

Planning Committee

Supplemental Agenda

Meeting date	23 May 2024
Officer	Linda Sparrow
Agenda Item	23-29 Cuttys Lane, Stevenage
Proposal	Installation of external wall insulation and associated external finish, installation of solar PV array system; replacement roof tiles; replacement of external windows and doors, and alterations to external ventilation
Reference	24/00252/FP
ADDENDUM INFORMATION	

Biodiversity Net Gain

Paragraph 13 of Schedule 7A of the Town and Country Planning Act 1990 sets out that every planning permission granted for the development of land in England shall be deemed to have been granted subject to the 'biodiversity gain condition' requiring development to achieve a net gain of 10% of biodiversity value.

This is subject to exemptions, an exemption applies in relation to planning permission for a development which is below the de minimis threshold, meaning development which:

- does not impact an onsite priority habitat (a habitat specified in a list published under section 41 of the Natural Environment and Rural Communities Act 2006); and
- impacts less than 25 square metres of onsite habitat that has biodiversity value greater than zero and less than 5 metres in length of onsite linear habitat (as defined in the statutory metric).

Applicants for planning permission are required to make a statement as to whether the biodiversity gain condition will apply if permission is granted.

Officer comment: Under current Biodiversity Gain regulations, any planning permissions granted in respect to an application made on or after 12 February 2024 would be subject to the biodiversity gain condition. However, the regulations comprise a temporary exemption for non-major development (which this application would fall under) until 2 April 2024. However, any non-major application made and granted permission after this date (2 April 2024) would be subject to the Biodiversity Gain Condition. As this application was made on the 8 April 2024, it would not benefit from the temporary exemption and would be bound by the biodiversity gain condition.

As part of the application submission, the applicant has confirmed that if permission is granted for the development to which this application relates the biodiversity gain condition would not apply. In their statement, it sets out that the exemption is applied relating to development below the threshold which will not have an impact on a priority habitat, and it will impact less than 25sqm of onsite habitat and less than 5m of linear hedgerow. This is because the development is limited to the existing footprint of the building only.

The following informative will also be required to be added to any decision notice should members grant planning permission.

INFORMATIVE

Biodiversity Net Gain

The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition “(the biodiversity gain condition)” that development may not begin unless:

- a) a Biodiversity Gain Plan has been submitted to the planning authority, and
- b) the planning authority has approved the plan.

The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan if one is required in respect of this permission would be Stevenage Borough Council. The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan if one is required in respect of this permission would be Stevenage Borough Council. There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply.

Based on the information available, this permission is considered to be one which will not require the application of a biodiversity gain plan before the development is begun because one or more of the statutory exemptions or transitional arrangements is considered to apply:

Development below the de minimis threshold, meaning development which:

- a) does not impact an onsite priority habitat (a habitat specified in a list published under section 41 of the Natural Environment and Rural Communities Act 2006); and
- b) impacts less than 25 square metres of onsite habitat that has biodiversity value greater than zero and less than 5 metres in length of onsite linear habitat (as defined in the statutory metric).

Where the local planning authority considers that the permission falls within paragraph 19 of Schedule 7A to the Town and Country Planning Act 1990, the permission which has been granted has the effect of requiring or permitting the development to proceed in phases. The modifications in respect of the biodiversity gain condition which are set out in Part 2 of the Biodiversity Gain (Town and Country Planning) (Modifications and Amendments) (England) Regulations 2024 apply.

Biodiversity gain plans are required to be submitted to, and approved by, the planning authority before development may be begun, and, if subject to phased development, before each phase of development may be begun.

If the onsite habitat includes irreplaceable habitat (within the meaning of the Biodiversity Gain Requirements (Irreplaceable Habitat) Regulations 2024) there are additional requirements for the content and approval of Biodiversity Gain Plans. The Biodiversity Gain Plan must include, in addition to information about steps taken or to be taken to minimise any adverse effect of the development on the habitat, information on arrangements for compensation for any impact the development has on the biodiversity of the irreplaceable habitat. The planning authority can only approve a Biodiversity Gain Plan if satisfied that the adverse effect of the development on the biodiversity of the irreplaceable habitat is minimised and appropriate arrangements have been made for the purpose of compensating for any impact which do not include the use of biodiversity credits.