

Dr Sarah Eglington on behalf of Norfolk Wildlife Trust

1. Which Main Modification are you responding on?

1. **Local Plan Main Modification (MMxx) ref.:** MM6
2. **Local Plan Paragraph ref.:** New policy on windfall development and supporting text
3. **Local Plan Figure/ Table No.:**

2. To which Test of Soundness does your representation relate?

None selected.

3. **Summary of Comments:**

We recommend additional wording is added to clause B. d) to include reference to biodiversity and the environment. We suggest the following: d) It preserves or enhances the significance of nearby heritage and environmental assets and their settings and protects and enhances the appearance and character of designated and valued landscapes.

1. Which Main Modification are you responding on?

1. **Local Plan Main Modification (MMxx) ref.:** MM44
2. **Local Plan Paragraph ref.:** 6.4.24
3. **Local Plan Figure/ Table No.:** n/a

2. To which Test of Soundness does your representation relate?

	Yes	No
1. Legally compliant?	Selected	Not Selected
2. Complies with the Duty to Cooperate?	Not Selected	Selected
3. Positively prepared (i.e. seeks to meet the area`s objectively assessed needs)?	Not Selected	Selected
4. Justified (an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence)?	Not Selected	Selected
5. Effective (i.e. deliverable over the plan period)?	Not Selected	Selected
6. Consistent with National Planning Policy Framework?	Not Selected	Selected

3. **Summary of Comments:** We support the additional text to this policy

1. Which Main Modification are you responding on?

1. **Local Plan Main Modification (MMxx) ref.:** MM45
2. **Local Plan Paragraph ref.:** 6.5.2-6.5.3
3. **Local Plan Figure/ Table No.:** n/a

2. To which Test of Soundness does your representation relate?

None selected.

3. Summary of Comments:

We support the wording change in paragraph 6.5.3 referring to the value of soils. We recommend that the wording of paragraph 6.5.3 is amended to provide a more aspirational focus on enhancement. We suggest the following: "Decisions about development should seek to enhance sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality), quality, taking account of economic benefits and the many ecosystem services they deliver."

1. Which Main Modification are you responding on?

1. Local Plan Main Modification (MMxx) ref.: MM46

2. Local Plan Paragraph ref.: BNG

3. Local Plan Figure/ Table No.: n/a

2. To which Test of Soundness does your representation relate?

None selected.

3. Summary of Comments:

Whilst we support the mandatory 10% biodiversity net gain required by the 2021 Environment Act, given the scale of the global biodiversity crisis, and the need to make clear and tangible progress on nature's recovery, Norfolk Wildlife Trust recommends that wherever possible, a requirement for 20% should be set instead. There is sometimes a misconception that increasing BNG from 10% to 20% is doubling the amount of habitat to be delivered. This is not the case. The increase is only from 110% to 120% of pre-development biodiversity levels. The vast majority of the cost of BNG is on meeting the 110% statutory target, and the extra 10% is a small extra cost that does not impact on viability. A 10% minimum gain has been set by the Environment Act, as this is the lowest level that Defra consider would actually deliver biodiversity gains. But we consider that given the pressures facing the county's biodiversity, a greater ambition of 20% should be set to provide greater confidence in genuine gains for biodiversity and ensure the successful recovery of nature in Norfolk. Relevant findings from Defra's Impact Assessment document (21/11/2018) include (our emphases): "...In simple terms, [10%] is the lowest level of net gain that [Defra] could confidently expect to deliver genuine net gain, or at least no net loss, of biodiversity and thereby meet its policy objectives." "...Advice from some Natural Capital Committee members suggests that a level of net gain at or above 10% is necessary to give reasonable confidence in halting biodiversity losses." "...The department therefore favours as high a level of net gain as is feasible...The analysis undertaken in this Impact Assessment indicates that the level of requirement makes relatively little difference to the costs of mitigating and compensating for impacts." Natural England's biodiversity net gain study (Vivid Economics, June 2018) considered the impacts on the economics and viability of development and concluded that a biodiversity net gain requirement was not expected to affect the financial viability of housing developments (up to 20% biodiversity net gain scenario); it also suggests there is a strong case for greater ambition. The study found that for biodiversity net gain scenarios up to 20%:

- With careful design and early consideration, on site biodiversity net gain can be delivered at no or little cost.
- If it can be delivered on site, biodiversity net gain is usually cost-neutral – biodiversity on-site can attract customers, speed up sales and even increase values.
- If

biodiversity net gain costs are significant, it is the landowner that will bear them rather than the developer through reduced land prices; however, according to the study most developers considered it unlikely to have a significant impact on land values. • After a transition period, incidence of a biodiversity net gain requirement on developers was expected to be minimal or positive. • Biodiversity net gain is not expected to reduce the number of affordable housing units. • An increase in the biodiversity net gain requirement does not need to impact the number of dwellings, as some of net gain can be delivered off-site. • Where there are higher costs associated with off-site delivery, these will be passed through to the landowner but represent less than a 1.5% uplift. The Defra assessment similarly concluded that the additional costs will fall to the landowner. Their assessment states that when mandatory requirements that are transparent and clearly defined are imposed across all developers, developable land prices should fall to absorb the policy cost as developers 'pass through' the cost. Evidence from industry and academia supports this, showing that development costs are passed back through to land prices once the market has adjusted to the new policy. It states that house prices and developer profits appear inelastic with respect to extra costs, with land prices absorbing the change. The Defra impact assessment also found that the level of net gain requirement makes relatively modest difference to the costs of mitigating and compensating for impacts when assessed against the more significant costs of achieving no net loss and wider development policy objectives. It found that the majority of the costs associated with net gain are incurred to correct for the initial loss of biodiversity through development (i.e. achieving only 'no net loss'). For example, a 10% net gain is in fact a requirement to deliver approximately 110% of the total lost biodiversity; a 10% gain therefore represents a relatively small proportion of overall habitat creation/enhancement requirements. Further more, the additional investment required to move from 10% net gain to 20% does not mean twice the expense. As the Natural England assessment found, careful design and early consideration can see the achievement of significant biodiversity improvement with little or even no additional spend. Overall, Defra's analysis indicated that net gain delivery costs are likely to be low as a proportion of key variables such as build costs and land prices. In addition, they found it is unlikely to lead to a significant increase on existing average developers contributions. We are encouraged to note that from other Local Authorities that 20% BNG is a realistic and deliverable policy goal. The following Local Planning Authorities that have already adopted a 20% requirement or target in their Local Plan: Maidstone Guildford Worthing Greater Cambridge Brighton and Hove Other local planning authorities are working towards 20% or higher minimum biodiversity net gain requirements in emerging local plan policies: Richmond Mid Sussex Mole Valley Birmingham East Devon Surrey Heath Canterbury Swale Swindon Kingston-upon-Thames (30% target) Tower Hamlets (30% target) Wiltshire Conclusion Therefore, given the evidence on the state of nature in Norfolk and the clear need for substantive action to ensure the ongoing decline in biodiversity is halted by 2030, we strongly recommend that the Broads Authority implement a policy to requiring 20% BNG. This stronger target would demonstrate a clear commitment to BA's Biodiversity Duty, without any significant effects on the delivery of the plan or viability of the developments affected.

1. Which Main Modification are you responding on?

1. Local Plan Main Modification (MMxx) ref.: MM47

2. Local Plan Paragraph ref.: LP19

3. Local Plan Figure/ Table No.: n/a

2. To which Test of Soundness does your representation relate?

	Yes	No
1. Legally compliant?	Selected	Not Selected
2. Complies with the Duty to Cooperate?	Not Selected	Not Selected
3. Positively prepared (i.e. seeks to meet the area`s objectively assessed needs)?	Not Selected	Not Selected
4. Justified (an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence)?	Not Selected	Not Selected
5. Effective (i.e. deliverable over the plan period)?	Not Selected	Not Selected
6. Consistent with National Planning Policy Framework?	Not Selected	Not Selected

3. Summary of Comments:

We support the wording change to criterion 3.

1. Which Main Modification are you responding on?

1. Local Plan Main Modification (MMxx) ref.: MM52

2. Local Plan Paragraph ref.: LP23

3. Local Plan Figure/ Table No.: n/a

2. To which Test of Soundness does your representation relate?

None selected.

3. Summary of Comments:

We support the addition of this new paragraph, especially the reference to Natural England's Accessible Natural Green Space Standards. However, we recommend strengthening the wording of around this and suggest changing the wording from 'may be applied' to 'should be applied'.

1. Which Main Modification are you responding on?

1. Local Plan Main Modification (MMxx) ref.: MM58

2. Local Plan Paragraph ref.: LP27

3. Local Plan Figure/ Table No.: n/a

2. To which Test of Soundness does your representation relate?

None selected.

3. Summary of Comments:

With regards to point 6, the new text states: "Within 1500m of the Breckland SPA (excluding the areas of conifer plantation that do not support nesting Stone Curlew), where qualifying features are known to exist, or where nesting attempts have been made.....", We recommend that clarification is required regarding knowledge of nesting attempts – how many years data will be considered? We support the new text regarding nutrient neutrality and air quality impacts on Roydon Common and Dersingham Bog.

1. Which Main Modification are you responding on?

1. Local Plan Main Modification (MMxx) ref.: MM92

2. Local Plan Paragraph ref.: E1.6

3. Local Plan Figure/ Table No.:

2. To which Test of Soundness does your representation relate?

	Yes	No
1. Legally compliant?	Selected	Not Selected
2. Complies with the Duty to Cooperate?	Not Selected	Not Selected
3. Positively prepared (i.e. seeks to meet the area`s objectively assessed needs)?	Not Selected	Not Selected
4. Justified (an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence)?	Not Selected	Not Selected
5. Effective (i.e. deliverable over the plan period)?	Not Selected	Not Selected
6. Consistent with National Planning Policy Framework?	Not Selected	Not Selected

3. Summary of Comments:

We support the addition of the new criterion stating that a project level HRA must be undertaken to ensure appropriate mitigation is provided to avoid recreational pressure on Roydon Common SAC.

1. Which Main Modification are you responding on?

1. Local Plan Main Modification (MMxx) ref.: MM109

2. Local Plan Paragraph ref.: E1.13

3. Local Plan Figure/ Table No.:

2. To which Test of Soundness does your representation relate?

	Yes	No
1. Legally compliant?	Selected	Not Selected
2. Complies with the Duty to Cooperate?	Not Selected	Not Selected
3. Positively prepared (i.e. seeks to meet the area`s objectively assessed needs)?	Not Selected	Not Selected
4. Justified (an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence)?	Not Selected	Not Selected
5. Effective (i.e. deliverable over the plan period)?	Not Selected	Not Selected
6. Consistent with National Planning Policy Framework?	Not Selected	Not Selected

3. Summary of Comments:

We support the new text and we welcome the reference to County Wildlife Sites in the new paragraph.

1. Which Main Modification are you responding on?

- 1. Local Plan Main Modification (MMxx) ref.:** MM10
- 2. Local Plan Paragraph ref.:** E1.13
- 3. Local Plan Figure/ Table No.:**

2. To which Test of Soundness does your representation relate?

None selected.

3. Summary of Comments:

We support the additional text to clarify that SGI should be replaced if lost to development.

1. Which Main Modification are you responding on?

- 1. Local Plan Main Modification (MMxx) ref.:** MM116
- 2. Local Plan Paragraph ref.:** E2.1
- 3. Local Plan Figure/ Table No.:**

2. To which Test of Soundness does your representation relate?

None selected.

3. Summary of Comments:

We support the changes made to criterion 14. We recommend strengthening the wording of the final (new) criterion and suggest the following: "the establishment of new areas of planting and open space should be implemented at an early stage in site preparation, in

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advance of the construction of the adjacent areas of development. Proposals should set out how this will be achieved, with target dates” We support the changes made to criterion 15. We support the changes made to criterion 16.

1. Which Main Modification are you responding on?

1. Local Plan Main Modification (MMxx) ref.: MM17

2. Local Plan Paragraph ref.:

3. Local Plan Figure/ Table No.:

2. To which Test of Soundness does your representation relate?

None selected.

3. Summary of Comments:

We support the changes to clauses 5 and 6. We are pleased to see the inclusion of County Wildlife Sites in criterion 5 a and the new criterion which protects Brook Watering Meadow County Wildlife Site (CWS).