

Broads Authority

26 July 2024

Agenda item number 16

Local validation list- update for Biodiversity Net Gain

Report by Planning Consultant

Purpose

Proposals to amend the Local Validation List (LVL) for planning applications to require additional information on Biodiversity Net Gain (BNG) have been the subject of consultation, with no objections received. The Planning Committee supports the amendment of the LVL.

Recommended decision

Approve the proposed amendments to the Local Validation List.

1. Introduction

- 1.1. The Environment Act 2021 provides the UK's post-Brexit framework of environmental protection and sets new binding targets aimed at improving nature, including halting the decline in species and the protection of 30% of our land and sea for nature by 2030.
- 1.2. Land use is a significant contributor to the loss of biodiversity. The Environment Act addresses this by introducing a statutory requirement for development¹ to provide a net improvement to the environment by mandating a 10% Biodiversity Net Gain (BNG) through the planning system.

2. Delivering Biodiversity Net Gain

- 2.1. All applications that are 'in scope' for BNG must now provide baseline information on the existing biodiversity value of the site. This is done in the form of a completed statutory Metric, which provides a baseline biodiversity 'value' for the site, enabling a calculation of the required BNG to be made. There is, however, no statutory requirement for the applicant to demonstrate at the application stage how the required BNG will be provided, with the submission of this information deferred to later in the process.

¹ The following development types are exempt from mandatory BNG: Householder applications, de minimus development, certain self-builds, sites for development for the purpose of delivering BNG, development covered by permitted development rights, Crown development and High Speed Rail.

- 2.2. This deferral creates uncertainty around the BNG outcomes, so there is provision in the legislation for a Local Planning Authority (LPA) to require the submission of this information at the application stage through their Local Validation List (LVL). The LVL sets out what information an LPA requires to support a planning application, in addition to the national requirement.
- 2.3. A [report](#) was presented to the 1 March 2024 meeting of the Planning Committee, recommending that the LVL be amended to require additional information at the planning application stage on how BNG was to be provided. This was agreed by Members.
- 2.4. The proposed amendments to the LVL were the subject of consultation for an eight-week period from 25 March to 17 May 2024. No objections or specific comments about the proposed changes were received. A [report](#) was presented to the 21 June 2024 meeting of the Planning Committee, recommending that the proposed changes to the LVL be progressed. This was agreed by Members.
- 2.5. The proposed change to the LVL needs to be approved by the Broads Authority.

3. Conclusion and recommendation

- 3.1. As part of the Broads Authority's delivery of BNG, it is considered appropriate to update the LVL 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.
- 3.2. It is recommended that the Broads Authority approve the proposed amendments.

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Background papers: none