



## **ENVIRONMENT SCRUTINY COMMITTEE**

### **Minutes of a meeting of the Environment Scrutiny Committee held on Tuesday 6 February 2024 at 6.00 pm in Walker Room, Meeting Point House, Southwater Square, Telford, TF3 4HS**

**Present:** Councillors M Boylan (Chair), P Davis (Vice-Chair), H Morgan and T J Nelson

**Also Present:** Councillor C Healy (Cabinet Member: Climate Action, Green Spaces, Heritage & Leisure)

**In Attendance:** E Harvey (Lead Lawyer: Property & Commercial), V Hulme (Development Management Service Delivery Manager), S Martin, F Mercer (Director: Communities, Customer & Commercial Services) and S Yarnall (Democracy Officer (Scrutiny))

**Apologies:** Councillors T L B Janke, I Preece and H Rhodes

#### **ENVSC19 Declarations of Interest**

None.

#### **ENVSC20 Minutes of the Previous Meeting**

**RESOLVED** – that the minutes of the meeting held on 29 November 2023 be confirmed and signed by the Chair.

#### **ENVSC21 Biodiversity Net Gain**

The Service Delivery Manager: Development Management provided an update on Biodiversity Net Gain following the last formal Committee Meeting held on 29 November 2023 and further guidance received from Central Government. The update summarised that legislation for Biodiversity Net Gain is made under the Environment Act, which came into effect from 2021 to replace previous European legislation. The legislation required a minimum of 10% net gain on most planning applications, which not only conserved the local environment, but enhanced it.

Members were informed that legislation for Biodiversity Net Gain was laid in Parliament on 19 January 2024. The report outlined that under the new legislation, large applications would apply the minimum 10% Net Gain from 4 February 2024 and for smaller applications it would be in force from 2 April 2024. Members were informed that there were some exemptions to this



legislation such as if the application was small and self-built and whether an application resulted from the remaining High Speed Rail 2 development.

In terms of planning applications, Members were informed that the conditions for Biodiversity Net Gain would be set out along with any S106 agreement and any additional requirements.

As part of the legislative changes, each local area had net gain specific priorities which were classified as part of a Local Nature Recovery Strategy. At the time of the meeting the strategy was still being worked on and it would be led by Shropshire Council.

Members were informed that as part of this, developers would need to detail how they would be contributing to Biodiversity Net Gain over a 30 year period. During that 30 year period, they would be monitored to ensure that the environment was being conserved.

The report set out that the Council sought to go beyond the 10% standard minimum on applications and look towards a 20% Net Gain. This would incorporate measurable methods to monitor the delivery of Net Gain and there would be a Biodiversity Hierarchy of the environment of which developers would be able to work towards. Members were informed that developers would be able to deliver the Net Gain off-site but were informed that they could incur further costs. The Committee were advised that developers would be able to contribute to Council owned land as part of that off-site net gain.

Following the presentation, Members asked the following questions:-

*The Biodiversity Net Gain legislation was a complex concept, how were the environmental units assessed to deliver net gain off-site?*

Under the Biodiversity Hierarchy there were different levels of net gain for the type of natural habitat that developers support. This was under an official metric from Natural England and it was currently on its fourth version. Developers would be asked how they would be able to deliver this on-site in the first instance and then look towards off-site delivery if on-site was not possible.

*Were there examples of the exact measures that developers would be using to meet the net gain targets?*

Members were informed that the exact measures were still being finalised by Natural England but it was down to interpretation of the net gain of certain habitats. It was explained that a development site would not be able to deliver the work that was below the net gain and would need to be at least on the same scale plus 20% net gain of the habitat that was removed.



*Would members of the public be able to understand this in terms of square metered metrics?*

The planning portal and software system had been updated so the units of net gain were in an understandable metric such as squared metre units which would allow for monitoring over a 30 year period as well as being accessible for the public.

*Were Officers still working to understand the detail of the changes that the legislation would have?*

Officers were still working through the details of the legislation and there would be further guidance from the Government as more of the legislation would be implemented.

Members commented that they appreciated the opportunity for the Committee to provide input during early stages of the policy development and that the Committee would be able to further review it following its formal implementation.

*Is there support for smaller developers to meet the net gain targets as well as support for officers to monitor the net gain requirements?*

Support would be available for smaller developers to identify possible areas for net gain. In terms of support for officers to monitor the net gain, a new burdens fund of £20,000 from the government would be available for four years to support the development of the software as well as monitoring the Net Gain.

*With the development of new homes, would there be issues in relation to the Local Plan and the planning of new homes?*

The Local Plan policies help to determine the required standards for new homes and developments. This would not have an impact on the net gain for developers and helped to support more environmental measures as part of the development.

*Were there differences when it came to building for an industrial site?*

The levels of net gain would be determined by the units defined through the number of hectares that were stated as part of the planning application in both the space it would take to develop and the levels it would add to the net gain.

*How would the legislation impact Parish and Town Councils consideration of planning applications and would there be any advice for them?*



The Service Delivery Manager: Development Management informed Members that they would be able to put together a leaflet and training sessions to support with understanding of the legislative changes around Biodiversity. There were also specific officers to help support and provide advice when required.

*After the 30 year period of monitoring the Biodiversity Net Gain of a site, would developers then be able to develop on that site?*

Members were informed that the guidance does not clearly indicate if a developer would be able to develop on the same area after the 30 years had passed. However, it was explained that the idea of the 30 year monitoring period was to allow the habitat to be established and then be factored in as part of the Biodiversity Hierarchy.

*Does the scale and location of the net gain impact the application and development?*

Members were informed that developers should look towards the net gain being on-site, however, it was recognised that this might not always be possible. The Local Nature Recovery Strategy highlighted that the net gain could be pooled with areas of Shropshire to create a vaster area of green space to create more meaningful impacts.

Following questions, Members voted on the recommendations and moved to include future update of Biodiversity Net Gain on the work programme going forward.

**RESOLVED – that:**

**a) The approach set out in delivering biodiversity net gain via the development process for local communities, including advising officers on their preferred option, which will be taken forward for further investigation including regarding viability, be endorsed by the Environment Scrutiny Committee;**

**b) The proactive approach to working with evolving legislation and guidance to facilitate sustainable development across the borough, be noted; and**

**c) That a further update on Biodiversity Net Gain be presented to the Committee to monitor progress.**



The Democracy Officer (Scrutiny) provided an update on the work programme. Members were advised that the work programme was a working document of which items could be added on for the committee's consideration. Members were informed that the work programme would be discussed amongst the Chair and Officers during the Keeping in Touch Meetings. The Democracy Officer (Scrutiny) informed Members that in relation to the River Pollution working group, Severn Trent had agreed prior to the meeting that they would be able to host a site visit to one of their treatment plants as part of the working group. The Democracy Officer (Scrutiny) informed Members that should they wish to attend the visit, to express their interest by contacting the relevant officers.

### **ENVSC23 Chair's Update**

The Chair informed Members that the next scheduled meeting was due to take place on 20 March 2024.

The meeting ended at 6.56 pm

**Chairman:** .....

**Date:** Wednesday 20 March 2024