

WELWYN HATFIELD BOROUGH COUNCIL
CABINET – 5 September 2023

Recommendation from the Cabinet Planning and Parking Panel on 17th August 2023.

57. BIODIVERSITY NET GAIN – GUIDANCE NOTE

The Panel received the report of the Assistant Director (Planning) and a presentation on the Biodiversity Net Gain (BNG) Guidance Note.

Members raised a number of issues which are summarised below:

- Reservations were expressed about the recommendation that delegated powers be given to the Assistant Director (Planning) in consultation with the Executive Member for Planning to update the Guidance Note as required; it was felt that if there was substantial material change to the guidance then it should be considered by CPPP or another panel. An amendment to the second recommendation was proposed so it would read: 'That Cabinet gives delegated powers to the Assistant Director (Planning) in consultation with the Executive Member for Planning, to update the Guidance Note as required *with a further report detailing subsequent changes to come back to CPPP before 1 March 2024.*'
- A Member suggested that the need for materiality needed to be balanced with giving officers sufficient delegation to progress matters and therefore it was proposed that a decision be deferred to the next meeting when the exact wording was known, so a more robust discussion could take place. Officers commented that the document would be 'live' for a while and so it would be appropriate for substantive changes to be considered at a future meeting, while day to day changes of wording as information was updated by government could be managed under delegated authority. The Member still recommended the item should be deferred.
- A Member commented on the requirement that BNG should be maintained for a minimum of 30 years, noted the 10% net gain was small given the biodiversity crisis, and asked whether these could be amended. Officers advised both the 30 years and 10% net gain were specified in the Environment Act and so could not be changed. In response to a further query, officers explained more than 10% could only be required if it could be evidenced through the Local Plan.
- Officers noted the BNG requirement for major sites took effect from November 2023 and proposed that if the guidance was adopted at the meeting, a further report could come to Committee then. In the meantime it was beneficial to have the current guidance in the public domain as requirements would be clear to developers.
- Members asked about the relationship between the guidance and the draft Local Plan. Officers advised that if the Local Plan was adopted before the guidance took effect, all applications had to be determined in accordance with

the development plan, so 10% BNG would be required if the Local Plan was adopted.

- In response to a query about monitoring and enforcement, officers explained that responsibility lay with the developer who would have to submit a habitat management and monitoring plan; failure to do so would trigger an alert with the Council. BNG monitoring and enforcement had substantial resource implications for all local authorities.
- Responding to a question, officers advised that Development Management Committee would start to see applications including a BNG plan.

RESOLVED:

(unanimous)

- 1) Cabinet Planning and Parking Panel recommended to Cabinet that the Biodiversity Net Gain Guidance Note be endorsed, and
- 2) Cabinet Planning and Parking Panel recommended to Cabinet that it delegated powers to the Assistant Director (Planning), in consultation with the Executive Member for Planning, to update the Guidance Note as required with a further report detailing subsequent changes to come back to CPPP before 1 March 2024.

The reports of the Cabinet Planning and Parking Panel can be viewed in full here:

<https://democracy.welhat.gov.uk/documents/g1641/Public%20reports%20pack%2017th-Aug-2023%2019.30%20Cabinet%20Planning%20and%20Parking%20Panel.pdf?T=10>