

BOROUGH COUNCIL OF KING'S LYNN & WEST NORFOLK

BIO DIVERSITY TASK GROUP

Minutes from the Meeting of the Bio Diversity Task Group held on Monday, 5th February, 2024 at 4.00 pm in the Council Chamber, Town Hall, Saturday Market Place, King's Lynn PE30 5DQ

PRESENT: Councillor M de Whalley (Chair)
Councillors A Bullen and S Dark

Apologies for absence were received from Councillors M Bartrum and P Kunes

1 **MINUTES FROM THE PREVIOUS MEETING**

RESOLVED: The Minutes of the Meeting held on 18 December 2023 were agreed as a correct record.

2 **MEMBERS PRESENT UNDER STANDING ORDER 34**

Councillors Devulapalli and Moriarty attended under standing order 34.

3 **DECLARATIONS OF INTEREST**

None

4 **URGENT BUSINESS**

None

5 **TO CONSIDER THE RECOMMENDATIONS OF THE URBAN WILDLIFE INFORMAL WORKING GROUP**

[Click here to view the recording of this item on You Tube](#)

The Task Group was presented with a report which set out the recommendations of the Urban Wildlife Group:

Recommendations and associated comments from the Urban Wildlife Informal Working Group (UWIWG)

1. Encourage the use of bird boxes, bat boxes and hedgehog highways in new and existing Borough Council properties

To investigate the possibility of adopting a policy of giving the option of installing swift and bat boxes, bee bricks and hedgehog highways in new developments. The group acknowledge that it would be difficult to insist that this was

included in new developments, but feel that people should be given the option of having them provided. The group also encourage installation of items to promote urban wildlife in existing council facilities where appropriate.

2. The Council to investigate providing wildflower seeds for redundant allotments and community orchards/gardens and encourage the planting of wildlife seeds in the community

The Group would like the Council to give consideration to planting wildflower seeds in redundant areas such as unused allotments and community areas. They ask that the Council use pollinators and flowers that benefit wildlife where possible. Parishes could also be encouraged to plant redundant areas.

3. The Council to encourage bird feeding stations and nest boxes in schools

This could involve the Men's Shed who have indicated that they would be interested in assisting with the provision of nest boxes for schools.

4. Support of a Nest Box Trail in King's Lynn

This is an initiative by Julian Moulton and his idea is to locate a variety of nest boxes throughout King's Lynn with a map and guide. Boxes could be located at playgrounds, public spaces and various buildings. This could be publicised by having a stand at town centre events.

5. Produce literature advising how residents can help support their urban wildlife and promoting the nest box trail in King's Lynn.

This could include links to local organisations who are interested in promoting Urban Wildlife along with links to useful websites, details of the best types of plants to encourage urban wildlife and helpful hints and tips to support urban wildlife in their own gardens.

6. Engage with local groups to participate in urban wildlife

Organisations such as Men's Shed, In Bloom and schools could be engaged to promote urban wildlife. Stands at events could promote the nest box trail and provide literature as mentioned in recommendation 5 above. Linking with recommendation 3 above, schools could be encouraged to become involved by promoting what they have done for urban wildlife, with the possibility of a competition. The Informal Working Group have also been approached by NVN (Nature Volunteer Network) who have offered to collect wild bird seed for bee highways in the Borough. They are careful only to collect 10-20% of the seed on any given wild plant. This is an example of a local organisation who wants to contribute and also a demonstration of the cooperation the Borough can encourage and develop between outside bodies interested in local wildlife.

7. Encourage Councillors to promote Urban Wildlife in their Wards and Parishes where appropriate.

This could include promoting the benefits of Urban Wildlife and signposting to relevant organisations. Councillors could suggest ideas to their Parishes such as bulk buying wild flower seed,

which would bring the cost down to residents, and then could be sold at cost by Parish Councils. Councillors could also provide detail of good work in their Wards which could be circulated to other Councillors via the Members Bulletin and then cascaded down to Parish Councils as appropriate.

Councillor Bullen spoke to the recommendations made by the Group as it's former Chair. In doing so he commented that recommendation 7 which referred to wild bird seed, should be wild flower seed. He encouraged the council to support the recommendations and actively work to achieve them and encourage residents to deliver them.

Councillor Dark spoke in support of the recommendations and made reference to funding required to allow the recommendations to be actioned. He proposed that a recommendation also be included to request the Cabinet to include a budget to facilitate this. Councillor Bullen seconded the proposal which was agreed.

In discussing the swift bricks, G Hall, Executive Director commented that on the Council's developments it went above what was expected or required of private developers on an environmental front. He advised that the property and grounds teams would need to look at how it could be achieved for Council properties and land. He suggested that there would be an action plan on how to move forward.

Councillor Dark commented that the Council was one of the largest developers in the borough at the moment so it was simpler to include the solutions whilst they were being built to lay down the marker for developers.

G Hall confirmed the Council's properties were a relatively easy win, and many were already being planned on the Parkway development. However at this stage until the Design Guidance for Bio Diversity was in place with the Local Plan, the Council could only encourage, provide guidance and make clear it was not costly to introduce things such as swift ricks and bat boxes.

Councillor Bullen considered the progress being made a good news story for developers as purchasers wanted to see an environmental element. He hoped the borough would get a reputation for promoting and delivering on the issue.

Councillor de Whalley thanked the Urban Wildlife Group for their work and officers for the ambition to make the recommendations work.

RECOMMENDED: That Cabinet be recommended to approve the following :

Recommendations and associated comments from the Urban Wildlife Informal Working Group (UWIWG)

1. Encourage the use of bird boxes, bat boxes and hedgehog highways in new and existing Borough Council properties
2. The Council to investigate providing wildflower seeds for redundant allotments and community orchards/gardens and encourage the planting of wildlife seeds in the community
3. The Council to encourage bird feeding stations and nest boxes in schools
4. Support of a Nest Box Trail in King's Lynn
5. Produce literature advising how residents can help support their urban wildlife and promoting the nest box trail in King's Lynn.
6. Engage with local groups to participate in urban wildlife
7. Encourage Councillors to promote Urban Wildlife in their Wards and Parishes where appropriate.
8. That Cabinet be requested to provide a budget to deliver the proposals.

6

BIODIVERSITY NET GAIN

[Click here to view the recording of this item on You Tube](#)

Claire Wiggs, Senior ecologist gave a presentation (copy attached) on Bio Diversity Net Gain.

In discussing the presentation it was confirmed that it would come into force for larger developments in February, and for smaller ones in April. It was not applicable for those which already had planning permission. There were exceptions to the requirements.

With regard to the anti trashing element Councillor Dark asked if there was any funding for the monitoring for the ongoing monitoring required. He suggested it needed Councillor involvement. Assistant Director S Ashworth suggested that future monitoring would have to be on a risk based approach and would also impact the Enforcement Team. There would be some funding available, but discussions were ongoing with other authorities on the approach to be taken.

C Wiggs informed members that developers were being invited to come forward with land as a habitat bank. Expressions of concern on the monitoring of those were raised. The Chair indicated the Council

would be looking at what of its own land could be used for that purpose.

Councillor Bullen asked how the public would be able to engage if they suspected breaches. C Wiggs explained that Natural England would have a net gain register with a map. She acknowledged that it was early days in the process and implications etc would emerge once up and running as no councils had the answers yet.

S Ashworth confirmed that the Planning Committee and planning agents were receiving training on the matter. Bio Diversity Net Gain had been referred to as one of the most ambitious biodiversity schemes in the world, by Harvard University.

The Chair thanked Senior Ecologist Claire Wiggs for the presentation. The Task Group conformed they would like an update before the close of their work.

7

BIODIVERSITY DUTY

[Click here to view the recording of this item on You Tube](#)

Senior Ecologist Claire Wiggs gave a presentation on Biodiversity Duty. She confirmed the Council had not met the 1 January deadline for this, which was the case with many local authorities. It was necessary to have the required policies in place to comply, although there was still information and guidance awaited in order to fully comply. She suggested that the Task Group could assist. Executive Director G Hall indicated that the council could produce a plan by the deadline without the guidance.

Councillor Dark referred to discussions that other public bodies were having on the subject and suggested finding out what others were doing.

Councillor Bullen drew attention to the ambition behind the plan, and acknowledged that there was little resistance to it, although information was needed. He hoped it would become the norm to embrace the ideals of bio diversity.

The Task Group noted the update.

8

SUGGESTED ITEM FROM COUNCILLOR DEVULAPALLI

[Click here to view the recording of this item on You Tube](#)

Under standing order 34, Councillor Devulapalli asked to add a suggestion to the agenda for a bio diversity awareness raising project for west Norfolk. She suggested that the Council could sponsor a competition for private gardens, schools etc the council could issue

certificates of achievement. She informed members that she would be happy to bring forward volunteers to scope and organise it. She asked that the Council's communications team support its advertising to the public to raise awareness. She suggested that organisations such as the NWT could be involved.

Councillor Moriarty suggested that launching it in January 2025 would be a good time line in order for people to get involved and organise their gardens etc.

RESOLVED: That the item come to the next meeting of the task group for discussion.

9

DATE OF THE NEXT MEETINGS

4 March @ 4pm – this was subsequently changed to 7 March due to long planning agenda.

15 April 2024 @4pm

14 May 2024 @ 4pm

25 June 2024 @4pm

The meeting closed at 5.24 pm

Biodiversity Net Gain

Borough Council of
King's Lynn &
West Norfolk



Agenda

1. **Introduction** – What is net gain and why is it required?
2. **Inclusions and exemptions** – Which developments are subject to net gain?
3. **Timelines** – When will net gain become mandatory?
4. **What is required?**
5. **Calculations and credits** – The Biodiversity Metric, who can fill it out
6. **Key Legislation & guidance**– Anti-trash clause and irreplaceable habitats
7. **Q&A**

1. What is Biodiversity Net Gain?

The Environment Act 2021

6



“...an approach to development...that aims to leave the natural environment in a **measurably** better state than it was beforehand.”

How will it work?

Overview



Minimum 10% net gain in biodiversity post development



On-site or off-site as Biodiversity Units or as last resort via statutory credits system

10



National Biodiversity Gain Sites register



Required to use the Statutory Metric



Land providing habitats for BNG to be legally secured and maintained for minimum of 30 years

There are some exemptions and special cases

2. Which developments require net gain?

Inclusions

The following types of development will be included in BNG requirements:

- ✓ All major developments and most minor developments

⇒ Exemptions

The following types of development will be exempt from BNG requirements:

- X Householder applications
- X Permitted development
- X Development **impacting habitat** of an area below a 'de minimis' threshold of 25 metres squared, or 5m for linear habitats such as hedgerows and that does not impact priority habitat
- X Small scale self-build and custom house building
- X Biodiversity gain sites (where habitats are being enhanced for wildlife)
- X Urgent crown development & HS2

3. When will net gain become mandatory?

Time Line

12 February 2024 – commencement for all large / major Scale developments

2 April 2024 – commencement for small sites / minor developments – defined as:

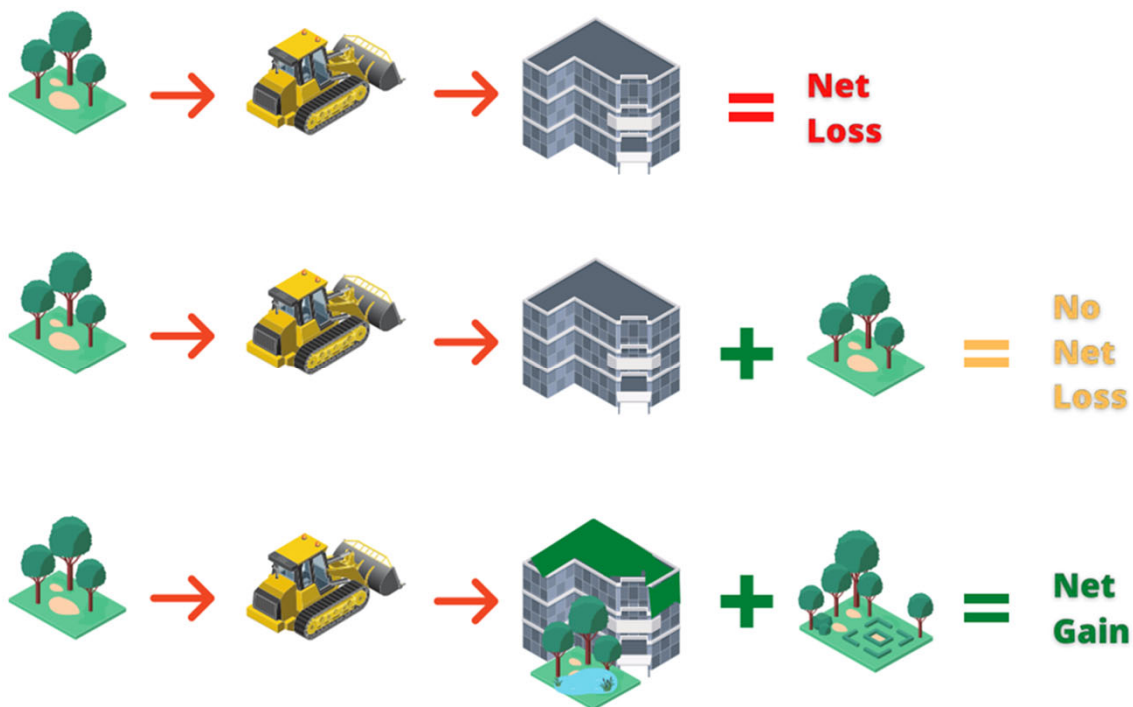
- (i) For residential:
- Where the number of dwellings to be provided is between one and nine inclusive on a site having an area of less than one hectare, or;
 - Where the number of dwellings to be provided is not known, a site area of less than 0.5 hectares.
- (ii) For non-residential: where the floor space to be created is less than 1,000 square metres OR where the site area is less than one hectare.

2025 - 2008 Planning Act Developments (NSIPs)

The BNG requirement will apply only to those applications submitted on or after BNG takes effect

4. What is it required?

A minimum 10% increase in biodiversity compared to the baseline which must be secured for 30 years



BNG Assessment Process

1. Biodiversity Net Gain Statement (Validation)

- How the project has followed the Rules and Principles of BNG
- How development intends to deliver BNG (onsite/offsite or both)

2. Biodiversity Metric (Validation)

- Calculates the before and after biodiversity value of a development
- Calculator & Guidance provided by government and its use to become a statutory requirement in January

3. A Biodiversity Gain Plan (Discharge of condition)

- Shows how the development has achieved BNG
- Details any off-site BNG units being used by the development

4. Habitat Management and Monitoring Plan (HMMP) (Discharge of condition)

Management prescriptions for 30 years and timeline for monitoring

Mechanisms for delivery

15

ON-SITE (UNITS)



Delivered through habitat creation/enhancement via landscaping/green infrastructure

OFF-SITE (UNITS)



Delivered off-site through habitat creation/enhancement, including via habitat banks, with public and private

STATUTORY CREDITS*



Delivered through large-scale habitat projects delivering high value habitats which can also provide long-term nature-benefits.

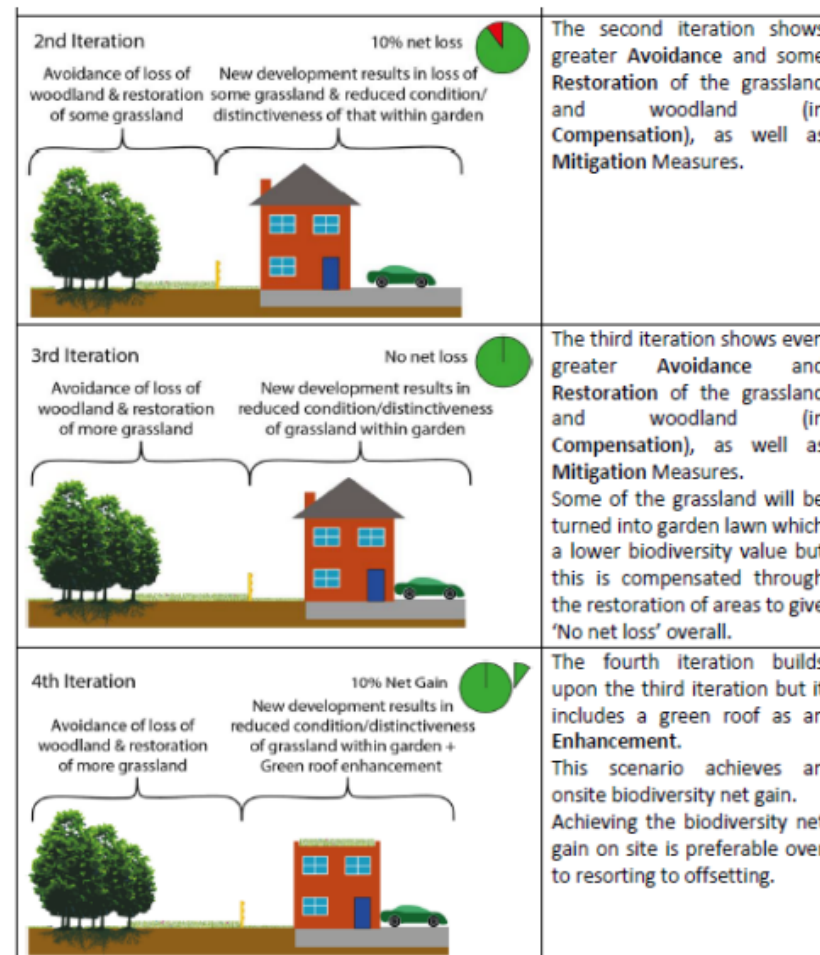
Securing BNG – on-site

Wherever possible, BNG should be **achieved onsite** via the creation or enhancement of habitat

On site habitat can be secured via conditions.

- The **long term management** (30 years +) must be stipulated
- There will be a requirement for **monitoring and reporting**

On-site may not be appropriate to the development of habitats being lost or just won't work on site. In which case off-site habitat creation may be required.



Securing BNG – Off-site

Where BNG can't be achieved onsite. The loss in biodiversity will need to be 'offset' by **creating new habitat somewhere else** (as near as possible to the development)

- All offsite BNG must be **registered** with Natural England via the National Register (approx. £500 registration fee)
- Will be secured through either s106 (landowner & council) or Conservation Covenants (landowner & responsible body) where the land is not owned by the applicant
- Must have evidence of purchase where offsite has been used
- Penalised if sites further afield are used
- Uses a multiplier to target optimum habitats

National Credit Scheme

Natural England will be providing an offsite Biodiversity Credits scheme as a last resort option

- The National Credit scheme is a last resort option while local markets develop
- Credit sales revenue will be received by Natural England and invested in habitat creation projects e.g. Wendling Breck
- ¹⁸ [Statutory credit prices](#) have been published. Prices are set high to incentivise local schemes over national credits.
 - Low distinctiveness habitats priced per unit at £42,000 rising up to £125,000 for some medium and high distinctiveness habitat credits. The top prices are £650,000 for lake habitats.



5. Calculations and Credits

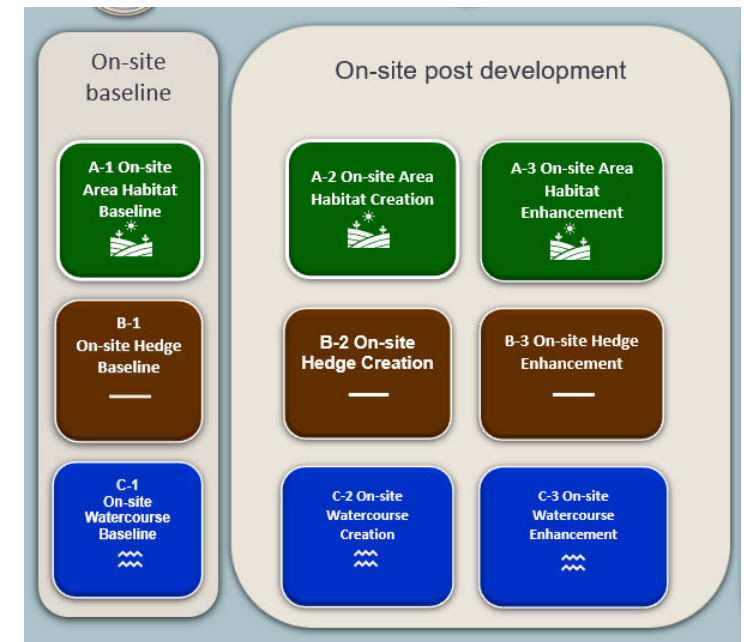
The biodiversity value of a site will need to be calculated using the statutory [Biodiversity Metric \(an Excel spreadsheet\)](#).

This must be completed by a competent person i.e. a **professional Ecologist** and will include a calculation of the pre development baseline and post development baseline.

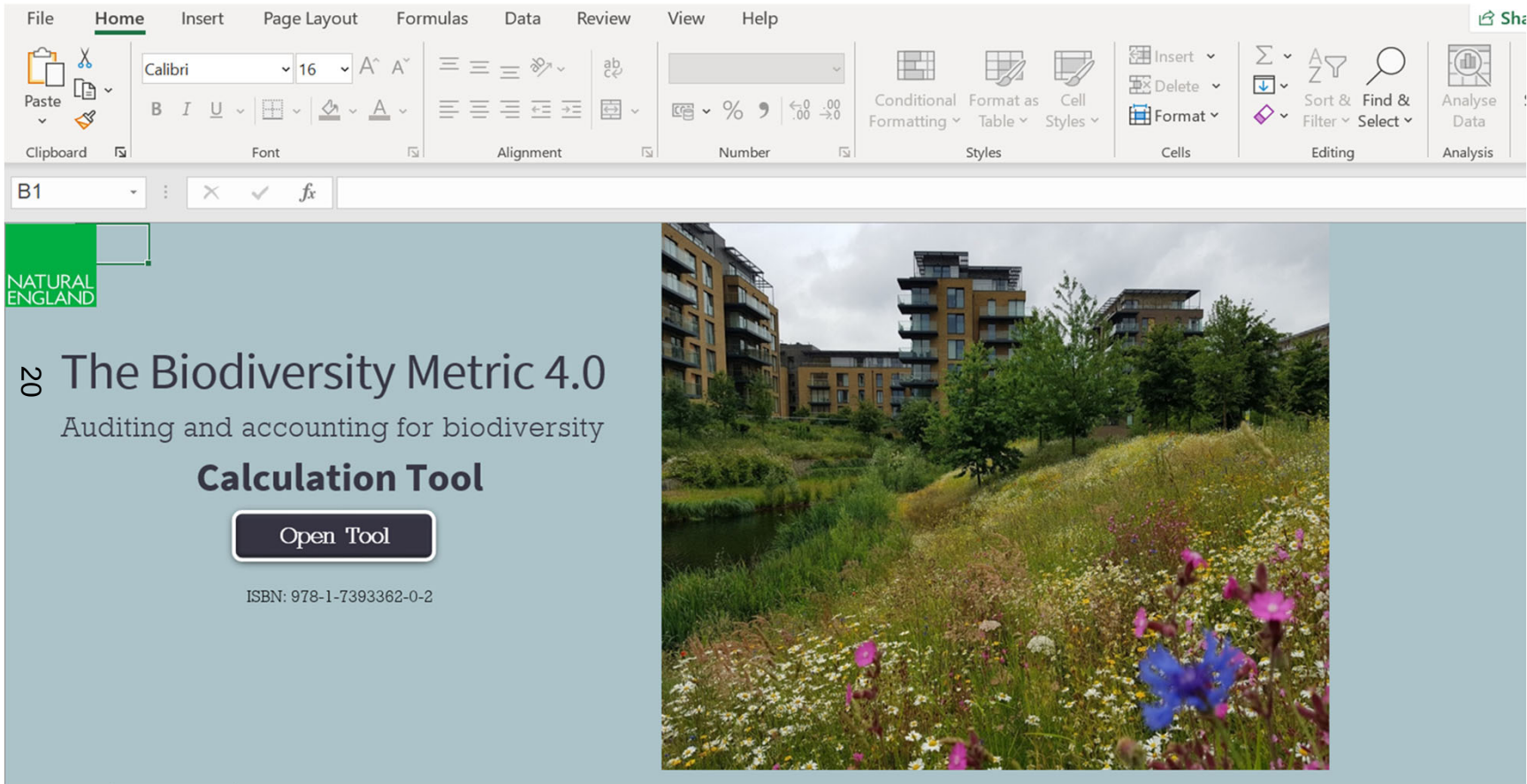
The Biodiversity Metric comprises three separate `modules` of the metric which are a proxy to describe broad type of biodiversity units. These units are:

1. Area habitats (**Green** in the metric)
2. Hedgerows and lines of trees (**Brown** in the Metric);
and
3. Watercourses (**Blue** in the Metric).

BNG applies to **each habitat type** that is present at the **baseline**



The Metric tool




The screenshot shows the Microsoft Excel interface with the 'Home' tab selected. The ribbon includes groups for Clipboard, Font, Alignment, Number, Styles, Cells, Editing, and Analysis. The active cell is B1. The main content area displays a slide with the following text:

NATURAL ENGLAND

20 **The Biodiversity Metric 4.0**
Auditing and accounting for biodiversity
Calculation Tool

[Open Tool](#)

ISBN: 978-1-7393362-0-2



The Small Sites Metric (SSM)

A [Small Sites Metric \(SMM\)](#) is available for small sites which is simplified calculator.

Such sites are defined as small sites where the following criteria are met:

For residential developments

- ✓ The number of dwellings to be provided is between one and nine (inclusive) on a site having an area of less than 1 ha
- ✓ Where the number of dwellings to be provided is not known the site area is less than 0.5 hectares

For non-residential developments

- ✓ Where the floor space to be created is less than 1,000 square meters, or where the site area is less than 1 ha

Note - There are exclusions where the small-site calculator is not appropriate, for example, where priority habitats are within the development site

Information Required

Calculation input	Area	Hedgerow	Watercourses
Habitat type	Required	Required	Required
Size	Square metres	Metres	Metres
Distinctiveness	Not required	Not required	Not required
Condition and target condition	Required for some created and enhanced habitats only	Required for some created and enhanced habitats only	Required for some created and enhanced habitats only
Strategic significance	Required	Required	Required
Area retained, enhanced or lost	Required	Not required	Not required
Length retained, enhanced, or lost	Not required	Required	Required

Photographs to evidence habitats

A walkover within 6 months of submission

Evidence of user persons competency

Competent Person

A competent person `the user` must carry out the habitat survey and complete the SSM calculation.

Users of the SSM should be competent in identifying:

- habitats present on site (pre-development)
- management requirements for habitats to be created or enhanced within the landscape design (post-development)

23

- The competent person does not need to be an ecologist for the SSM.
- A competent person is someone who can demonstrate they have acquired **through training, qualifications or experience, or a combination of these, the knowledge and skills enabling that person to perform specified tasks** in completing and reviewing metric calculations.
- Where required, evidence should be provided and be signposted within the ‘user comments’ section of the SSM.

Monitoring and enforcement

- **The planning enforcement regime** will be the principal way of enforcing delivery of BNG
- **Reporting required to government on BNG** as part of our enhanced duty under Environment Act

6. Key Legislation



Anti Trash

- The `anti-trash` clause aims to discourage the destruction of habitat prior to submission of an application in order to present an artificially low baseline.
- If after the **20th January 2020** works have happened and damaged habitats the baseline will be taken from before the works occurred.
- Assigning a high condition/distinctiveness is appropriate where the ecologist cannot access the it i.e. should be assumed to be good condition rather than moderate or low

25

7. Questions

Thank you for listening – Any questions?

Biodiversity Duty

Biodiversity duty

- Public authorities who operate in England must consider what they can do to conserve and enhance biodiversity in England. This is the strengthened ‘biodiversity duty’ that the Environment Act 2021 introduces.
- This means that, as a public authority, we must:
 - Consider what we can do to conserve and enhance biodiversity.
 - Agree policies and specific objectives based on our consideration.
 - Act to deliver your policies and achieve our objectives.

28

Biodiversity duty

- The Local Authority:
 - Need to complete first consideration of what action to take for biodiversity by 1 January '24 (yet to do this)
 - Need to agree policies and objectives as soon as possible after this
 - Must reconsider actions at least every 5 years
- The Local Planning Authority:
 - Need to report on Biodiversity Net Gain, first report due 1 January 2026

Biodiversity duty

- Way Forward

- No clear guidance on what constitutes first consideration of what action to take for biodiversity. Currently investigating this. Argument we are 'considering' what action to take now through the Biodiversity Task Group.

- There will need to be policies and specific objectives agreed by the council, after the task group has reported its findings.