

Planning Committee

29 April 2022

Agenda item number 13

Local Plan- Issues and Options Bite Size Pieces- April

Report by Planning Policy Officer

Summary

The review of the Local Plan for the Broads is underway. This report introduces some sections of the emerging draft Issues and Options stage of the Local Plan. These sections cover the topics of Nitrate Neutrality, Biodiversity Net Gain and Recreation Avoidance Mitigation Strategy.

Recommendation

Members' thoughts and comments on the draft sections are requested.

1. Introduction

- 1.1. The review of the Local Plan for the Broads is underway. The first document produced as part of the review of the Local Plan will be an Issues and Options consultation. As well as advertising that we are reviewing the Local Plan, this stage identifies some issues and related options and seeks comments. Responses will inform the subsequent stages of the Local Plan.
- 1.2. This report introduces bite size pieces of the Issues and Options. Members will of course be presented with the final draft version of the Issues and Options to endorse it for consultation at a later Planning Committee.
- 1.3. The bite size pieces are attached as appendices to this report. Members' views on these reports/draft sections of the Issues and Options are welcomed.

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Appendix 1: Nitrate Neutrality, Biodiversity Net Gain and Recreation Avoidance Mitigation Strategy – section of the Issues and Options.



Local Plan for the Broads - Review

Issues and options bitesize pieces

April 2022

Biodiversity Net Gain, Nitrate Neutrality and Recreation Avoidance Mitigation Strategy

The following is one of the draft sections of the Issues and Options. It relates to Biodiversity Net Gain, Nitrate Neutrality and Recreation Avoidance Mitigation Strategy. Members' thoughts are welcomed as we finalise this section of the Issues and Options.

1. Introduction

Over the last few months, three issues/schemes/requirements have been introduced. The three schemes relate to habitats and biodiversity. The three schemes are discussed below.

2. Biodiversity Net Gain (BNG)

2.1. About BNG

The BNG requirement was introduced in the [Environment Act](#), which was passed November 2021, and is set to become mandatory in November 2023.

This is a requirement that is set nationally.

It will require developers to demonstrate how they will bring about a minimum 10% increase in biodiversity in order to obtain planning permission for their projects. Under the Act, the necessary habitat enhancement will be paid for by the developer and must be guaranteed to endure for 30 years.

During the start of 2022, there was a [public consultation](#), run by the Government, on the details of how BNG can work, as well as any exemptions.

We will keep informed of progress on BNG as the process becomes more formalised. In the meantime, some Neighbourhood Plans introduce a requirement for BNG for their Neighbourhood Area, and the Authority will work on implementing the policy requirement

3. Recreation Avoidance Mitigation Strategy (RAMS)

3.1. About RAMS

New development can impact on protected wildlife sites in many ways. One such way is through the impact of recreational activities. Evidence indicates that new development in Norfolk is likely to affect the integrity of protected sites in Norfolk. In parts of Suffolk, evidence also indicates that development is likely to affect the integrity of protected sites on the Suffolk Coast. The payment of a tariff by applicants would enable the funding of measures to help mitigate impacts of recreational activities arising from development.

3.2. Suffolk RAMS

The requirements of Suffolk Coast RAMS apply to all new residential developments where there is a net increase in dwelling numbers. This includes, for example, the conversion of houses into smaller flats, or the change of use of other buildings to dwellings. It also includes new tourist accommodation. It excludes replacement dwellings and extensions to existing dwellings (where there is no net gain in dwelling numbers). The tariff, at the time of writing, for the area in which the Broads falls is £321.22. Much more background information can be found here: <https://www.eastsuffolk.gov.uk/planning/developer-contributions/rams/>

3.3. Norfolk RAMS

The following schemes in Norfolk are part of the Norfolk RAMS scheme and will need to pay the tariff:

- new dwellings of 1+ units (but excludes replacement dwellings and extensions),
- Housing in multiple Occupancy (HMO),
- student accommodation,
- residential care homes and residential institutions,
- tourist accommodation including caravan sites, camping and glamping, and
- Gypsies, travellers and travelling show people plots.

Residential moorings are also included, as well as tourist accommodation on recommended rate of 'per six bed-space ratio' of the tariff.

The tariff, at the time of writing, is around £185. This will be index linked and increase with inflation.

4. Nitrate Neutrality

4.1. The issue

In freshwater habitats and estuaries, poor water quality due to nutrient enrichment from elevated nitrogen and phosphorus levels is one of the primary reasons for habitats sites being in unfavourable condition. Excessive levels of nutrients can cause the rapid growth of certain plants through the process of eutrophication. The effects of this look different depending on the habitat, however in each case, there is a loss of biodiversity, leading to sites being in 'unfavourable condition'. To achieve the necessary improvements in water quality, it is becoming increasingly evident that in many cases substantial reductions in nutrients are needed. In addition, for habitats sites that are unfavourable due to nutrients, and where there is considerable development pressure, mitigation solutions are likely to be needed to enable new development to proceed without causing further harm.

In light of this serious nutrient issue, Natural England has recently reviewed its advice on the impact of nutrients on habitats sites which are already in unfavourable condition. Natural England is now advising that there is a risk of significant effects in more cases where habitats sites are in unfavourable condition due to exceeded nutrient thresholds. More plans and projects are therefore likely to proceed to appropriate assessment.

4.2. Nitrate Neutrality

Mitigation through nutrient neutrality offers a potential solution. Nutrient neutrality is an approach which enables decision makers to assess and quantify mitigation requirements of new developments. It allows new developments to be approved with no net increase in nutrient loading within the catchments of the affected habitats site.

Where properly applied, Natural England considers that nutrient neutrality is an acceptable means of counterbalancing nutrient impacts from development to demonstrate no adverse effect on the integrity of habitats sites and we have provided guidance and tools to enable you to do this.

The Nutrient Neutrality Methodology enables a nutrient budget to be calculated for all types of development that would result in a net increase in population served by a wastewater system.

4.3. What development does this relate to?

It covers all types of overnight accommodation including new homes, student accommodation, care homes, tourism attractions and tourist accommodation and permitted

development8 (which gives rise to new overnight accommodation) under the Town and Country Planning (General Permitted Development) (England) Order 20159.

We are working with other Norfolk Local Planning Authorities on how to address this issue.

Do you have any comments or thoughts on these three issues/schemes/requirements?