consideration of Aerodrome Safeguarding for Aviation Safety:** A key comment raised the need to address aerodrome safeguarding zones for bird strike avoidance, specifically concerning East Midlands Airport, which lies within Nottinghamshire County Council's area. Stakeholders emphasized the importance of ensuring that significant onsite biodiversity enhancements do not inadvertently increase the population of hazardous bird species. This includes consulting with the Civil Aviation Authority (CAA) to ensure that BNG plans do not compromise aviation safety.

How the Main issues have been addressed

Based on consultation feedback, the following changes have been made to the SPD:

Main Issue	Modification made
Main Issue 2 – Monitoring and Reporting Clarification	Section 3.21 updated to specify how monitoring obligations differ under Section 106 Agreements and conservation covenants
Main issue 3 – Off-Site BNG Location	Section 3.28 revised to prioritise off-site BNG within the same village, town, or landscape setting rather than just within the same LPA
Main Issue 4 – Historic Landscapes	Section 3.28 updated to include consideration of historic landscapes in BNG site selection
Main Issue 6 – BNG in Waste and Industrial Areas	Section 5.1 revised to reflect additional opportunities for BNG, such as green roofs and industrial site enhancements
Main Issue 7 – Concerns Regarding Playing Fields	New section (6.4) added to clarify that BNG should not be provided on playing fields unless absolutely necessary, ensuring compliance with the NPPF and Sport England's Playing Fields Policy
Main Issue 9 - Support for Access to Natural Sites and Educational Opportunities	Sections 2.6 and 2.7 amended to emphasise that BNG can be integrated into open space proposals to promote community engagement, education, and sustainable development, while also ensuring these areas support wildlife habitats and community spaces.
Main Issue 10 – BNG in Mineral Restoration	Section 4.8 and 4.9 amended to clarify that while BNG from mineral restoration often exceeds the statutory minimum, the County Council does not

	<p>support its use for off-site mitigation for other developments where it has been secured as a condition of a mineral planning permission. However, mineral operators may sell biodiversity units where this results in larger, more effective biodiversity schemes and delivers a genuine net gain beyond approved restoration commitments.</p>
<p>Main Issue 11 - Strengthening the 20% BNG Aspiration</p>	<p>Sections 2.5 and 2.11 amended reflect the development of the Nottinghamshire and Nottingham BNG Framework, which includes a shared aspiration for 20% BNG where feasible. These updates clarify the county-wide commitment to biodiversity restoration and ensure consistency with local planning objectives.</p>
<p>Main Issue 12 – Consideration of Aerodrome Safeguarding for Aviation Safety</p>	<p>Section 3.8 added to highlight the importance of aerodrome safeguarding in BNG plans, specifically within the East Midlands Airport safeguarding zone, and the need to consult with the Civil Aviation Authority to ensure no harmful bird species are encouraged.</p>

The feedback received has been integral in refining the SPD before adoption. The document will continue to be monitored to ensure its effectiveness, and further updates will be made as needed.