



Notice of Meeting of

**PLANNING AND TRANSPORT POLICY SUB-COMMITTEE**

**Wednesday, 14 February 2024 at 2.00 pm**

**John Meikle Room, The Deane House, Belvedere Road, Taunton, TA1 1HE**

To: The members of the Planning and Transport Policy Sub-Committee

Chair: Councillor Ros Wyke

Councillor Dixie Darch

Councillor Bill Revans

Councillor Richard Wilkins

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For further information about the meeting, including how to join the meeting virtually, please contact Democratic Services Team [democraticservicesteam@somerset.gov.uk](mailto:democraticservicesteam@somerset.gov.uk).

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The meeting will be webcast and an audio recording made.

Issued by (the Proper Officer) on Tuesday, 6 February 2024

# **AGENDA**

**Planning and Transport Policy Sub-Committee - 2.00 pm Wednesday, 14  
February 2024**

**Public Guidance Notes contained in Agenda Annexe (Pages 5 - 6)**

**Click here to join the online meeting (Pages 7 - 8)**

## **1 Apologies for Absence**

To receive any apologies for absence.

## **2 Minutes from the Previous Meeting - To Follow**

To approve the minutes from the previous meeting.

## **3 Declarations of Interest**

To receive and note any declarations of interests in respect of any matters included on the agenda for consideration at this meeting.

(The other registrable interests of Councillors of Somerset Council, arising from membership of City, Town or Parish Councils and other Local Authorities will automatically be recorded in the minutes: [City, Town & Parish Twin Hatters - Somerset Councillors 2023](#) )

## **4 Public Question Time**

The Chair to advise the Committee of any items on which members of the public have requested to speak and advise those members of the public present of the details of the Council's public participation scheme.

For those members of the public who have submitted any questions or statements, please note, a three-minute time limit applies to each speaker and you will be asked to speak before Councillors debate the issue.

We are now live webcasting most of our committee meetings and you are welcome to view and listen to the discussion. The link to each webcast will be available on the meeting webpage, please see details under 'click here to join online meeting'.

**5 Planning and Transport Sub-Committee Forward Plan (Pages 9 - 10)**

To note the forward plan.

**6 Mendip Local Plan Part II Limited Update - Consultation on Proposed site allocations (Pages 11 - 138)**

To agree a draft site allocations report for Regulation 18 consultation identifying sites to progress a limited update the Mendip Local Plan Part II.

**7 Ruishton and Thornfalcon Neighbourhood Plan (Pages 139 - 156)**

To adopt the Ruishton and Thornfalcon Neighbourhood Plan.

**8 Wells Neighbourhood Plan (Pages 157 - 172)**

To adopt the Wells Neighbourhood Plan.

**9 Adoption of the Somerset Biodiversity Net Gain Guidance Note (Pages 173 - 420)**

To adopt the Somerset BNG Guidance Note as a material planning consideration.

**10 Somerset Development Plan Biannual Update Report - February 2024 (Pages 421 - 426)**

To note the update report.

## Guidance notes for the meeting

### Council Public Meetings

The legislation that governs Council meetings requires that committee meetings are held face-to-face. The requirement is for members of the committee and key supporting officers (report authors and statutory officers) to attend in person, along with some provision for any public speakers. Provision will be made wherever possible for those who do not need to attend in person including the public and press who wish to view the meeting to be able to do so virtually.

#### Inspection of Papers

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They can also be accessed via the council's website on [Committee structure - Modern Council \(somerset.gov.uk\)](#)

### Members' Code of Conduct requirements

When considering the declaration of interests and their actions as a councillor, Members are reminded of the requirements of the Members' Code of Conduct and the underpinning Principles of Public Life: Honesty; Integrity; Selflessness; Objectivity; Accountability; Openness; Leadership. The Code of Conduct can be viewed at: [Code of Conduct](#)

### Minutes of the Meeting

Details of the issues discussed, and recommendations made at the meeting will be set out in the minutes, which the Committee will be asked to approve as a correct record at its next meeting.

### Public Question Time

If you wish to speak or ask a question about any matter on the Committee's agenda please contact Democratic Services by 5pm providing 3 clear working days before the meeting. (for example, for a meeting being held on a Wednesday, the deadline will be 5pm on the Thursday prior to the meeting) Email [democraticserviceteam@somerset.gov.uk](mailto:democraticserviceteam@somerset.gov.uk) or telephone 01823 357628.

Members of public wishing to speak or ask a question will need to attend in person or if unable can submit their question or statement in writing for an officer to read out, or alternatively can attend the meeting online.

A 20-minute time slot for Public Question Time is set aside near the beginning of the meeting, after the minutes of the previous meeting have been agreed. Each speaker will have 3 minutes to address the committee.

You must direct your questions and comments through the Chair. You may not take a direct part in the debate. The Chair will decide when public participation is to finish. If an item on the agenda is contentious, with many people wishing to attend the meeting, a representative should be nominated to present the views of a group.

### **Meeting Etiquette for participants**

Only speak when invited to do so by the Chair.

Mute your microphone when you are not talking.

Switch off video if you are not speaking.

Speak clearly (if you are not using video then please state your name)

If you're referring to a specific page, mention the page number.

There is a facility in Microsoft Teams under the ellipsis button called turn on live captions which provides subtitles on the screen.

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If when considering an item on the agenda, the Committee may consider it appropriate to pass a resolution under Section 100A (4) Schedule 12A of the Local Government Act 1972 that the press and public be excluded from the meeting on the basis that if they were present during the business to be transacted there would be a likelihood of disclosure of exempt information, as defined under the terms of the Act.

If there are members of the public and press listening to the open part of the meeting, then the Democratic Services Officer will, at the appropriate time, ask participants to leave the meeting when any exempt or confidential information is about to be discussed.

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## Forward Plan

<b>Wed 14 Feb 2024 - 2pm</b>	<b>Report deadline = 2 Feb</b>			
Wells Neighbourhood Plan to be Made	Expected		Feb-24	
Biodiversity Net Gain Guidance	Expected		Feb-24	Graeme Thompson
Mendip Local Plan Part II Site Allocations Review - Update Report	Expected		Dec-23	Andre Sestini
Ruishton & Thornfalcon Neighbourhood Plan to be Made	Expected		Jan-24	Ann Rhodes
Local Plan 6 monthly update report	Expected			Laura Higgins
<b>Tues 16 Apr 2024 - 10am</b>	<b>Report deadline = 4 Apr</b>			
Kingston St Mary Neighbourhood Plan to be Made	Provisional as Examination likely to commence Jan 2024		Apr-24	Ann Rhodes
Local Transport Plan - draft for consultation	Provisional (LDS says Spring 2024)		Apr-24	Matthew Prince
Outcome of the review of the Minerals Plan	Provisional (LDS says Early 2024)		Apr-24	Helen Vittery
Ilminster Neighbourhood Plan to be Made	Provisional - as referendum date is TBC		Jan-24	Jo Wilkins
<b>Thu 20 Jun 2024 - 2pm</b>	<b>Report deadline = 10 Jun</b>			
Puriton Neighbourhood Plan to be Made	Provisional as Submission has been made, therefore Examination likely by Feb 24, referendum Spring 2024		Jun-24	
Mendip Local Plan Part II Site Allocations Review - Reg 19 publication version	Provisional - Scheduled for publication in July		Jun-24	Andre Sestini

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## **Planning and Transport Policy Sub-Committee**

Decision Date – 14 February 2024

Key Decision – Yes

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### **Mendip Local Plan Part II Limited Update – Consultation on Proposed site allocations**

Executive Member(s): Councillor Ros Wyke, Lead Member for Economic Development, Planning and Assets.

Local Member(s) All Members in the former Mendip (Somerset East) Plan Area

Lead Officer: Alison Blom-Cooper Head of Planning/Chief Planning Officer

Author: Andre Sestini

Contact Details: [andre.sestini@somerset.gov.uk](mailto:andre.sestini@somerset.gov.uk)

#### **1. Summary**

- 1.1 To agree a draft site allocations report for Regulation 18 consultation identifying sites to progress a limited update the Mendip Local Plan Part II. This follows a Judicial Review decision and High Court directions to review and re-consider consider allocations to meet the ex-Mendip district wide requirement for 505 dwellings. This report gives details of the scope, site selection, consultation arrangements. The report also updates on timescales and external consultants which were reported verbally to the December 2023 meeting.
- 1.2 A working draft of the consultation report is Appendix 1 and the Initial Consultation Report at Appendix 2. A summary schedule of sites assessed in provided in Appendix 3 to support the list of proposed allocations.

#### **2. Recommendations**

- 2.1 The Planning and Transport Policy Executive Sub-Committee agrees:
  - (a) the draft site allocations consultation document in appendix 1 which identifies the housing sites as directed in the High Court Order made on 16 December 2022 and varied on 14 July 2023.

- (b) that the draft site allocations consultation document, environmental reports and supporting documents listed in this report are published for a six-week public consultation as soon as practicable but no later than 28<sup>th</sup> February 2024.
- (c) that any minor changes necessary to the documents following this meeting and prior to the start of consultation are delegated to the Head of Planning for approval in order to expedite the consultation.
- (d) notes the timescales for the review and that responses to the consultation and any final amendments are due to be reported to this Sub-Committee on 20 June 2024 to meet the amended timetable as proposed to the High Court

### **3. Reasons for recommendations**

- 3.1 To comply with the requirements of the High Court Order specified above and relevant legislation associated with the production and update of development plans.

### **4. Other options considered**

- 4.1 There are no alternative options. It would not be appropriate to defer or not take forward consultation. The Council is in breach of a High Court Order and the revised timescales are still subject to agreement by the High Court. The Council has the opportunity to review the proposed allocations in the consultation report in response to the responses received.

### **5. Links to Council Plan (2023-27) and Medium-Term Financial Plan**

- 5.1 Following the Judicial Review, the directions from the High Court allow for the policies/allocations in the Mendip Local Plan Part II (save for the 505 dwellings) to remain as adopted and to continue to be used as part of the development plan in the determination in planning applications. Retention of the extant planning framework for the Somerset East area supports sustainability, housing, and economic development priorities in the Council Plan. While the re-consideration and update exercise is limited in its scope by the Court Order, there are opportunities to include where requirements where appropriate to secure active travel and sustainable development measures.

The Council will also build on the approach and processes from this exercise in the preparation of the Somerset wide Local Plan.

- 5.2 This project requires statutory expenditure in the current year and next (2024-5) to meet the Court Order. Witness statements have been submitted to the Court as part of the application to vary the timetable set out in the Order. These explain the timeline of the financial emergency as a contributory reason for not being in a position to meet the originally imposed deadline of 31 December 2023 for Regulation 18 consultation. Council officers have provided assurance to the High Court that the proposed amended deadlines will be met and that necessary expenditure is secured and prioritised if the variation is granted.

## **6. Financial and Risk Implications**

- 6.1 Following submission of the application to the High Court to vary the timescales in the Order, the Judge has requested and been provided with a letter of re-assurance from the s151 officer that resources will be provided to ensure the timetable is met and financial emergency will not impact on progress to submission.
- 6.2 The Local Plan Part II Limited Update has an agreed allocation from the Planning Services budget of £120k in 2023-24 (Year 1) and £214,500 (Year 2) in 2024-25. Year 1 expenditure is expected to be lower than estimated as provision for external agency officers has not been used and Sustainability Appraisal has been undertaken in-house. The critical friend consultancy support is capped at £25,000. The Year 1 budget retains provision for additional legal advice if an in-person representation is required in the High Court. Additional Counsel opinion may also be needed on the examination process.
- 6.3 The higher costs in Year 2 relate to publication costs and examination of proposals by the Planning Inspectorate (PINS). PINS will require a service level agreement to appoint an Inspector. Their costs are set nationally, and the Council will need to meet these. The Council will also need to provide a part-time administrative assistant (programme officer) to be in place shortly after the Regulation 19 publication. This could be an external expert or a secondment.

## Risk Assessment

<b>Mendip Local Plan Review – site allocations Review</b>					
<b>Likelihood</b>	<b>4</b>	<b>Impact</b>	<b>4</b>	<b>Risk Score</b>	<b>20</b>

- 6.4 The limited update to Local Plan Part II as directed by the Court and submission/examination is not a typical exercise of plan making. While there are precedents for other LPA single-policy, partial or fuller reviews of adopted plans, the narrow terms of this exercise are unusual.
- 6.5 There are a range of risks which are being assessed and can be summarised as:
- Compliance with the High Court Order – still subject to the Council submissions on a revised timetable and it cannot be assumed agreement will be given. At the time of writing this report, the Council is non-compliant with the timetable set out in the Order.
  - Ensuring a robust approach to site selection which accords with the approach of the extant adopted Local Plan.
  - Unknowns – e.g. Extent and nature of responses received to the Regulation 18 consultation – e.g. new sites or updated information/ objections to the proposed allocations. These may take longer than anticipated to process and analyse or could present the need for further unforeseen work or engagement to be undertaken which has not been planned as part of the work programme.
  - Changes in site availability if applications are refused, revised, or withdrawn/
  - Scope of the High Court directions in relation to soundness/ NPPF compliance – the update to Local Plan Part II will be subject to examination under the parameters of the latest version of the NPPF published in December 2023, whereas the extant elements of the adopted Local Plan Part II were examined and found sound under the NPPF published in 2012. This could lead to contradictions in approach and may make the examination process complex.
  - Considerations arising from the Mendip Housing Supply Position
  - Availability of officer resources.
  - Ensuring that the update process is legally compliant and responds robustly to the findings of the High Court – this includes the need to ensure that the Sustainability Appraisal process is clear and robust, and that reasonable alternatives are adequately identified as assessed as part of the process.

- Ensuring that the tests of soundness for development plan production are met – particularly that proposed site allocations will be deliverable and are justified by proportionate evidence.

6.6 Officers are working with the external consultants to maintain a risk register through to submission in order to mitigate their impact. The consultants will advise on any matters which should be addressed in this consultation stage and those which need to be addressed prior to the publication of the Regulation 19 plan. There is therefore flexibility in the recommendations to amend the site allocations report or response forms, if necessary.

Failure to progress the Local Plan Part II Limited update the deadlines as directed High Court engages significant legal and reputational risk to the Council. Recommendations in this report relate to publication of a consultation document which will mitigate risk.

### **Legal Implications**

- 6.7 The Council is required to comply with the directions of the Court Order which is covered in the Executive report of 10 July 2023. Members should note that the Council applied on 18<sup>th</sup> December 2023 to vary the Order to extend the publication and submission timetable set out therein. The application explained the key reasons for the Council failing to meet the Regulation 18 publication deadline of 31<sup>st</sup> December 2023, namely the number of sites being put forward for allocation and delays in the process due to the expenditure constraints imposed following the declaration of the financial emergency.
- 6.8 One of the parties to the litigation has objected to the extended timetable. The Judge's decision is awaited, and it cannot be assumed that extended the proposed timetable will be agreed. At the time of writing this report, the Council is in breach of the Order. It is not clear what the implications would be if the application is refused.
- 6.9 The Council must follow the statutory requirements for consultation on development plans which are set out in the Town & Country Planning (Local Planning) (England) Regulations 2012 and in the SCI.

## **7. HR Implications**

- 7.1 There are no immediate HR implications.

## **8. Equalities Implications**

8.1. There are no direct equalities implications as the recommendations endorse site options for consultation. An equalities impact assessment form part of the statutory process and documents submitted for examination.

## **9. Community Safety Implications**

9.1. There are no immediate community safety implications

## **10. Climate Change and Sustainability Implications**

10.1 The site assessments, site-selection methodology and sustainability appraisal review potential impacts and mitigation/ adaption is embodied in the process and will be tested through consultation and at examination.

## **11. Health and Safety Implications**

11.1 There are no health and safety implications from the report.

## **12. Health and Wellbeing Implications**

12.1. There are no immediate health and wellbeing implications from the report. Health and wellbeing form part of the wider sustainable development considerations in the site assessments.

## **13. Social Value**

13.1. This is not directly applicable to the recommendation to consult on site options. Social value is secured through the policy requirements and development management processes where possible. Detailed policy requirements form part of the publication plan.

## **14 Scrutiny comments / recommendations:**

14.1 The proposed decision has not been considered by Scrutiny Committee. As agreed, in order to streamline the process here will be an opportunity for the Climate and Place Scrutiny Committee to respond to the Regulation 18 consultation documents during the six week consultation period at their meeting in March 2024.



## **15. Background Papers**

Executive 10 July 2023 Item 8: Mendip Local Plan - Variation to Order of 16/12/22

Statement of Community Involvement – October 2024 [Link](#)

Somerset Council Local Development Scheme October 2024 [Link](#)

Mendip Village Growth Monitor April 2023 [Link](#)

## **16. Appendices**

Appendix 1 Site Allocations Consultation Report (working draft)

Appendix 2 Draft Initial Consultation Statement

Appendix 3 Summary of site options by settlement

## **17. Background**

- 17.1 The Executive agreed on 10 July 2023 to undertake a limited update of this development plan to comply with the directions of a High Court Order. This followed a Judicial Review into the Local Plan Part II where five site allocations to provide 505 dwellings were deleted from the plan. The court decision confirmed legal errors in the Local Plan Part II Inspector's report/reasoning and the Sustainability Appraisal (SA) relating to the consideration of sites exclusively in the northeast of the District, without reasonable alternatives across the wider Local Plan area.
- 17.2 The remainder of the Local Plan Part II remains as adopted. The 505 dwellings relate to an unallocated element of the housing requirement in the Local Plan Part I Policy CP2 and reflected the extension of the Plan period by an additional year to 2029.
- 17.3 The consultation report identifies proposed housing allocations and represents the Council's re-consideration of sites as required by the High Court. This consultation will provide the main opportunity for public, stakeholder and development interests to comment on the proposed sites.
- 17.4 The Council has flexibility in how it undertakes consultation in preparing a plan at Regulation 18 but needs to comply with the Council's adopted Statement of Community Involvement September 2023 which provides for a six week consultation at this stage. To comply with the amended timetable proposed to the High Court, the Regulation 18 consultation must commence no later than 28<sup>th</sup> February 2024.

Changes to sites or requirements will be assessed and consideration given to the comments received to see if amendments are required. The Council will then produce a final version of the proposed sites and consequential changes to the Local Plan Part II (Regulation 19). There is a then a further six week period where representations of the soundness of the proposals can be made. These will form part of the submission documents and considered by the Local Plan Inspector at Examination. A timeline of these stages is shown in Table x and in the initial consultation statement.

**Update on the application to vary the Court Order timescales**

17.5 The directions in the Court Order required Regulation 18 consultation on the proposed allocations to commence by 31 December 2023. As advised to the December Sub-Committee, the Council submitted an application to vary the Order to revise the timetable for consultation to take place following the 14 February 2024 meeting. The proposed revised timescales in the application before the High Court are set out in Table 1 below:

Table 1	Court Order	Variation sought
<b>Regulation 18 consultation on Proposed Sites</b>	<i>By 31 December 2023</i>	By 28 February 2024
<b>Regulation 19 Publication</b>	<i>By 31 March 2024</i>	By 30 June 2024
<b>Submission for Independent Examination</b>	<i>By 1st July 2024</i>	By 30 September 2024

17.6 The application to vary the Order was submitted on 18 December 2023 and served on interested parties in the Judgment. No objections have been raised by Norton St Phillip Parish Council and the Secretary of State has adopted a neutral position. Lochailort Investments have made an objection due to the delay to the timescales. A further explanatory letter from the Council’s Solicitor and a Witness Statement from the Chief Planning Officer were submitted to the Court in w/c 22<sup>nd</sup> January 2024 and a letter from the s151 officer on 1<sup>st</sup> February. The Judge has yet to conclude whether he can consider the application on the papers without a hearing or whether the Council’s proposed extended timetable is acceptable. An update will be provided at the meeting.

## **Update on work completed and external support**

- 17.7 A timeline of key steps, tasks and engagement to date (based on that provided to the High Court) is summarised in Table 5. This has predominantly been undertaken by the Somerset East policy team supplemented by two planning policy graduates and with critical input /project management time provided by senior policy officers.
- 17.8 Following financial approval from the Commercial and Procurement Board on the 18 December 2023, the Council appointed DAC Planning to provide additional support and critical friend advice to the Local Plan Review process up to the submission of the Plan to the Planning Inspectorate (PINS) for Examination. DAC Planning has extensive experience in supporting the production, examination and implementation of Local Plans having been responsible for preparing the Planning Advisory Service toolkit 2021 which provides practical advice and tools to undertake a Local Plan review. [PAS Local Plan Route Mapper v2.0.pdf](#) DAC Planning have previously provided Wirral Council with advice and support on the progression of their Local Plan. This included processing Regulation 18 consultation representations and assisting Wirral Council in preparing and carrying out Regulation 19 publication. DAC Planning have also previously provided advice on the timeline and resources required for the production of the Somerset Local Plan in 2022.
- 17.9 DAC are currently providing an external review of the risks, site selection and the sustainability appraisal assessments. The instruction commenced on 9 January 2024 and advice has been provided to officers preparing the consultation documents and informs the summary of risks in this report.

Officers have been very mindful that there is a need to ensure an objective assessment of all sites considered for allocation. DAC Planning will review site selection process, site selection documentation and sufficiency of the sustainability appraisal including the completed site selection templates and/ SA framework . There is provision in the recommendation to make changes for consistency before consultation if necessary.

## **18. Scope and Approach**

- 18.1 The limited update to the Local Plan Part II requires the Council to identify housing sites capable of delivering 505 dwellings across the whole of the Somerset East (former Mendip) area. Despite its narrow focus, this exercise involves most of the

formal process, statutory obligations and assessment work associated with a site allocation document. This includes a call for sites of available land and testing of site options. Recommended sites are also subject to statutory Sustainability Appraisal (SA) and Habitat Regulations Assessment (HRA).

- 18.2 The Somerset Local Development Scheme (LDS) approved in October 2023 is clear that the scope of this review is limited to identification of sites to provide the 505 dwellings and does not involve a wider update of policies or other adopted designations (e.g. open spaces/ employment land). The Council has not therefore re-considered the adopted spatial strategy for Mendip or updated evidence on housing requirements. These will be addressed in the future Somerset Development Plan. Progress on evidence base work is reported separately to this meeting. An advisory meeting with the Planning Inspectorate on the scope of this exercise and additional legal advice may be sought during the consultation period.
- 18.3 The consultation documents will not involve re-publishing the whole Local Plan Part II and will only cover the choice of sites and policy options to address the 505 requirements.

#### **Call for Sites and Site selection**

- 18.4 A call for sites covering the Somerset East area was held in July and August 2023 inviting details of land available for development or re-confirmation of sites previously identified during Local Plan Part II. 51 new housing sites were promoted with a further 83 known sites being re-confirmed. A total of 140 sites were assessed in detail. These locations of sites submitted as available for development are mapped in Appendix 3.
- 18.5 Officers have designed a site selection methodology/ assessment process focusing on sites which can
- (a) deliver housing by the end of the Mendip Local Plan period (2029);
  - (b) are in compliance with the adopted spatial strategy in Local Plan Part 1 and particularly policies CP1 and CP2 and;
  - (c) are in sustainable and accessible locations
- The sites struck out of the plan have been reconsidered but do not carry any additional advantage in the selection process.

- 18.6 The Inspector's mis-direction of the former Mendip District Council stems from the advice given in the Interim Hearing report in mid 2019 (ED20). Housing sites which have become available, submitted as applications or permitted since the interim report in mid 2019 can be counted towards the 505.
- 18.7 As the adopted Local Plan includes an allowance for small sites of 5 units or less, these cannot be considered for allocation as they would be considered part of the examined housing supply. Sites where applications have been refused and being contested at appeal have been assessed but are not proposed until an appeal outcome is known.
- 18.8 The selection exercise gives more weight to sites with permission or current applications which have a greater prospect of coming forward in the plan period. Assessments also take account of the extent to which phosphate mitigation and constraints on the capacity of the A36 around Frome are likely to impact on short-term delivery.

### **Sustainability Appraisal**

All the site options (except those screened out) have been subject to Sustainability Appraisal and testing of reasonable alternative options. Appendix 3 to this report present a high level summary of SA findings and conclusions for the site assessment templates. The SA report with detail will be published in full as part of the consultation.

A Habitats Regulations Assessment will be published as part of the consultation.

### **Duty to Co-operate (DTC)**

- 18.9 Officers have engaged with Bath & NE Somerset (BaNES) Council on the responses to the call for sites which involve land promoted on their boundary. Officers have considered the additional and remitted sites proposed as allocations in this location. Two sites with permission are proposed to contribute to the 505.
- 18.10 BaNES have commenced their own development plan review (2022-2042) with an options consultation to be published this month. The extension of development south of Midsomer Norton and Westfield is not one of the BaNES

early options. The adjoining LPA retains its objections in principle in relation to the conflict with their adopted Plan as well as concerns around the cumulative infrastructure burdens imposed by a neighbouring authority.

18.11 Given that the Council is not required to consider further sites in this area, officers, consider that any additional sites should be part of future discussions in terms of respective plan reviews and not this 505 exercise.

## **19. Summary of Proposed Allocations**

- 19.1 A working draft of the consultation report is provided at Appendix 1. This which describes the background to the limited update and scope, reviews supply and constraints by settlement and sets out proposed allocations. Where relevant to the Reg 18 consultation, officers have noted any additional housing opportunities which might be considered but are not available.
- 19.2 Officers have recommended 10 sites as proposed allocations which are summarised in Table 2. These are expected to deliver 544 dwellings over the remainder of the plan period and have an overall capacity of 764 dwellings.
- 19.3 The majority of sites have the benefit of planning consent but there are also sites with applications under consideration or subject to discussions with the Council. Build out estimates for these sites from 2024-29 are shown in an appendix to the consultation report.
- 19.4 The proposed allocations do not include sites allocated in primary and secondary villages with the exception of a permitted site in Coleford. Development monitoring indicates most of these settlements have exceeded their housing requirements established in Local Plan Part I. Overall, completions, allocations, and commitments in the rural area outside the principal towns is expected to be 80% above the Mendip Local Plan Part 1 allocation of 1,780 dwellings. The summary assessment in Appendix 3 highlights the most village options have negative or strong negative impacts on landscape and settlement character/ settlement identity and heritage (as judged from the high level sustainability assessment).

Somerset East: LPP2 update - proposed allocations

Scale 1:129763  
Notes:

Compiled by on 19 January 2024

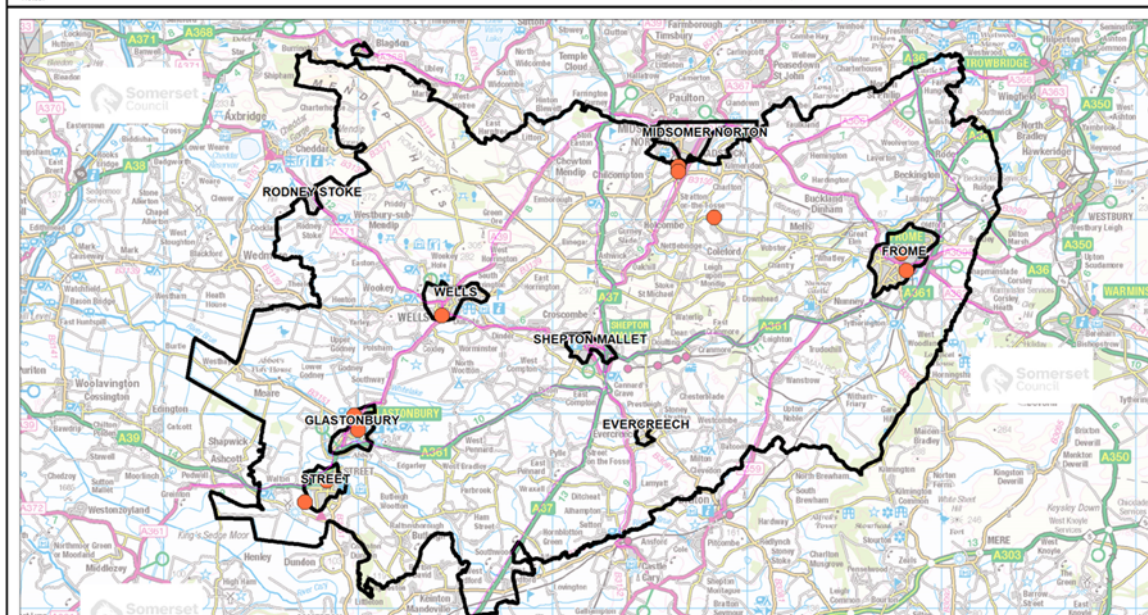


Table 2: Proposed Site Allocations\*

Settlement	Status	LPP2 Policy Reference	HELAA Site Ref	Minimum Dwellings	Total Size Hectares	Delivery 2024-29
<b>Frome</b>						
Land off Adderwell	Permission	FR9	FRO218	25	0.77	25
Land at North Parade Car Park	Application	FR10	FRO227	18	0.41	18
<b>Glastonbury</b>						
Land off Common Moor Drove	Permission	GL6	GLAS124	90	7.0	60
Land at Norbins Road	Application	GL7	GLAS122	6	0.2	6
<b>Street</b>						
Land to rear of Crispin Centre	Application	ST5	STR146	50	0.6	40
Brooks Road - part of Future Growth Area	Pre-app	ST3-updated	STR001	120	10.9	60
<b>Wells</b>						
Wells Police Station	Permission	WL6	WELLS127	47	0.4	47
<b>Midsomer Norton/ Westfield</b>						
Land at White Post	Permission	MN1	NRAD001M	270	12.1	150
Land at Beauchamps Drive	Permission	MN4	NRAD008	75	3.4	75
<b>Villages</b>						
Anchor Lane, Coleford	Permission	CL2	COLE014	63	3.4	63
<b>Total</b>				<b>764</b>	<b>39.08</b>	<b>544</b>

\*subject to review at committee, consultant feedback and sustainability appraisal testing before consultation

19.5 The locations of proposed allocations are shown in the Map and Table 2 above. These are recommended on the basis of site assessments and sustainability appraisal process and are considered to be suitable, sustainable and deliverable which are the tests which will be applied at the independent examination.

## 20. Consultation Documents and Arrangements

20.1 These are detailed in the Initial Consultation statement at Appendix 2 and follow the Council's adopted Statement of Community Involvement (SCI). Documents to be published are shown in Table 4. The Council notify statutory consultees and town/parish councils. General consultees will be those with links or relevance to the former Mendip area.

20.2 The consultation will be for 6 weeks with documents online (using citizenspace) and Inspection copies at the Shepton Mallet offices. Officers will also hold online briefings for the public, members and town/parish council during early/late March 2024.

20.3 Following the consultation period, responses will be summarised and published in an updated consultation statement. Given the narrow scope of this site allocations exercise and extent of permitted sites, it is not envisaged there will be public meetings or in-person drop-in sessions. A forward timetable of events is shown below in Table 3.

20.4 The SA scoping report and main report will be published for comment as part of the consultation. Comments must be sought from Natural England, Historic England and Environment Agency.

**TABLE 3 MENDIP SITE ALLOCATIONS REVIEW - TASKS AND CONSULTATION STAGES 2024**

14 <sup>th</sup> February 2024	<b>PTP Exec sub-committee</b> Decision to approve proposed allocations for consultation
Week commencing 26 <sup>th</sup> February - 10 <sup>th</sup> April – but no later than 28 <sup>th</sup> February 2024	<b>Draft Site Allocations Report</b> consultation stage (Regulation 18)  Comments will also be invited on: (1) Sustainability Appraisal Scoping Report (2) Sustainability Appraisal Report  Supporting Documents: Initial Consultation Statement (Reg 18)



April – June 2024	Collation and review of responses Recommendations for changes to sites in light of submissions. Discussions with Planning Inspectorate on soundness issues Finalising site allocations policies Consequential changes/ corrections to changes to Local Plan Part II Updates to SA and HRA and Consultation Report Updates to Policies Map
20 <sup>th</sup> June 2024	<b>PTP Exec sub-committee</b> Decision to approve final site allocations report for publication and submission to Secretary of State (SoS)
<b>Late June – Early August</b> (but publication to be no later than 30 <sup>th</sup> June 2024)	<b>Final site allocations report - 6 week publication</b> (Regulation 19) Consultees invited to make representations on the final allocations report on the soundness of the proposals. Representations made are collated and submitted with the plan documents to Planning Inspectorate for examination.
August/September	Finalise summary of representations and submission documents
By 30 September 2024 at the latest	Submission to Planning Inspectorate
October 2024	Examination process starts Appointment of Inspector. Examination dates scheduled
Nov 2024 – Spring 2025	Examination period/ Hearings (if required) Inspectors Report and adoption of updates to the Plan

**TABLE 4 MENDIP LOCAL PLAN PART II - LIMITED UPDATE  
SCHEDULE OF DOCUMENTS TO BE PUBLISHED AT REGULATION 18**

	Document	Description
<b>Consultation Document</b>		
1	Draft consultation document with proposed allocations	Working draft – Appendix 1 to this report
<b>Site Assessments and supporting evidence</b>		
2	Schedule of Site Assessments	Individual Site Maps and assessments
3	Summary of site options by settlement	Draft at Appendix 3 to this report
<b>Consultation</b>		
4	Initial Consultation Statement	Working draft - Appendix 2 to this report
5	Supporting material on Consultation Portal / response forms / Information on Mendip Local Plan Pages. Notice of consultation to stakeholders	
<b>Sustainability Appraisal (SA)</b>		

6a	SA Scoping Report	Includes Update of Plans. Policies and Programmes/Baseline
6b	Main SA Report (Reg 18)	
6c	SA – Site Summary Schedule	
<b>Habitat Regulations Assessment (HRA)</b>		
7	HRA report on proposed sites	
<b>Other supporting evidence</b>		
This includes monitoring reports which may be referenced in the main consultation document including 5 year supply statement, village growth monitor and brownfield register. The council may also provide details of sites not confirmed as available		

**TABLE 5 MENDIP SITE ALLOCATIONS REVIEW - TIMELINE OF WORK AND ENGAGEMENT**

<b>Date</b>	
10 <sup>th</sup> July	Executive Committee report giving endorsement to Plan Update/ original timescales
14 <sup>th</sup> July	Amended High Court Order with timescales published.
19 <sup>th</sup> July	Scrutiny Committee advised around engagement with Local Members
<b>24<sup>th</sup> July</b>	<b>Call for sites commenced in compliance with Order</b>
25 <sup>th</sup> July	Briefing for Somerset East Members
27 <sup>th</sup> July	Commencement notices sent to Statutory Consultees. towns and parishes
31 <sup>st</sup> July	Duty to Co-operate meeting with adjoining LPAs (Bath and Wiltshire)
10 <sup>th</sup> August	Advisory Meeting with PINS
7-28 <sup>th</sup> August	Legal advice on approach /Initial draft of site selection methodology
<b>4<sup>th</sup> September 2023</b>	<b>Call for sites closing date</b>
11th -21 <sup>st</sup> September	Review and checking of submissions (two weeks)
	2 <sup>nd</sup> Duty to Co-operate meeting (specific to this Plan review)
25 <sup>th</sup> September	Finalised list of non-submission sites
26 <sup>th</sup> September	Briefing for Town and Parish Councils (including adjoining Plan areas)
27 <sup>th</sup> September	Two additional planning officers start work to review submissions
2 <sup>nd</sup> October	Site Assessments – Analysis of proposed developments and mapping for technical officer and Member workshops - completed by 26 <sup>th</sup> October
<b>4<sup>th</sup> October</b>	<b>Local Development Scheme approved at Executive including Local Plan Part II update setting out scope of Plan exercise</b>
<b>4<sup>th</sup> October</b>	Executive agreement to establish Planning and Transport Policy sub-committee. Terms of Reference to agree development plan consultation documents at Regulation 18 and Regulation 19 stages to streamline the internal approval system.
12 <sup>th</sup> October	Somerset technical officers workshop (highways/ecology/flooding/Minerals and waste)




23 <sup>rd</sup> October	Brief for external support/ critical review completed/ Additional internal Project Management resource added to Team
23 <sup>rd</sup> October	Initial site Assessments completed by workshop.
26 <sup>th</sup> October	Somerset East Councillor workshop to provide input on all 'call for sites' submissions
30 <sup>th</sup> October	Approach to Sustainability/deliverability assessments agree following workshop
6 <sup>th</sup> November	Additional Senior Planning Officer support secured (2 days pw)
15 <sup>th</sup> November	Duty to Co-operate meeting with adjoining LPAs (scheduled) Final non-ecology comments on sites received.
20 <sup>th</sup> November	Initial draft shortlist of candidate sites compiled.
1 <sup>st</sup> December	Assessments for all sites circulated to technical officers/Sustainability Appraisal scoping
7 <sup>th</sup> December	<b>Officer and Member Briefings on shortlist of candidate sites -</b>
15 <sup>th</sup> December	4 <sup>th</sup> Duty to Co-operate meeting to discuss preferred options nr BaNES
18 <sup>th</sup> December	Application to amend High Court Order timescales lodged
22 <sup>nd</sup> December	Appointment of 'critical friend' DAC Planning and inception meeting (8 <sup>th</sup> Jan)

## Report Sign-Off

	Officer Name	Date Completed
Legal & Governance	David Clark	2 <sup>nd</sup> Feb 2024
Communications	Chris Palmer	1 <sup>st</sup> Feb 2024
Finance & Procurement	Jason Vaughan	2 <sup>nd</sup> Feb see Para 6.1
Workforce	Dawn Betteridge	N/A
Asset Management	Oliver Woodhams	5 <sup>th</sup> Feb 2024 - tbc
Strategy & Performance	Alyn Jones	N/A
Chief Planning Officer	Alison Blom-Cooper	30 <sup>th</sup> Jan 2024
Council solicitor	Martin Evans	31 <sup>st</sup> Jan 2024
Executive Lead Member	Cllr Ros Wyke	5 <sup>th</sup> Feb 2024
<b>Consulted:</b>		
Local Division Members	N/A	
Opposition Spokesperson	Cllr Mark Healey	Notified 3rd Feb
Scrutiny Chair	Cllr Dimery	5 <sup>th</sup> Feb 2024

## Somerset Equality Impact Assessment

Before completing this EIA please ensure you have read the EIA guidance notes – available from your Equality Officer or  
[www.somerset.gov.uk/impactassessment](http://www.somerset.gov.uk/impactassessment)

<b>Organisation prepared for (mark as appropriate)</b>	 <b>Somerset</b> Council	x	 <b>NHS</b> <b>Somerset</b>	 <b>NHS</b> <b>Somerset</b> NHS Foundation Trust
<b>Version</b>	1	<b>Date Completed</b>	28 <sup>th</sup> January 2024	
<b>Description of what is being impact assessed</b>				
Identification of housing sites for public consultation (some permitted) totalling 505-550 dwellings over the next five years				
<b>Evidence</b>				
<b>What data/information have you used to assess how this policy/service might impact on protected groups?</b> Sources such as the <a href="#">Office of National Statistics</a> , <a href="#">Somerset Intelligence Partnership</a> , <a href="#">Somerset’s Joint Strategic Needs Analysis (JSNA)</a> , Staff and/or <a href="#">area profiles</a> , should be detailed here				
Project is based on previous evidence base agreed in adopted local Plan Parts I and II				
<b>Who have you consulted with to assess possible impact on protected groups and what have they told you?</b> If you have not consulted other people, please explain why?				

This would be part of the consultation stage set out in the report  
 There is a requirement to publish a separate Equality Impact Assessment as part of the submission documents for examination

**Analysis of impact on protected groups**

The Public Sector Equality Duty requires us to eliminate discrimination, advance equality of opportunity and foster good relations with protected groups. Consider how this policy/service will achieve these aims. In the table below, using the evidence outlined above and your own understanding, detail what considerations and potential impacts against each of the three aims of the Public Sector Equality Duty. Based on this information, make an assessment of the likely outcome, before you have implemented any mitigation.

<b>Protected group</b>	<b>Summary of impact</b>	<b>Negative outcome</b>	<b>Neutral outcome</b>	<b>Positive outcome</b>
<b>Age</b>	Neutral – extant district policies requires mix of tenures and house sizes and major sites should provide affordable housing . two sites in the proposed options provide older-persons accommodation	☐	☒	☐
<b>Disability</b>	<ul style="list-style-type: none"> <li>• Neutral</li> </ul>	☐	☐	☐
<b>Gender reassignment</b>	<ul style="list-style-type: none"> <li>• Neutral</li> </ul>	☐	☒	☐
<b>Marriage and civil partnership</b>	<ul style="list-style-type: none"> <li>• Neutral</li> </ul>	☐	☐	☐
<b>Pregnancy and maternity</b>	<ul style="list-style-type: none"> <li>• Neutral</li> </ul>	☐	☐	☐
<b>Race and ethnicity</b>	<ul style="list-style-type: none"> <li>• Neutral</li> </ul>	☐	☐	☐

<b>Religion or belief</b>	<ul style="list-style-type: none"> <li>Neutral</li> </ul>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Sex</b>	<ul style="list-style-type: none"> <li>Neutral</li> </ul>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Sexual orientation</b>	<ul style="list-style-type: none"> <li>Neutral</li> </ul>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Armed Forces (including serving personnel, families and veterans)</b>	<ul style="list-style-type: none"> <li>Neutral</li> </ul>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Other, e.g. carers, low income, rurality/isolation, etc.</b>	<ul style="list-style-type: none"> <li>Affordable Housing policies will apply.</li> </ul>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Negative outcomes action plan</b> Where you have ascertained that there will potentially be negative outcomes, you are required to mitigate the impact of these. Please detail below the actions that you intend to take.				
<b>Action taken/to be taken</b>	<b>Date</b>	<b>Person responsible</b>	<b>How will it be monitored?</b>	<b>Action complete</b>
	Select date			<input type="checkbox"/>
<b>If negative impacts remain, please provide an explanation below.</b>				
<b>Completed by:</b>	Andre Sestini			

<b>Date</b>	28/1/2024
<b>Signed off by:</b>	Alison Blom-Cooper
<b>Date</b>	24 <sup>th</sup> Jan 2024
<b>Equality Lead sign off name:</b>	Angela Farmer
<b>Equality Lead sign off date:</b>	2 <sup>nd</sup> Feb 2024



# MENDIP LOCAL PLAN PART II LIMITED UPDATE DRAFT CONSULTATION REPORT

Status: Working Draft- 1<sup>ST</sup> Feb 2024

**February 2024**

# Contents

Introduction and background  
Purpose of this consultation  
What the Council is required to do  
Relationship of the exercise to the Somerset Plan

## **About this Consultation**

What you can comment on  
How you can respond  
Supporting documents

## **Approach to Site Selection**

Core Policies CP1 and CP2  
Housing supply position  
Sustainability Appraisal & Habitat Regulations Assessment  
Strategic constraints

## **Site Options by Settlement**

Main towns  
Midsomer Norton, Westfield & Radstock  
Villages

## **Summary of Proposed Allocations**

### **Appendices**

Appendix 1 - Delivery of proposed allocations  
Appendix 2 - Details of the Court Order  
Appendix 3 - Summary of site options by settlement (separate document)

## **Purpose of this consultation**

Somerset Council is undertaking a limited update to the Mendip Local Plan Part II which is required by a High Court Order. The update is taking place ahead of a new Somerset wide Development Plan which is in the early stages of preparation.

This consultation document identifies housing sites located in the former Mendip District area to update the Mendip Local Plan Part II. Responses to this consultation document will be reviewed and used to finalise proposals. Representations will be invited on the final proposals before these are submitted for examination.

## **Contents of this consultation**

This section explains why this consultation is taking place. Other parts of this report cover:

- Details of the consultation and what you can comment on (Section 2)
- The approach taken to the choice of sites and background evidence (Section 3)
- Technical constraints which impact development in different parts of the District (Section 4)
- A review of site options by settlement/groups of settlements (Section 5)
- The sites proposed for allocation (summarised in Section 6)

## **1. Background**

- 1.1 The Development Plan relating to the former Mendip District Council area is the Mendip District Local Plan Part I and Part II.
- 1.2 The Mendip Local Plan Part I provides the spatial strategy and development allocations and was adopted in December 2014. The plan covers the time period from 2006 – 2029.
- 1.3 The Mendip Local Plan Part II identifies additional housing and employment sites and detailed policies (e.g. development management policies, community space designations) to complement the strategic policies set out in the Local Plan Part I. The Local Plan Part II was adopted December 2021.
- 1.4 Following a judicial review challenge to the adoption of the Mendip Local Plan Part II, five housing sites were deleted following a judgement made on 16th December 2022. The legal challenge centred on the interim recommendations made by the Inspector during the examination to find extra sites for 505 dwellings and that these should be exclusively in the northeast of the Mendip District.

- 1.5 The court judgment confirmed legal errors in the Inspector's report and his reasoning. It also held that the environmental assessment undertaken with the Local Plan was also flawed as reasonable alternatives had not been tested.
- 1.6 Rather than strike out the whole of the adopted Mendip Local Plan Part II, the judgement contained directions to remove the five sites and for Mendip Council (now Somerset Council) to re-consider the allocations. The remainder of the policies and sites in the Mendip Local Plan Part II remain adopted and are not part of this update.
- 1.7 More information on the legal order can be found in Appendix 2.

### **Somerset Development Plan**

- 1.8 Somerset Council is working on a new development plan for the area which will replace previous District Council Plans in the county. The Somerset Plan will look forward to 2045. More information on the new Somerset Plan is provided in the Council's Local Development Scheme and online. The Council will engage with communities and stakeholders on its vision and objectives for the new Somerset Plan, including a review of planning policies.
- 1.9 The published Local Development Scheme confirms that the Mendip Local Plan Part II will be partially updated to allocate specific sites sufficient to accommodate 505 additional dwellings needed in the former Mendip District (Area East) as a whole by 2029; and these allocations will be made in accordance with Mendip Local Plan Part I policies CP1 and CP2.
- 1.10 This is a limited update to Local Plan Part II and will only address legal issues identified by the High Court. This means that:
  - The Council has not reviewed existing policies and is not consulting on changes to existing sites and policies in Local Plan Part I or the Local Plan Part II.
  - The update exercise does not refresh housing requirements for the Mendip area or seek to allocate housing in response to the 5-year land supply position.
  - Choices of sites reflect the existing adopted policies and the agreed distribution of growth in the Mendip Local Plan Part I.
- 1.11 This exercise is not an initial piece of work which will be incorporated into the Somerset Development Plan. This will be a separate and distinctly different process and driven by early engagement on the Council's vision and objectives for Somerset over the next 20 years. Stakeholders should expect housing requirements, options for growth and the assessment framework to be different. Sites promoted as available for development in this limited update may still be reconsidered in the preparation of the Somerset Plan.

## **The need to identify sites for 505 dwellings**

- 1.12 The 505 dwellings relate to a part of the housing requirement identified in the Local Plan Part I Policy CP2 and reflected the extension of the Plan period by an additional year from 2028 to 2029. Policy CP2 established a minimum housing figure for the plan period (2006-2029) of 9,635 dwellings. The 505 dwellings formed part of the 9,635 but were not allocated to any specific settlement or area in Mendip.
- 1.13 The Council acknowledges that the Local Plan Part II provides for a 15% uplift in planned growth amounting to 11,345 dwellings over the Local Plan Part I requirement. The High Court Order makes it clear that the Council cannot claim the 505 has already been accounted for as part of this uplift. The Council must follow the directions in the High Court Order to identify housing sites.
- 1.14 The Mendip Local Plan Part I covers the period from 2006 to 2029. The council consider that proposed allocations should be capable of delivery or substantial delivery by 2029. This is a five year period following submission in 2024. As larger sites take more than five years to build out, it has only counted housing delivery that could be achieved by the end of the plan period towards the 505 dwellings. Deliverability estimates for proposed allocations are shown in Appendix 1

## **2. Consultation Arrangements**

- 2.1 Somerset Council are inviting comments on the proposed allocations which will be published in the week commencing 26<sup>th</sup> February 2024. The consultation will run for 6 weeks.
- 2.2 Consultation will be online on the 'Have your Say' page:  
[Somerset Council - Citizen Space](#)
- 2.3 *Further information to be added from the Initial Consultation Statement before consultation*

## **3. Approach to Site Selection Process**

- 3.1 The Council have followed the site selection process established in the adopted Local Plan Part II. This can be found in the section 'Steps in the selection of sites' set out in paras 3.33 – 3.44. There are differences in the 'pool' of sites assessed and in the criteria for site selection. The main steps are described below.

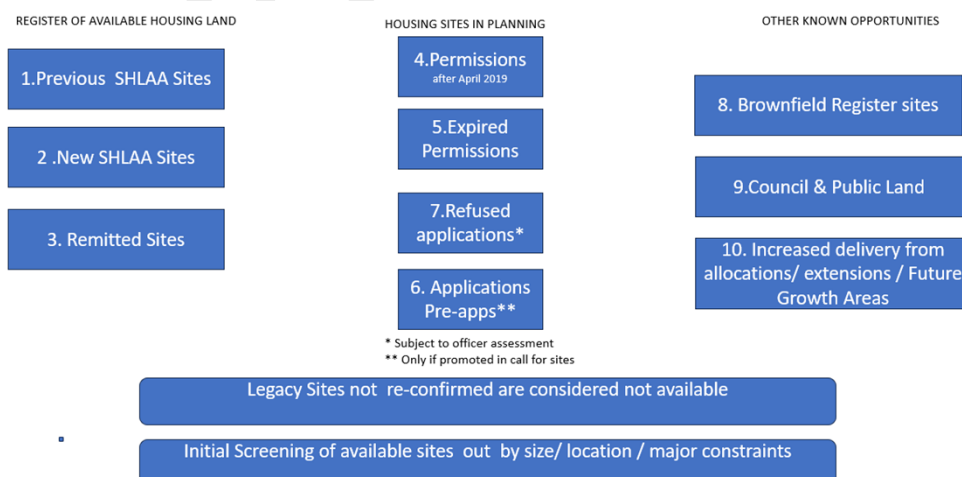
### **Review of available housing land including a 'call for sites'**

- 3.2 A review of land available for development is an early stage in gathering evidence for plan making, often known as a Strategic Housing Land Availability Assessment or

SHLAA. Given the time involved in preparing Local Plan Part II, the Council committed to the High Court that a fresh call for sites should be undertaken for this update. A call for sites was held for the former Mendip area and invited the submission of new housing sites or confirmation of previous sites as available for development. The survey requested information on site availability, suitability and achievability – particularly in the short term. The Council received around 140 submissions. More details are given in the Initial Consultation Statement.

- 3.3 Figure 1 illustrates the categories of sites considered as part of the ‘pool of sites’ in this exercise. The Council has considered:
- New sites submitted through the call for sites;
  - Previous sites re-confirmed as available;
  - Sites in the planning process or granted permission; and
  - Other housing opportunities on sites known to the Council.
- 3.4 The former allocations struck out of the plan have been considered in the review. They have no special status and cannot be treated as ‘preferred’ over other sites put forward. No weight is attributed in the site assessment process to the previous 505 exercise which was found to be legally flawed by the High Court.
- 3.5 The Council has also reviewed other site opportunities which are not directly promoted by developers, landowners or agents. This includes public land, sites on the brownfield register, and land identified in Plans as Future Growth Areas.
- 3.6 Sites with permission granted since mid-2019 have only been counted where they were not included in housing land supply figures tested at the Local Plan Part II examination. The Council has also made a brief review of sites not promoted as available.

**Figure 1 Sources of housing sites**



## High Level Screening

3.7 From the pool of sites, the Council have discounted the following sites from assessment:

- Sites not located within, or substantially within, the Mendip plan area.
- Sites below the minimum threshold of 6 dwellings or 0.25 Ha. This reflects the windfall allowance which is already incorporated in the adopted Local Plan Part II.
- Sites under construction and likely to be completed before submission in mid-2024.
- Sites considered unsuitable for housing as identified in national policy. These include development in flood zone 3 and sites which directly impact on designated and irreplaceable habitat.

Sites subject to applications which have been subject to recent refusal have been assessed but are very unlikely to be delivered in the next five years. Sites at an appeal contested by the Council have also been assessed and could be reconsidered following an appeal decision.

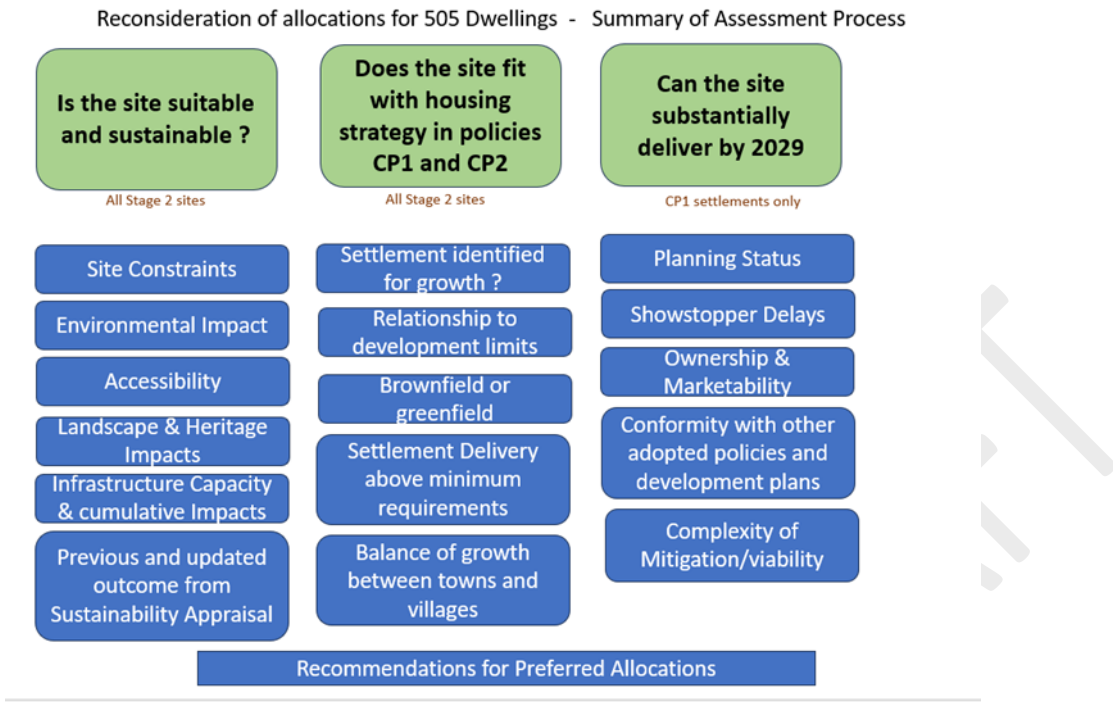
## Assessment of compliance with CP1 and CP2, Sustainability and Deliverability

3.8 Following screening, the Council has made individual site assessments of all available and eligible sites. The process for making recommendations for preferred options for this partial update focuses on three key questions:

1. Is the site a suitable and sustainable location for housing?
2. Does the site fit with the adopted spatial strategy and the allocation process set out in adopted policies CP1 and CP2?
3. Is the site capable of substantial housing delivery by the end of the plan period in 2029?

3.9 The relationship between the site assessment criteria used to support the site selection process is set out in Figure 2.

**Figure 2: Summary of Assessment Process**



### Site and Settlement Level Constraints

3.10 The site and settlement level constraints capture site information similar to that gathered for the Sustainability Appraisal and used to test options in Local Plan Part II. The assessments will take into account updated evidence and changes in national policy since Local Plan Part II preparation and submission.

### Compliance with Policies CP1 and CP2

- 3.11 Core Policy 1 sets out development will be directed to the five main settlements and primary/secondary villages. It also states that the Council should maximise the use of previously developed sites within settlement limits and then at the most sustainable locations on the edge of settlements.
- 3.12 Core Policy 2 sets out minimum housing requirements for towns with village requirements set out in Tables 8 and 9 (LPP1 p36). Sites adjacent to Midsomer Norton and Radstock are included, which aligns with the text in Para 4.21 and Para 4.7. The combined assessment form tests each site against Policy CP1 and CP2.
- 3.13 Each village was given a broad scale of development over plan period – if that village has already significantly exceeded the broad scale, then that will be a strong justification for not making further allocations.



## **Deliverability and Risk to Delivery**

- 3.14 This assessment includes a number of specific criteria to assess short term delivery including planning status and degree to which a site proposal is being actively promoted. In addition, the assessment captures specific factors which will present a risk to deliverability which might be strategic constraints or more local issues. Strategic constraints are described in section 4.
- 3.15 Local issues considered include the degree of compliance with other policies in the Plan apart from Policies CP1 and CP2 and the extent to which they have been overcome or confirmed as significant in a dismissed appeal. For this assessment, policy conflict is assessed as a factor increasing the risk for delay or delivery.
- 3.16 Individual site assessments have been published as a supporting document to this consultation (*add details and links*).

## **Sustainability Appraisal**

- 3.17 All of the sites that remained under consideration following the High Level Screening exercise have then been assessed through the Sustainability Appraisal process. This was carried out with reference to the most up to date evidence base. Some new evidence base documents have been prepared since Local Plan Part II was examined. A new landscape study has been undertaken and was used to inform this recent Sustainability Appraisal. Additional information was also sought from technical consultees, including the LFFA, Education Authority, Somerset Ecology, Minerals and Waste Team and the Highway Authority.
- 3.18 The Sustainability Appraisal Report and Scoping Report can be found published alongside this document on the Somerset Council website.

## **4.0 Strategic Constraints**

### **Phosphate Mitigation**

- 4.1 Four of the five main towns in Somerset East fall within a risk area where additional development may have a significant effect on the Somerset Levels and Moors Ramsar. More information on the RAMSAR can be found online at: <https://www.somerset.gov.uk/planning-buildings-and-land/phosphates-on-the-somerset-levels-and-moors-ramsar-site/>
- 4.2 The adopted Local Plan Part II site allocations and supporting text include a requirement to demonstrate nutrient neutrality at planning application stage where they impact on the catchment of the Somerset Levels and Moors RAMSAR. This

approach was accepted by Natural England (NE) and the Local Plan Part II Inspector at the time reflecting available evidence and understanding of solutions.

- 4.3 The evidence and solutions for phosphates have changed significantly since the adoption of Local Plan Part II. Two private phosphate credit schemes for the Brue catchment were agreed in early 2023.
- 4.4 The Levelling Up and Regeneration Act includes provisions for improvements to Waste Water Treatment Works to reduce phosphates to the maximum technically achievable by 2030. National guidance is expected by the time of plan submission to identify which treatment works are affected and how planning applications and plan proposals should be assessed. Somerset Council has also been awarded a grant to pilot interim solutions for smaller treatment works.
- 4.5 The site selection exercise has not screened out sites or settlements on the basis of a requirement for phosphates mitigation. However, this is reflected in the Council's assessment of short-term deliverability and risk.
- 4.6 A detailed assessment of phosphate mitigation has been carried out for sites considered to have potential for allocation. This is addressed in the Habitat Regulations Assessment report which forms part of this consultation.

#### **Highway capacity on the A36 (Frome and other villages)**

- 4.7 During the Local Plan Part II Examination, National Highways made objections to development allocations reflecting its concern over traffic movements on the A36. These focus on capacity of roundabouts east of Beckington. Policy DP27 was included in the Plan reflecting agreement between promoters, Mendip Council and National Highways to require financial contributions for highway improvements. The policy also makes provision for highway infrastructure if required on key routes within Frome.
- 4.8 Whilst contributions have been agreed on allocated sites, Policy DP27 did not establish a design specification, costings or timescales for implementation. The improvement works are not part of the Somerset Council highway programme and it is not yet agreed who will be responsible for implementation. This means that housing proposals are at risk of holding objections from National Highways until there is greater certainty on these issues. Even if a specification for improvements is agreed in 2024, the timing of works will depend on costs and financial contributions which could result in further delay.
- 4.9 At present, consultants supporting on the Selwood Garden Village application for 1,700 homes have been working with Somerset and National Highways to design and cost a phased set of improvements as this is a critical issue to address in the

application. This will need to account for development and highway issues over a longer timeframe than the Mendip Plan Limited Update.

- 4.10 The Council regard this as a strategic constraint which will impact short term deliverability of sites promoted on the periphery of Frome, in Beckington and in Rode.

#### **Sites located on the Edge of Midsomer Norton, Westfield and Radstock**

- 4.11 Bath and NE Somerset Council (BaNES) continue to object to the principle of additional housing development on the edge of these towns. This was highlighted in the Court Judgment. BaNES have commenced their own development plan review (2022-2042) with an options consultation to be published in Feb 2024.
- 4.12 The extension of development south of Midsomer Norton and Westfield is not one of the BaNES options. The adjoining LPA retains its objections in principle in relation to the conflict with their adopted Plan well as concerns around the cumulative infrastructure burden imposed by a Somerset.
- 4.13 Given that the Council is not required to consider further sites in this area, it is considered that any additional sites should be part of future discussions in terms of respective plan reviews and not part of the limited update.

## **5.0 Housing supply and site options by settlement**

- 5.0.1 This section reviews the housing supply position in each of the Mendip towns as context to the proposed allocations. Maps of the available land submitted in the call for sites and a summary of the site assessments are set out in Appendix 3.
- 5.0.2 Maps of individual sites proposed for allocation are shown in the town and village sections. Detailed assessments will be published as supporting documents to this consultation.

### **5.1 Frome**

- 5.1.1 Frome is identified as a principal settlement in Policy CP1 of the Local Plan Part I with a minimum requirement of 2,300 homes to be delivered over the plan period. 1,880 dwellings (82%) of the requirement have been delivered to date (2006-2023).

### Housing Supply

- 5.1.2 All the major housing allocations identified in Local Plan Part II have progressed through the planning process and are expected contribute to short term delivery. This includes sites off Sandys Lane and Little Keyford (490 dwellings) and detailed proposals for the town centre Saxonvale site (180-290 dwellings). The 2023 housing trajectory estimates 863 dwellings could be delivered by 2029.
- 5.1.3 An application for a strategic scale mixed-use extension to the southwest of Frome (Selwood Garden Village) has been under consideration since July 2021. The proposal will deliver around 1,700 homes. This major proposal is not considered suitable for allocation in this review, and this would represent a marked change from the balance of development between the towns established in Core Policy 1. There are still technical issues to be addressed before a decision and it is uncertain housing delivery could be achieved by 2029.
- 5.1.4 Given that there is a good level of short-term delivery and infrastructure constraints, it is not necessary to make substantial greenfield housing allocations as part of this review.

### Development Constraints

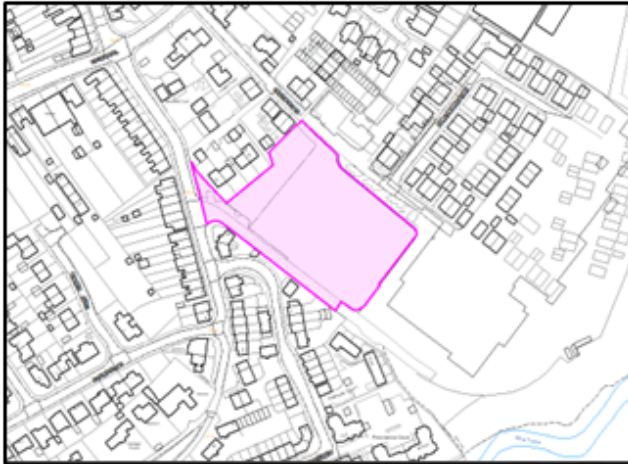
- 5.1.5 Concerns with capacity on the A36 and roundabouts at Beckington are reflected in Policy DP27 which allows for financial contributions for highway improvements. However, in the absence of an agreed specification of works or timescales to put in capacity solutions, National Highways are now placing holding objections on sites coming forward. This is considered a significant constraint to further short-term development. More information on Policy DP27 is set out in section 4.

### Call for Sites

- 5.1.6 18 sites were assessed in the call for sites exercise. Two were screened out of the assessment.
- 5.1.7 Two sites are considered suitable as allocations towards the 505 homes requirement:
- FRO218: Land off Adderwell (Draft Policy FR9) - 25 dwellings
  - FRO227: Land at North Parade Car Park (Draft Policy FR10) - 18 dwellings
- 5.1.8 Past delivery and land which is either allocated or has a planning permission would provide a total of 2,960 dwellings, 29% above the minimum requirement in Local Plan Part I. The proposed allocations would increase this to 2,978 dwellings.

## Other Sites

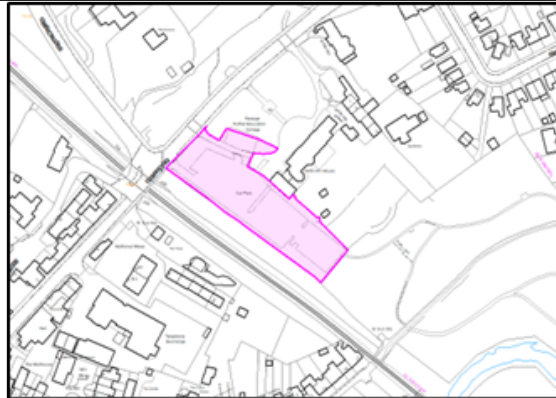
- 5.1.9 Brownfield and infill sites will continue to come forward in Frome but there are no significant sites considered suitable for allocation.

<b>Proposed Allocation: FR9</b>
<b>Land off Adderwell, Frome</b>
<b>Site Ref: FRO218</b>

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<b>Site Description / Planning</b> Cleared brownfield site east of Adderwell Rd in the centre of Frome. Full permission for 25 units.
<b>Sustainability Appraisal</b> Within the urban area so limited impact on landscape character. Very accessible to town centre and local services.
<b>Deliverability</b> Permission secured subject to S106 agreement and considered deliverable by 2029. Limited impact on A36 improvements.
<b>Policy Considerations / Requirements</b> Minimum housing capacity of 25 units. Affordable Housing agreed. Access from Primrose Court. Outside phosphates area. Education contributions agreed. Surface water management.

**Proposed Allocation: FR10**

**Land at North Parade Car Park, Frome**

**Site Ref: FRO227**



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**Site Description / Planning**

Car park in the centre of Frome.

Full application under consideration for 18 units.

**Sustainability Appraisal**

Within the urban area, surrounded by housing so limited impact on landscape character.

Within Conservation Area & identified as a Gateway Site in the Frome NP therefore good design required to mitigate potential impacts.

Very accessible to town centre and local services.

Mitigation required for potential for impact on biodiversity.

**Deliverability**

Site already within the planning process and considered deliverable by 2029.

Limited impact on A36 improvements.

**Policy considerations /requirements**

Minimum housing capacity of 18 units.

100% affordable housing.

Access from North Parade.

Outside phosphates area.

10% BNG

Good design

Surface water management.

## 5.2 Glastonbury

5.2.1 Glastonbury is identified as a principal settlement in Policy CP1 of the Local Plan Part I with a minimum requirement of 1,000 homes to be delivered over the plan period. 830 dwellings (83%) of this requirement have been delivered to date (2006-2023), just above the annual target set in Core Policy 2.

### Housing Supply

5.2.2 Just over 400 net dwellings have come forward in the last 10 years in the town and the housing trajectory estimates 144 dwellings could be delivered by 2029.

5.2.3 There are no strategic housing sites in Glastonbury, but Local Plan Part II allocated a number of small and medium scale brownfield sites which are still to come forward. The Kingsfield development (133 homes) located west of the A39 bypass was completed in 2022.

### Development Constraints

5.2.4 The main constraints to development are floodplain and the landscape features, particularly around Glastonbury Tor. Drainage and sewage links to the risk area impacts on the Somerset Levels and Moors RAMSAR site. Housing schemes are required to provide phosphate mitigation.

### Call for Sites

5.2.5 Nine sites were assessed in the call for sites exercise. Four sites were screened out of the assessment as they were located in areas of high flood risk (flood zone 3).

5.2.6 Two sites are considered suitable for allocation towards the 505 homes requirement:

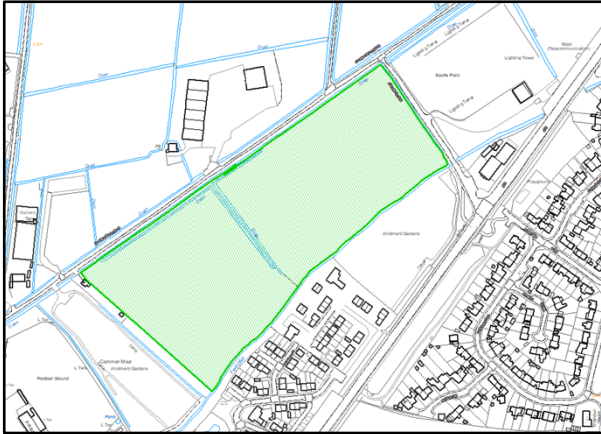
- GLAS124: Land at Common Moor Drove (Policy GL6)
- GLAS122: Land at Norbins Road Car Park (Policy GL7)

5.2.7 GLAS124 benefits from an outline permission for 90 dwellings. It is located adjacent to the Kingsfield development and is capable of delivery by the end of the plan period. GLAS122 is a small affordable housing scheme on Council land near the town centre providing 6 units. Neither of these sites were considered or promoted in the Local Plan Part II examination process.

5.2.8 Past delivery and land which is either allocated or has permission would provide a total of 1,130 dwellings, 13% above the minimum requirement in Local Plan Part I. GLAS124 is included in this total.

## Other Sites

5.2.9 No additional opportunities are considered suitable.

<b>Proposed Allocation: GL6</b>
<b>Land off Common Moor Drive, Glastonbury</b>
<b>Site Ref: GLAS124</b>

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<b>Site Description / Planning</b> Greenfield site on the built-up edge of Glastonbury. Application granted permission at appeal for 90 units.
<b>Sustainability Appraisal</b> On the edge of the settlement so likely to have some impact on landscape character. Flood mitigation required. Within phosphates area so appropriate mitigation required. Within a reasonable proximity to town centre and local services but bypass acts as a barrier between.
<b>Deliverability</b> Outline consent granted at appeal and 60 units considered deliverable by 2029. Phosphates credits confirmed as part of permission
<b>Policy Considerations / Requirements</b> Minimum housing capacity of 90 units. 7 affordable first homes Access from Common Moor Drive. Phosphates mitigation. Surface water management.



**Proposed Allocation: GL7**

**Land at Norbins Road, Glastonbury**

**Site Ref: GLAS122**



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**Site Description / Planning**

Council owned car park within the urban area, accessed by Norbins Road.  
Application currently under consideration for 6 units.

**Sustainability Appraisal**

Within the urban area so no impact on landscape character.  
Little impact upon settlement character or local distinctiveness.  
Within phosphates area so appropriate mitigation required.  
Very accessible to town centre and local services.

**Deliverability**

Application within the planning process and the 6 units considered deliverable by 2029.  
Phosphates mitigation solution required.

**Policy Considerations / Requirements**

Minimum housing capacity of 6 units.  
100% affordable housing.  
Access from Norbins Road.  
Phosphates mitigation required.

### 5.3 Street

5.3.1 Street is identified as a principal settlement in Policy CP1 of the Local Plan Part I with a minimum requirement of 1,300 homes to be delivered over the plan period. 830 dwellings (67%) of this requirement have been delivered to date (2006-2023) which is lower than the annual target set in Core Policy 2.

#### Housing Supply

- 5.3.2 347 net additional dwellings have come forward in the last 10 years and a further 337 dwellings could be delivered by 2029. The need for phosphate mitigation has delayed bringing forward development on the sites allocated in Local Plan Part II.
- 5.3.3 A major allocation at Somerton Road (Policy ST1 for 280 dwellings) now has planning consent and will come forward in the short term.
- 5.3.4 The main allocated site in the settlement is located to the west of Street which includes of a Main Development Area (MDA) for 400 dwellings and a Future Growth Area (FGA) to the south. Studies and surveys have been progressing on the MDA but detailed proposals or a masterplan have yet to be produced for this site. A scheme which includes part of the FGA with links to Brooks Road has been promoted through the call for sites and is proposed for allocation.

#### Development Constraints

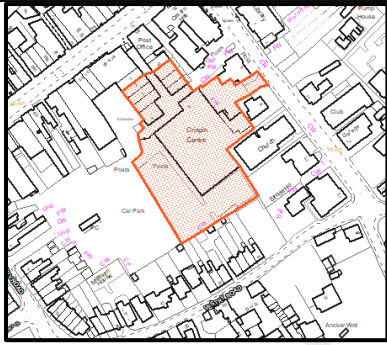
5.3.5 The town falls within the water catchment area of the Somerset Levels and Moors RAMSAR site. Housing schemes are required to provide phosphate mitigation. There are designated habitats which will also require assessment and on site or off-site mitigation.

#### Call for Sites

- 5.3.6 Eight sites were assessed in the call for sites exercise. Two sites were screened out of the assessment as they were below the threshold for allocation.
- 5.3.7 Two sites are proposed for allocation towards the 505 homes requirement:
- STR146: Policy ST5 – Land to the rear of the Crispin Centre (50 dwellings)
  - Part of site STR001: policy ST3 involving allocation within the Future Growth Area (maximum of 120 dwellings with 60 delivered by 2029).
- 5.3.8 Past delivery and land which is either allocated or has permission would provide a total of 1,631 dwellings, 6% above the minimum requirement in Local Plan Part I. The proposed allocations would increase this to 1,743 dwellings.

## Other Sites

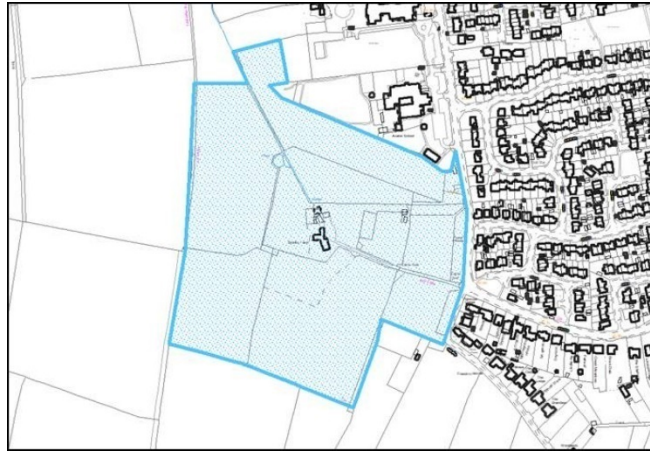
5.3.9 No other sites have been identified for allocation in this exercise.

<b>Proposed Allocation: ST5</b>
<b>Land to rear of Crispin Centre, Street</b>
<b>Site Ref: STR146</b>

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<p><b>Site Description / Planning</b> Brownfield site within the designated town centre of Street Application under consideration 2023/2369/FUL</p>
<p><b>Sustainability Appraisal</b> Site previously in retail use and will be lost as a source of employment. Within the urban area so no impact on landscape character. Little impact upon settlement character or local distinctiveness. Within phosphates area so appropriate mitigation required. Very accessible to town centre and local services.</p>
<p><b>Deliverability</b> 40 units considered deliverable by 2029. Phosphates mitigation solution required.</p>
<p><b>Policy Considerations / Requirements</b> Minimum housing capacity of 40 units. Access from Leigh Road. Good design including retention of high street frontage. Phosphates mitigation required.</p>

**Proposed Allocation: ST3a**

**Brooks Road – part of Future Growth Area, Street**

**Site Ref: STR001**



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**Site Description / Planning**

Greenfield site on the edge of the town, adjacent to strategic allocation ST1.  
Pre-application discussions ongoing.

**Sustainability Appraisal**

Development on the southern part of the site would have significant impacts upon landscape character and the setting of the Ivythorne Hill Special Landscape Feature. Built development would need to be directed to the northern part of the site.  
Surface water flooding through the site which would require mitigation.  
Within phosphates area so appropriate mitigation required.  
Very accessible to town centre and local services.

**Deliverability**

60 units considered deliverable by 2029.  
Phosphates mitigation solution required.

**Policy Considerations / Requirements**

Minimum housing capacity of 60 units.  
Access from Brooks Road.  
Good design and landscape plan required to minimise impact on SLF.  
Surface water flood management plan required.  
Education contributions.

## 5.4 Shepton Mallet

5.4.1 Shepton Mallet is identified as a principal settlement in Policy CP1 of the Local Plan Part I with a minimum requirement of 1,300 homes to be delivered over the plan period. 749 dwellings (58%) of the requirement have been delivered to date (2006-2023).

### Housing Supply

5.4.2 The Local Plan Part I allocated a strategic site at Cannards Grave Road for 500 homes (Policy CP8a). An application for this site for around 570 dwellings has been under consideration since 2018. There are ongoing discussions with the developer to bring this site forward with a higher number of dwellings. The redevelopment of the former Shepton Prison (146 dwellings) remains a longer-term opportunity.

5.4.3 The 2023 housing trajectory estimates 171 dwellings could be delivered by 2029, subject to a start on the Cannards Grave site by 2027.

### Development Constraints

5.4.4 Housing proposals will require phosphate mitigation and there is a lack of current primary school capacity. There are plans to expand capacity in existing schools and financial contributions will be required. This may rule out large scale development. Additional school provision will come forward as part of the Cannards Grave allocation which includes a site for a new school.

### Call for Sites

5.4.5 Six sites were assessed in the call for sites exercise and none were screened out of the assessment. There are two potential sites, but both have uncertainties around delivery in the short term.

5.4.6 Past delivery and land which is either allocated or has permission would provide a total of 1,562 dwellings, 20% above the minimum requirement in Local Plan Part I.

### Other Sites

5.4.7 A Council site adjacent to the west Shepton Football Club has potential for affordable housing. This is capable of delivery in the short term but there are constraints in bringing it forward in the plan period and it is not being actively pursued.

5.4.8 There are town centre redevelopment opportunities but none of these are considered deliverable within the plan period or are being actively promoted.

- 5.4.9 A future growth area/direction of growth was proposed in the Local Plan Part I to the southwest of the town but removed in the Local Plan Part II once the extent of the strategic allocation was agreed. There is no scope for short-term delivery in this location.
- 5.4.10 A draft Shepton Mallet neighbourhood plan (Reg 14) was published for initial consultation in May 2023 and identifies a housing allocation for 140-150 homes on land west of Compton Road and south of Middleton Lane. The draft allocation forms part of legacy site SHEP092. However, this site was not re-promoted in the recent call for sites. There have been no direct discussions with the owner/promoter, so this site has not therefore been confirmed as available to the Council.

## 5.5 Wells

- 5.5.1 Wells is identified as a principal settlement in Policy CP1 of the Local Plan Part I with a minimum requirement of 1,300 homes to be delivered over the plan period. 1,287 dwellings (89%) of this requirement have been delivered to date (2006-2023), well above the annual target set in Core Policy 2.

### Housing Supply

- 5.5.2 1,082 net additional dwellings have come forward in the last 10 years, the highest level of delivery in the 5 main towns. The housing trajectory estimates 263 dwellings could be delivered by 2029.
- 5.5.3 The city of Wells has experienced a rapid period of development with both strategic sites and reserve sites identified in the Local Plan Part I now built out. Development has been focused on sites to the west of the town along Wookey Hole Road and Glastonbury Road.

### Development Constraints

- 5.5.4 The town falls within the water catchment area of the Somerset Levels and Moors RAMSAR site. Housing schemes are required to provide phosphate mitigation.
- 5.5.5 In making allocations west of the City, the Local Plan Part I acknowledges concerns around the coalescence of development between Wells and Haybridge - there should be a plan-led clear settlement edge. Additional allocations are not considered necessary and would conflict with the adopted strategy for the town. Six of the 12 sites assessed fall in this location.

### Call for Sites

5.5.6. 12 sites were assessed (in 10 separate locations) in the call for sites exercise. Two sites were screened out of the assessment.

5.5.7 One site is considered suitable for allocation towards the 505 homes requirement:

- WELLS127: Wells Police Station (Policy WL6)

5.5.8 WELLS127 benefits from an outline permission for a 47 unit older persons accommodation. It was not promoted or considered in the Local Plan Part II examination process.

5.5.9 Past delivery and land which is either allocated or has permission would provide a total of 1,773 dwellings, 22% above the minimum requirement in Local Plan Part I. The proposed allocation is included in the supply totals.

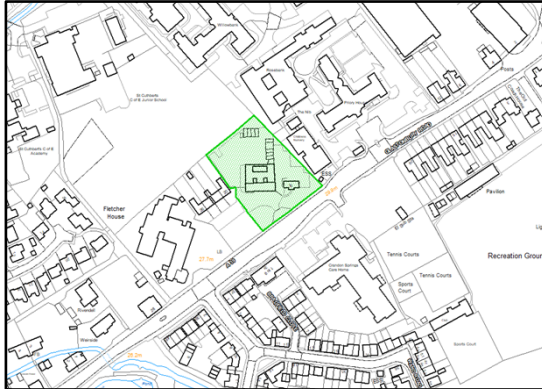
### Other Sites

5.5.10 Small scale brownfield, infill and change of use applications will come forward in the town centre and within other residential areas around main centre. No other sites have been identified for allocation in this review.

**Proposed Allocation: WL6**

**Wells Police Station**

**Site Ref: WELLS127**



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**Site Description / Planning**

Brownfield site within the urban area of the city.

Planning consent granted for redevelopment to 47 self-contained retirement apartments.

**Sustainability Appraisal**

Within urban area therefore impacts on landscape and settlement character are minimal.

Site is at risk of river and surface water flooding therefore some mitigation required.

Within phosphates area so appropriate mitigation required.

Very accessible to town centre and local services.

**Deliverability**

47 units considered deliverable by 2029.

Phosphates credits have been purchased.

**Policy Considerations / Requirements**

Minimum housing capacity of 47 units.

Off-site affordable housing contribution agreed.

Phosphates credits agreed.

Access from A39.

Surface water flood management plan required.



## 5.6 Midsomer Norton and Radstock

- 5.6.1 These towns are located in Bath and NE Somerset (B&NES) but their built-up areas extend close to the former Mendip District boundary. They are not identified as settlements in Core Policy 1. However, they are highlighted as locations which could be considered for housing for the 505 dwellings (as explained in Local Plan Part I, paragraph 4.21, which supports Core Policy 2).
- 5.6.2 No sites were allocated in this area in the Local Plan Part II that was submitted for examination. This was identified as a significant omission by the Local Plan Inspector resulting in a specific site selection exercise around these towns and in villages to the northwest of the district.
- 5.6.3 As set out in the background section, the Inspector's reasoning and directions to the Council were successfully challenged at Judicial Review with the sites being struck out of the Local Plan Part II.

### Housing Supply

- 5.6.4 Since the legal judgement, two housing sites have been granted permission and are expected to contribute to short term supply. NRAD008 was granted at appeal and NRAD001M was permitted as a departure from the Local Plan.
- 5.6.5 The Council considers that both of these sites can be counted as allocations to contribute to the 505 dwellings. There is no justification for additional sites being allocated in this review.

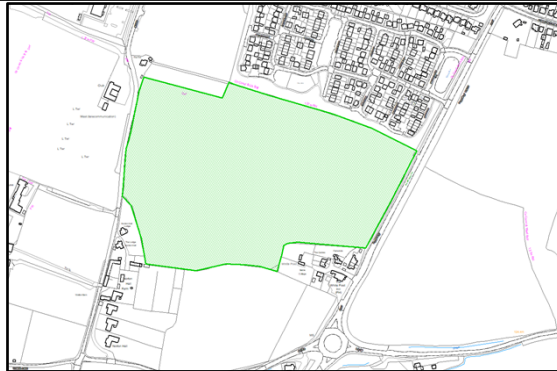
### Call for Sites

- 5.6.6 Eight sites were assessed in the call for sites exercise. Two sites were screened out of the assessment. Two sites are proposed for allocation towards the 505 homes requirements:
- NRAD001M: Land at White Post, Midsomer Norton (150 of 270 units)
  - NRAD008: Land at Beauchamps Drive, Midsomer Norton (75 of 75 units)

**Proposed Allocation: MN1**

**Land at White Post**

**Site Ref: NRAD001M**



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**Site Description / Planning**

Greenfield site adjacent to development limit in adjoining authority (BaNES).

Outline permission granted for 270 units (29/03/2023) and reserved matters under consideration.

**Sustainability Appraisal**

Related to existing development – on the edge of a settlement in BaNES.

Accessible to town centre and local services.

Landscape impacts can potentially be mitigated (addressed through permission).

**Deliverability**

Large scale site with outline permission that can be substantially delivered by 2029.

**Policy Considerations / Requirements**

Minimum housing capacity of 270 units.

At least 30% affordable units.

Access addressed through permission.

Outside phosphates area.

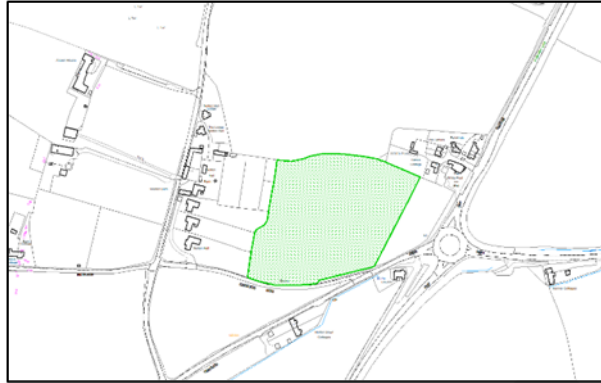
Education capacity addressed through permission.

Flood risk addressed through permission.

**Proposed Allocation: MN4**

**Land at Beauchamps Drive**

**Site Ref: NRAD008**



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**Site Description / Planning**

Greenfield site adjacent to allocated housing site (prior to being remitted).  
Permission granted at appeal and reserved matters under consideration.

**Sustainability Appraisal**

Related to existing development – on the edge of a settlement in BaNES.  
Accessible to town centre and local services.  
Landscape impacts can potentially be mitigated.  
Surface water will need to be managed.

**Deliverability**

Site already has permission and can be completely delivered by 2029.

**Policy Considerations / Requirements**

Minimum housing capacity of 75 units.  
30% affordable housing.  
Access addressed through permission.  
Outside phosphates area.  
Impacts to a listed church considered in permission.  
Education capacity addressed through appeal and agreed with BaNES.  
Flood risk addressed through permission.

## 5.7 Primary and Secondary Villages

5.7.1 Local Plan Part I Core Policy 1 (CP1) directs that most rural development should be accommodated in primary and secondary villages. Core Policy 2 indicates a minimum housing requirement for the rural area of 1,780 dwellings which includes the villages listed in CP1, other villages and sites in open countryside. 2,085 dwellings have been delivered to date, well above the rural requirement (17%)

### Housing Supply

5.7.2 Past delivery and land which is either allocated or has permission would provide a total of 2,836 dwellings, 60% above the minimum requirement in Local Plan Part I. This rises to 3,181 dwellings when the permitted sites south of Midsomer Norton as these are not towns in the spatial strategy. This equates to a supply which is 80% in excess of the requirement and a significant change to the adopted Local Plan distribution.

5.7.3 Core Policy 2c gives clear advice on the process for identifying site allocations in rural settlements. The policy states that allocations should be in line with:

- a) The principle of proportionate growth in rural settlements (which refers to minimum housing requirements for primary and secondary settlements).
- b) The informed views of the local community.
- c) The contribution of development since 2006 and commitments.

5.7.4 The Council's village growth monitor (April 2023) indicates only two primary villages (Croscombe & Chewton Mendip) have not met the minimum housing allocation and both have particular constraints (AONB and flooding). In any case, no suitable sites have been identified in the call for sites in these locations.

5.7.5 Six primary villages have a delivery and supply position (allocations permissions) more than double the minimum requirements. These are Baltonsborough, Beckington, Chilcompton, Coleford, Evercreech Norton St Phillip and Stoke St Michael.

5.7.6 Many secondary villages have also exceeded the minimum requirements. Core Policy 1 (ii) indicates that development in secondary villages should meet localised housing needs rather than the district wide requirement.

5.7.7 Taking account of the over-supply position across the rural area and in individual villages, the Council do not consider there is a need for new village allocations which have not already been permitted. Two allocations, with planning consent, have been identified.

5.7.8 The call for sites includes settlements which are not currently identified in Core Policy 1. While these locations/sites have been assessed, the Council is not

proposing to review the status of settlements in advance of the Somerset wide Development Plan. While these sites have been considered, they are not suitable for allocation.

### Development Constraints

5.7.9 A range of settlement constraints are summarised in the site assessments including accessibility and infrastructure capacity (schools/ drainage/ services). Highway constraints on the A36 as detailed in section 4 make any short term delivery in Beckington and Rode unlikely to come forward in the plan period.

### Call for Sites

5.7.10 26 new sites were submitted in the 'call for sites' exercise, with a further 56 being re-promoted. 14 sites were also included from other known sources such as permissions and applications. This totalled 96 sites. 16 of these sites were screened out of the assessment of which 15 fell below the threshold size for allocation.

5.7.11 A number of villages have multiple sites promoted as available for development (i.e. more than five options). The Council consider that the scope of this review exercise should not be identifying sites for allocation in these circumstances. Given the limited nature of this Review the Council would want to engage with communities where there is a wide choice sites through the upcoming Somerset Plan process or through the development of Neighbourhood Plans.

5.7.12 Maps from the call for sites and individual assessments are shown in the site assessment document.

### Recommendations

5.7.13 77 sites are not considered suitable for allocation in this review.

5.7.14 Two permitted sites are proposed as allocations and capable of delivering 117 dwellings by 2029. These are:

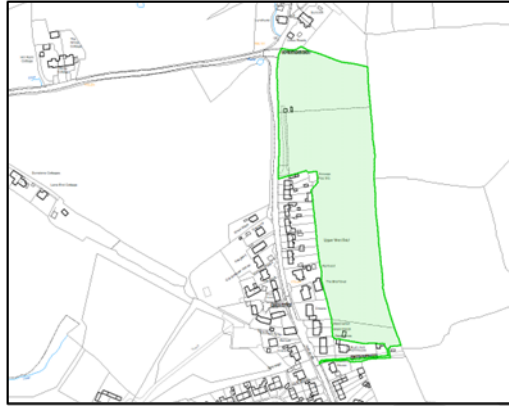
- CHIL050 – Downside Motor Company, Chilcompton (7 of 7 units)
- COLE014 – Anchor Lane, Coleford (63 of 63 units)



**Proposed Allocation: CL2**

**Land at Anchor Lane, Coleford**

**Site Ref: COLE014**



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**Site Description / Planning**

Greenfield site adjacent to the local plan development limit.  
Permission granted at appeal (October 2021) for 63 units.

**Sustainability Appraisal**

Closely related to existing development.  
Accessible to local services.  
Landscape impacts can potentially be mitigated.

**Deliverability**

Site already has permission and can be completely delivered by 2029.

**Policy Considerations / Requirements**

Minimum housing capacity of 63 units.  
30% on site affordable housing.  
Access addressed through permission.  
Outside phosphates area.  
Education provision contribution agreed.  
Surface water scheme (SUDS) a condition of the permission.

## 6. Summary of Proposed Allocations

- 6.1 The Council have identified 11 proposed allocations which are summarised in Table 1 below. The proposed allocations have been recommended the basis of a comprehensive site assessment process and are considered to be suitable, sustainable and have good prospects for delivery.
- 6.2 The majority of sites have the benefit of planning consent but there are also sites with applications under consideration or at pre-application stage.
- 6.3 The proposed allocations have an overall capacity of 761 dwellings of which the Council estimate 551 dwellings are capable of delivery over the plan period to 2029. The Council's estimate of potential delivery is set out in Appendix 1.
- 6.4 The delivery of 551 dwellings is close to a 10% buffer above the 505 dwelling requirement. In addition, the sites identified would be expected to deliver xxx affordable homes.

**Table 1: Summary of Proposed Allocations**

Settlement	LPP2 Policy Reference	HELAA Site Ref	Minimum Dwellings	Total Size Hectares	Delivery 2024-29
<b>Frome</b>					
Land off Adderwell	FR9	FRO218	25	0.77	25
Land at North Parade Car Park	FR10	FRO227	18	0.41	18
			-		
<b>Glastonbury</b>					
Land off Common Moor Drove	GL6	GLAS124	90	6.99	60
Land at Norbins Road	GL7	GLAS122	6	0.15	6
<b>Street</b>					
Land to rear of Crispin Centre	ST5	STR146	40	0.61	40
Brooks Road - part of Future Growth Area	ST3-updated	STR001	120	10.9	60
<b>Wells</b>					
Wells Police Station	WL6	WELLS127	47	0.38	47
<b>Midsomer Norton/Westfield</b>					
Land at White Post	MN1	NRAD001M	270	12.1	150
Land at Beauchamps Drive	MN4	NRAD008	75	3.4	75
<b>Villages</b>					
Downside Motor Co, Chilcompton	CHIL1	CHIL050	7	0.2	7
Anchor Lane, Coleford	CL2	COLE014	63	3.37	63
<b>Total</b>			<b>761</b>	<b>38.51</b>	<b>551</b>



WORKING DRAFT

Appendix 1: Proposed Site Allocations - Deliverability Assessment															
Ref/Site	Reasons for allocation / Potential issues	Total	5yrs	Delivery estimates	Build out estimates/trajectory										
<b>CHIL050</b> Downside Motor Co, Chilcompton	Brownfield site within development limits with full permission. Not included in examined housing land supply.	7	7	2022/2247/FUL approved 22.11.22	24-25	25-26	26-27	27-28	28-29	29-30	30-31	32-33	33-34	35-36	
				No named developer	1	2	3	4	5	6	7	8	9	10	
				Site clearance in Yr 2/ conditions				3	4						
				Delivery in Yrs 3-5											
					Site can be completely delivered in Plan period										
Reccomended as a Proposed Allocation															
<b>COLE014</b> Anchor Lane Coleford	Village greenfield site with sustainability confirmed at appeal. Village not otherwise constrained or subject to phosphates mitigation. An allocation would retain certainty of the outline permission.	63	63	2019/2345/OTS appeal 21.10.21	24-25	25-26	26-27	27-28	28-29	29-30	30-31	32-33	33-34	35-36	
				Gladman	1	2	3	4	5	6	7	8	9	10	
				Reserved Matters in Yr 1				30	33						
				Promoter/developer in Yr 2	Site can be completely delivered in Plan period										
				Devt start in Yr 3											
Delivery in Years 4 and 5	Reccomended as a Proposed Allocation														
<b>FRO218</b> Land Off Adderwell, Frome	Brownfield site with permission close to town centre. No known barriers to delivery. Not previously included in examined housing supply.	25	25	2021/0050/FUL approved 29.11.23	24-25	25-26	26-27	27-28	28-29	29-30	30-31	32-33	33-34	35-36	
				Approved at East Committee July 2023	1	2	3	4	5	6	7	8	9	10	
				Development start by April 25			12	13							
				Delivery in Years 3 and 4	Site can be completely delivered in Plan period										
					Reccomended as a Proposed Allocation										
<b>FRO227</b> Land at N Parade Car Park, Frome	Brownfield site close to town centre. Council affordable housing scheme on car park. Not previously included in examined housing supply. <b>Issues</b> - application still to be approved and some land/design/minor highways issues to be resolved.	18	18	2023/0657/FUL submitted	24-25	25-26	26-27	27-28	28-29	29-30	30-31	32-33	33-34	35-36	
				Permission by Mid 2024	1	2	3	4	5	6	7	8	9	10	
				Development start in Year 2			9	9							
				Delivery in Years 3 -4	Site can be completely delivered in Plan period										
					Reccomended as a Proposed Allocation										

Appendix 1 Proposed site allocations - Timescales for Permission and build out (Deliverability)															
Ref/Site	Reasons for allocation / Potential issues	Total	5yrs	New	Delivery estimates	Progress 2024 - 2029/ 2029+									
<b>FRO218</b> Land Off Adderwell, Frome	Brownfield site with permission close to town centre. No known barriers to delivery. Not previously included in examined housing supply.	25	25		2021/0050/FUL approved 29.11.23	24-25	25-26	26-27	27-28	28-29	29-30	30-31	32-33	33-34	35-36
					Approved at East Committee July 2023	1	2	3	4	5	6	7	8	9	10
					Development start by April 25			12	13						
					Delivery in Years 3 and 4	Site can be completely delivered in Plan period									
						Reccomended as a proposed allocation									
<b>FRO227</b> Land at N Parade Car Park, Frome	Brownfield site close to town centre. Council affordable housing scheme on car park. 120Not previously included in examined housing supply. <b>Issues</b> - application still to be approved and some land/design/minor highways issues to be resolved.	18	18		2023/0657/FUL submitted	24-25	25-26	26-27	27-28	28-29	29-30	30-31	32-33	33-34	35-36
					Permission by Mid 2024	1	2	3	4	5	6	7	8	9	10
					Development start in Year 2			9	9						
					Delivery in Years 3 -4	Site can be completely delivered in Plan period									
						Reccomended as a proposed allocation									
<b>GLAS124</b> Land off Common Moor Drove, Glastonbury	Edge of main town greenfield site with sustainability confirmed at appeal. An allocation would retain certainty of the outline permission. <b>Issues:</b> technical issues and ground conditions may delay progress on Reserved Matters	90	60		2021/2466/OTS approved xx.xx.23	24-25	25-26	26-27	27-28	28-29	29-30	30-31	32-33	33-34	35-36
					Reserved Matters by April 2025	1	2	3	4	5	6	7	8	9	10
					Sale to housebuilder April 2025				30	30	30				
					Development Start April 2026	Site can be substantially delivered in Plan Period									
					Delivery in Years 4 - 6	Reccomended as a proposed allocation									
<b>NRAD001M</b> Land at White Post, Midsomer Norton	Greenfield site on edge of Midsomer Norton/ Westfield approved as a depature after deletion of site) and not counted in post-JR LPP2 Good prospects of delivery and limited constraints	270	150		2021/1480/OTS approved 29.03.23	24-25	25-26	26-27	27-28	28-29	29-30	30-31	32-33	33-34	35-36
					2023/1858/REM approved 24.01.24	1	2	3	4	5	6	7	8	9	10
					Reserved Matters by April 2024		20	30	50	50	50	50	20		
					Development start by end 2024	Capable of substantial delivery in plan period									
					Delivery in Years 2 - 8	Reccomended as a proposed allocation									

Appendix 1 Proposed site allocations - Timescales for Permission and build out (Deliverability)														
Ref/Site	Reasons for allocation / Potential issues	Total	5yrs	Delivery estimates	Progress 2024 - 2029/ 2029+									
<b>FRO218</b> Land Off Adderwell, Frome	Brownfield site with permission close to town centre. No known barriers to delivery. Not previously included in examined housing supply.	25	25	2021/0050/FUL approved 29.11.23	24-25	25-26	26-27	27-28	28-29	29-30	30-31	32-33	33-34	35-36
				Approved at East Committee July 2023	1	2	3	4	5	6	7	8	9	10
				Development start by April 25			12	13						
				Delivery in Years 3 and 4	Site can be completely delivered in Plan period									
					Reccomended as a proposed allocation									
<b>FRO227</b> Land at N Parade Car Park, Frome	Brownfield site close to town centre. Council affordable housing scheme on car park. 120Not previously included in examined housing supply. <b>Issues</b> - application still to be approved and some land/design/minor highways issues to be resolved.	18	18	2023/0657/FUL submitted	24-25	25-26	26-27	27-28	28-29	29-30	30-31	32-33	33-34	35-36
				Permission by Mid 2024	1	2	3	4	5	6	7	8	9	10
				Development start in Year 2			9	9						
				Delivery in Years 3 -4	Site can be completely delivered in Plan period									
					Reccomended as a proposed allocation									
<b>GLAS124</b> Land off Common Moor Drove, Glastonbury	Edge of main town greenfield site with sustainability confirmed at appeal. An allocation would retain certainty of the outline permission. <b>Issues:</b> technical issues and ground conditions may delay progress on Reserved Matters	90	60	2021/2466/OTS approved xx.xx.23	24-25	25-26	26-27	27-28	28-29	29-30	30-31	32-33	33-34	35-36
				Reserved Matters by April 2025	1	2	3	4	5	6	7	8	9	10
				Sale to housebuilder April 2025				30	30	30				
				Development Start April 2026	Site can be substantially delivered in Plan Period									
				Delivery in Years 4 - 6	Reccomended as a proposed allocation									
<b>NRAD001M</b> Land at White Post, Midsomer Norton	Greenfield site on edge of Midsomer Norton/ Westfield approved as a depature after deletion of site) and not counted in post-JR LPP2 Good prospects of delivery and limited constraints	270	150	2021/1480/OTS approved 29.03.23	24-25	25-26	26-27	27-28	28-29	29-30	30-31	32-33	33-34	35-36
				2023/1858/REM approved 24.01.24	1	2	3	4	5	6	7	8	9	10
				Reserved Matters by April 2024		20	30	50	50	50	50	20		
				Development start by end 2024	Capable of substantial delivery in plan period									
				Delivery in Years 2 - 8	Reccomended as a proposed allocation									

<b>NRAD0008</b> Land at Beauchamps Drive, Midsomer Norton	Greenfield site on edge of Midsomer Norton/Westfield with sustainability confirmed at appeal Not counted or promoted in post-JR LPP2 Good prospects of delivery and limited constraints	75	75	2021/0157/OTS approved 26.05.21	24-25	25-26	26-27	27-28	28-29	29-30	30-31	32-33	33-34	35-36	
				2022/2207/REM approved 06.12.23	1	2	3	4	5	6	7	8	9	10	
				Development start in Year 1		25	25	25							
				Delivery in Years 2-4	Site can be completely delivered in Plan period										
					Reccomended as a proposed allocation										
<b>STR146</b> Land to r/o Crispin Centre	Redevelopment of vacant supermarket and retail units to rear of High Street frontage. Proposed retirement living apartments <b>Issues:</b> Conservation Area and constrained site - so delivery estimated at 40 units.	40	40	2023/2639/FUL under consideration for 51 dwellings	24-25	25-26	26-27	27-28	28-29	29-30	30-31	32-33	33-34	35-36	
					1	2	3	4	5	6	7	8	9	10	
								40							
					Site can be completely delivered in Plan period										
					Reccomended as a proposed allocation										
<b>STR001 -</b> Land adj to Brooks Farm/ Brooks Road, Street	Land already indicated as suitable for housing in adopted Plan (Future Growth Area). Promoted for 160 dwellings /but allocation but approx 120 in FGA in northern part of the site. Around 60 dwellings could come forward in 5 years on land adj Brooks Road,	120	60	Active discussions on masterplan area	24-25	25-26	26-27	27-28	28-29	29-30	30-31	32-33	33-34	35-36	
				Landowners . Not formal application	1	2	3	4	5	6	7	8	9	10	
				Policy Update in Yr 1 and application				30	30						
				Permission in Yr 2 and delivery Yr 4-5	Site can be completely delivered in Plan period										
					Reccomended as a proposed allocation										
<b>GLAS122</b> Land at Norbins Road, Glastonbury	Brownfield site close to town centre. Council affordable housing scheme on own land (car park) Not previously included in examined housing supply. <b>Issues</b> - Council/promoter yet to agree phosphate mitigation and progress stalled	6	6	2021/2640/FUL	24-25	25-26	26-27	27-28	28-29	29-30	30-31	32-33	33-34	35-36	
				Permission by Mid 2025	1	2	3	4	5	6	7	8	9	10	
				Delivery by Years 4 and 5					6						
					Site can be substantially delivered in Plan Period										
					Reccomended as a proposed allocation										

<b>GLAS122</b> Land at Norbins Road, Glastonbury	Brownfield site close to town centre. Council affordable housing scheme on own land (car park) Not previously included in examined housing supply. <b>Issues</b> - Council/promoter yet to agree phosphate mitigation and progress stalled	6	6	2021/2640/FUL	24-25	25-26	26-27	27-28	28-29	29-30	30-31	32-33	33-34	35-36	
				Permission by Mid 2025	1	2	3	4	5	6	7	8	9	10	
				Delivery by Years 4 and 5					6						
					Site can be substantially delivered in Plan Period										
					Reccomended as a proposed allocation										
<b>WELLS127</b> Wells Police Station, Wells	Brownfield site within development limits with full permission. Not included in examined housing land supply. <b>Issues</b> - fresh application submitted to remove affordable contribution. This may delay development start if not agreed- risk of appeal	47	47	2020/2234/FUL	24-25	25-26	26-27	27-28	28-29	29-30	30-31	32-33	33-34	35-36	
				Churchill Living	1	2	3	4	5	6	7	8	9	10	
							47								
				Development start in Year 2	Site can be completely delivered in Plan period										
				Delivery by Year 4	Reccomended as a proposed allocation										
<b>COLE014</b> Anchor Lane Coleford	Village greenfield site with sustainability confirmed at appeal. Village not otherwise constrained or subject to phosphates mitigation. An allocation would retain certainty of the outline permission. <b>Issues:</b> Gladman have not progressed outline to date	63	63	2019/2345/OTS appeal 21.10.21	24-25	25-26	26-27	27-28	28-29	29-30	30-31	32-33	33-34	35-36	
				Gladman	1	2	3	4	5	6	7	8	9	10	
				Reserved Matters in Yr 1				30	33						
				Promoter/developer in Yr 2	Site can be completely delivered in Plan period										
				Devt start in Yr 3	Reccomended as a proposed allocation										
	Delivery in Years 4 and 5														
<b>Totals</b>		754	544												
<b>Summary of Proposed Allocations</b>				<b>10</b>	sites capable of delivering 544 dwellings in remainder of the plan period to 2029										

## Appendix 2: Details of the Court Order

Copies of the judgement and Court Order\*\* are online at [6](#).

The Court Order requires the Council to:

- (a) Review and reconsider allocations to meet the former Mendip District wide requirement for an additional 505 dwellings in accordance with LPP1 Core Policies 1 and 2 and the Judgment of the Court; and
- (b) In light of the review, prepare and publish modifications to LPP2 which allocate sites to meet the additional requirement.

This Order was amended on 14<sup>th</sup> July 2023 to add specific dates by which key stages of the review must be undertaken<sup>1</sup>. These are as follows:

- Undertake a call for sites for the 505 dwellings within 28<sup>th</sup> days from 14 July 2023 for at least six weeks (42 days).
- Publish a Reg 18 statement with proposed allocations by 31<sup>st</sup> December 2023
- Publish a Reg 19 draft plan for representations by 31<sup>st</sup> March 2024
- Submit draft modifications for the LPP2 to the SoS by 1<sup>st</sup> July 2024.

An application was made by Somerset Council to the High Court on 18<sup>th</sup> December 2023 to vary the dates in the Order to

- Publish a Reg 18 statement with proposed allocations by 28<sup>th</sup> February 2024
- Publish a Reg 19 draft plan for representations by 30<sup>th</sup> June 2024
- Submit draft modifications for the LPP2 to the SoS by 1<sup>st</sup> October 2024.

The Council understands modifications' as set out in the Order should be interpreted as undertaking a limited update of the adopted Mendip Local Plan Part II. The update will identify additional site allocations with the capacity to meet 505 dwellings and will be strictly limited to this exercise. The review will not revisit any other issues in relation to other LPP2 policies. The partial update will also require sites to be subject to Sustainability Appraisal and the council will need to undertake Habitat Regulations where there is a significant effect

\*\* Case Number CO323/2022 - Norton St Phillip Parish Council (Claimant) and Mendip District Council (Defendant)

WORKING DRAFT



# **Initial Consultation Statement**

February 2024

**DRAFT**

<b>Version</b>	<b>Purpose</b>	<b>Date</b>
1	For Regulation 18 consultation	Tbc

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# Introduction

Somerset Council agreed on 10th July 2023 to undertake a limited update of the Mendip Local Plan Part II to comply with the directions of a High Court Order. This followed a Judicial Review into the Local Plan Part II which resulted in five site allocations being deleted from the Plan. The Order requires Somerset Council to review and reconsider housing sites to provide for at least 505 dwellings. As the Council is making changes to a development plan, proposed sites are subject to a formal consultation process before submission for public examination.

This Initial Consultation Statement explains how Somerset Council will undertake the first stage of the consultation process. It will be updated before formal consultation and submission.

This statement covers:

- The legal and council standards that apply.
- The purpose of the consultation and specific issues to be addressed.
- Who, how and when we are consulting.
- What documents we are consulting on.
- Where documents will be available and how responses can be made.
- Details of consultation and engagement in preparing the proposals to date.
- Future consultation stages.

# Consultation Requirements

## Local Development Scheme

A Somerset Local Development Scheme (LDS) was approved on 4<sup>th</sup> October 2023. The LDS set out the formal planning documents that will be produced by Somerset Council and timescales for production.

The LDS sets out the scope and target timescales for the exercise, confirming the update as being limited to the re-consideration of housing allocations for 505 dwellings across the former Mendip district. It also confirms the allocations will be assessed against the adopted Mendip Local Plan strategy contained in Policies CP1 and CP2.

## National Requirements for Consultation

There are minimum requirements for public engagement which cover local development plans. These are mandated in legislation and planning regulations. Relevant legislation forms part of the Town and Country Planning Act and Planning and Compulsory Purchase Act, together with Environmental Assessment of Plans and Programmes Regulations 2004, and the Conservation of Habitats and Species Regulations. The Council aims to meet and, where appropriate, exceed these requirements.

Development Plans are subject to Strategic Environmental Assessment (SEA) in accordance with European Directive 2001/42/EC (SEA Directive) and associated Environmental Assessment of Plans and Programmes Regulations 2004 (SEA Regulations).

Habitat Regulations Assessment (HRA) must be undertaken in accordance with Article 6(3) of the EU Habitats Directive and with Regulation 63 of the Conservation of Habitats and Species Regulations 2017 (as amended).

## Somerset Council Requirements

Somerset Council's commitment to effective community engagement for development plans and applications is set out in its [Statement of Community Involvement](#) (SCI) 2023. The partial update of the Local Plan Part II is subject to the requirements in the SCI and the Council will need to demonstrate this at examination.

# Purpose of the Consultation

This first public consultation stage invites responses on the proposed allocations. The Council is inviting responses on the sites proposed in the document, alternative options and the Council's approach. The consultation only makes proposals in the former Mendip District (Somerset East) area.

The consultation is intended:

- to ensure that views of statutory consultees, communities and other stakeholders are captured and considered.
- to inform the final proposals for inclusion in the Local Plan Part II.
- to demonstrate that consultation has been undertaken in compliance with the Council's Statement of Community Involvement and to fulfill the legal requirements set out in planning and environmental legislation.

## Specific Issues for this Consultation

There are a number of specific issues to be taken into account:

- The scope of this review is limited to the identification of sites for the 505 dwellings, as set out in the High Court Order. Comments will therefore be sought on the proposed sites and not more widely on the Mendip Local Plans Part I and II.
- The review focuses on the Somerset East area (the former Mendip area) and not Somerset as a whole.
- In order to accord with the High Court Order, the timescale for the review and updating of the plan proposals is very limited. As such, the design of the online response form needs careful consideration in order to allow for the efficient processing of representations.
- The use of the Council's consultation software will need to be maximized to ensure the majority of responses are received via the online consultation form (held in Citizen Space). This will reduce the time required to process the responses.
- Technical terms / planning jargon and the use of acronyms will need to be explained.
- A number of the proposed sites are current planning applications. This will need to be made clear in the consultation material so that respondents understand the context of the site on which they are commenting.
- There is a need for clarification on the role of this update and the forthcoming Somerset Local Plan. It will need to be clearly set out that this work relates to the Mendip Local Plan Part II and not the emerging Somerset Local Development Plan.

# Consultation Arrangements

## Time Period for Consultation

Consultation on the proposed site allocations document will take place from late February to early April 2024. Exact dates are still to be finalised. The SCI advises that the consultation should be over a minimum of six weeks. There will be some additional days as the consultation runs over Easter Bank Holidays.

## Who are we Consulting?

The council will notify:

- 1) Specific Consultation Bodies as set out in Appendix A of the SCI. This includes town and parish councils.
- 2) Specific organisations and bodies from the groups listed as General Consultation Bodies in Appendix A of the SCI. These will be organisations and bodies with a particular interest around plan-making in the Somerset East (former Mendip) area. These will be identified from contacts which have taken part in previous Mendip Local Plan consultations.
- 3) Landowners/promoters who responded to the call for sites.

There are also specific consultees in relation to the Sustainability Appraisal and Habitat Regulations Assessment:

- The SEA Regulations require the Council as 'responsible authority' to consult specific consultation bodies (Natural England, Historic England and Environment Agency) before making a determination of whether or not a plan or programme is likely to have significant environmental effects.
- The Habitat Regulations require the Council as 'plan making authority' to consult Natural England in determining whether a plan is likely to have a significant effect on a European site or a European offshore marine site and have regard to any representations made by that body within such reasonable time as the authority specifies.

The nature of the consultation means that the Council will particularly rely on Somerset East elected members and responses from town and parish councils. The Council will not be notifying individuals who participated in the Local Plan Part II process given the length of time since this process concluded.

## Availability of Documents

Documents and guidance notes will be published on the Somerset consultation portal: [Somerset Council - Citizen Space](#).

Hard copies of the consultation documents will also be available to view at the Shape Mendip offices in Shepton Mallet. Documents can also be viewed online from other Somerset Council hub offices.

## **Publicity / Consultation Methods**

The SCI advises that a variety of methods will be used to advertise the consultation and encourage response.

This consultation will be publicised in the following ways:

- In local press covering the Somerset East (former Mendip) area
- Via the Somerset Consultation portal - [Somerset Council - Citizen Space](#)
- On the Mendip Local Plan pages - [Adopted Local Plans \(somerset.gov.uk\)](#)
- Through posts on the Somerset social media channels
- Via online briefings for stakeholders
- In the Plan-IT newsletter (see below)

Given the narrow scope of this site allocations exercise and extent of permitted sites, this consultation will not involve public meetings or in-person 'drop-in' sessions.

## **Plan-It Newsletter**

Details of this consultation will be publicised via the Plan-It Somerset newsletter. The newsletter is sent out to:

- a) individuals and organisations who have contacted the council and expressed an interest in being involved with the development of local plans and planning policy.
- b) individuals and organisations who have self-subscribed.

The online link to register for Plan-IT newsletters is <https://www.somerset.gov.uk/email-updates>.

## **Process for Responding to the Consultation**

Responses to the consultation can be made:

- Online via the response form on the Council's consultation portal - [Somerset Council - Citizen Space](#).
- By email to [planningpolicyeast@somerset.gov.uk](mailto:planningpolicyeast@somerset.gov.uk).
- By post to Planning Policy, Council Offices, Cannards Grave Road, Shepton Mallet, BA4 5BT.

Online and hard copy response forms will contain notices to ensure General Data Protection Regulations are followed. This will clarify that personal data is only required and retained

where proportionate and necessary, is only gathered where explicit consent has been provided, is kept securely, and is not disclosed to others.

### **Handling of Responses**

Response submissions will be acknowledged when submitted via the consultation portal. The Council may publish redacted submissions to the consultation, but this will only be as part of the material at Publication Stage (Regulation 19).

The Council will produce an updated consultation statement containing a summary of responses to the consultation and any revisions or actions taken as a result.

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# Consultation Documents

## Draft Site Allocations Report

The main subject of this consultation is a **Draft Site Allocations Report**. This identifies the proposed housing allocations which will count towards the 505 dwellings and outlines the process in the choice of sites.

The site allocations report is supported by a **summary of site options by settlement**. This will include maps of available land promoted in the call for sites with brief details from the sustainability appraisal and site assessments. It will be published separately as an appendix to the main consultation report.

The Council will also publish documents containing the site assessments in more detail.

## Sustainability Appraisal and Habitat Regulations Assessment

The Council is also consulting on the following:

- Sustainability Appraisal Scoping Report
- Sustainability Appraisal Report (Regulation 18) - this includes a schedule of Sustainability Assessments for individual sites as an appendix
- Habitat Regulations Assessment Report

## Supporting Documents

A number of monitoring reports are referenced in the main consultation document and will be available online:

- Statement of 5-year housing supply
- Brownfield Register 2023
- Monitoring Report 2023
- Village growth monitor

The council may also publish information on sites not confirmed as available.

## Format of the Consultation Documents

The Council have been advised by the Planning Inspectorate that it does not have to publish the whole of the Local Plan Part II each time with proposed changes. The focus of the Regulation 18 consultation is the proposed sites. The final publication document will contain more detail on the sites / allocation requirements in policy and other 'consequential' changes. The council may also highlight any minor corrections to the adopted plan at this stage.

# Consultation and Engagement to Date

## Commencement Notice for the Local Plan Part II Limited Update

Notice was given to all statutory consultees of the Council's intent to prepare an update to the Mendip Local Plan Part II. The form of the notice is shown in Appendix 1. Notices were sent out from 24<sup>th</sup> July 2024. Four responses were received - two from statutory consultees and two from Parish Councils.

## Call for Sites Exercise

A call for sites exercise, covering the Somerset East area, took place between 24<sup>th</sup> July and 4<sup>th</sup> September 2023 inviting details of land available for housing development or re-confirmation of sites previously identified through the Local Plan Part II.

This was specifically focused on landowners and development industry contacts. A list of consultees that were notified can be found in Appendix 2. The call for sites letter is shown in Appendix 3.

Publicity for the call for sites exercise was via:

- Somerset Council Local Plan pages and the Consultation Portal 'have your say'.
- A 'Somerset Matters' article in the local press (Mendip area).
- Social media channels (twitter/X).
- Officer updates to the Somerset Agents Forum and Somerset East Agents Forum.

## Responses to the Call for Sites

The Council received 141 submissions to the call for sites. The Council also identified 30 additional sites for consideration.

Submissions made to call for sites	141
Re-promoted sites	83
New sites	51
Sites in planning	30
Total candidate sites	164

## Engagement in Preparation of Proposals

An online briefing for Parish Councils was held on 26th September 2024. Copies of the slides can be found online - [Adopted Local Plans \(somerset.gov.uk\)](https://www.somerset.gov.uk/adopted-local-plans).

A briefing for Somerset East division members was held in July 2024, followed by an in-person workshop and online briefing.

Internal briefings were held with Somerset Council technical officers (minerals/waste, highways, flooding, ecology) providing input to site options in the preparation of consultation reports.

#### Duty to Co-operate Meetings with Bath and North East Somerset (BaNES)

Officers have had regular meetings with neighboring planning authorities including Bath and North East Somerset (BaNES). There have been additional meetings to discuss responses to the call for sites and land promoted on their boundary. BaNES are currently commencing their own development plan review (2022-2042).

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# Next Steps

Following the Regulation 18 consultation, the Council will produce a final version of the proposed sites and changes to the Local Plan Part II (Regulation 19). This Initial Consultation Statement will also be updated with a summary of responses to the consultation and any revisions or actions taken as a result.

There will be a further six week consultation period where representations can be made. These responses, along with all the consultation documents, will be submitted to the Planning Inspectorate and considered by the Local Plan Inspector at Examination.

A summary of this timetable is set out below:

MENDIP LOCAL PLAN PART II	
Late February - mid April	<p><b>Consultation on Proposed Site Allocations</b> (Regulation 18)</p> <p><b>Consultation on Sustainability Appraisal Scoping Report and Sustainability Appraisal Report</b></p> <p>Supporting Documents:</p> <ul style="list-style-type: none"> <li>• Initial Consultation Statement (Regulation 18)</li> <li>• Summary of site options by settlement</li> <li>• Individual site assessments</li> </ul>
April - June 2024	<ul style="list-style-type: none"> <li>• Collation and review of responses</li> <li>• Recommendations for changes to sites in light of submissions</li> <li>• Finalising site allocations policies</li> <li>• List of other changes to Local Plan Part II</li> <li>• Updates to SA, HRA and Consultation Report</li> <li>• Updates to Policies Map</li> </ul>
Late June – early August 2024	<p><b>Final Site Allocations</b> consultation (Regulation 19)</p> <p>Consultees invited to make representations on the final site allocations report. Representations made are submitted to the Planning Inspectorate for examination.</p>
August / September 2024	Finalise representations and submission documents
By 30th September 2024	Submission to Planning Inspectorate
October 2024	Examination process starts. Appointment of Inspector. Examination dates scheduled.
Nov 2024 - Spring 2025	Examination period / Hearings (if required). Inspectors Report and adoption.

# Appendix 1: Combined Notice

## Call for Sites Consultation – Statutory Notification

**Mendip Local Plan Part II – Sites & Policies - adopted 2021 with revisions December 2022.  
Notification of policy changes to an adopted Development Plan**

Dear Sir/Madam

I am writing to notify<sup>2</sup> you that Somerset Council is commencing a limited update to the adopted Mendip Local Plan Part II (Sites and Policies) Plan. Mendip Council became part of the new Somerset Council on 1<sup>st</sup> April 2023. The Mendip Local Plan Parts I and II remain in force for the determining Planning applications former Mendip District area.

Following a statutory review (Judicial Review) judgement upheld on 16<sup>th</sup> December 2022, Mendip Council was subject to a High Court Order to strike out and re-consider five housing sites in the Part II Plan totalling just over 505 dwellings. This obligation has now passed to Somerset Council which has started work to re-assess these and alternative sites across the former Mendip District. The [remaining sites](#) and policies in the Mendip Local Plan Part II are not affected by this update.

An update to the Order was made on 14<sup>th</sup> July 2023 which sets dates by which consultation will take place on proposed housing sites and policies. These are:

- A preferred options sites consultation by 31<sup>st</sup> December [2023](#) (Regulation 18);
- Publication of proposals by 31<sup>st</sup> March 2024 (Regulation 19); and
- Submission to the Planning Inspectorate for examination by 1<sup>st</sup> July 2024.

The Council is currently inviting submissions of suitable sites or confirm/update existing available land already in our records for consideration. This will be used as evidence in the re-assessment. See [Mendip Local Plan Part 2 - Call for sites - Somerset Council - Citizen Space](#). The deadline for this Mendip call for sites survey is Monday 4<sup>th</sup> September 2023.

The call for sites is only for housing sites in the former Mendip District area and capable of delivery within the Mendip Local Plan Period to 2029. The scope of the review is defined by the High [Court](#) and it is not considered the Council will be looking to allocate more than 505 dwellings in this exercise. Existing and application sites may also count towards the 505 total. No changes to the growth targets or the adopted spatial strategy are [planned](#) and the review of site allocations will focus on the towns and primary/secondary villages identified in the Local Plan Part 1

Information and updates on the site allocations review and legal background can be found online – see [Adopted Local Plans \(somerset.gov.uk\)](#) (select Mendip area) . If you have any further enquiries or questions, please use this email address [planningpolicyeast@somerset.gov.uk](mailto:planningpolicyeast@somerset.gov.uk)

This review is separate from Somerset Council bringing forward new a development plan for the unitary authority area. This will replace the adopted plans in the former districts. Details on the timescales for the Somerset wide plan will be published later this year.

Yours sincerely

Andre Sestini

## Appendix 2: Call for Sites Consultees

CALL FOR SITES - SUMMARY OF EMAIL AND WRITTEN NOTIFICATIONS			
		Contacts	Date
Group	Description of Contact		
1	SHLAA Contacts with an email address	158	24.07.23
2	SHLAA contacts - private -without an email address	28	27.07.23
3	Local Planning Authority contacts	3	
4	Local Plan Part II Database - developer contacts	187	24.07.23
5	Somerset East Agents Forum	117	24.07.23
6	Somerset East Councillors - emailed 14th July and briefing 25th July		
7	Pre-application contacts	10	31.07.23
8	Towns,Parishes, Adjoining Parishes - combined notice/ link to survey	95	27.07.23
9	Statutory consultees - combined notice - link to survey	49	27.07.23
10	Others	1	
		648	

SHLAA refers to Strategic Housing Land Availability Assessment

# Appendix 3: Call for Sites Letter

## Call for Sites Consultation Letter

Dear Sir/Madam

### **MENDIP LOCAL PLAN PART 2 - CALL FOR SITES**

You are receiving this letter as you previously submitted site details to the former Mendip District Council of land available for development between 2015-2022.

This Council is now updating its information for the Mendip area and this letter contains details of how you can confirm the land is still available for development.

Please use this email: [planningpolicyeast@somerset.gov.uk](mailto:planningpolicyeast@somerset.gov.uk) if you wish to be removed from this contact list or this is no longer relevant.

### **Background**

Following a Judicial Review, five housing allocations totalling just over 505 dwellings were removed from the Mendip Local Plan Part II in December 2022. The Council is required to review and re-assess these sites and other available land district wide. Identified sites will be subject to consultation and re-submission to the Planning Inspectorate for examination.

### **Types of sites and how to submit**

The Council is inviting agents and landowners to submit suitable sites or confirm/update existing available land already in our records for consideration.

Submission of sites should be through the Somerset Council Consultation Portal which can be found [here](#). [Citizenspace - Call for Sites](#)

It should be noted that this call for sites is only for:

- (1) Housing land or mixed use sites including housing
- (2) Sites capable of housing delivery within the Mendip Local Plan Period to 2029

We are encouraging use of an interactive map which allows you to add new sites or update previous records.

### **Deadline and 2023 Somerset call for sites**

The deadline for this Mendip call for sites exercise is Monday 4<sup>th</sup> September 2023.

### **Further Information**

Additional information on the review can be found online – see [Adopted Local Plans \(somerset.gov.uk\)](#) (select Mendip area).

It is also envisaged the policy team will holding meetings with developers or promoters to discuss development proposals for this exercise.

The Council expect to publish preferred options before the end of 2023.

Please use the email address [planningpolicyeast@somerset.gov.uk](mailto:planningpolicyeast@somerset.gov.uk) if there are any technical difficulties or questions on the call for sites.

Yours sincerely

|

**Andre Sestini**

Principal Planning Policy Officer  
**Somerset Council**

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# **Mendip Local Plan Part II Limited Update**

## **Appendix 3 to Proposed Allocations Consultation Report**

### **Summary of Site Options by Settlement**

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[Chilcompton, Binegar, Gurney Slade, Oakhill](#)

[Coxley](#)

[Cranmore, Coleford, Leigh on Mendip, Holcombe, Stoke St Michael](#)

[Evercreech and Ditcheat](#)

[Meare and Westhay](#)

[Rode, Norton St Phillip, Beckington](#)

[Wookey, Westbury Sub Mendip, Easton, Rodney Stoke and Draycott](#)

[East and South Horrington](#)





## Frome

FROME												
Land Ref	Submission status	Site	Ha	Planning Status	CP1 & 2 compliance/ sustainable location	Policy Conflict	Site suitability/ Delivery by 2029	Delivery Risk by 29	Sustainability Appraisal - impacts	Strategic constraints	Max Units	Proposed Allocation
FRO005	Application	Land at Packsaddle, Frome	3.4	2023/0864/FUL -	Edge of main town - reasonable access to local services/ limit of walking access to main centre	DP11/ DP8	Potential for short term delivery. Risks related to affordable viability/ ecology / local space community value/ STW buffer	High (risk of refusal)	mainly neutral or positive potential to mitigate	Not subject to DP27	74	No
FRO012M	New Site	Land at Marston Gate, Marston Road, Frome	1.5	2019/0884/FUL - 2020/2019/0885 commercial - both expired	Edge of main town - reasonable access to local services/ at limit of walking access to main centre	DP25 conflict	Not suitable as allocated for employment use	-	mainly neutral potential to mitigate	Yes -A36 capacity issues	40	No
FRO049	Re-promoted	Land at Cuckoo Lane, Frome	16.1	2019/0416/OTS withdrawn	Edge of main town - reasonable/poor access to local services/ limited accessibility to main centre		Not suitable	-	mainly negative/ strong negative - difficult to mitigate	Yes -A36 capacity issues	185	No
FRO061	Re-promoted	Land off Innox Hill, Frome	3.0	2013/2608/OTA - Refused. site explored in LPP2 preferred options & rejected	Edge of main town - reasonable access to local services/ accessible to main centre	DP8	Not suitable Risks related to ecology / STW buffer/ ground conditions	-	mainly neutral/negative difficult to mitigate	Yes -A36 capacity issues	90	No
FRO212	Re-promoted	Land near Whitemill, Marston Lane, Frome	1.0	2021/1395/OUT - 5 self build plots approve. Larger site unsuitable in 2018 SA	Edge of main town - reasonable access to local services/ accessible to main centre		Uncertain	High	Mainly negative/ neutral Potential for mitigation	Uncertain	25	No
FRO214M	Re-promoted	Rodden Manor Farm, Frome	11.0	None	Edge of main town - reasonable access to local services/ poor access to main centre & barriers to pedestrian access.		Not suitable		strong negatives/ difficult to mitigate	Yes -A36 capacity issues	40	No

Land Ref	Submission status	Site	Ha	Planning Status	CP1 & 2 compliance/ sustainable location	Policy Conflict	Site suitability/ Delivery by 2029	Delivery Risk by 29	Sustainability Appraisal - impacts	Strategic constraints	Max Units	Proposed allocation
FRO215	Re-promoted	Land North of Birchill Lane, Frome	6.7	Pre-app. Site considered unsuitable in 2018 SA	Edge of main town - reasonable access to local services/ poor access to main centre		Not suitable - Risk as adjacent to permitted / allocated sites still to be built.	High	strong negatives/ difficult to mitigate	Yes -A36 capacity issues	120	No
FRO218	Application	Land Off Adderwell, Frome	0.8	2021/0050/FUL	Within town - good access to centre and services . Vacant site.		Yes - deliverable by 2029	Low	Mainly positive/ strong positive	No	25	Yes
FRO225a	Application	Selwood Garden Village, Frome	96.7	2021/1675/EOUT	CP1/CP2 - change to balance of growth/ Some parts of site are edge of main town/ some more remote. Access to services depends on these being delivered in masterplan.		No - Masterplanned town extension coming forward for determination mid 24. Scale site not supported by LPP1.	High	Uncertain - mitigation issues being explored-addressed in masterplan	Yes -A36 capacity issues	1700	No
FRO227	Application	Land At North Parade Car Park, Frome	0.4	2023/0657/FUL Affordable scheme on council land	Brownfield town centre site		Yes - can be delivered in plan period	Moderate	neutral/ strong positive	None	18	Yes
FRO229	Permission	The Ring Of Bells, 75 Broadway, Frome	0.1	2019/2535/FUL - expired permission 13.03.2020	Within town - good access to centre and services . Vacant Pub.		No - vacant since 2013/14 . No progress on site and no evidence it will come forward.	High Risk	Mainly neutral/ positive	None	6	No
FRO230	Permission	Vallis House, 57 Vallis Road, Frome	0.3	2021/1757/PAO prior approval not required	Within town - good access to centre and services . Office conversion		Screened out as scheme will complete before submission	n/a	mainly neutral/ positive	None	31	Screened out
FRO233	New Site	Land to the East of Oldford Hill, Frome	34.3	Pre-app engagement	Very edge of main town - limited access to local services and distant from main centre		Not suitable	Very High	strong negative/ negative difficult to fully mitigate	Yes -A36 capacity issues	420	No
FRO240	New Site	Land West of Marston Lane, Frome	12.4	2022/0616/OUT Refused at appeal	Edge of main town - reasonable access to centre and services		Not suitable - see appeal	Very High	strong negatives / difficult to mitigate	Yes -A36 capacity issues	150	No
FRO242	New Site	Land to NE and S. of Berkley Roundabout, Frome	23.6	Part allocated as Future Employment Area	Part identified as Future Employment Growth area / Edge of main town with poor access/ to centre and services & barriers to pedestrian/ cycle access.	Conflict DP25	Not suitable	Very High	negative/ strong negatives difficult to mitigate	Yes -A36 capacity issues	410	No

Land Ref	Submission status	Site	Ha	Planning Status	CP1 & 2 compliance/ sustainable location	Policy Conflict	Site suitability/ Delivery by 2029	Delivery Risk by 29	Sustainability Appraisal - impacts	Strategic constraints	Max Units	Proposed allocation
FRO243	New Site	Land East of Vallis Road, Frome	21.5	None	Edge of main town - reasonable access to centre and services		Not suitable	Very High	strong negatives/ difficult to mitigate	Yes -A36 capacity issues	100	<b>No</b>
FRO244	New Site	Land off Styles Lane, Frome	11.9	None	Edge of main town - good access to centre and services	SW Flooding	Not suitable	Very High	mainly negative/ some potential to mitigate	Yes -A36 capacity issues	160	<b>No</b>
FRO245	New Site	Land at Claybatch Farm, Frome	2.4	None	Edge of main town - reasonable access to local services. Poor access to main centre		Not suitable	Very High	mainly negative/ difficult to mitigate	Yes -A36 capacity issues	60	<b>No</b>

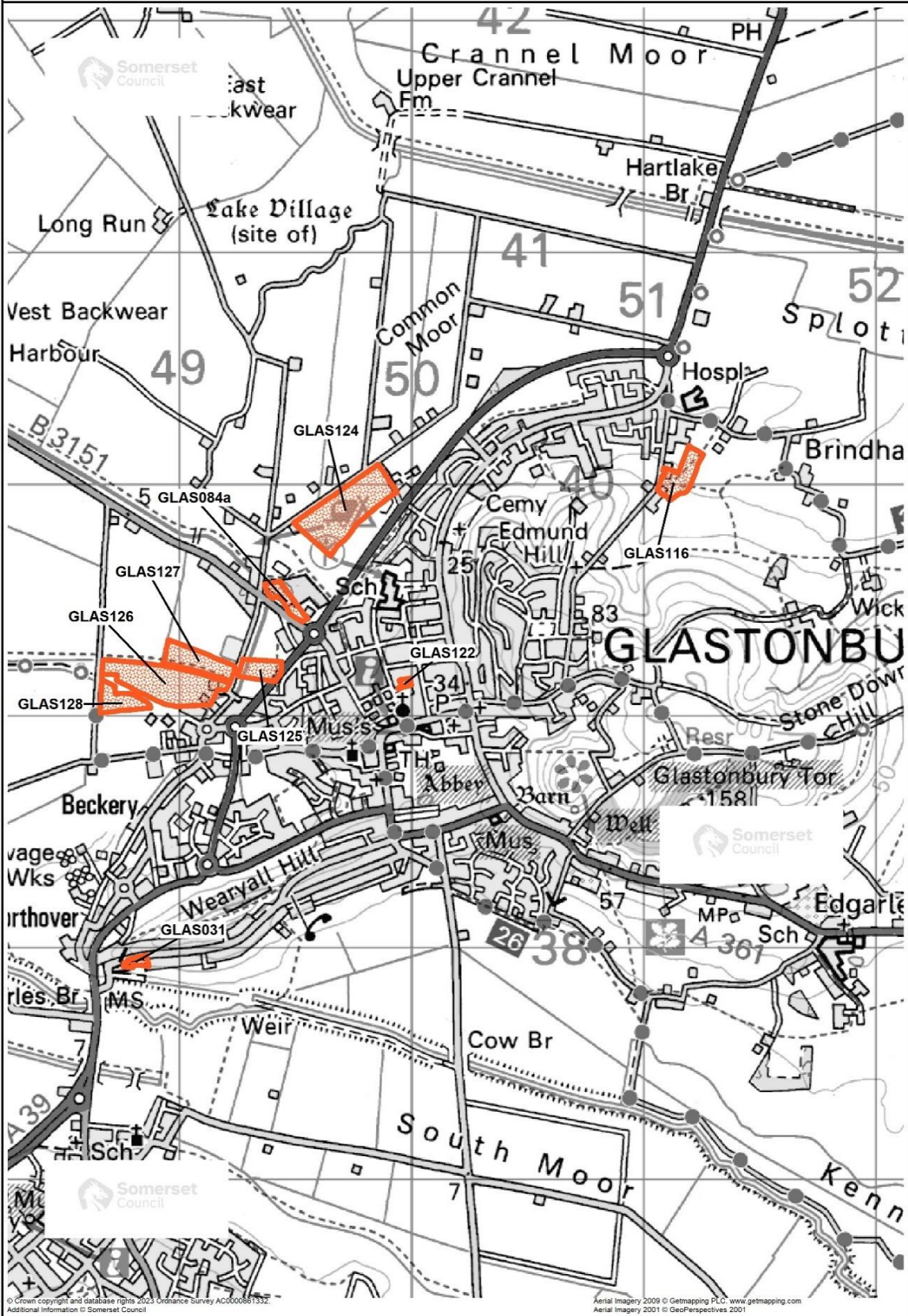
**Mendip Site Allocations Review - Housing Sites**  
**Eligible Applications, Permissions & Land Promoted in the Call for Sites**



Notes: For information only, excludes adopted allocations/commitments pre-2019

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## Glastonbury

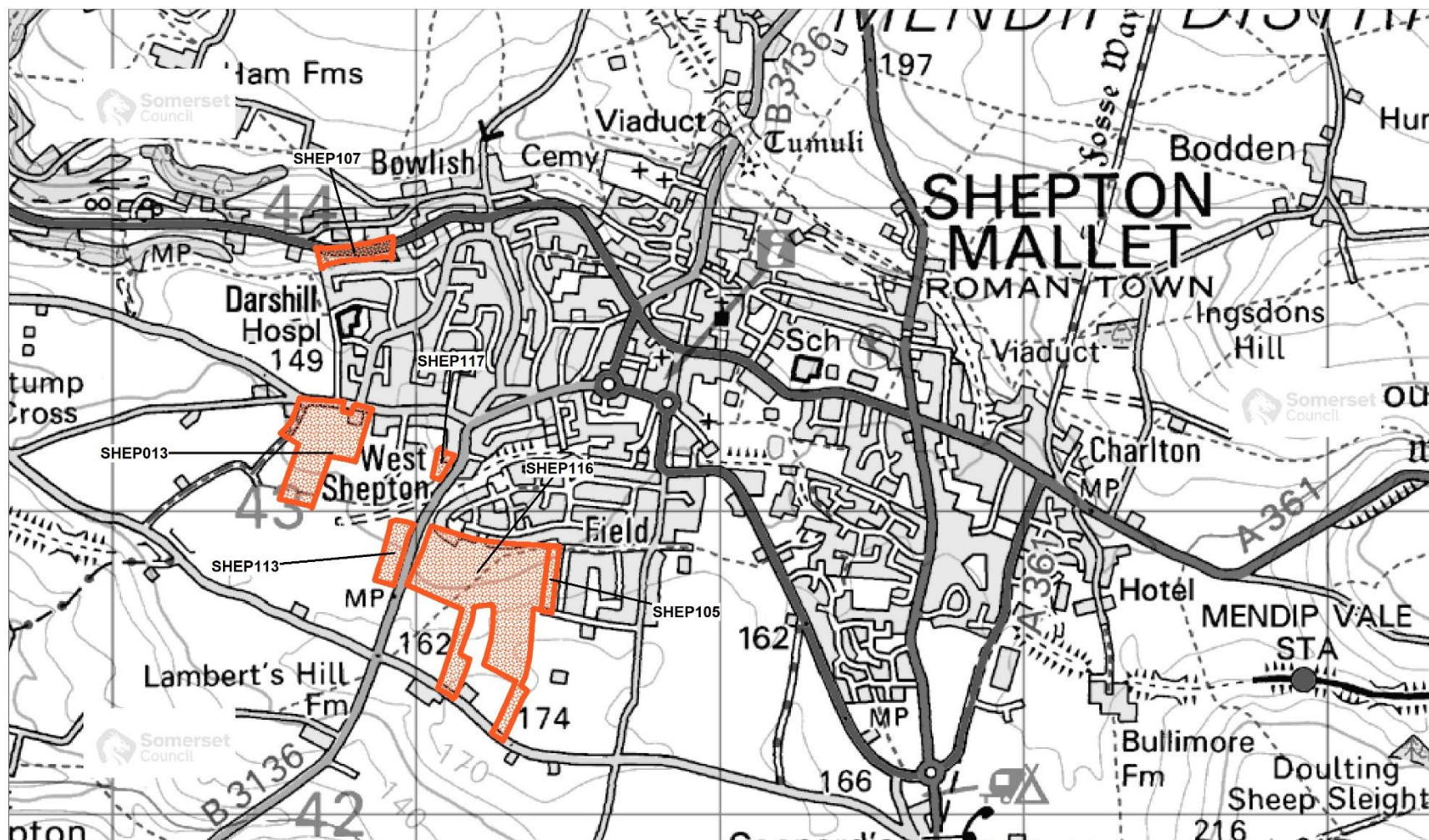
GLASTONBURY												
Land Ref	Submission status	Site	Ha	Planning Status	CP1 & 2 compliance/ sustainable location	Other Policies	Substantial Delivery by 2029	Delivery Risk by 29	Sustainability Appraisal -impacts	Strategic constraints	Max Units	Proposed allocation
GLAS031	Re-Promoted	Land nr W. End of Roman Way, Glastonbury	0.4	PIP application refused	Edge of main town - poor pedestrian and cycle links	DP4(2)	No - Conflict with special landscape area/ prev. refusal	Very High	Mainly negative. /Difficult to fully mitigate	Phosphates	8	No
GLAS084a	Re-promoted	Land and Buildings at Northload Bridge, Glastonbury	1.0	2023/0012/FUL Refused 29.09.23. site considered unsuitable in 2019 SA	Edge of main town - access to centre and services constrained by poor pedestrian & cycle links		No - range of grounds in recent refusal	Very High	mainly negative/ difficult to fully mitigate	Phosphates - could be mitigated	27	No
GLAS116	Re-Promoted	Land at Pear Tree Farm, Glastonbury	2.1	Pre-app to extend recent development	Edge of main town - good access to centre and services	DP4(2)	No - Conflict with special landscape area. Proposal may be revised, but there are highways concerns.	Very High	negative/ strong negatives/ difficult to mitigate	Phosphates	35	No
GLAS122	Application	Land At Norbins Road Car Park, Glastonbury	0.2	2021/2640/FUL. Council Land / Affordable Housing scheme	Within settlement limit/brownfield main town - good access to centre and services		Yes- small site can be delivered within plan period. Main delivery risk is securing phosphate mitigation.	Moderate	Mainly positive	Phosphates	6	Yes
GLAS124	Permission	Land at Common Moor Drove, Glastonbury	7.0	2021/2466/OUT	Edge of main town - access to centre and services constrained by bypass poor pedestrian & cycle links		Yes - can be substantially delivered within plan period - awaiting Res	Moderate	Mainly negative - but mitigation addressed in permission	addressed	90	Yes
GLAS125	New Site	Land at Dyehouse Lane, Glastonbury	1.4	None	Flood Zone 3 - unsuitable in principle	DP23	No	--	strong negative	Phosphates	33	Screened Out
GLAS126	New Site	New Close Farm, Glastonbury	6.4	None	70% of site is Flood Zone 3 - unsuitable in principle	DP23	No	--	strong negative	Phosphates	160	Screened Out
GLAS127	New Site	Land off Dyehouse Lane, S of Balancing Pond, Glastonbury	2.5	None	Majority of site is Flood Zone 3 - unsuitable in principle	DP23	No	--	strong negative	Phosphates	30	Screened Out
GLAS128	New Site	Land off Middle Drove, Glastonbury	1.6	None	Flood Zone 3 - unsuitable in principle	DP23	No	--	strong negative	Phosphates	30	Screened Out

**Mendip Site Allocations Review - Housing Sites**  
**Eligible Applications, Permissions & Land Promoted in the Call for Sites**

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## Shepton Mallet

SHEPTON MALLET												
Land Ref	Submission status	Site	Ha	Planning Status	CP1 & 2 compliance	Other Policies	Substantial Delivery by 2029	Delivery Risk by 29	Sustainability Appraisal - impacts	Strategic constraints	Max Units	Proposed allocation
SHEP013	Re-promoted	Land at Old Wells Road, Shepton Mallet	6.0	Prev applications refused	Edge of main town - good access to centre and services		No - longer term site	Very High	strong negatives/ difficult to mitigate	Phosphates	142	No
SHEP105	Application	Land off Westway Lane, Shepton Mallet	0.8	2023/1468/OUT. Prev. refusals	Edge of main town - good access to centre and services		?? - potential short-term site/ probable refusal	High	mainly positive	Phosphates/ addressed	18	No
SHEP107	Re-promoted	Land between Wells Road and Finch Close,	1.3	None	Edge of main town - good access to centre and services	SW Flood Risk	n/a - unsuitable		strong negatives/ difficult to mitigate	Phosphates	20	No
SHEP113	New Site	Land West of B3136 , Lamberts Hill, Shepton	1.4	None	Near main town but poorly related to settlement		n/a - unsuitable		strong negatives/ difficult to mitigate	Phosphates	80	No
SHEP116	New Site	Land West of Compton Road, Shenton Mallet	14.4	None	Near main town - good access to centre and services		No - longer term strategic scale site	Very High	strong negatives/ difficult to mitigate	Phosphates	350	No
SHEP117	Public Site	Land near West Shepton Playing Fields	0.4	None - but site explored for affordable devt.	Edge of main town - good access to main centre and services	DP16 - loss of Rec space	Yes - Potential short-term site	High	mainly positive/ local impacts can be mitigated	Phosphates	10	No

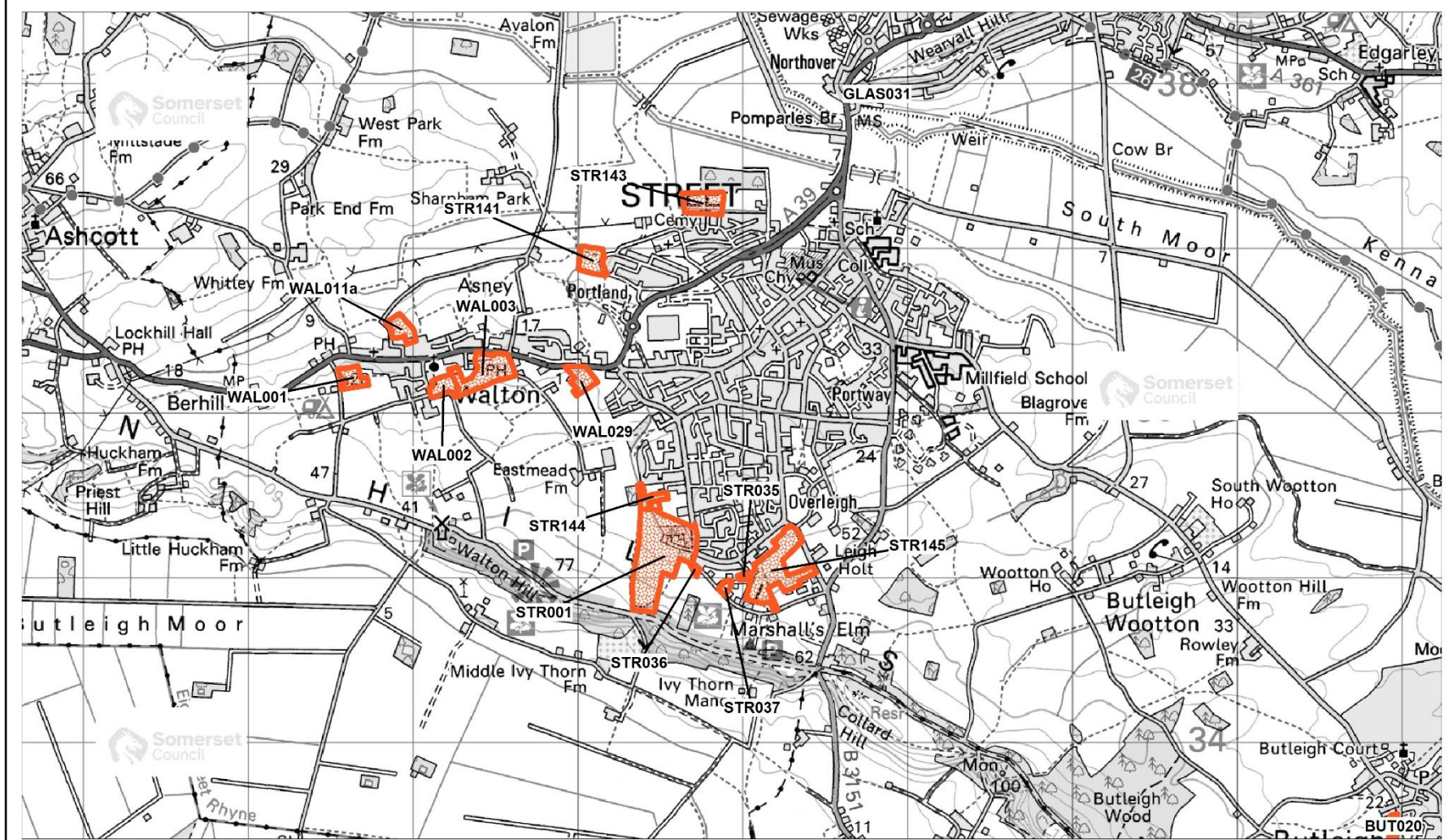
# Mendip Site Allocations Review - Housing Sites Eligible Applications, Permissions & Land Promoted in the Call for Sites



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Street and Walton

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STREET												
Land Ref	Submission status	Site	Ha	Planning Status	CP1 & 2 compliance/ sustainable location	Policy Conflict	Substantial Delivery by 2029	Delivery Risk by 29	Sustainability Appraisal - impacts	Strategic constraints	Max Units	Proposed allocation
STR001	Re-promoted	Land adjacent to Brooks Farm, Street	15.2	Part within ST3 FGA allocation/ part extension. Pre-app	Edge of main town with good access to centre and services. CP1 - not in development limit but part of site identified as Future Growth Area (Policy ST3)		Yes - potential for housing areas adj to Brooks Road to come forward	Moderate	mainly negative but norther part of site capable of mitigation	Phosphates	160	Yes
STR035	Re-promoted	Hedges Farm, Middle Brooks, Street	0.2	None. Site considered not suitable in 2018 SA	Edge of main town with good access to centre and services.		Too small for allocation	High Risk	not assessed	Phosphates	5	Screened out
STR036	Re-promoted	Land South of western corner of Higher Brooks, Street	0.2	None	Edge of main town with good access to centre and services.		Too small for allocation	High Risk	not assessed	Phosphates	2	Screened out
STR037	Re-promoted	Land adjacent to Woodlands, Higher Brooks, Street	0.4	None	CP1 - beyond development limit. Edge of main town. Moderate accessibility to services and limit of pedestrian access to centre		No unsuitable	High Risk	mainly negative / potential to mitigate a small scheme	Phosphates	6	No
STR141	Re-promoted	Land Adjacent to Houndwood Drove, Street	2.3	None	Edge of main town with modeate local services/ good access to centre		No unsuitable	High Risk	strong negatives/ difficult to mitigate	Phosphates	70	No
STR143	Re-promoted	Land North of Moorland Drive, Street	3.1	None	Edge of main town with good access to centre and services.		No unsuitable	High Risk	mainly strong negatives and difficult to mitigate	Phosphates	90	No
STR144	New Site	Land to Rear of Brookside School, Street	1.1	Part of ST3 Future Growth Area	Edge of main town with good access to centre and services.		No - uncertain if site has independent access	High Risk	mainly neutral impacts	Phosphates	?	No
STR145	Re-promoted	Land at Slugg Hill, Street	8.3	None	Edge of main town with moderate access to centre and services - depending on location		No - extent of allocation more appropriate to longer term allocation. Limited reason to bring fwd ahead of identified FGA	High Risk	mainly negative impacts with potential for mitigation	Phosphates	220	No
STR146	Application	Land to rear of Crispin Centre	8.3	None	Brownfield site in town centre		yes Potential to be delivered in plan period	Moderate	neutral/ strong positive for location - negative impacts capable of mitigation	Phosphates	40-50	Yes

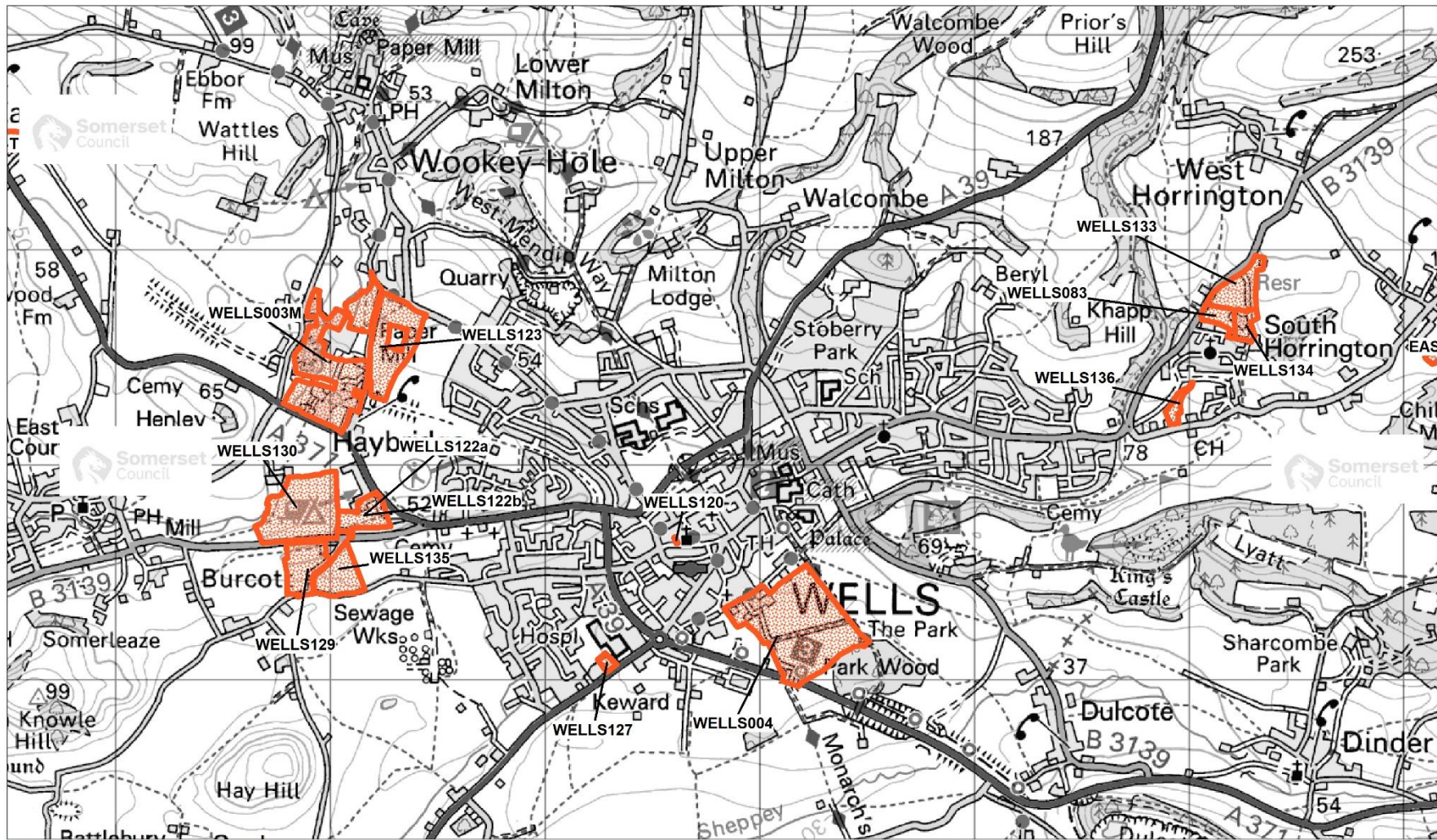
Walton												
Land Ref	Submission status	Site	Ha	Planning Status	CP1 & 2 compliance/ sustainable location	Policy Conflict	Substantial Delivery by 2029	Delivery Risk by 29	Sustainability Appraisal - impacts	Strategic constraints	Max Units	Proposed allocation
WAL001	Re-promoted	Land to the rear of 2 Higher Farm, Walton	1.7	2020/0832/OTS refused 08.08.23	Secondary village with growth above CP2 minimum/ good access to services in village		Not suitable - recent refusal	High Risk	mainly negative/ difficult to mitigate	Phosphates	6	No
WAL002	Re-promoted	Land East of 21 South Street, Walton	1.6	2019/3004/OTS - refused	Secondary village with growth above CP2 minimum/ good access to services in village		site at appeal and not suitable for allocation	High Risk	strong negatives/ difficult to mitigate	Phosphates addressed ??	37	No - at appeal
WAL003	Re-promoted	Land South of Main Street, Walton	5.3	None.	Secondary village with growth above CP2 minimum/ good access to services in village		No - site unsuitable	High Risk	strong negatives/ difficult to mitigate	Phosphates	100	No
WAL011a	Re-promoted	Land North of Walton (Creeches Lane), Walton	1.8	None	Secondary village with growth above CP2 minimum/ good access to services in village		No - site unsuitable	High Risk	strong negatives/ difficult to mitigate	Phosphates	55	No
WAL029	New Site	Land at Quarry Batch, Walton	1.9	None	Secondary village with growth above CP2 minimum/ good access to services in village		No - site unsuitable	High Risk	strong negatives/ difficult to mitigate	Phosphates	45	No

**Mendip Site Allocations Review - Housing Sites  
Eligible Applications, Permissions & Land Promoted in the Call for Sites**

Notes: For information only, excludes adopted allocations/commitments pre-2019

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# Wells

WELLS												
Land Ref	Submission status	Site	Ha	Planning Status	CP1 & 2 compliance/ sustainable location	Other Policies	Substantial Delivery by 2029	Delivery Risk by 29	Sustainability Appraisal -impacts	Strategic constraints	Max Units	Proposed allocation
WELLS003M	Re-promoted	Land South of Paper Mill and West of Haybridge Lane, Wells	13.8	Preapp. Site considered unsuitable for housing in 2018 SA	Edge of main town - good access to centre and services	Waste	No - range of constraints to be addressed	Very High	strong negatives/ flooding and habitat mitigations and settlement	Phosphates	150	No
WELLS004	Re-promoted	Land at Palace Farm, Wells	18.2	None. Promoted in LPP1/LPP2. Site considered unsuitable in	Edge of main town - good access to centre and services		No - range of constraints to be addressed	Very High	strong negatives/ flood zone 3 areas and impact on settlement	Phosphates	300	No
WELLS120	Permission	2 St Cuthbert Street, Wells	0.0	2020/0672/PAO 14.05.20	town centre/ brownfield site		No - Limited evidence of likely delivery	Very High	not assessed		7	Screened out
WELLS122	Re-promoted	New House Farm, Wells	2.8	2023/1087/OUT - 50 dwellings	Near main town - some access local services. Limit of pedestrian accessibility to main centre		No - unsuitable. Multiple site options/ cumulative impacts - at appeal	Very High	mainly negative / difficult to mitigate	Phosphates	50	No - at appeal
WELLS123	Re-promoted	Haybridge Road/Glencot Road, Wells	6.9	2020/0484/OTS 90 dwellings - refused	Near main town - some access local services. Limit of pedestrian accessibility to main centre		No - unsuitable. Multiple site options/ cumulative impacts	Very High	negatives/ strong negatives / difficult to mitigate	Phosphates	90	No
WELLS127	Permission	Wells Police Station, Wells	0.4	2020/2234/FUL	Brownfield sites in development limit- good access to main centre and services		Yes - can be delivered within plan period. Mitigation addressed	Low	mixed - some negatives (flood risk)	Phosphates addressed in	47	Yes
WELLS129	New Site	Land West of Gipsy Lane, Wells	3.8	None	Near main town - some access local services. Limit of pedestrian accessibility to main centre		No - unsuitable. Multiple site options/ cumulative impacts	Very High	negatives/ strong negatives / difficult to mitigate	Phosphates	90	No

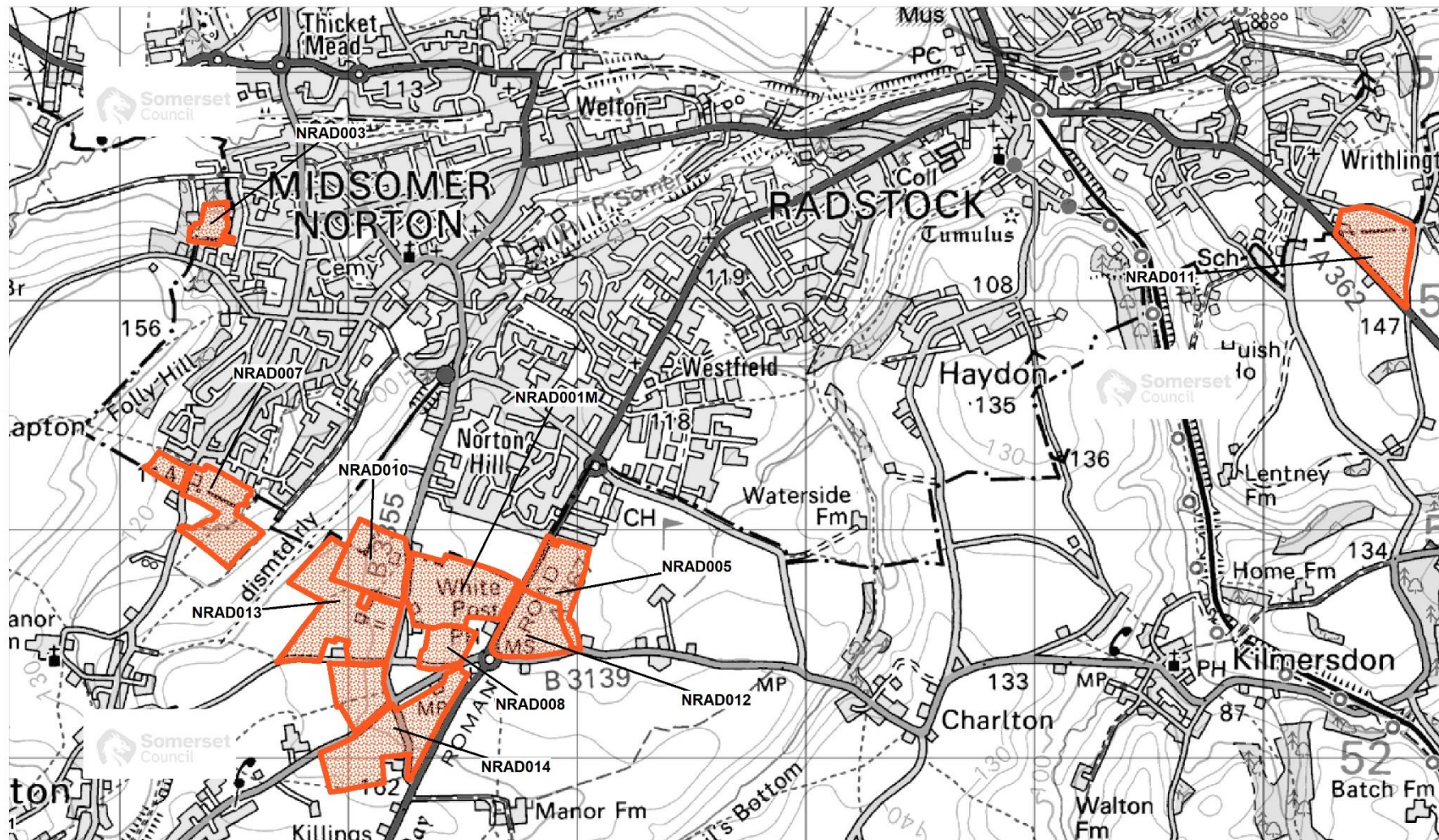
WELLS130	Re-promoted	Land North of Elm Close, Wells	9.4	None	Near main town - some access local services. Limit of pedestrian accessibility to main centre		No - unsuitable. Multiple site options/ cumulative impacts	Very High	negatives/ strong negatives / difficult to mitigate	Phosphates	200	No
WELLS083	Re-promoted	Land West of Mendip Court, South Horrington	1.3	None	CP1 - beyond development limit (South Horrington in open countryside) Poor access to local services and main centre		No-unsuitable	Very High	Strong negative/ negatives Difficult to mitigate	Phosphates	20	No
WELLS133	New	Land North of Mendip Court, South Horrington	3.3	None (Previously submitted in 2023/1515)	As wells 083		No-unsuitable	Very High	Strong negative/ negatives Difficult to mitigate	Phosphates	62	No
WELLS134	New	Mendip Court, South Horrington, Wells	1.3	Pre-app for conversion to residential / employment	As wells 083		No-unsuitable	Very High	Strong negative/ negatives Difficult to mitigate	Phosphates	10	No
WELLS135	Application	Land East of Gipsy Lane, Wells	3.4	2023/1515/OUT - application	Near main town - some access services . Limit of pedestrian accessibility		No - unsuitable. Multiple site options/ cumulative impacts	Very High	mainly strong negative / difficult to mitigate	Phosphates	47	No
WELLS136	New Site	Land South of Gilbert Scott Road, South Horrington	0.7	None	CP1 - beyond development limit (South Horrington in open countryside) some local services and poor access to main centre	DP16	Too small for allocation	- -	not assessed	Phosphates	5	Screened out

**Mendip Site Allocations Review - Housing Sites  
Eligible Applications, Permissions & Land Promoted in the Call for Sites**

Notes: For information only, excludes adopted allocations/commitments pre-2019

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## Midsomer Norton, Westfield and Radstock

MIDSOMER NORTON/ WESTFIELD RADSTOCK (BOUNDARY WITH BATH NE SOMERSET)												
Land Ref	Submission status	Site	Ha	Planning Status	CP1 & 2 compliance/ sustainable location	Policy Conflict	Site suitability/ Delivery by 2029	Delivery Risk by 29	Sustainability Appraisal - impacts	Strategic constraints	Max Units	Proposed allocation
NRAD001M	Permission	Land at White Post, Midsomer Norton	11.7	2021/1480/OTS -	Edge of town not identified in Mendip Plan hierarchy- good access to centre and services - but not in LPA area		Yes - can be substantially delivered within plan period	Low	positive / local mitigation due to services being outside LPA area	None-approved	270	Yes
NRAD003	Application	Land at Underhill Lane, Remitted site MN2, Midsomer Norton	2.3	2022/1427/FUL - refused at Committee Nov 2023	Edge of town not identified in Mendip Plan hierarchy- good access to centre and services - but not in LPA area	BaNES adopted plan conflict	Refused on distance to secondary school in somerset. High risk to delivery as access requires sep. application in BaNES LPA	High	mainly positive/ proximity to woodland - local mitigation	Requires engagement/ joint working with BaNES	58	No
NRAD005	Application	Land Southeast of A367, Remitted site MN3, Midsomer Norton	6.5	2022/0614/OUT	Edge of town not identified in Mendip Plan hierarchy- good access services - but not in LPA area.	BaNES adopted plan conflict			mainly positive	BaNes engaged with application	180	No
NRAD008	Permission	Land off Beauchamp Drive, Midsomer Norton/ Westfield	3.4	2021/0157/OTS - Granted at appeal 09/05/22	Edge of town not identified in Mendip Plan hierarchy- reasonable access to services - but not in LPA area.		Yes- can be delivered within plan period	Low	mainly positive	None-approved	75	Yes
NRAD010	New Site	Midsomer Norton RFC, Midsomer Norton/Westfield	7.9	n/a	CP1 conflict - open countryside not related to Mendip/ BaNES limit, Edge of town not identified in Mendip Plan hierarchy- good access to services - but not in LPA area.	DP16 conflict & BaNES adopted Plan	No - recreation impacts would need to be justified and would require longer term strategic engagement	High Risk	mainly positive / potential for mitigation in terms of recreation space	Requires engagement/ joint working with BaNES	70	No

Land Ref	Submission status	Site	Ha	Planning Status	CP1 & 2 compliance/ sustainable location	Policy Conflict	Site suitability/ Delivery by 2029	Delivery Risk by 29	Sustainability Appraisal - impacts	Strategic constraints	Max Units	Proposed allocation
NRAD007	Re-promoted	Land off Chilcompton Road, Midsomer Norton	9.8	None	CP1/CP2 conflict - open countryside Edge of town not identified in Mendip Plan hierarchy- access to local services not in LPA area and at limit of connectivity to main centre	BaNES adopted plan conflict	screened out - majority of proposal is in neighbouring LPA and site is not adjacent to BaNES development edge	--	mixed impacts including strong negatives - Difficult to mitigate	Requires engagement/ joint working with BaNES	120	<b>Screened Out</b>
NRAD011	New Site	Land off Old Road, Writhlington (BaNES and Mendip)	18.5	Cross-boundary application - 35 dwellings in Mendip/ 225 in BaNES see 2021/2268/OTS)	Edge of town not identified in Mendip Plan hierarchy- some access to local services but not in LPA area	BaNES adopted plan conflict	Screened out as majority of housing proposal within neighbouring LPA ( BaNES)	--	Not fully assessed but strong negative impacts on settlement /landscape	Requires engagement/ joint working with BaNES	35	<b>Screened Out</b>
NRAD012	New Site	Land N of B3139 and W of A367 (south of site MN3), Westfield	7.1	None - promoted in LPP2 issues and options	CP1/CP2 conflict - Open countryside not related to sdevelopment limit Edge of town not identified in Mendip Plan hierarchy- access to local services not in LPA area and at limit of connectivity to main centre	BaNES adopted plan conflict	No - unsuitable would require longer term strategic engagement	High Risk	mainly positive but lcoalised flood risks / potential for mitigation	Requires engagement/ joint working with BaNES	200	<b>No</b>
NRAD013	New Site	Land at Tunnel Lane, Midsomer Norton	14.2	None	CP1/CP2 conflict - Open countryside not related to sdevelopment limit Edge of town not identified in Mendip Plan hierarchy- access to local services not in LPA area and at limit of connectivity to main centre	BaNES adopted plan conflict	No - unsuitable would require longer term strategic engagement	High Risk	mainly positive/ strong negative impacts on landscape character	Requires engagement/ joint working with BaNES	300	<b>No</b>
NRAD014	New Site	Land off Wells Road, Midsomer Norton (E/W of B3355)	18.5	None	CP1/CP2 conflict - Open countryside not related to development limit Edge of town not identified in Mendip Plan hierarchy- access to local services not in LPA area and at limit of connectivity to main centre	BaNES adopted plan conflict	No - unsuitable would require longer term strategic engagement	High Risk	mainly strong negative. Difficult to mitigate	Requires engagement/ joint working with BaNES	300	<b>No</b>

# Mendip Site Allocations Review - Housing Sites

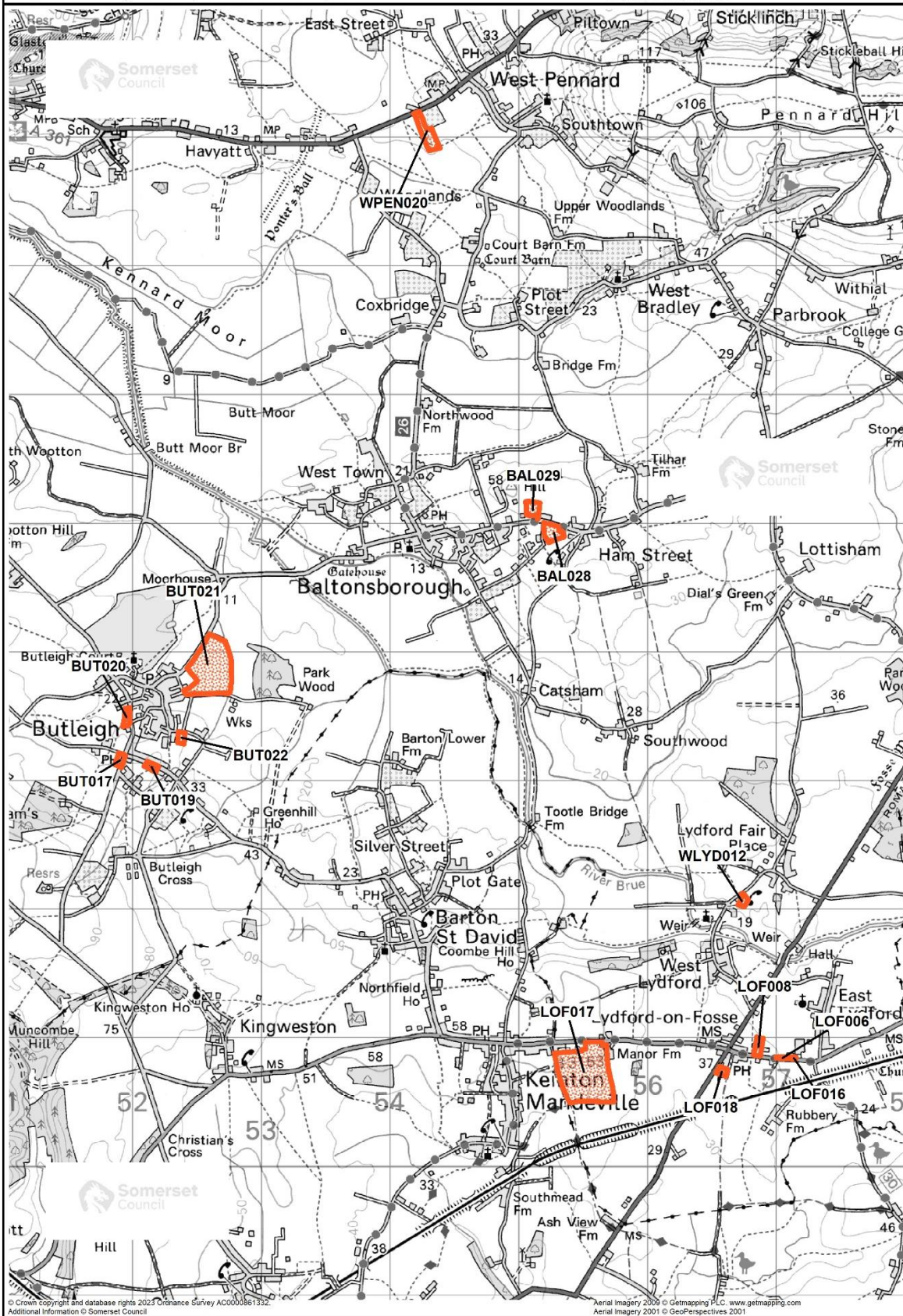
## Eligible Applications, Permissions & Land Promoted in the Call for Sites



Notes: For information only, excludes adopted allocations/commitments pre-2019

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# Baltonsborough, Butleigh, West Pennard and The Lydfords

Baltonsborough												
Land Ref	Submission status	Site	Ha	Planning Status	CP1 & 2 compliance/ sustainable location	Policy Conflict	Site suitability/ Delivery by 2029	Delivery Risk by 29	Sustainability Appraisal -impacts	Strategic constraints	Max Units	Proposed Allocation
BAL028	New Site	Pear Tree Farm, Baltonsborough	1.6	None	CP1 - outside development limit. Primary village significantly in excess of CP2 plan requirement/ no school capacity. Access to some services locally. Limited		No -settlement impacts and constraints	Very High	negative/ strong negatives settlement character/ heritage difficult to mitigate	Phosphates	24	No
BAL029	Re-promoted	Land North of Talbots Mead, Baltonsborough	1.0	None	CP1 - outside development limit. Primary village significantly in excess of CP2 plan requirement/ no school capacity. Access to some services locally. Limited		No -settlement impacts and constraints	Very High	negative/ strong negatives settlement character/ heritage difficult to mitigate	Phosphates	36	No

Lydford on Fosse												
Land Ref	Submission status	Site	Ha	Planning Status	CP1 & 2 compliance/ sustainable location	Other Policies	Site suitability/ Delivery by 2029	Delivery Risk by 29	Sustainability Appraisal -impacts	Strategic constraints	Max Units	Proposed allocation
LOF006	Re-promoted	Manor Cottage, Cary Road, Lydford on Fosse	0.1	Old application 05/12/2014.	CP1 - site beyond settlement limits. Secondary village (growth under CP2 minimum) .		Too small for allocation		strong negatives/ difficult to mitigate		1	Screened out
LOF008	Re-promoted	Field off B153 (part of New Manor Farm), Lydford on Fosse	0.7	None	CP1 - site beyond settlement limits. Secondary village (growth under CP2 minimum)				strong negatives/ difficult to mitigate		10	No
LOF017	New Site	Manor Farm, Keinton Mandeville/Lydford on Fosse	16.3	none	CP1 - site on Boundary of former Mendip and South Somerset. Proposed expansion to a village outside Mendip settlement heirarchy		Unsuitable - not in an identified settlement		strong negatives/ difficult to mitigate		150	No
LOF016	Re-promoted	Old South View, Castle Cary Road, Lydford on Fosse	0.0	application withdrawn November 2014.	CP1 - site beyond settlement limits. Secondary village (growth under CP2 minimum)		Too small for allocation		not assessed		1	Screened out

Butleigh												
Land Ref	Submission status	Site	Ha	Planning Status	CP1 & 2 compliance/ sustainable location	Policy Conflict	Site suitability/ Delivery by 2029	Delivery Risk by 29	Sustainability Appraisal -impacts	Strategic constraints	Max Units	Proposed Allocation
BUT017	Re-promoted	Land adjacent to Sub Road, Butleigh	0.5	None - considered unsuitable in 2018 SA	Primary village with growth above CP2 minimum, Some accessibility local facilities/ limited bus service to main		No unsuitable		strong negatives/ difficult to mitigate (landscape/ settlement/ heritage)	Phosphates	6	No
BUT019	Re-promoted	Land at Barton Road, Butleigh	0.5	2021/0246/OTA - refusal (3 dwellings) - considered unsuitable in 2018 SA	screened out		Too small for allocation	--	--	Phosphates	5	Screened out
BUT020	Re-promoted	Land West of Sub Road, Butleigh	0.6	None - considered unsuitable in 2018 SA	Primary village with growth above CP2 minimum, Some accessibility local facilities/ limited bus service to main		No- unsuitable		strong negatives/ difficult to mitigate (landscape/ settlement/ heritage)	Phosphates	20	No
BUT021	Application	Land At 352613 133868, Baltonsborough Road, Butleigh	11.9	2021/2413/FUL dwellings/ café/ woodland-wetland	Primary village with growth above CP2 minimum, Some accessibility local facilities/ limited bus service to main		Short term potential but no strong justification to recommend allocation		strong negatives/ difficult to mitigate (landscape/ settlement/ heritage/ priority)	Potential Solution agreed	37	No
BUT022	Application	Land At 352411 133322, Henley Lane, Butleigh	0.4	2020/1302/FUL - Affordable Scheme	Primary village with growth above CP2 minimum, Some accessibility local facilities/ limited bus service to main		Not suitable Allocating an 'exception' site would fall outside scope of 505	High Risk	strong negatives/ difficult to mitigate (landscape/ settlement/ heritage)	Phosphates	12	No

West Lydford												
Land Ref	Submission status	Site	Ha	Planning Status	CP1 & 2 compliance/ sustainable location	Other Policies	Substantial Delivery by 2029	Delivery Risk by 29	Sustainability Appraisal -impacts	Strategic constraints	Max Units	Proposed allocation
WLYD012	Re-promoted	Calliope, High Street, West Lydford	0.4	2018/1175/FUL withdrawn	screened out		Too small for allocation				4	Screened out

West Pennard												
Land Ref	Submission status	Site	Ha	Planning Status	CP1 & 2 compliance/ sustainable location	Other Policies	Substantial Delivery by 2029	Delivery Risk by 29	Sustainability Appraisal -impacts	Strategic constraints	Max Units	Proposed allocation
WPEN020	New Site	Land opposite Hazeldene, Glastonbury Road, West Pennard	2.1	None	Site in open countryside and not adjacent to settlement limit. Limited access to local services		No- unsuitable		strong negative/ difficult to mitigate	Phosphates	20	No

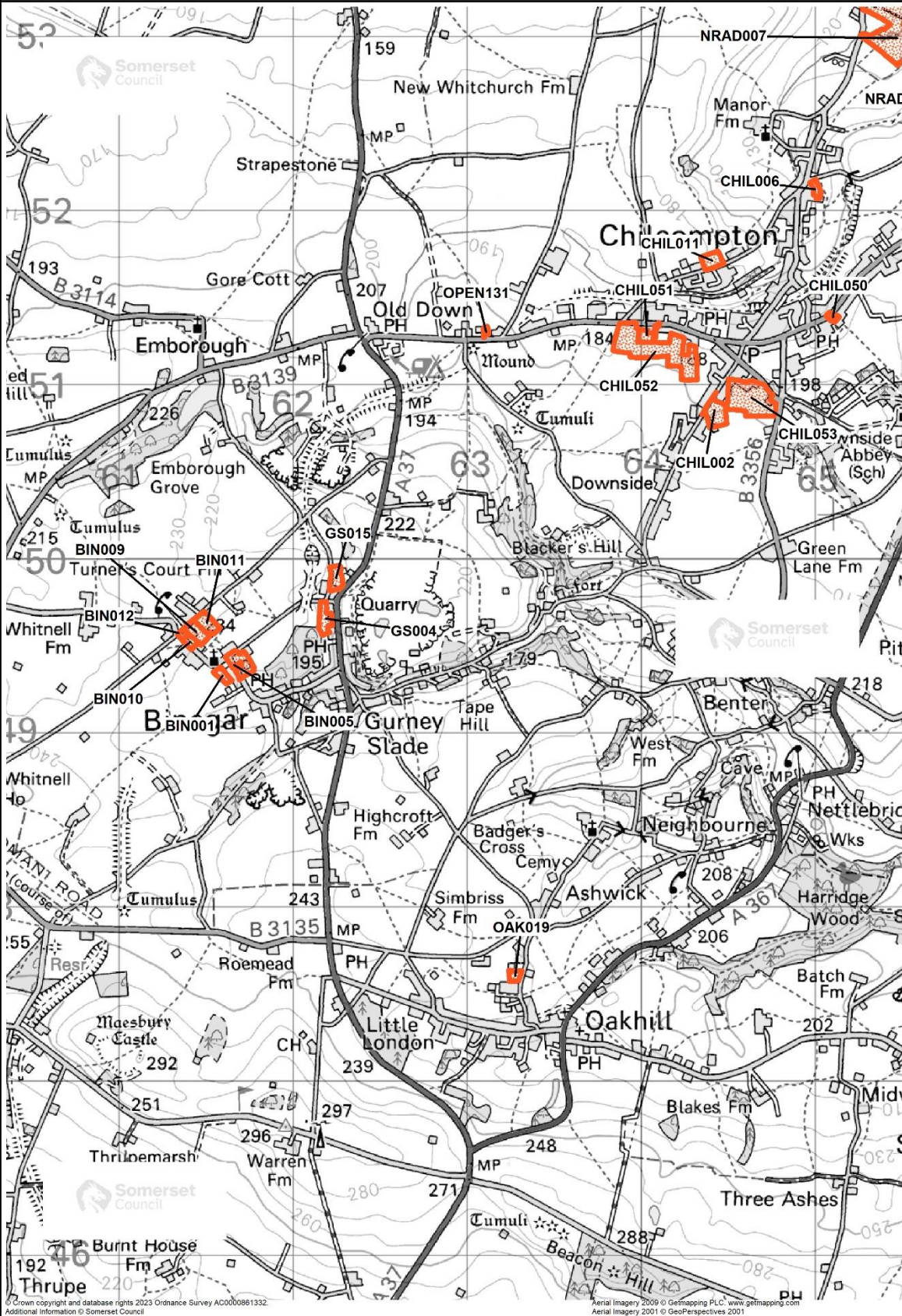


**Mendip Site Allocations Review - Housing Sites**  
**Eligible Applications, Permissions & Land Promoted in the Call for Sites**

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# Chilcompton, Binegar, Gurney Slade, Oakhill

Binegar												
Land Ref	Submission status	Site	Ha	Planning Status	CP1 & 2 compliance/ sustainable location	Policy Conflict	Site suitability/ Delivery by 2029	Delivery Risk by 29	Sustainability Appraisal -impacts	Strategic constraints	Max Units	Proposed Allocation
BIN001	Re-promoted	Land to the West of Flowerstones, Binegar	0.4	considered unsuitable in 2018 SA	Secondary village with access to limited facilities/ no school capacity (oakhill)		No - unsuitable	Very High	mainly strong negatives/ difficult to mitigate	None	13	No
BIN005	Re-promoted	Greenacres, Tellis Lane, Binegar	1.4	None - considered unsuitable in 2018 SA	Secondary village with access to limited facilities/ no school capacity (oakhill)	Minerals	No - unsuitable	Very High	mainly strong negatives/ difficult to mitigate	None	34	No
BIN009	Re-promoted	Land opp Dalleston off of Turners Court Lane - Part 2, Binegar	1.0	None - considered unsuitable in 2018 SA	Secondary village with access to limited facilities/ no school capacity (oakhill)		No - unsuitable	Very High	mainly strong negatives/ difficult to mitigate	None	10	No
BIN011	Re-promoted	Parcel 1, Land opp. Dalleston, off Turners Court Lane, Binegar	1.0	None - considered unsuitable in 2018 SA	Secondary village with access to limited facilities/ no school capacity (oakhill)		No - unsuitable	Very High	mainly strong negatives/ difficult to mitigate	None	10	No
BIN012	Re-promoted	Equestrian Yard at junc of Station Road and Turners Court Lane, Binegar	0.2	None - considered unsuitable in 2018 SA	Secondary village with access to limited facilities/ no school capacity (oakhill)		Too small for allocation	--	--	None	2	Screened out
BIN010	Re-promoted	Land off Station Road, SE of Binegar Green, Binegar	0.4	None - considered unsuitable in 2018 SA	Secondary village with access to limited facilities/ no school capacity (oakhill)		Too small for allocation	--	--	None	4	Screened out

Chilcompton													
Land Ref	Submission status	Site	Ha	Planning Status	CP1 & 2 compliance/ sustainable location	Policy Conflict	Site suitability/ Delivery by 2029	Delivery Risk by 29	Sustainability Appraisal -impacts	Strategic constraints	Max Units	Proposed	
CHIL002	Re-promoted	Land Southeast of Stockhill Road, Chilcompton	1.5	None -	Village significantly in excess of CP2 plan requirement and no primary education capacity. Good access to local facilities		No-unsuitable. No requirement for allocations	High	strong negatives/ difficult to mitigate (landscape/ settlement/ character)	None	40	No	
CHIL006	Application	Land at Somer Lea, Chilcompton	0.4	2023/1332/OUT refused 10.11.23 considered unsuitable in	Village significantly in excess of CP2 plan requirement and no primary education capacity. Moderate access to local facilities		No-unsuitable. Recent refusal No requirement for allocations	Very High	negative impacts / difficult to mitigate	None	7	No	
CHIL011	Re-promoted	Parsonage Lane, Chilcompton	0.9	old permission (1992) but considered unsuitable in 2018 SA	CP1 - outside development limit Village significantly in excess of CP2 plan requirement and no primary education capacity. Moderate access to local facilities		No-unsuitable. No requirement for allocations	Very High	strong negatives/ difficult to mitigate (landscape/ settlement/ character)	None	20	No	
CHIL050	Permission	Downside Motor Company, Chilcompton	0.2	2022/2247/FUL 26.04.23	Village significantly in excess of CP2 plan requirement and no primary education capacity. Good access to local facilities		Suitable site and deliverable by 2029 but no requirement for allocation in	Moderate	positive/ strong positive	None	7	No	
CHIL051	Application	Sestri, Broadway, Chilcompton	0.7	2022/0861/OUT application. Prev refusals	Village significantly in excess of CP2 plan requirement. Greenfield site outside settlement limits/ no primary		Site capable of delivery but many revisions to redevelopment. No	High	mixed - some positive/ some negative. Impacts could be mitigated	None	6	No	
CHIL052	Re-promoted	Land South of Broadway, Chilcompton	6.6	Pre-app	Village significantly in excess of CP2 plan requirement and no primary education capacity. Reasonable access to local		No-unsuitable. No requirement for allocations	High Risk	strong negatives/ difficult to mitigate (landscape/ settlement/ character)	None	100	No	
CHIL053	New Site	Land off Naish's Cross, Chilcompton	4.6	2021/0421/OTS dismissed appeal 30/07/21	Village significantly in excess of CP2 plan requirement and no primary education capacity. Good access to local facilities		No-unsuitable / previous refusals . No requirement for allocations	- -	strong negatives/ difficult to mitigate (landscape/ settlement/ character)	None	95	No	
OPEN131	New Site	Car Park area , Fmr Court Hotel Emborough (nr chilcompton)	0.1		screened out on size / location beyond village boundary		Too small for allocation	- -	- -	None	5	Screened out	

Gurney Slade												
Land Ref	Submission status	Site	Ha	Planning Status	CP1 & 2 compliance/ sustainable location	Other Policies	Site suitability/ Delivery by 2029	Delivery Risk by 29	Sustainability Appraisal -impacts	Strategic constraints	Max Units	Proposed allocation
GS004	Re-promoted	Land North of Salisbury Terrace, West Side of A37,	1.0	None - site considered not suitable in 2018	Secondary village with access to limited facilities/ no school capacity (oakhill)	Minerals	No-unsuitable - minerals safeguarding		mixed but some strong negatives / settlement character	None	26	No
GS015	Re-promoted	Moors Farm, Marchants Hill, Gurney Slade	0.9	None - site considered not suitable in 2018 SA (GS005)	CP1 - outside development limit/ Secondary village with access to limited facilities/ no school capacity (oakhill)		No-unsuitable		mixed but some strong negatives / settlement character	None	18	No

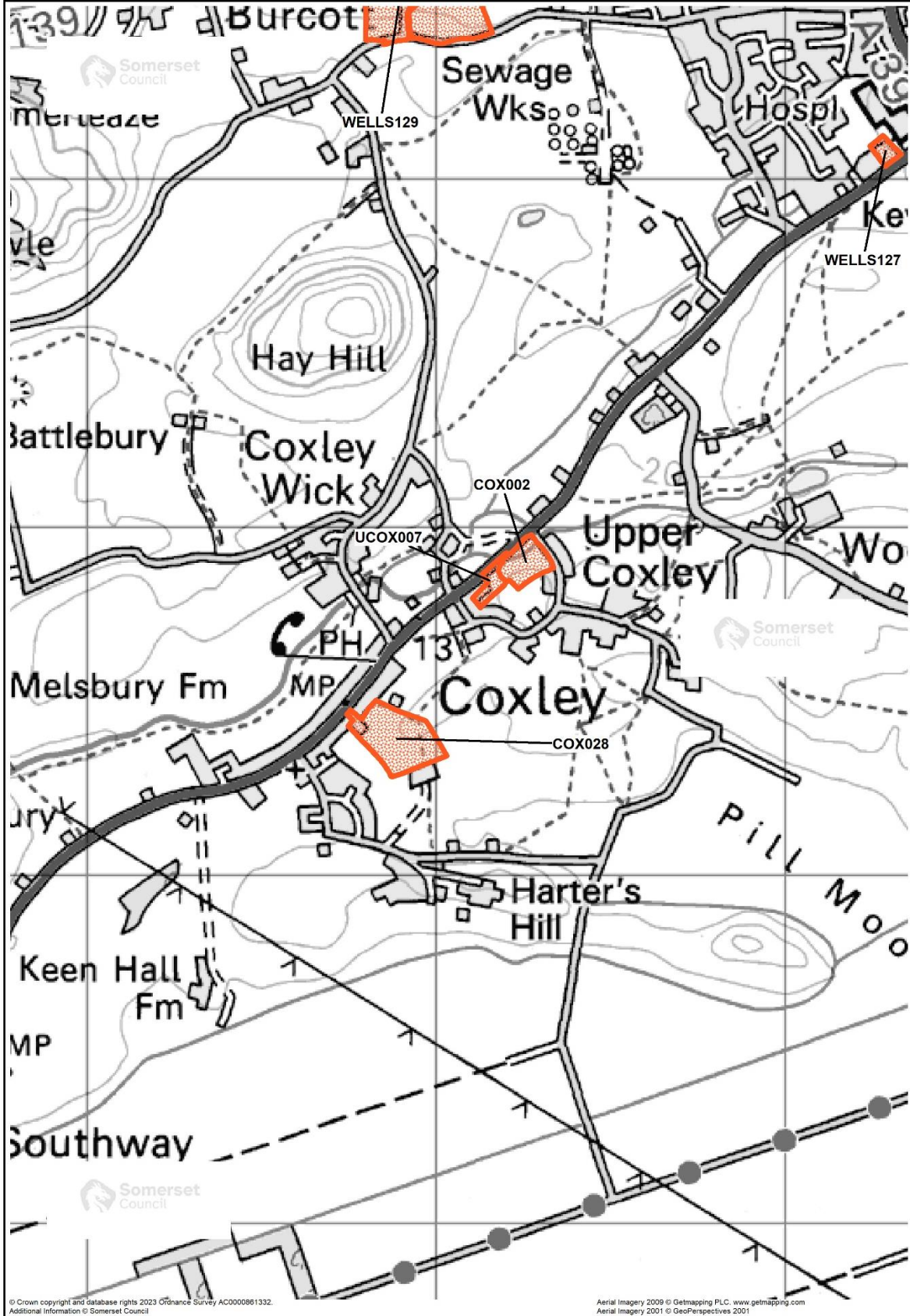
Oakhill												
Land Ref	Submission status	Site	Ha	Planning Status	CP1 & 2 compliance/ sustainable location	Other Policies	Site suitability/ Delivery by 2029	Delivery Risk by 29	Sustainability Appraisal -impacts	Strategic constraints	Max Units	Proposed allocation
OAK019	New Site	Land Adjoining Manor Hill Farm, Oakhill	0.4	None	CP1 - site beyond settlement limit. Secondary village which has over-provided against CP2		Too small for allocation				3	Screened out

**Mendip Site Allocations Review - Housing Sites**  
**Eligible Applications, Permissions & Land Promoted in the Call for Sites**

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# Coxley

Coxley / Upper Coxley												
Land Ref	Submission status	Site	Ha	Planning Status	CP1 & 2 compliance/ sustainable location	Policy Conflict	Site suitability/ Delivery by 2029	Delivery Risk by 29	Sustainability Appraisal -impacts	Strategic constraints	Max Units	Proposed Allocation
COX002	Re-promoted	Land West of Stoppers Lane, Upper Coxley	1.3	None - considered unsuitable in 2018 SA	Secondary village significantly in excess of CP2 plan requirement. Limited access to local facilities		No - unsuitable and no need for allocations	Very High	mainly strongly negative / difficult to mitigate	Phosphates	16	<b>No</b>
COX028	Re-promoted	Narramore House, Coxley	3.4	None - considered unsuitable in 2018 SA	Secondary village significantly in excess of CP2 plan requirement		No - unsuitable and no need for allocations	Very High	strongly negative/ difficult to mitigate	Phosphates	54	<b>No</b>
UCOX007	New Site	Land South of Glastonbury Road, Upper Coxley	0.6	None	Secondary village - significantly in excess of CP2 plan requirement		No -unsuitable		mainly strongly negative / difficult to mitigate	Phosphates	9	<b>No</b>

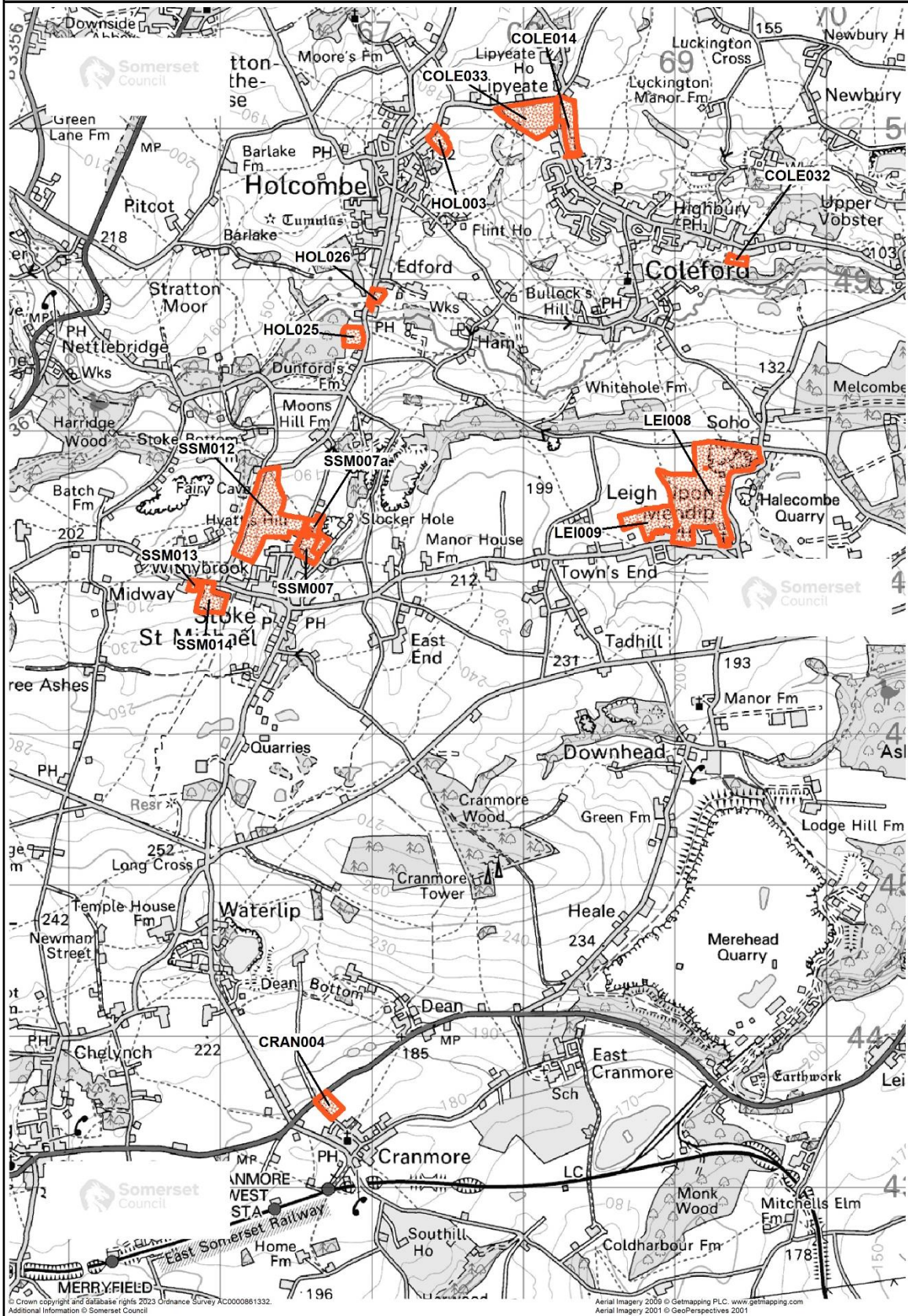
# Mendip Site Allocations Review - Housing Sites Eligible Applications, Permissions & Land Promoted in the Call for Sites



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# Cranmore, Coleford, Leigh on Mendip, Holcombe, Stoke St Michael

Cranmore												
Land Ref	Submission status	Site	Ha	Planning Status	CP1 & 2 compliance/ sustainable location	Policy Conflict	Site suitability/ Delivery by 2029	Delivery Risk by 29	Sustainability Appraisal -impacts	Strategic constraints	Max Units	Proposed Allocation
CRAN004	New Site	Land to the East of Cook's Lane, Cranmore	1.7	None	Unsuitable - not in an identified settlement						30	<b>Screened Out</b>

Coleford												
Land Ref	Submission status	Site	Ha	Planning Status	CP1 & 2 compliance/ sustainable location	Policy Conflict	Site suitability/ Delivery by 2029	Delivery Risk by 29	Sustainability Appraisal -impacts	Strategic constraints	Max Units	Proposed Allocation
COLE014	Permission	Land at Anchor Lane, Coleford	3.4	2019/2345/OTS permission	Greenfield site granted on appeal		Yes - fully deliverable in plan period	Moderate	mainly positive	None	63	<b>Yes</b>
COLE032	New Site	Land South of The Crescent, Coleford	0.6	None	Village significantly in excess of CP2 plan requirement. Reasonable access to local		No - unsuitable and no need for allocations	Very High	strong negative/ negative / difficult to mitigate	None	12	<b>No</b>
COLE033	New Site	Land to the west of Anchor Road, Coleford	6.3	Pre-app	Village significantly in excess of CP2 plan requirement. Reasonable access to local		No - unsuitable and no need for allocations	Very High	strong negative/ negative / difficult to mitigate	None	85	<b>No</b>

Holcombe												
Land Ref	Submission status	Site	Ha	Planning Status	CP1 & 2 compliance/ sustainable location	Other Policies	Site suitability/ Delivery by 2029	Delivery Risk by 29	Sustainability Appraisal -impacts	Strategic constraints	Max Units	Proposed allocation
HOL003	Re-promoted	Holcombe Livery, Brewery Lane, Holcombe	1.5	None - site classed as not suitable in 2018 SHLAA	Secondary village with growth over CP2 minimum. Limited access to local facilities. Limited bus service to main town		No - unsuitable		strong negatives/ difficult to mitigate	None	35	<b>No</b>
HOL025	New Site	Land near Duke of Cumberland, Edford Hill, Holcombe	1.6	2022/1618/FUL (car park)	Secondary village with growth over CP2 minimum. Limited access to local facilities. Limited		No - unsuitable		strong negatives/ difficult to mitigate	None	48	<b>No</b>
HOL026	New Site	Land East of Edford Hill, Holcombe	0.8	None	Secondary village with growth over CP2 minimum. Limited access to local facilities. Limited bus service to main town		No - unsuitable		strong negatives/ difficult to mitigate	None	10	<b>Screened out</b>



Leigh on Mendip												
Land Ref	Submission status	Site	Ha	Planning Status	CP1 & 2 compliance/ sustainable location	Other Policies	Site suitability/ Delivery by 2029	Delivery Risk by 29	Sustainability Appraisal -impacts	Strategic constraints	Max Units	Proposed allocation
LEI008	Re-promoted	Barnclose Quarry and Sparks Farm Land, Leigh on Mendip	23.2	None	Unsuitable - not in an identified CP1 settlement/ Mineral safeguarding issues/ some localised services and limited bus service to main town	Minerals	No - unsuitable		strong negatives/ difficult to mitigate	None	160	<b>Screened out</b>
LEI009	New Site	Sparks Farm, Leigh on Mendip, Leigh Street, Leigh on Mendip	4.9	None	Unsuitable - not in an identified CP1 settlement/ some localised services and limited bus service to main town		No - unsuitable		strong negatives/ difficult to mitigate	None	10	<b>Screened out</b>

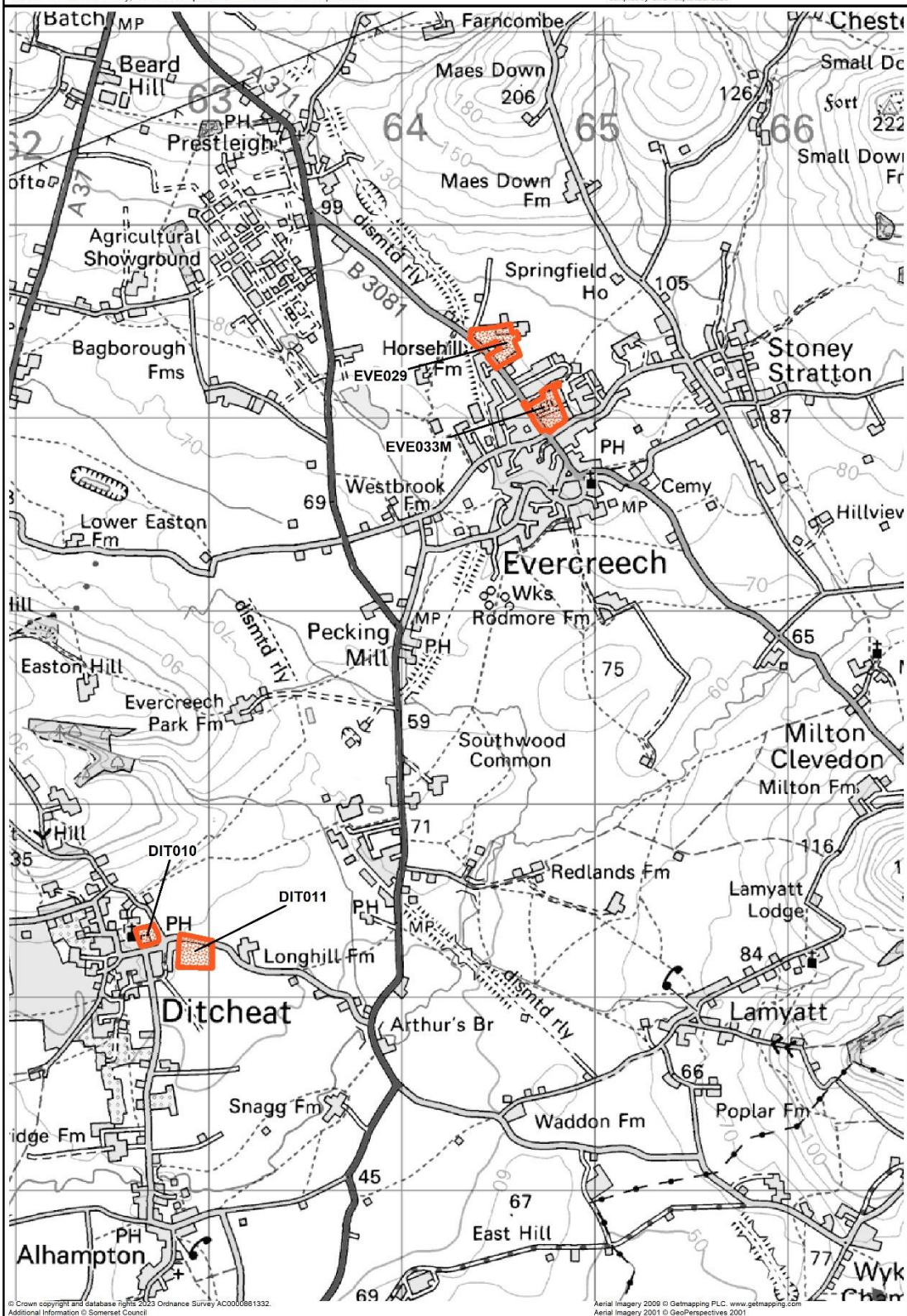
Stoke St Michael												
Land Ref	Submission status	Site	Ha	Planning Status	CP1 & 2 compliance/ sustainable location	Other Policies	Suitability/Substantial Delivery by 2029	Delivery Risk by 29	Sustainability Appraisal - impacts	Strategic constraints	Max Units	Proposed allocation
SSM007	Permission	Land South of Firbanks, Coalpit Lane, Stoke St Michael	1.9	2020/0580/OTS	Primary village significantly in excess of CP2 plan requirement. No short term school capacity. Good access to local services in village but Limited bus services to main town. Sensitivity to designated habitats	Minerals	Site capable of delivery but not suitable for proposed allocation given minerals safeguarding/ sensitivity of settlement to designated habitats	Moderate	strong negatives/ impacts accepted/addressed in appeal	None	47	No
SSM007a	New Site	Land East of Coalpit Lane, Stoke St Michael	1.7	Extension to SSM07	Primary village significantly in excess of CP2 plan requirement. No short term school capacity. Good access to local services in village but Limited bus services to main town	Minerals	No - not suitable given settelement/ site constraints	Very High	strong negatives/ difficult to mitigate	None	20	No
SSM012	Re-promoted	Land east of Frog Lane, Stoke St Michael (Phase 2)	13.1		Primary village significantly in excess of CP2 plan requirement. No short term school capacity. Good access to local services in village but Limited bus services to main town		No - not suitable given settelement/ site constraints	Very High	strong negatives/ difficult to mitigate	None	150	No
SSM013	New Site	Land beside Brickdales, Stoke St Michael	0.4	2019/2580/PREA PP	CP1 - site beyond development limit Primary village significantly in excess of CP2 plan requirement. No short term school capacity. Good access to local services in village but Limited bus services to main town		Too small for allocation	Very High	--	None	4	Screened out
SSM014	New Site	South of Fosse Road, Stoke St Michael	2.9	N/A	Primary village significantly in excess of CP2 plan requirement. No short term school capacity. Good access to local services in village but Limited bus services to main town		No - not suitable given settelement/ site constraints	Very High	strong negatives/ difficult to mitigate	None	50	No

# Mendip Site Allocations Review - Housing Sites Eligible Applications, Permissions & Land Promoted in the Call for Sites

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## Evercreech and Ditcheat

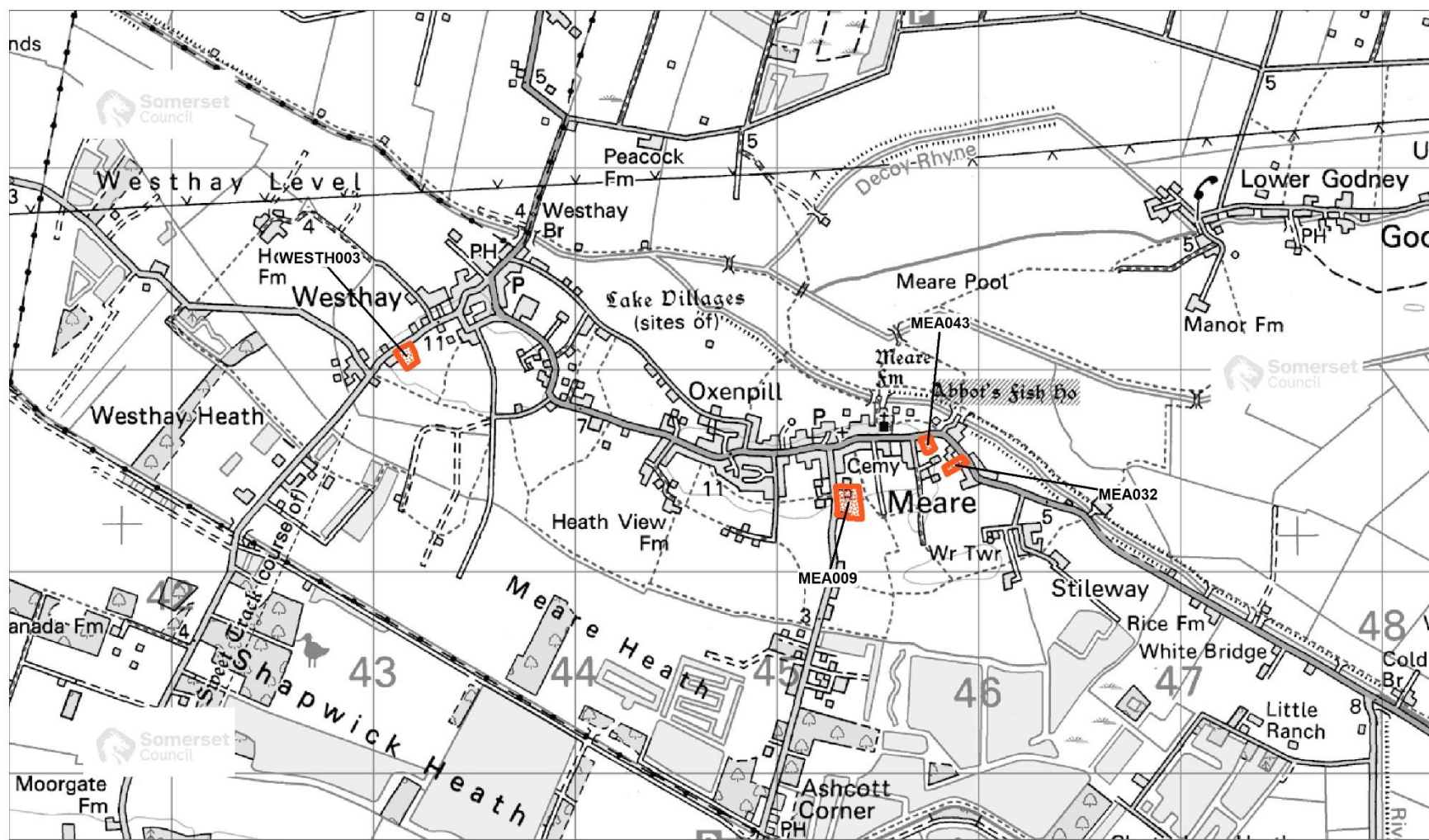
Evercreech												
Land Ref	Submission status	Site	Ha	Planning Status	CP1 & 2 compliance	Other Policies	Site suitability/ Delivery by 2029	Delivery Risk by 29	Sustainability Appraisal - impacts	Strategic constraints	Max Units	Proposed allocation
EVE029	Re-promoted	Land to the East of Prestleigh Road, Evercreech	3.3	2022/2225/OUT - withdrawn	village significantly in excess of CP2 plan requirement		No need for allocations		negative impacts on settlement character/ local mitigation possible	Phosphates	40	No
EVE033M	Application	Former Greencore Site, Evercreech	2.9	2021/2820/OTS - Refused - Awaiting appeal decision	designated employment land. village significantly in excess of CP2 plan requirement	DP25 conflict	Site contested by LPA at appeal	High risk	mainly positive	Phosphates - solution promoted	118	No - at appeal

Ditcheat												
Land Ref	Submission status	Site	Ha	Planning Status	CP1 & 2 compliance/ sustainable location	Policy Conflict	Site suitability/ Delivery by 2029	Delivery Risk by 29	Sustainability Appraisal -impacts	Strategic constraints	Max Units	Proposed Allocation
DIT010	Permission	Folly Orchard, Wraxall Road To Folly Cottages, Ditcheat	0.9	2019/2134/FUL approved 18.06.20 -	Primary village with growth above CP2 minimum, Good accessibility local facilities		lapsed permission with conditions. Sustainable but stalled / phosphate mitigation solution not progressed	Very High	mainly negative/ potential to mitigate	Phosphates	7	No
DIT011	Re-promoted	Land E of Folly Drive, Ditcheat	2.8	Extension to allocated site DT1 (allocated for 16 dwellings)	Primary village with growth above CP2 minimum, Good accessibility local facilities		enlarged/ revised allocation for DT1. Limited justification to enlarge site and extension to adopted allocation would fall outside scope of addressing 505 dwellings		some strong negatives	Phosphates	30	No

# Mendip Site Allocations Review - Housing Sites Eligible Applications, Permissions & Land Promoted in the Call for Sites

Notes: For information only, excludes adopted allocations/commitments pre-2019

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## Meare and Westhay

Meare												
Land Ref	Submission status	Site	Ha	Planning Status	CP1 & 2 compliance/ sustainable location	Other Policies	Site suitability/ Delivery by 2029	Delivery Risk by 29	Sustainability Appraisal -impacts	Strategic constraints	Max Units	Proposed allocation
MEA009	Re-promoted	Land attached to 19 Ashcott Road, Meare	1.8	2014/0596/OTS.	Secondary village significantly in excess of CP2 plan requirement		No - unsuitable		strong negative/ negative / difficult to mitigate	Phosphates (surface water)	40	No
MEA032	Re-promoted	Land to the rear of 16 Glastonbury Road, Meare	0.4	2012/1922	Secondary village significantly in excess of CP2 plan requirement. Good access to limited local facilities		No - unsuitable		mainly positive	Phosphates (surface water)	13	No
MEA043	Re-promoted	Land Adjacent to Steps Farm, Meare	0.4	None	Secondary village significantly in excess of CP2 plan requirement		Too small for allocation		- -		2	Screened out
Westhay -												
Land Ref	Submission status	Site	Ha	Planning Status	CP1 & 2 compliance/ sustainable location	Other Policies	Substantial Delivery by 2029	Delivery Risk by 29	Sustainability Appraisal -impacts	Strategic constraints	Max Units	Proposed allocation
WESTH003	Re-promoted	The Paddocks, Shapwick Rd,	0.8	None	screened out		Too small for allocation				2	Screened out

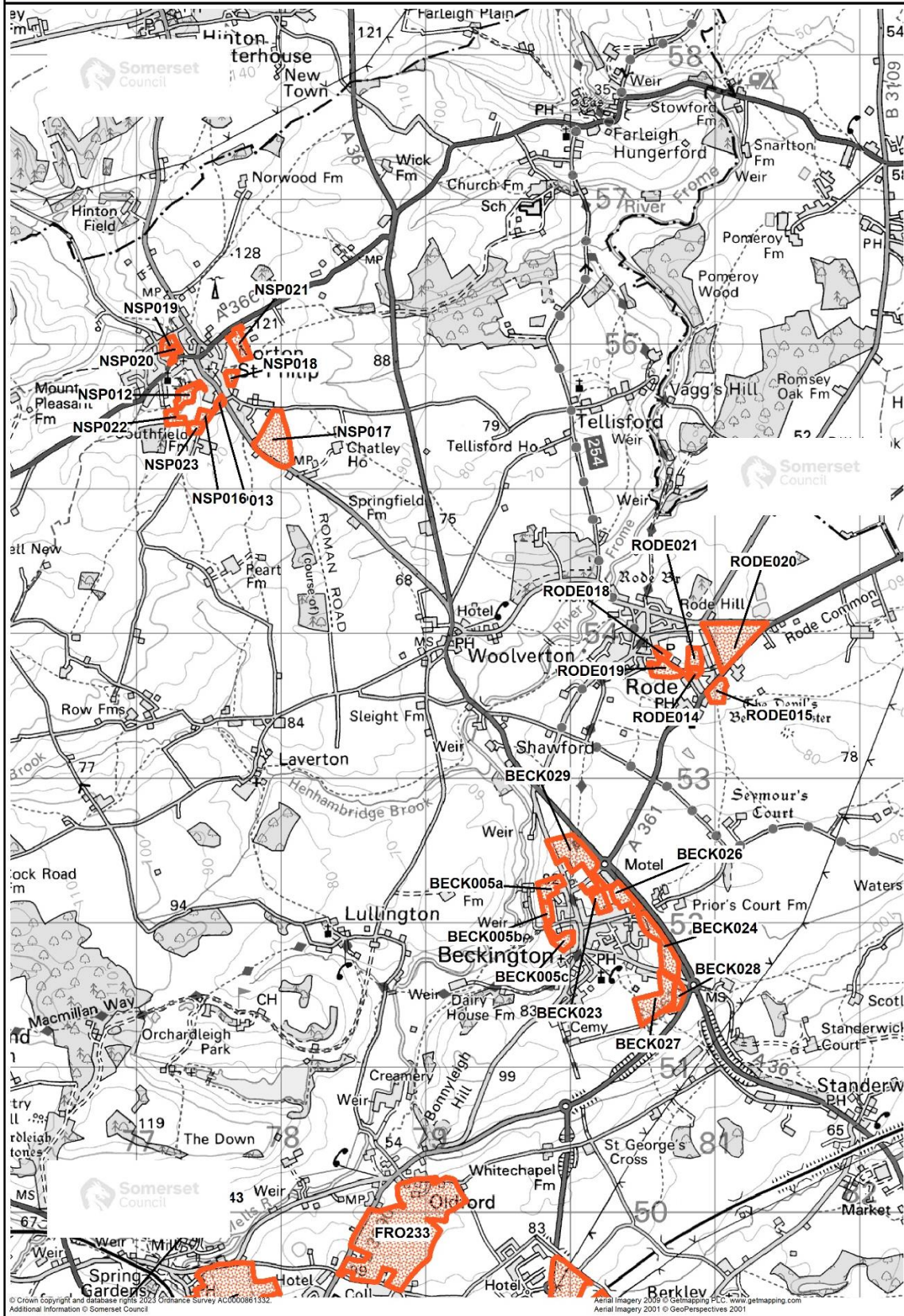
# Mendip Site Allocations Review - Housing Sites Eligible Applications and Permissions & Land Promoted in the Call for Sites



Notes:

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# Rode, Norton St Phillip, Beckington

Beckington												Proposed Allocation
Land Ref	Submission status	Site	Ha	Planning Status	CP1 & 2 compliance/ sustainable location	Policy Conflict	Site suitability/ Delivery by 2029	Delivery Risk by 29	Sustainability Appraisal - impacts	Strategic constraints	Max Units	Proposed Allocation
BECK005a	Re-promoted	Land at Tower Hill Farm, Beckington	1.9		Village significantly in excess of CP2 plan requirement/ No education capacity/ drainage issues in village. Accessible local services.		No -impacted by A36 Improvements - uncertain delivery/ multiple options in village	Very High	Mixed - some strong negatives (landscape/settlement)	Yes -A36 capacity issues	24	No
BECK005b	Re-promoted	Land at Tower Hill Farm, Beckington	0.8	2021/0868/FUL - granted (dog walking) 2023/1369/FUL withdrawn	Village significantly in excess of CP2 plan requirement/ No education capacity/ drainage issues in village. Accessible local services.		No -impacted by A36 Improvements - uncertain delivery/ multiple options in village	Very High	Mixed - some strong negatives (landscape/settlement)	Yes -A36 capacity issues	10	No
BECK005c	Re-promoted	Land at Tower Hill Farm, Beckington	1.5	See BECK005b	Village significantly in excess of CP2 plan requirement/ No education capacity/ drainage issues in village. Accessible local services.		No -impacted by A36 Improvements - uncertain delivery/ multiple options in village	Very High	Mixed - some strong negatives (landscape/settlement)	Yes -A36 capacity issues	30	No
BECK023	Re-promoted	Land off Great Dunns Close, Beckington. Remitted site BK1	1.3	APP/Q3305/W/21/3289537 - Appeal dismissed. Remitted allocation	Village significantly in excess of CP2 plan requirement/ No education capacity/ drainage issues in village. Accessible local services.		No - unsuitable given specific refusal on drainage grounds. Uncertain delivery	Very High	mixed - some positive - some key negative impacts	Yes -A36 capacity issues	30	No
BECK024	Re-promoted	Land between Warminster Road and the A36 Bypass, Beckington	3.8	2020/2298/OTS dismissed 20.10.22	Village significantly in excess of CP2 plan requirement/ No education capacity/ drainage issues in village. Accessible local services.		No -impacted by A36 Improvements - uncertain delivery/ multiple options in village	Very High	mixed - some positive - some key negative impacts incl drainage	Yes -A36 capacity issues	45	No
BECK026	Re-promoted	Land at Wallmead Farm, Bath Road, Beckington	2.4		Village significantly in excess of CP2 plan requirement/ No education capacity/ drainage issues in village. Accessible local services.		No -impacted by A36 Improvements - uncertain delivery/ multiple options in village	Very High	mixed - some positive - some key negative impacts incl drainage	Yes -A36 capacity issues	40	No



Land Ref	Submission status	Site	Ha	Planning Status	CP1 & 2 compliance/ sustainable location	Policy Conflict	Site suitability/ Delivery by 2029	Delivery Risk by 29	Sustainability Appraisal - impacts	Strategic constraints	Max Units	Proposed Allocation
BECK027	New Site	Elbow Field (5546) , Beckington	4.8	Estimated dwelling yield	Village significantly in excess of CP2 plan requirement/ No education capacity/ drainage issues in village. Accessible local services.		No -impacted by A36 Improvements - uncertain delivery/ multiple options in village	Very High	strong negatives / difficult to mitigate	Yes -A36 capacity issues	80	<b>No</b>
BECK028	New Site	Land adj White Row Farm Roundabout, Beckington	1.1	Estimated dwelling yield	Village significantly in excess of CP2 plan requirement/ No education capacity/ drainage issues in village. Accessible local services.		No -impacted by A36 Improvements - uncertain delivery/ multiple options in village	Very High	strong negatives / difficult to mitigate	Yes -A36 capacity issues	25	<b>No</b>
BECK029	Re-promoted	Land off Bath Road, Beckington	5.2		Village significantly in excess of CP2 plan requirement/ No education capacity/ drainage issues in village. Accessible local services.		No -impacted by A36 Improvements - uncertain delivery/ multiple options in village	Very High	strong negatives / difficult to mitigate	Yes -A36 capacity issues	84	<b>No</b>

Rode												
Land Ref	Submission status	Site	Ha	Planning Status	CP1 & 2 compliance/ sustainable location	Other Policies	Site suitability/ Delivery by 2029	Delivery Risk by 29	Sustainability Appraisal -impacts	Strategic constraints	Max Units	Proposed allocation
RODE014	Application	Land Adjacent to 41a Church Lane, Rode	0.4	2022/1516/OUT - application considered unsuitable in 2018 SA	Primary village which has over-provided against CP2. Good access to village services. Good connectivity to main town. No short term school capacity		No - uncertain due to strategic constraints/ site suitability. Multiple site options in village	Very High	Strong negatives / difficult to mitigate (landscape/settlement character/ distinctiveness)	Yes -A36 capacity issues	7	No
RODE015	Re-promoted	Land between Parsonage Farm and 6 Frome Road, Rode	1.5	None - site considered unsuitable in 2018 SA	Primary village which has over-provided against CP2. Good access to village services. Good connectivity to main town. No short term school capacity		No - uncertain due to strategic constraints/ site suitability. Multiple site options in village	Very High	Strong negatives / difficult to mitigate (landscape/settlement character/ distinctiveness)	Yes -A36 capacity issues	37	No
RODE018	Re-promoted	Land at Church Lane (north), Rode	0.5		Primary village which has over-provided against CP2. Good access to village services. Good connectivity to main town. No short term school capacity		No - uncertain due to strategic constraints/ site suitability. Multiple site options in village	Very High	Strong negatives / difficult to mitigate (landscape/settlement character/ distinctiveness)	Yes -A36 capacity issues	10	No
RODE019	New site	Land at Church Lane (south), Rode	1.9		Primary village which has over-provided against CP2. Good access to village services. Good connectivity to main town. No short term school capacity		No - uncertain due to strategic constraints/ site suitability. Multiple site options in village	Very High	Strong negatives / difficult to mitigate (landscape/settlement character/ distinctiveness)	Yes -A36 capacity issues	45	No
RODE020	New Site	Land at Rode Hill, Rode	7.6		Primary village which has over-provided against CP2. Good access to village services. Good connectivity to main town. No short term school capacity		No - uncertain due to strategic constraints/ site suitability. Multiple site options in village	Very High	Strong negatives / difficult to mitigate (landscape/settlement character/ distinctiveness)	Yes -A36 capacity issues	150	No
RODE021	Re-promoted	North of Clay Lane	1.2	Smaller part of site for 49 dwellings (ref 2021/0071/OTS) dismissed	Primary village which has over-provided against CP2. Good access to village services. Good connectivity to main town. No short term school capacity		No - uncertain due to strategic constraints/ site suitability. Multiple site options in village	Very High	Strong negatives / difficult to mitigate (landscape/settlement character/ distinctiveness)	Yes -A36 capacity issues	25	No

Norton St Phillip												
Land Ref	Submission status	Site	Ha	Planning Status	CP1 & 2 compliance/ sustainable location	Policy Conflict	Site suitability/ Delivery by 2029	Delivery Risk by 29	Sustainability Appraisal - impacts	Strategic constraints	Max Units	Proposed allocation
NSP012	Application	Land W of 67 Fortescue Street, Norton St Phillip	1.5	2023/0640/FUL - 8 dwellings	Primary village with significant growth above CP2 minimum. Good access to services in village/ No short term school capacity		Not suitable/ multiple options in village	Very Hiigh	Strong negatives- / difficult to mitigate	None	8	<b>No - at appeal</b>
NSP013	Application	Land off Mackley Lane (Laverton Triangle), Norton St Phillip	0.3	2023/0644/FUL & 2023/0643/FUL - 30 and 27 dwellings on NSP13/NSP16	Primary village with significant growth above CP2 minimum. Good access to services in village/ No short term school capacity		Not suitable/ multiple options in village	Very Hiigh	Mainly negative / potential for mitigation	None	10	<b>No - at appeal</b>
NSP016	Application	Land off Mackley Lane (South site), Norton St Phillip	0.7	as above	Primary village with significant growth above CP2 minimum. Good access to services in village/ No short term school capacity		Not suitable/ multiple options in village	Very Hiigh	Mainly negative / potential for mitigation	None	20	<b>No - at appeal</b>
NSP017	Re-promoted	Chatley Furlong and Tellisford Lane, Norton St Phillip	6.4	2022/0895/OUT Dismissed 09/09/2023	Primary village with significant growth above CP2 minimum. Reasonable access to services in village/ No short term school capacity		not suitable - site dismissed at recent appeal/ multiple options in village	Very Hiigh	strong negative/ difficult to mitigate	None		No
NSP018	Re-promoted	Land South of Shepherds Close, Norton St Phillip	0.7	None	Primary village with significant growth above CP2 minimum. Good access to services in village/ No short term school capacity		Too small for allocation			None	2	<b>screened out</b>

Land Ref	Submission status	Site	Ha	Planning Status	CP1 & 2 compliance/ sustainable location	Policy Conflict	Site suitability/ Delivery by 2029	Delivery Risk by 29	Sustainability Appraisal - impacts	Strategic constraints	Max Units	Proposed allocation
NSP019	Application	Land North of Bell Hill Garage, Norton St Philip	0.8	2021/2928/FUL - 21 units refused	Primary village with significant growth above CP2 minimum. Good access to services in village/ No short term school capacity	DP2/ DP3	Not suitable / Loss of DP2 open are/ conservation area impacts. Multiple options in village	Very High	strong negative/ difficult to mitigate	None	20	<b>No</b>
NSP020	Re-promoted	Land at Bell Hill Garage, Norton St Philip	0.5	2021/2928/FUL - 21 units refused 2023/1918/FUL - 9 unit appn	Primary village with significant growth above CP2 minimum. Part brownfield site - good access to services in village/ No short term school capacity	DP2	Suitable on brownfield area of garage only.	Very High	Mainly negative/ potential to mitigate (if DP2 area excluded)	None	9	<b>No</b>
NSP021	New Site	Land at Farleigh Road, Norton St Phillip	1.9	None	Primary village with significant growth above CP2 minimum. Good access to services in village/ No short term school capacity		Not suitable. Multiple options in village	Very High	strong negative/ difficult to mitigate	None	30	<b>No</b>
NSP022	Re-promoted	Site to West of Fortescue Fields & Drainage Ponds, Norton St Philip	1.0	Part of 2019/2976/FUL withdrawn	Primary village with significant growth above CP2 minimum. Good access to services in village/ No short term school capacity		Not suitable. Multiple options in village	High	strong negative/ difficult to mitigate	None	30	<b>No</b>
NSP023	Re-promoted	Land adjoining Mackley Lane, Norton St Philip	0.7	games area = approved and LDC confirming implementation	CP1 - site beyond development limit Primary village with significant growth above CP2 minimum. Reasonable access to services in village/ No short term school capacity		Not suitable. Multiple options in village		negative/ strong negative some potential for mitigation	None	20	<b>No</b>

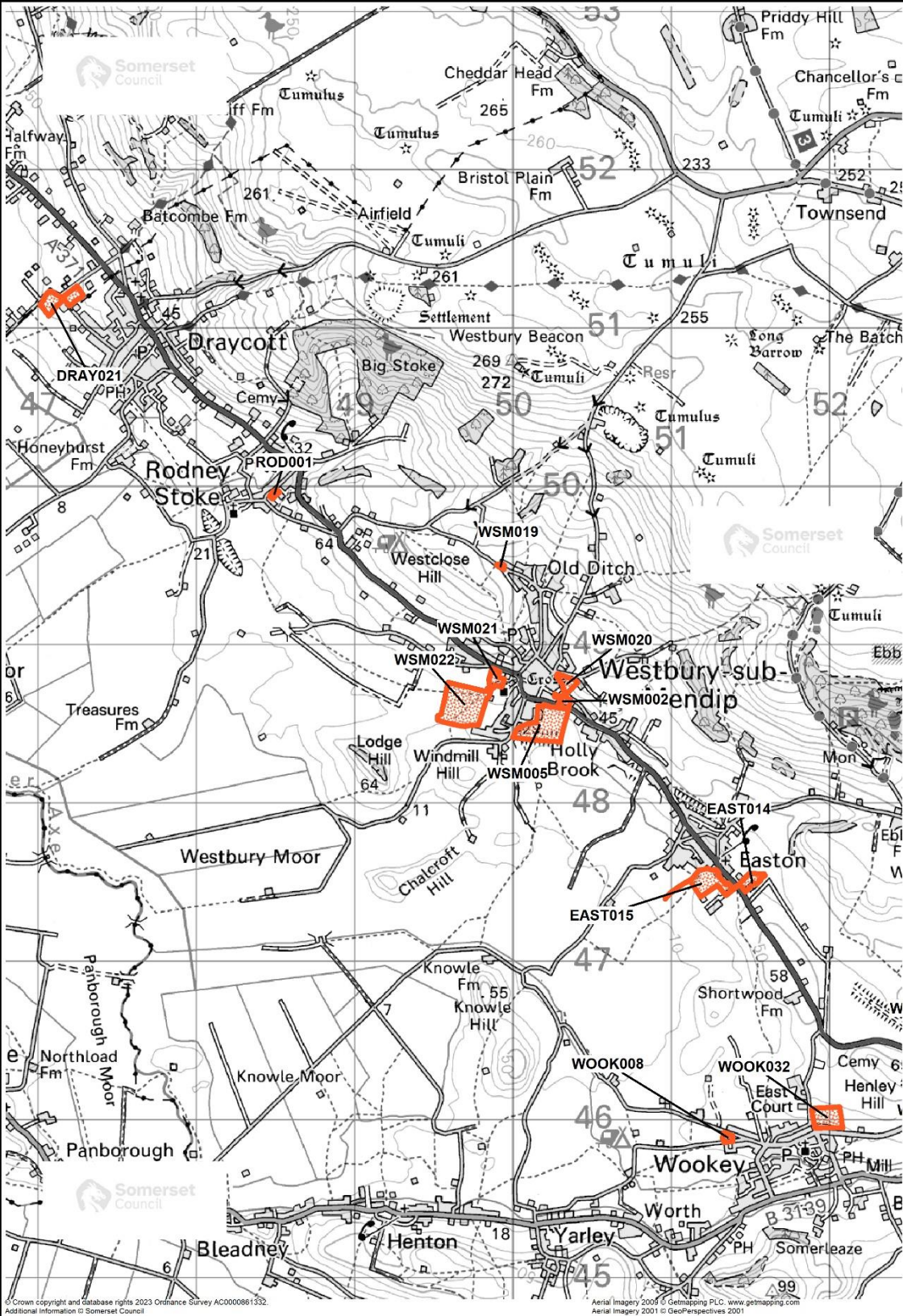
**Mendip Site Allocations Review - Housing Sites**  
**Eligible Applications, Permissions & Land Promoted in the Call for Sites**



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# Wookey, Westbury Sub Mendip, Easton, Rodney Stoke and Draycott

Draycott												
Land Ref	Submission status	Site	Ha	Planning Status	CP1 & 2 compliance/ sustainable location	Policy Conflict	Site suitability/ Delivery by 2029	Delivery Risk by 29	Sustainability Appraisal -impacts	Strategic constraints	Max Units	Proposed allocation
DRAY021	Re-promoted	Land Off Latches Lane and Westfield Lane, Draycott	2.0	None - site considered unsuitable in 2018 SA	CP1 - sites well beyond settlement limit/ reasonable access to some local services		No - not suitable for allocation	Very High	mainly strong negative / difficult to mitigate	None	40	No

Easton												
Land Ref	Submission status	Site	Ha	Planning Status	CP1 & 2 compliance/ sustainable location	Policy Conflict	Site suitability/ Delivery by 2029	Delivery Risk by 29	Sustainability Appraisal -impacts	Strategic constraints	Max Units	Proposed allocation
EAST014	New Site	Land North of Beaconsfield Farm, A371, Easton	0.9	None	Unsuitable - not in an identified CP1 settlement/ Limited access to local facilities		No - unsuitable		mainly strong negative / difficult to mitigate	None	15	Screened Out
EAST015	New Site	Land to the North of Cedar Barn, Easton Hill, Easton	2.6	None	Unsuitable - not in an identified CP1 settlement/ Limited access to local facilities		No - unsuitable		mainly strong negative / difficult to mitigate	None	30	Screened Out

Rodney Stoke												
Land Ref	Submission status	Site	Ha	Planning Status	CP1 & 2 compliance/ sustainable location	Other Policies	Site suitability/ Delivery by 2029	Delivery Risk by 29	Sustainability Appraisal -impacts	Strategic constraints	Max Units	Proposed allocation
ROD001	Re-promoted	Land South East of Stoke Street, Rodney Stoke	0.2	None	CP1 - not an identified village		Too small for allocation		- -		4	Screened Out

Westbury sub Mendip												
Land Ref	Submission status	Site	Ha	Planning Status	CP1 & 2 compliance/ sustainable location	Policy Conflict	Substantial Delivery by 2029	Delivery Risk by 29	Sustainability Appraisal - impacts	Strategic constraints	Max Units	Proposed allocation
WSM002	Re-promoted	Home Close, Hannah Lane, Westbury-Sub-Mendip	0.5	2014/2190/OTS - refused March 2015	Primary village with growth above CP2 minimum/ good access local services available.	DP4	Not suitable - site ion AONB/ prev. refusals		strong negatives/ difficult to mitigate	Phosphates/ surface water	7	No
WSM005	Re-promoted	Land at Station Rd, Field to the South East of the village, E of Station Road /S of Wells Road, Westbury Sub Mendip	5.0	2014/0803/OTS withdrawn Promoted in LPP2	Primary village with growth above CP2 minimum/ good access local services available.		No - longer term site after allocated land		strong negatives/ difficult to mitigate	Phosphates/ surface water	65	No
WSM019	Re-promoted	Upper Yard at Old Ditch Farm. Lynch Lane	0.1	None	Primary village with growth above CP2 minimum/ good access local services available.	DP3 DP4	Too small for allocation and unsuitable - site in AONB		not assessed	Phosphates/ surface water	1	Screened Out
WSM020	Re-promoted	Land adjacent to Perch Hill and Top Road	0.8	2019/1549/FUL refused (ag. Bldg)	Primary village with growth above CP2 minimum/ good access local services available.	DP4	site impacts on AONB		strong negatives/ difficult to mitigate	Phosphates/ surface water	15	No
WSM021	Re-promoted	Barns adj Court House Farm, Westbury Sub Mendip	0.8	Part of discussions with promoter of allocation WM1	Primary village with growth above CP2 minimum/ good access local services available.		No curtilage listed barns -promoted alongside adopted allocation/ WM1. Not not a housing site in isolation and size below threshold in any case		positive in relation to conversion/re-use of barns	Phosphates/ surface water		No
WSM022	Re-promoted	Land to the south of Court House Farm - southern section - Extension of site WM1	6.3	Part of discussions with promoter of allocation WM1	Primary village with growth above CP2 minimum/ good access to the local services available.		Proposal seeks enlarged/ revised allocation for MN1. Extension to adopted would fall outside scope of addressing 505 dwellings. Impacts on AONB . Highways		strong negatives/ difficult to mitigate	Phosphates/ surface water	80	No

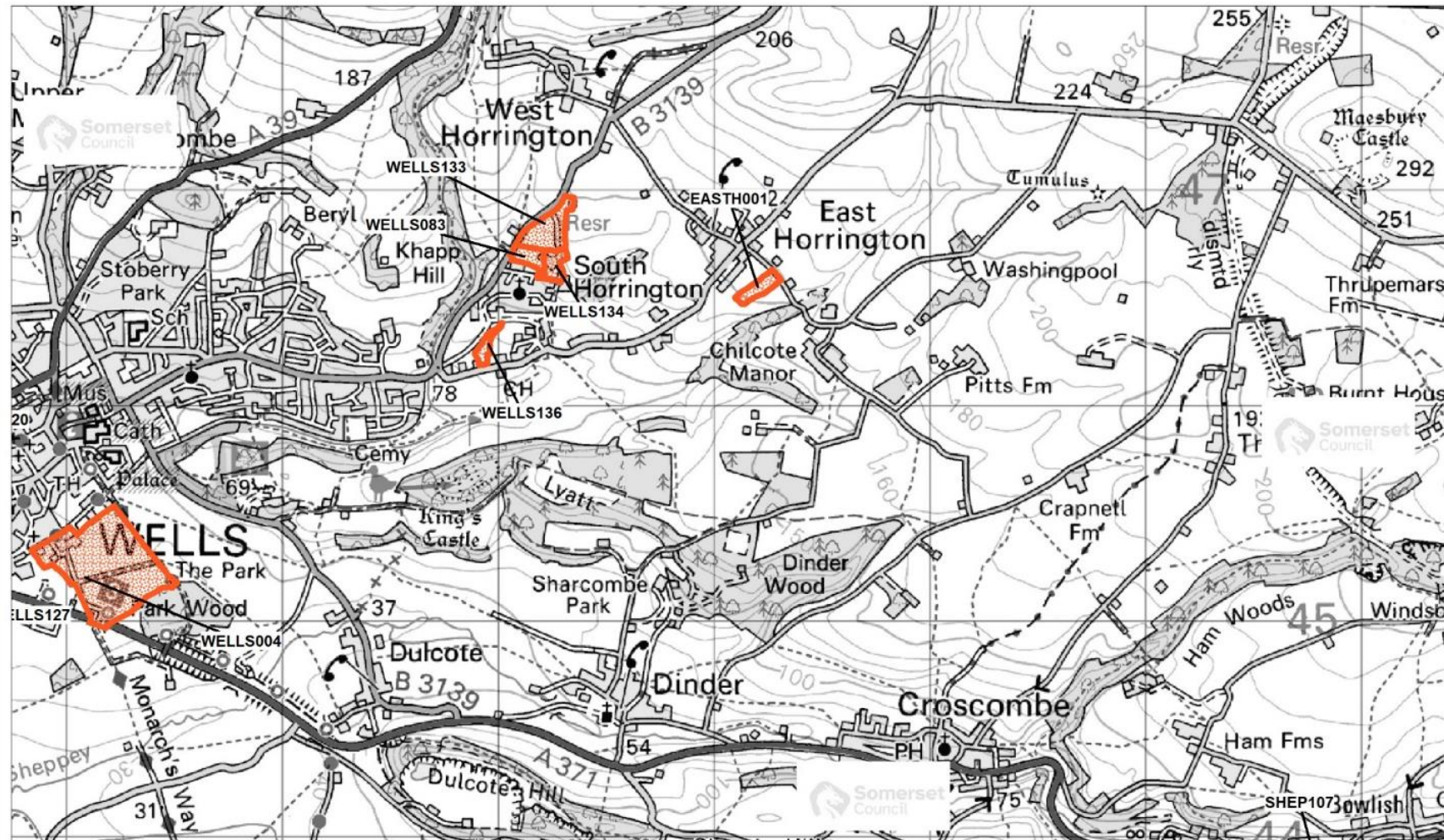
Wookey												
Land Ref	Submission status	Site	Ha	Planning Status	CP1 & 2 compliance/ sustainable location	Other Policies	Substantial Delivery by 2029	Delivery Risk by 29	Sustainability Appraisal -impacts	Strategic constraints	Max Units	Proposed allocation
WOOK032	Application	Land at Knowle Lane, Wookey	0.3	2020/2542/OTS	Secondary village with growth above min requirement. No school capacity. Site has good access to local services. Limited bus service to main town		No- unsuitable	Very High	strong negatives/ difficult to mitigate	Phosphates (surface water)	9	<b>No</b>
WOOK032	Re-promoted	Land North of Henley Lane, Wookey	2.2	None	Secondary village with growth above min requirement. No school capacity. Site has good access to local services. Limited bus service to main town		No - unsuitable	High	strong negatives/ difficult to mitigate	Phosphate (surface water)	15	<b>No</b>



# Mendip Site Allocations Review - Housing Sites Eligible Applications, Permissions & Land Promoted in the Call for Sites

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## East and South Horrington

East Horrington												
Land Ref	Submission status	Site	Ha	Planning Status	CP1 & 2 compliance	Policy Conflict	Site suitability/ Delivery by 2029	Delivery Risk by 29	Sustainability Appraisal -impacts	Strategic constraints	Max Units	Proposed allocation
EASTH001	New Site	Land At 358209 146542, Chilcote Lane, East	1.3	None	Unsuitable - not in an identified settlement					None	20	<b>Screened Out</b>



## **Planning and Transport Policy Sub-Committee**

Decision Date – 14 February 2024

Key Decision – yes

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### **Ruishton and Thornfalcon Neighbourhood Plan**

Executive Member(s): Councillor Ros Wyke, Lead Member for Economic Development, Planning & Assets

Local Member(s) and Division: Division Councillors for Blackdown and Neroche:

Councillor Ross Henley and Councillor Sarah Wakefield

Lead Officer: Alison Blom-Cooper (Head of Planning)

Author: Ann Rhodes (Principal Planning Policy Officer)

Contact Details: ann.rhodes@somerset.gov.uk

### **Summary / Background**

1. The [Ruishton and Thornfalcon Neighbourhood Development Plan](#) (“the Plan”) is a community led planning document which has been produced by Ruishton and Thornfalcon Parish Council (as Qualifying Body). The document and its evidence base was the subject of an [Independent Examination](#) from June 2023 following which Somerset Council (SC) as local planning authority (LPA) put the Plan to a local referendum which took place on Thursday 8 February 2024. The outcome of the referendum was [Referendum result to be added after results of the Referendum on 8 Feb are published]. of those voting voted “yes” in support of the Plan.
2. The position following a referendum is that if more than 50% of those voting are in favour of the Plan, then SC is required to formally make the Plan part of the development plan within eight weeks of the date on which the referendum has been held (however, the Council is not obliged to do so if it considers that the making of the Plan would breach or otherwise be incompatible with any EU obligation or any of the Convention rights within the meaning of the Human Rights Act 1998). Once the Plan is formally made, it will form part of the statutory development plan, and so will be able to be used in the determination of planning applications in the Ruishton and Thornfalcon Neighbourhood Area which is the whole Parish of Ruishton and Thornfalcon Parish.

3. The making of the Plan is the culmination of a formal neighbourhood planning process which is set out in [The Planning and Compulsory Purchase Act 2004 \(as amended\)](#); [Neighbourhood Planning \(General\) and Development Management Procedure \(Amendment\) Regulations 2016](#), and the [Neighbourhood Planning \(General\) and Development Management Procedure \(Amendment\) Regulations 2017](#) which amend the [Neighbourhood Planning \(General\) Regulations 2012](#).

### **Recommendations**

4. The Executive Planning and Transport Policy Sub-Committee agrees:
  - a. That the Ruishton and Thornfalcon Neighbourhood Plan be ‘made’ (adopted) as part of the Development Plan and to be used in determining planning applications in the Neighbourhood Area which is the Parish of Ruishton and Thornfalcon.

### **Reasons for recommendations**

5. The decision of the committee responds to the statutory requirement to have the Neighbourhood Plan Made.
6. The Neighbourhood Plan has been through the requisite regulatory stages:
  - a. Pre-submission consultation (Regulation 14)
  - b. Submission of the draft Neighbourhood Plan to the LPA and statutory consultation (Regulation 16)
  - c. Independent examination of the draft Plan, at which stage an examiner undertakes an examination and determines whether the Plan satisfies the “basic conditions” (see Compliance with the Basic Conditions and General Information with regard to the [Town and Country Planning Act 1990 \(as amended\)](#) and [Neighbourhood Planning \(General\) Regulations 2012 \(as amended\)](#)) and makes a recommendation as to whether the Plan should proceed to referendum.
  - d. [Acceptance of the Independent Examiners report](#).
  - e. [Local referendum](#).
7. The Council is legally obliged to ‘Make’ the Plan within eight weeks of the date on which the referendum has been held if the majority of those voting in the local referendum have voted in favour of the Plan, unless it considers that the

making of the Plan would breach or otherwise be incompatible with any EU obligation or any of the Convention rights within the meaning of the Human Rights Act 1998. If the Council failed to do so, then it would be in breach of its statutory obligations and would be vulnerable to legal challenge.

### **Other options considered**

8. There are no legal grounds to not have the Neighbourhood Plan Made. Neighbourhood Plans are subject to detailed statutory process. The Neighbourhood Plan is in conformity with the [Town and Country Planning Act 1990 \(as amended\)](#) and [The Planning and Compulsory Purchase Act 2004 \(as amended\)](#). It is compatible with retained European Union (EU) obligations including those in respect of Strategic Environmental Assessments and Environmental Impact Assessments. [The Conservation of Habitats and Species Regulations 2017](#) (transposed into domestic law Directive 92/43/EEC); [the Environmental Assessment of Plans and Programmes Regulations 2004](#) (transposed into domestic law Directive 2001/42/EC) and [European Convention on Human Rights](#) (ECHR).

### **Links to Council Plan and Medium-Term Financial Plan**

9. The Neighbourhood Plan policies have the following links to [Somerset Council Plan 2023-2027](#)
  - a. A Greener, More Sustainable Somerset:
    - i. Addressing ecological and environmental emergencies in planning policy.
  - b. A Healthy and Caring Somerset:
    - i. Improving the health and wellbeing of Somerset Residents.
    - ii. Access to active travel, leisure facilities, open spaces, good housing, meaningful employment and social opportunities.
  - c. A Fairer, Ambitious Somerset:
    - i. Reduce inequalities through quality housing, affordable housing, improving access to services and facilities.
  - d. A Flourishing and Resilient Somerset:
    - i. Supporting better digital and physical connectivity.
10. The Neighbourhood Plan does not have any links to the [Medium-Term Financial Plan](#).

## Financial and Risk Implications

11. The Council's costs associated with regulatory stages of the Neighbourhood Plan process are covered by the Neighbourhood Planning Grant received from Central Government. In the case of this Neighbourhood Plan a grant of £20,000 is received when the date for the referendum is set.
12. The Neighbourhood Plan is in the former Taunton Deane Borough Council area where Community Infrastructure Levy is applied to developments. A Parish which has an adopted Neighbourhood Development Plan receives 25% of Community Infrastructure Levy (CIL) receipts relating to development proposals which receive planning permission within the parish area, as opposed to 15% (capped at £10 per council tax dwelling) for those which do not. Somerset Council is required to do this under [The Community Infrastructure Levy \(Amendment\) Regulations 2013](#).
13. Key risk(s) to the Council:

<b>Please enter risk description:</b>					
<b>Not having the Neighbourhood Plan Made the Council would be in breach of its statutory obligations and would be vulnerable to legal challenge.</b>					
<b>Likelihood</b>	<b>1</b>	<b>Impact</b>	<b>4</b>	<b>Risk Score</b>	<b>4</b>
<b>Please enter mitigation here:</b>					
<b>The Sub-Committee making the Neighbourhood Plan removes the risk of this specific legal challenge.</b>					
<b>This reduces risk to: Likelihood – 1, Impact – 1, Risk Score - 1</b>					

<b>Please enter risk description:</b>					
<b>Changes to the National Planning Policy Framework and the adoption of the Somerset Local Plan could override Neighbourhood Plan policies.</b>					
<b>Likelihood</b>	<b>3</b>	<b>Impact</b>	<b>3</b>	<b>Risk Score</b>	<b>9</b>
<b>Please enter mitigation here:</b>					
<b>The Parish Council should monitor their Neighbourhood Plan and can undertake a review of it in light of changes to legislation, evidence base, or local planning policy. Somerset Council has an obligation to support communities in the production of and when undertaking a review of a Neighbourhood Plan</b>					

### **Legal Implications**

- a. Somerset Council is legally obliged to Make the Plan within eight weeks of the date on which the referendum has been held if the majority of those voting in the local referendum have voted in favour of the Plan, unless it considers that the making of the Plan would breach or otherwise be incompatible with any EU obligation or any of the Convention rights within the meaning of the Human Rights Act 1998. If the Council failed to do so, then it would be in breach of its statutory obligations and would be vulnerable to legal challenge.
- b. There are no legal grounds to not have the Neighbourhood Plan Made.

### **HR Implications**

- c. There are no HR implications.

### **Other Implications:**

### **Equalities Implications**

14. An Equalities Impact Assessment (EIA) is appended to this report.
15. The impacts for most protected characteristics are neutral. In general terms all the policies are beneficial for all protected characteristics. There are specific positive impacts for:
  - a. Older persons
  - b. Children and Young People
  - c. Families
  - d. Disability
  - e. Rurality and isolation

See attached EIA for details.

### **Community Safety Implications**

16. In general terms there are positive implications for:
  - a. Overall impact upon quality of life and wellbeing

- b. Impact on social isolation or exclusion

17. There are no impacts or links with any existing projects/services of other community safety partners.

### **Climate Change and Sustainability Implications**

18. The making of the Neighbourhood Plan will have a positive impact on climate change and sustainability.

19. The Neighbourhood Plan is in general conformity with spatial strategy for development in the area: The adopted Core Strategy and adopted Site Allocations and Development Management Plan.

### **Health and Safety Implications**

20. There are no Health and Safety Implications.

### **Health and Wellbeing Implications**

21. The Neighbourhood Plan has positive impacts on:
- a. health and wellbeing
  - b. preventing ill-health (physical and mental health)
  - c. reducing health and social inequalities.

### **Social Value**

22. The Neighbourhood Plan supports the Council's social value priority areas (SVPA) of:
- a. Improving health and wellbeing, maintaining independence and reducing inequalities of local residents and employees
  - b. Reducing air pollution, particularly in urban areas

### **Scrutiny comments / recommendations:**

23. The proposed decision has not been considered by a Scrutiny Committee. The Neighbourhood Plan has been subject to statutory consultation and independently examined to determine if it is legally compliant. There is nothing to scrutinise with regard to the content of the Neighbourhood Plan.



## Background

24. The Localism Act 2011 introduced Neighbourhood Development Plans to the planning system, giving communities direct power to develop a shared vision for their neighbourhood and shape a locally distinctive development plan document which reflect the growth needs and priorities of their communities.
25. The Ruishton and Thornfalcon Neighbourhood Plan is a community led planning document which has been produced by Ruishton and Thornfalcon Parish Council who are Qualifying Bodies under [The Town and Country Planning Act 1990 \(as amended\)](#).
26. Under [Section 61G of The Town and Country Planning Act 1990 \(as amended\)](#) the Neighbourhood Area for the Ruishton and Thornfalcon Neighbourhood Development Plan was designated by the former Somerset West and Taunton Council on 11 July 2016.
27. A Neighbourhood Development Plan is a means by which planning policies can be set for a local area which then (once the Plan is made) form part of the statutory development plan. A Neighbourhood Plan should therefore contain policies for the development and use of land, and generally will not include wider non-planning aspirations for the area. A Neighbourhood Plan must also meet the “basic conditions” as set out in the [Town and Country Planning Act 1990 Schedule 4B paragraph 8](#), and so as a result must be in general conformity with the policies already contained in the development plan for the area, and must also contribute to the achievement of sustainable development. A Neighbourhood Plan must also not be in conflict with EU obligations.
28. The Ruishton and Thornfalcon Neighbourhood Plan has been developed by the Parish Council over a number of years with the community and was subject to parish led statutory consultation between 26 April – 7 June 2021.
29. The Neighbourhood Plan was submitted to Somerset Council in April 2023. In line with the legislation, it was subject to statutory consultation between 17 April – 1 June 2023.
30. In accordance with [Schedule 4B Section 7 of the TCPA 1990 \(amended\)](#) the Neighbourhood Plan and its evidence base was subject to Independent Examination. The [Examiners report](#) was received Monday 16 October 2023. The

report concluded that a modified Neighbourhood Plan, in accordance with the Examiner's recommendations, could proceed to referendum. The area for the referendum is the designated Neighbourhood Area.

31. In accordance with [Regulation 18 of The Neighbourhood Planning \(General\) Regulations 2012](#) Somerset Council accepted the Independent Examiners report for Ruishton and Thornfalcon Neighbourhood Plan and that a modified Neighbourhood Plan should progress to referendum. The decision was made on the [20 November 2023 through an Officer Non Key Decision](#). Under the Somerset Council's Officer Scheme of Delegation, the Head of Planning/Chief Planning Officer is authorised to discharge responsibilities as they relate to Somerset Council functions under Town and Country Planning and Localism legislation and policy guidance as set out in the Council's constitution Section I2, paragraph 114.
  
32. A local referendum on the Plan was held on Thursday 8 February 2024 in accordance with [The Town and Country Planning Act 1990 \(as amended\); Neighbourhood Planning \(Referendum\) Regulations 2012](#) (as amended by the [Neighbourhood Planning \(Referendum\) \(Amendment\) Regulations 2013](#) and 2014) and the [Neighbourhood Planning \(Prescribed Dates\) Regulations 2012](#). [Referendum result to be added after results of the Referendum on 8 Feb are published] of those voting voted "yes" in support of the Plan
  
33. The Ruishton and Thornfalcon Neighbourhood Plan contains 23 policies which following the making of the revised Plan - will form part of the statutory development plan and so may be used when determining planning applications in the Neighbourhood Area.
  
34. The Ruishton and Thornfalcon Neighbourhood Plan Policies are:
  - a. Policy C1 – protection of established communities (openness around and between these three villages)
  - b. Policy C2 – protecting existing play, sports and recreation facilities.
  - c. Policy C3 – provision of new and improved community, play, sports and recreation provision.
  - d. Policy C4 – protection of community assets (pubs and post office).
  - e. Policy H1 – providing new housing suitable for local need.

- f. Policy H2 – providing for elderly residents (residential, nursing home or sheltered housing accommodation).
- g. Policy H3 – providing community facilities with new residential development.
- h. H4 – protecting the environment from adverse impacts of residential development.
- i. Policy T1 – planning for transport and traffic solutions.
- j. Policy T2 – provision of safe cycle and pedestrian travel.
- k. T3 – protecting existing rights of way.
- l. T4 – promoting new and improved rights of way and cycle routes.
- m. T5 – off-road car parking capacity.
- n. Policy E1 – protecting wildlife sites and habitats.
- o. Policy E2 – protecting banks, hedges and trees.
- p. Policy E3 – protecting heritage.
- q. Policy E4 – ensuring no net increase in flood risk.
- r. Policy E5 – flood defences.
- s. Ec1 – sustaining local employment provision.
- t. Ec2 – improving broadband provision.
- u. Ec3- supporting small businesses and local employment opportunities.
- v. Ec4 – farm diversification.
- w. Ec5 – establishing a community hub.

## **Background Papers**

28. Supporting documents for the Ruishton and Thornfalcon Neighbourhood Plan are on the Councils website - [Ruishton and Thornfalcon Neighbourhood Plan \(somerset.gov.uk\)](http://somerset.gov.uk)

## **Appendices**




- EIA

**Assurance checklist (if appropriate)**

	Officer Name	Date Completed
Legal & Governance Implications	David Clark	25/01/2024
Communications	Peter Elliott	N/A
Finance & Procurement	Nicola Hix	02/02/2024
Workforce	Alyn Jones	N/A
Asset Management	Oliver Woodhams	N/A
Executive Director / Senior Manager	Micky Green / Paul Hickson	26/01/2024
Strategy & Performance	Alyn Jones	N/A
Executive Lead Member: Economic Development, Planning and Assets.	Cllr Ros Wyke	25/01/2024
<b>Consulted:</b>	Councillor Name	
Local Division Members: Blackdown and Neroche	Cllr Ross Henley, and Cllr Sarah Wakefield	22/01/2024
Opposition Spokesperson	Cllr Mark Healey	22/01/2024
Scrutiny Chair: Climate and Place	Cllr Martin Dimery	22/01/2024

## Somerset Equality Impact Assessment

Before completing this EIA please ensure you have read the EIA guidance notes – available from your Equality Officer or  
[www.somerset.gov.uk/impactassessment](http://www.somerset.gov.uk/impactassessment)

<b>Organisation prepared for (mark as appropriate)</b>	 <b>Somerset</b> Council		 <b>NHS</b> <b>Somerset</b>		 <b>NHS</b> <b>Somerset</b> NHS Foundation Trust
<b>Version</b>	<b>1</b>	<b>Date Completed</b>		<b>16 Jan 2024</b>	
<b>Description of what is being impact assessed</b>					
Ruishton and Thornfalcon Neighbourhood Plan					
<b>Evidence</b>					
<b>What data/information have you used to assess how this policy/service might impact on protected groups?</b> Sources such as the <a href="#">Office of National Statistics</a> , <a href="#">Somerset Intelligence Partnership</a> , <a href="#">Somerset’s Joint Strategic Needs Analysis (JSNA)</a> , Staff and/or <a href="#">area profiles</a> ,, should be detailed here					
The Community have used a number of sources to inform their Neighbourhood Plan including:  Census: <ul style="list-style-type: none"> <li>• <a href="#">Census Profile 2011 Ruishton</a></li> <li>• <a href="#">Census Profile 2011 Thornfalcon</a></li> </ul>					

#### Profiles/Guidance:

- [Somerset Intelligence Partnership](#)
- <https://ruishton.org.uk/parish-council/neighbourhood-plans/documents/>
- [Character Assessment of the Villages of the Parish Nov 2019](#)
- <https://www.gov.uk/government/publications/national-design-guide>
- <https://www.somersetwestandtaunton.gov.uk/planning-policy/districtwide-design-guide-spd/>
- <https://www.designforhomes.org/project/building-for-life/>
- <https://www.breeam.com/discover/technical-standards/newconstruction/>
- <https://passivhaustrust.org.uk/>
- <https://www.somerset.gov.uk/roads-and-transport/roads-and-transport-local-cycling-and-walking-infrastructure-plans-lcwips/>

#### Surveys and meetings with residents and businesses:

- <https://www.ruishton.org.uk/parishcouncil/np/Documents/HouseholdSurveyReport2017.pdf>
- <https://www.ruishton.org.uk/parishcouncil/np/Documents/PrimarySchoolSurvey.pdf>
- <https://www.ruishton.org.uk/parishcouncil/np/Documents/SecondarySchoolSurvey.pdf>
- <http://www.ruishton.org.uk/parishcouncil/np/Documents/CommunityParticipationVillageDay2017.pdf>
- <https://www.ruishton.org.uk/parishcouncil/np/Documents/TACC%20and%20Walkers%20findings.pdf>
- <https://www.ruishton.org.uk/parishcouncil/np/Documents/Parking%20at%20school%20meeting%20%20minutes.pdf>
- [Housing Needs Survey report Feb 2018](#)
- [Meeting with Wilkie May and Tuckwood representative Nov 2017](#)
- [Meeting with Business 1 following Business Survey March 2018](#)
- [Meeting with Business 2 following Business Survey March 2018](#)
- [Parishioner Workshop Green spaces, Foot and Cycle Paths May 2018](#)
- [Park consultation with parishioners Oct 2018](#)
- [Ruishton and Thornfalcon NP Key Messages and Issues Report Oct 2018](#)

- [Village Day feedback 2016](#)
- [Village Day feedback 2017](#)
- [Village Day feedback 2019](#)
- [Village Hall needs and aspirations Oct 2018](#)

[Vision, Policies and Projects Nov 2017](#)

**Who have you consulted with to assess possible impact on protected groups and what have they told you?** If you have not consulted other people, please explain why?

The Community have consulted people within the Parish through workshops, village days, parish council meetings, surveys, leaflets, articles in the parish magazine and notices on parish noticeboards as well as at formal statutory consultation stages. These have informed the policies in the Neighbourhood Plan which are accompanied by supporting text identifying issues. See above for links to summaries for these events and surveys, the Neighbourhood Plan is here - [Ruishton and Thornfalcon NDP referendum version](#).

**Analysis of impact on protected groups**

The Public Sector Equality Duty requires us to eliminate discrimination, advance equality of opportunity and foster good relations with protected groups. Consider how this policy/service will achieve these aims. In the table below, using the evidence outlined above and your own understanding, detail what considerations and potential impacts against each of the three aims of the Public Sector Equality Duty. Based on this information, make an assessment of the likely outcome, before you have implemented any mitigation.

Protected group	Summary of impact	Negative outcome	Neutral outcome	Positive outcome
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<b>Age</b>	<ul style="list-style-type: none"> <li>• Policy H1 – new housing suitable for local need. This policy includes provision of market housing for families as well as older persons within walking distance of village facilities and services.</li> <li>• Policy H2 – providing for elderly residents. Supports provision of residential, nursing home or sheltered housing accommodation.</li> </ul>	□	□	☒
<b>Disability</b>	<ul style="list-style-type: none"> <li>• Policy T2 – provision of safe cycle and pedestrian travel. Including: providing good connectivity to school, local services and facilities and for disabled access.</li> <li>• T4 - promoting new and improved rights of way and cycle routes. Including: enhancing accessibility to local amenities.</li> </ul>	□	□	☒
<b>Gender reassignment</b>	<ul style="list-style-type: none"> <li>• All policies in the Neighbourhood Plan are in general terms beneficial to this protected characteristic.</li> </ul>	□	□	□
<b>Marriage and civil partnership</b>	<ul style="list-style-type: none"> <li>• All policies in the Neighbourhood Plan are in general terms beneficial to this protected characteristic.</li> </ul>	□	□	□
<b>Pregnancy and maternity</b>	<ul style="list-style-type: none"> <li>• All policies in the Neighbourhood Plan are in general terms beneficial to this protected characteristic.</li> </ul>	□	□	□



<b>Race and ethnicity</b>	<ul style="list-style-type: none"> <li>All policies in the Neighbourhood Plan are in general terms beneficial to this protected characteristic.</li> </ul>	□	□	□
<b>Religion or belief</b>	<ul style="list-style-type: none"> <li>All policies in the Neighbourhood Plan are in general terms beneficial to this protected characteristic.</li> </ul>	□	□	□
<b>Sex</b>	<ul style="list-style-type: none"> <li>All policies in the Neighbourhood Plan are in general terms beneficial to this protected characteristic.</li> </ul>	□	□	□
<b>Sexual orientation</b>	<ul style="list-style-type: none"> <li>All policies in the Neighbourhood Plan are in general terms beneficial to this protected characteristic.</li> </ul>	□	□	□
<b>Armed Forces (including serving personnel, families and veterans)</b>	<ul style="list-style-type: none"> <li>All policies in the Neighbourhood Plan are in general terms beneficial to this protected characteristic.</li> </ul>	□	□	□
<b>Other, e.g. carers, low income, rurality/isolation, etc.</b>	<ul style="list-style-type: none"> <li>Policy C2 – protects play, sports and recreation facilities.</li> <li>Policy C3 – provision of new and improved community, play, sports and recreation provision.</li> </ul> <p>These policies promote a range of opportunities for activity, to improve health and wellbeing of residents and interaction between people.</p>	□	□	☒

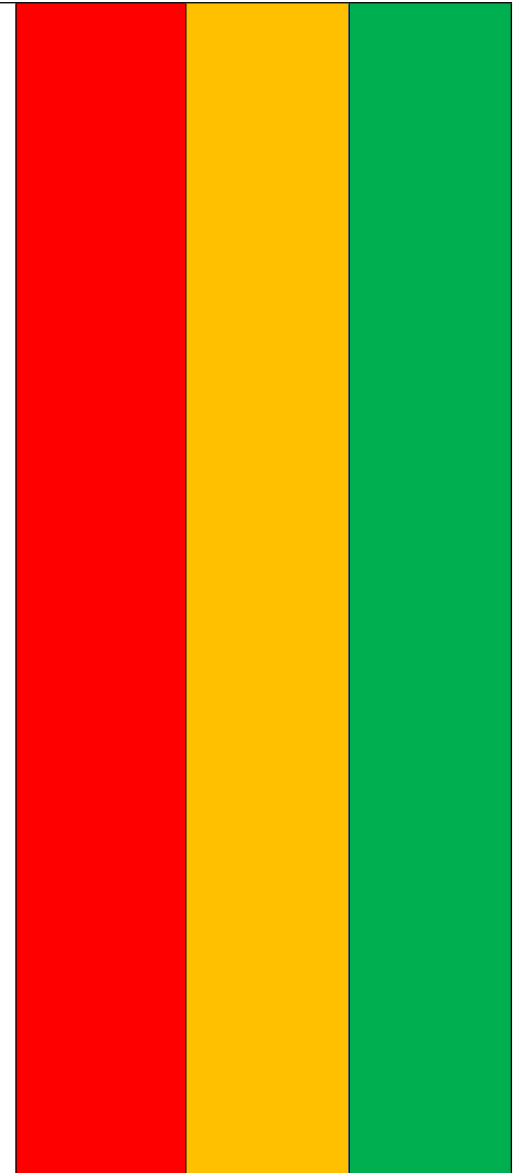
- Policy C4 – protection of community assets (pubs and post office)
- Policy H3 – provision of community facilities with new residential development.

These policies protect and provide local facilities which are valuable for social interaction, health and wellbeing, and area a feature of the rural community life.

- Policy H4 – protecting the environment through housing design. This includes: protecting amenity of neighbours; safe and convenient access for pedestrians and cyclists; Building for a Healthy Life; walkable communities.

These policies promote opportunities for activity, to improve health and wellbeing of residents as well as energy efficient and high-quality design reducing fuel poverty and creating adaptable lifetime homes.

- Policy T1 – planning for transport and traffic solutions. Enhancing footpaths and cycleways.
- Policy T2 – provision of safe cycle and pedestrian travel. Including: providing good connectivity to school, local services and facilities as well as providing for disabled access.
- T3 – protecting existing rights of way.
- T4 - promoting new and improved rights of way and cycle routes.



	<p>This policy promotes opportunities for activity, to improve health and wellbeing of residents and visitors.</p> <ul style="list-style-type: none"><li>• Ec1 – sustaining local employment provision. Protecting overall sustainability of the community with local employment provision.</li><li>• Ec3- supporting small businesses and local employment opportunities. Including: offices and workshop space for small scale start-up businesses, linking it to encouraging workers to cycle and walk.</li></ul> <p>These policies protect and support provision of local, and easily accessible, employment in the community. It also supports agricultural and land-based activities in the area.</p> <ul style="list-style-type: none"><li>• Ec2 – improving broadband provision.</li></ul> <p>This policy supports local rural businesses, new incubator and flexible business space and meeting facilities in the parish, connectivity for those working from home and accessing online services.</p> <ul style="list-style-type: none"><li>• Ec5 – establishing a community hub. Provision of training rooms and meeting spaces for local business.</li><li>• This policy supports local rural businesses in the parish.</li></ul>			
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<b>Negative outcomes action plan</b>				
Where you have ascertained that there will potentially be negative outcomes, you are required to mitigate the impact of these. Please detail below the actions that you intend to take.				
<b>Action taken/to be taken</b>	<b>Date</b>	<b>Person responsible</b>	<b>How will it be monitored?</b>	<b>Action complete</b>
N/A	Select date	N/A	N/A	<input type="checkbox"/>
<b>If negative impacts remain, please provide an explanation below.</b>				
N/A				
<b>Completed by:</b>	<b>Ann Rhodes (Principal Planning Policy Officer)</b>			
<b>Date</b>	<b>16 Jan 2024</b>			
<b>Signed off by:</b>				
<b>Date</b>				
<b>Equality Lead sign off name:</b>				
<b>Equality Lead sign off date:</b>				
<b>To be reviewed by: (officer name)</b>				
<b>Review date:</b>				



## **Planning and Transport Policy Sub-Committee**

Decision Date – 14 February 2024

Key Decision – yes

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### **Wells Neighbourhood Plan**

Executive Member(s): Councillor Ros Wyke, Lead Member for Economic Development, Planning & Assets

Local Member(s) and Division: Division Councillors for Wells: Councillor Theo Butt Philip and Councillor Tessa Munt

Lead Officer: Alison Blom-Cooper (Head of Planning)

Author: Jo Milling (Senior Planning Policy Officer)

Contact Details: jo.milling@somerset.gov.uk

### **Summary / Background**

1. The [Wells Neighbourhood Plan](#) (“the Plan”) is a community led planning document which has been produced by Wells City Council (as Qualifying Body). The document and its evidence base was the subject of an Independent Examination from June 2023 following which Somerset Council (SC) as local planning authority (LPA) put the Plan to a local referendum which took place on Thursday 25 January 2024. The outcome of the referendum was 81% of those voting voted “yes” in support of the Plan.
2. The position following a referendum is that if more than 50% of those voting are in favour of the Plan, then SC is required to formally make the Plan part of the development plan within eight weeks of the date on which the referendum has been held (however, the Council is not obliged to do so if it considers that the making of the Plan would breach or otherwise be incompatible with any EU obligation or any of the Convention rights within the meaning of the Human Rights Act 1998). Once the Plan is formally made, it will form part of the statutory development plan, and so will be able to be used in the determination of planning applications in the Wells Neighbourhood Area which is the whole Parish of Wells.

3. The making of the Plan is the culmination of a formal neighbourhood planning process which is set out in [The Planning and Compulsory Purchase Act 2004 \(as amended\)](#); [Neighbourhood Planning \(General\) and Development Management Procedure \(Amendment\) Regulations 2016](#), and the [Neighbourhood Planning \(General\) and Development Management Procedure \(Amendment\) Regulations 2017](#) which amend the [Neighbourhood Planning \(General\) Regulations 2012](#).

## **Recommendations**

4. The Executive Planning and Transport Policy Sub-Committee agrees:
  - a. That the Wells Neighbourhood Plan be ‘made’ (adopted) as part of the Development Plan and to be used in determining planning applications in the Neighbourhood Area which is the Parish of Wells.

## **Reasons for recommendations**

5. The decision of the committee responds to the statutory requirement to have the Neighbourhood Plan Made following a ‘yes’ vote to a local referendum.
6. The Neighbourhood Plan has been through the requisite regulatory stages:
  - a. Pre-submission consultation (Regulation 14)
  - b. Submission of the draft Neighbourhood Plan to the LPA and statutory consultation (Regulation 16)
  - c. Independent examination of the draft Plan, at which stage an examiner undertakes an examination and determines whether the Plan satisfies the “basic conditions” (set out in the [Town and Country Planning Act 1990 \(as amended\)](#) and [Neighbourhood Planning \(General\) Regulations 2012 \(as amended\)](#)) and makes a recommendation as to whether the Plan should proceed to referendum.
  - d. Acceptance of the Independent Examiners report.
  - e. Local referendum.
7. The Council is legally obliged to ‘Make’ the Plan within eight weeks of the date on which the referendum has been held if the majority of those voting in the local referendum have voted in favour of the Plan, unless it considers that the making of the Plan would breach or otherwise be incompatible with any EU obligation or any of the Convention rights within the meaning of the Human Rights Act 1998. If the Council failed to do so, then it would be in breach of its statutory obligations and would be vulnerable to legal challenge.

## Other options considered

8. There are no legal grounds to not have the Neighbourhood Plan Made. Neighbourhood Plans are subject to detailed statutory process. The Neighbourhood Plan is in conformity with the [Town and Country Planning Act 1990 \(as amended\)](#) and [The Planning and Compulsory Purchase Act 2004 \(as amended\)](#). It is compatible with retained European Union (EU) obligations including those in respect of Strategic Environmental Assessments and Environmental Impact Assessments. [The Conservation of Habitats and Species Regulations 2017](#) (transposed into domestic law Directive 92/43/EEC); [the Environmental Assessment of Plans and Programmes Regulations 2004](#) (transposed into domestic law Directive 2001/42/EC) and [European Convention on Human Rights](#) (ECHR).

## Links to Council Plan and Medium-Term Financial Plan

9. The Neighbourhood Plan policies have the following links to [Somerset Council Plan 2023-2027](#)
  - a. A Greener, More Sustainable Somerset:
    - i. Addressing ecological and environmental emergencies in planning policy.
  - b. A Healthy and Caring Somerset:
    - i. Improving the health and wellbeing of Somerset Residents.
    - ii. Access to active travel, leisure facilities, open spaces, good housing, meaningful employment and social opportunities.
  - c. A Fairer, Ambitious Somerset:
    - i. Reduce inequalities through quality housing, affordable housing, improving access to services and facilities.
  - d. A Flourishing and Resilient Somerset:
    - i. Supporting better digital and physical connectivity.
10. The Neighbourhood Plan does not have any links to the [Medium-Term Financial Plan](#).

## Financial and Risk Implications

11. The Councils costs associated with regulatory stages of the Neighbourhood Plan process are covered by the Neighbourhood Planning Grant received from

Central Government. In the case of this Neighbourhood Plan a grant of £20,000 is received when the date for the referendum is set.

12. The Neighbourhood Plan is in the former Mendip area. CIL is not currently levied in the former Mendip area.

13. Key risk(s) to the Council:

<b>Please enter risk description:</b>					
<b>Not having the Neighbourhood Plan Made the Council would be in breach of its statutory obligations and would be vulnerable to legal challenge.</b>					
<b>Likelihood</b>	<b>1</b>	<b>Impact</b>	<b>4</b>	<b>Risk Score</b>	<b>4</b>
<b>Please enter mitigation here:</b>					
<b>The Sub-Committee making the Neighbourhood Plan removes the risk of this specific legal challenge.</b>					
<b>This reduces risk to: Likelihood - 1, Impact - 1, Risk Score - 1</b>					

<b>Please enter risk description:</b>					
<b>Changes to the National Planning Policy Framework and the adoption of the Somerset Local Plan could override Neighbourhood Plan policies.</b>					
<b>Likelihood</b>	<b>3</b>	<b>Impact</b>	<b>3</b>	<b>Risk Score</b>	<b>9</b>
<b>Please enter mitigation here:</b>					
<b>The Parish Council should monitor their Neighbourhood Plan and can undertake a review of it in light of changes to legislation, evidence base, or local planning policy. Somerset Council has an obligation to support communities in the production of and when undertaking a review of a Neighbourhood Plan</b>					
<b>This reduces risk to: Likelihood - 3, Impact - 1, Risk Score - 3</b>					

## Legal Implications

- a. Somerset Council is legally obliged to Make the Plan within eight weeks of the date on which the referendum has been held if the majority of those voting in the local referendum have voted in favour of the Plan, unless it considers that the making of the Plan would breach or otherwise be incompatible with any EU obligation or any of the Convention rights



within the meaning of the Human Rights Act 1998. If the Council failed to do so, then it would be in breach of its statutory obligations and would be vulnerable to legal challenge.

- b. There are no legal grounds to not have the Neighbourhood Plan Made.

### **HR Implications**

- c. There are no HR implications.

### **Other Implications:**

### **Equalities Implications**

14. An Equalities Impact Assessment (EIA) is appended to this report.

15. The impacts for most protected characteristics are neutral. In general terms all the policies are beneficial for all protected characteristics. There are specific positive impacts for:

- a. Older persons
- b. Children and Young People
- c. Families
- d. Disability
- e. Rurality and isolation

See attached EIA for details.

### **Community Safety Implications**

16. In general terms there are positive implications for:

- a. Overall impact upon quality of life and wellbeing
- b. Impact on social isolation or exclusion

17. There are no impacts or links with any existing projects/services of other community safety partners.

### **Climate Change and Sustainability Implications**

18. The making of the Neighbourhood Plan will have a positive impact on climate change and sustainability.
19. The Neighbourhood Plan is in general conformity with spatial strategy for development in the area: The adopted Core Strategy and adopted Site Allocations and Development Management Plan.

### **Health and Safety Implications**

20. There are no Health & Safety Implications.

### **Health and Wellbeing Implications**

21. The Neighbourhood Plan has positive impacts on:
  - a. health and wellbeing
  - b. preventing ill-health (physical and mental health)
  - c. reducing health and social inequalities.

### **Social Value**

22. The Neighbourhood Plan supports the Council's social value priority areas (SVPA) of:
  - a. Improving health and wellbeing, maintaining independence and reducing inequalities of local residents and employees
  - b. Reducing air pollution, particularly in urban areas

### **Scrutiny comments / recommendations:**

23. The proposed decision has not been considered by a Scrutiny Committee

### **Background**

24. The Localism Act 2011 introduced Neighbourhood Development Plans to the planning system, giving communities direct power to develop a shared vision for their neighbourhood and shape a locally distinctive development plan document which reflect the growth needs and priorities of their communities.

25. The Wells Neighbourhood Plan is a community led planning document which has been produced by Wells City Council who are a Qualifying Body under [The Town and Country Planning Act 1990 \(as amended\)](#).
26. Under [Section 61G of The Town and Country Planning Act 1990 \(as amended\)](#) the Neighbourhood Area for the Wells Neighbourhood Development Plan was designated by the former Mendip Council on 8 September 2014.
27. A Neighbourhood Development Plan is a means by which planning policies can be set for a local area which then (once the Plan is made) form part of the statutory development plan. A Neighbourhood Plan should therefore contain policies for the development and use of land, and generally will not include wider non-planning aspirations for the area. A Neighbourhood Plan must also meet the “basic conditions” as set out in the [Town and Country Planning Act 1990 Schedule 4B paragraph 8](#), and so as a result must be in general conformity with the policies already contained in the development plan for the area, and must also contribute to the achievement of sustainable development. A Neighbourhood Plan must also not be in conflict with EU obligations.
28. The Wells Neighbourhood Plan has been developed by the City Council over a number of years with the community and was subject to City led statutory consultation between 5 September and 21 October 2022.
29. The Neighbourhood Plan was submitted to Somerset Council in March 2023. In line with the legislation, it was subject to statutory consultation between 28 April – 9 June 2023.
30. In accordance with [Schedule 4B Section 7 of the TCPA 1990 \(amended\)](#) the Neighbourhood Plan and its evidence base was subject to Independent Examination. The [Examiners report](#) was received on 2nd October 2023. The report concluded that a modified Neighbourhood Plan, in accordance with the Examiner’s recommendations, could proceed to referendum. The area for the referendum is the designated Neighbourhood Area.
31. In accordance with [Regulation 18 of The Neighbourhood Planning \(General\) Regulations 2012](#) Somerset Council accepted the Independent Examiners report for Wells Neighbourhood Plan and that a modified Neighbourhood Plan should progress to referendum. The decision was made on the [3 Nov 2023 through an Officer Non Key Decision](#). Under the Somerset Council’s Officer

Scheme of Delegation, the Chief Planning Officer is authorised to discharge responsibilities as they relate to Somerset Council functions under Town and Country Planning and Localism legislation and policy guidance as set out in the Council's constitution Section I2, paragraph 114.

32. A local referendum on the Plan was held on Thursday 25 January 2024 in accordance with [The Town and Country Planning Act 1990 \(as amended\)](#); [Neighbourhood Planning \(Referendum\) Regulations 2012](#) (as amended by the [Neighbourhood Planning \(Referendum\) \(Amendment\) Regulations 2013](#) and 2014) and the [Neighbourhood Planning \(Prescribed Dates\) Regulations 2012](#). 81% of those voting voted "yes" in support of the Plan

33. The Wells Neighbourhood Plan contains 14 policies which following the making of the revised Plan - will form part of the statutory development plan and so may be used when determining planning applications in the Neighbourhood Area.

34. The Wells Neighbourhood Plan Policies are:

- Policy HBE1; Heritage and Built Environment
- Policy HBE2; Local Heritage Assets
- Policy H1; Responding to Local Housing Need
- Policy H2; High Quality Housing Design
- Policy H3; Housing Fit For The Future
- Policy MA1; Constraints and Opportunities On The Local Highway, Cycleway and Footpath Network
- Policy RCB1; New Development Within Primary Frontages
- Policy RCB2; Commercial Development and Responding To Climate Change
- Policy RCB3; Supporting The Local Economy Through Provision of Small Employment Premises and Workspace Hubs
- Policy TOU1; Tourism
- Policy ENV1; Protecting the Character of the Landscape, Views and setting
- Policy ENV2; Nature Recovery Networks (Including Protected Areas of Biodiversity, Geodiversity and Habitat)
- Policy ENV 3; Local Green Spaces
- Policy ENV3a; Open Spaces and Recreation

## Background Papers

35. Supporting documents for the Wells Neighbourhood Plan are on the Councils website - [www.somerset.gov.uk/planning-buildings-and-land/neighbourhood-planning/neighbourhood-plans-in-production/](http://www.somerset.gov.uk/planning-buildings-and-land/neighbourhood-planning/neighbourhood-plans-in-production/)

## Appendices




- EIA

## Assurance checklist (if appropriate)

	Officer Name	Date Completed
Legal & Governance Implications	David Clark	25/01/2024
Communications	Peter Elliott	N/A
Finance & Procurement	Nicola Hix	02/02/2024
Workforce	Alyn Jones	N/A
Asset Management	Oliver Woodhams	N/A
Executive Director / Senior Manager	Micky Green / Paul Hickson	26/01/2024
Strategy & Performance	Alyn Jones	N/A
Executive Lead Member: Economic Development, Planning and Assets.	Cllr Ros Wyke	25/01/2024
<b>Consulted:</b>	Councillor Name	
Local Division Members: Wells	Cllr Theo Butt Philip, and Cllr Tessa Munt	31/01/2024
Opposition Spokesperson	Cllr Mark Healey	22/01/2024
Scrutiny Chair: Climate and Place	Cllr Martin Dimery	22/01/2024

## Somerset Equality Impact Assessment

Before completing this EIA please ensure you have read the EIA guidance notes – available from your Equality Officer or [www.somerset.gov.uk/impactassessment](http://www.somerset.gov.uk/impactassessment)

<b>Organisation prepared for (mark as appropriate)</b>	 <b>Somerset</b> Council	 <b>Somerset</b>	 <b>Somerset</b> NHS Foundation Trust
<b>Version</b>	<b>1</b>	<b>Date Completed</b>	<b>16 Jan 2024</b>
<b>Description of what is being impact assessed</b>			
Wells Neighbourhood Plan			
<b>Evidence</b>			
<b>What data/information have you used to assess how this policy/service might impact on protected groups?</b> Sources such as the <a href="#">Office of National Statistics</a> , <a href="#">Somerset Intelligence Partnership</a> , <a href="#">Somerset’s Joint Strategic Needs Analysis (JSNA)</a> , Staff and/ or <a href="#">area profiles</a> , should be detailed here			
The Community have used a number of sources to inform their Neighbourhood Plan including: <ul style="list-style-type: none"> <li>• <a href="#">Somerset Intelligence Partnership</a></li> <li>• City of Wells Housing Needs assessment <a href="http://www.wells.gov.uk/neighbourhood-plan">www.wells.gov.uk/neighbourhood-plan</a></li> </ul>			

- Wells Design Guide [www.wells.gov.uk/neighbourhood-plan](http://www.wells.gov.uk/neighbourhood-plan)
- [ps://www.gov.uk/government/publications/national-design-guide](https://www.gov.uk/government/publications/national-design-guide)
- Mendip Local Plan [www.somerset.gov.uk/planning-buildings-and-land/adopted-local-plans/](http://www.somerset.gov.uk/planning-buildings-and-land/adopted-local-plans/)
- 

Surveys and meetings with residents and businesses are set out in the Consultation Statement [www.somerset.gov.uk/planning-buildings-and-land/neighbourhood-planning/neighbourhood-plans-in-production/](http://www.somerset.gov.uk/planning-buildings-and-land/neighbourhood-planning/neighbourhood-plans-in-production/)

Meetings included public meetings at the leisure centre, golf club, civic society and Town Hall. Meetings were held with faith groups, schools, community groups and associations. Developers active in the area, landowners and statutory consultees were also contacted. A questionnaire was sent to all Wells households. There were displays in the Portway Café and Library.

**Who have you consulted with to assess possible impact on protected groups and what have they told you?** If you have not consulted other people, please explain why?

The Community have consulted people within the City through displays, public meetings, City council meetings, surveys, leaflets, articles in the local magazine as well as at formal statutory consultation stages. These have informed the policies in the Neighbourhood Plan which are accompanied by supporting text identifying issues. See above for links to summaries for these events and surveys.

<b>Analysis of impact on protected groups</b>				
<p>The Public Sector Equality Duty requires us to eliminate discrimination, advance equality of opportunity and foster good relations with protected groups. Consider how this policy/service will achieve these aims. In the table below, using the evidence outlined above and your own understanding, detail what considerations and potential impacts against each of the three aims of the Public Sector Equality Duty. Based on this information, make an assessment of the likely outcome, before you have implemented any mitigation.</p>				
<b>Protected group</b>	<b>Summary of impact</b>	<b>Negative outcome</b>	<b>Neutral outcome</b>	<b>Positive outcome</b>
<b>Age</b>	<ul style="list-style-type: none"> <li>Policy H1 – new housing suitable for local need. This policy includes provision of market housing for families and older persons</li> </ul>	☐	☐	☒
<b>Disability</b>	<ul style="list-style-type: none"> <li>Policy MA1 – provision of safe cycle and pedestrian travel. Including: providing good connectivity to school, local services and facilities and for disabled access.</li> </ul>	☐	☐	☒
<b>Gender reassignment</b>	<ul style="list-style-type: none"> <li>All policies in the Neighbourhood Plan are in general terms beneficial to this protected characteristic.</li> </ul>	☐	☐	☐



<b>Marriage and civil partnership</b>	<ul style="list-style-type: none"> <li>All policies in the Neighbourhood Plan are in general terms beneficial to this protected characteristic.</li> </ul>	□	□	□
<b>Pregnancy and maternity</b>	<ul style="list-style-type: none"> <li>All policies in the Neighbourhood Plan are in general terms beneficial to this protected characteristic.</li> </ul>	□	□	□
<b>Race and ethnicity</b>	<ul style="list-style-type: none"> <li>All policies in the Neighbourhood Plan are in general terms beneficial to this protected characteristic.</li> </ul>	□	□	□
<b>Religion or belief</b>	<ul style="list-style-type: none"> <li>All policies in the Neighbourhood Plan are in general terms beneficial to this protected characteristic.</li> </ul>	□	□	□
<b>Sex</b>	<ul style="list-style-type: none"> <li>All policies in the Neighbourhood Plan are in general terms beneficial to this protected characteristic.</li> </ul>	□	□	□
<b>Sexual orientation</b>	<ul style="list-style-type: none"> <li>All policies in the Neighbourhood Plan are in general terms beneficial to this protected characteristic.</li> </ul>	□	□	□

<p><b>Armed Forces (including serving personnel, families and veterans)</b></p>	<ul style="list-style-type: none"> <li>All policies in the Neighbourhood Plan are in general terms beneficial to this protected characteristic.</li> </ul>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<p><b>Other, e.g. carers, low income, rurality/isolation, etc.</b></p>	<p>All policies promote aim to improve health and wellbeing of residents and interaction between people.</p> <p>ENV3 and ENV3a in particular seek to protect open spaces and recreation facilities to the benefit of health and wellbeing. These policies protect and provide local facilities which are valuable for social interaction, health and wellbeing, and are a feature of community life.</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Negative outcomes action plan**  
 Where you have ascertained that there will potentially be negative outcomes, you are required to mitigate the impact of these. Please detail below the actions that you intend to take.

Action taken/to be taken	Date	Person responsible	How will it be monitored?	Action complete
N/A	Select date	N/A	N/A	<input type="checkbox"/>

**If negative impacts remain, please provide an explanation below.**

N/A

**Completed by:** Jo Milling (Senior Planning Policy Officer)

**Date** 17 Jan 2024

**Signed off by:** Alison Blom-Cooper (Head of Planning)

**Date** 30 January 2024

**Equality Lead sign off name:**

**Equality Lead sign off date:**

**To be reviewed by:**  
(officer name)

**Review date:**

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## **Planning and Transport Policy Sub-Committee**

Decision Date – 14 February 2024

Key Decision - Yes

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### **Adoption of the Somerset Biodiversity Net Gain Guidance Note**

Executive Member(s): Councillor Dixie Darch, Lead Member for Environment and Climate Change and Councillor Ros Wyke, Lead Member for Economic Development, Planning and Assets

Local Member(s) and Division: Relevant across Somerset

Lead Officer: James Divall, Head of Climate and Natural Environment

Author: Graeme Thompson, Principal Planning Policy Officer

Contact Details: [Graeme.thompson@somerset.gov.uk](mailto:Graeme.thompson@somerset.gov.uk) / 01823 219504

### **Summary / Background**

1. A national mandatory requirement for developments granted planning permission to achieve Biodiversity Net Gain (BNG) came into effect on 12 February 2024 for larger sites. Developers are now required to deliver a BNG of at least 10%. The Council as Local Planning Authority (LPA) must consider developer BNG proposals through the planning process. The Guidance Note sets out important information for how BNG will be implemented in Somerset and the processes involved.
2. The requirement to demonstrate and deliver at least 10% BNG and the core processes involved in doing so are set nationally and are mandatory for most development proposals seeking planning permission in England unless explicitly exempted by the Biodiversity Gain Requirements (Exemptions) Regulations 2024. However, there are limited areas where the requirement can be tailored to local circumstances. This document provides guidance and advice on calculating and delivering BNG in a Somerset context. It aims to ensure a consistent and efficient approach aligned to local policy context, by making clear the requirements and processes in Somerset.
3. The Guidance Note includes local BNG validation requirements which go beyond the national statutory minimum information required to be submitted alongside

planning applications. This is necessary to ensure that the LPA can reasonably establish whether the statutory BNG requirement is capable of being successfully discharged post-permission.

4. The report summarises the national context and justifies the local guidance and requirements, provides feedback from previous consultation on the draft guidance note and explains how the final Guidance Note has been amended in response. The report recommends adoption of the Guidance Note as a material planning consideration, delegation of responsibility for approval of future updates, and adoption of the validation requirements as addendums to the LPA's existing adopted local validation checklists.

## **Recommendations**

5. The Planning and Transport Policy Sub-Committee of the Executive agrees:
  - a. To adopt the Somerset BNG Guidance Note as a material planning consideration in the preparation of pre-application advice, assessing planning applications and any other development management purposes.
  - b. To delegate approval of future updates to the Guidance Note as follows:
    - i). Minor amendments including textual and visual changes and enhancements to be delegated to the Executive Director for Climate and Place in consultation with the Lead Member for Environment and Climate Change and the Lead Member for Economic Development, Planning and Assets.
    - ii). Updates relating to changes in national Government legislation and guidance, or the need to reference or update reference to other local or national evidence or strategy documents, or other changes which would not necessitate further public consultation to be delegated to the Executive Director for Climate and Place in consultation with the Lead Member for Environment and Climate Change and the Lead Member for Economic Development, Planning and Assets.
    - iii). More significant or substantive updates beyond those listed above to be brought back to this sub-committee for approval.

- c. To adopt the local BNG validation requirements as an addendum to existing adopted local validation checklists for each of the Local Planning Authority's planning areas and functions (north, south, east, west and minerals and waste) until such time as these are updated and the requirements can be fully integrated.

### **Reasons for recommendations**

1. To enable local guidance produced in relation to Biodiversity Net Gain (BNG) to be taken into account as a material planning consideration in the determination of relevant planning applications within Somerset.
2. To ensure that the local BNG guidance is able to be updated and amended as necessary and reasonable through delegated authority, reflecting its iterative nature and potential for change in response to issues raised through early implementation.
3. To comply with the national policy / guidance that any local validation requirements in relation to planning applications be included within an adopted and up-to-date local validation checklist.

### **Other options considered**

4. BNG is a statutory national requirement which is non-negotiable. The Council does not have a choice as to whether or not to bring it in, in Somerset. It would be possible for BNG to be implemented without publishing or adopting local guidance. However, this may be seen as inconsistent with the Council's duties under the NERC Act 2006, to take such actions it considers appropriate in the proper exercising of its functions to conserve and enhance biodiversity. The Guidance Note is produced to be consistent with existing, adopted plans, policies and objectives of the Council and wider area and links in to emerging plans such as the Local Nature Recovery Strategy. If the Council chooses not to publish or adopt such a Guidance Note, there would be a greater risk of BNG failing to deliver for nature recovery in Somerset. The Guidance Note makes clear reference to the importance of taking a holistic approach to BNG, maximising wider benefits and opportunities. Without such guidance, 'siloes' approaches may be taken on related issues where collectively they might deliver greater nature and community benefit at reduced financial and land costs.

Without clear local guidance, it is highly likely that BNG considerations would become a 'sticking point' through the planning system. The guidance helps to clarify considerations and expectations in this regard to avoid such situations.

### **Links to Council Plan and Medium-Term Financial Plan**

5. BNG clearly responds to the corporate priority to build a greener, more sustainable Somerset. This priority explains that addressing the climate and ecological emergencies will be at the heart of the Council's decision making. In particular, BNG will help to ensure healthy ecosystems, but if utilised effectively to deliver improvements in the right locations and with the right mix of associated actions and benefits, it can also build a more equitable society, increase wellbeing, improve resilience to future challenges, and develop a thriving green economy.
6. The Council Plan expects action on addressing the climate and ecological emergencies to be integrated into all its work, and for this to underpin its aspiration for Somerset to become a leader in green technologies, the circular economy and renewable energy. It expects that where the Council has control, it will manage landscapes to protect habitats and improve biodiversity and use its policies and voice to support and encourage others to do the same. It recognises the potential value of farming and food production in developing natural capital responses and delivering ecosystem services including improvements for biodiversity. It recognises the critical role of planning in supporting nature restoration and recovery.
7. Sustainability is defined by three mutually dependent and interrelated objectives: environmental, social and economic. The Council Plan and its priority themes respond directly to this. Delivering BNG in the right places with the right objectives and through the taking into account of wider sustainability in land-use decisions it can be ensured that BNG contributes towards a sustainable future. The Guidance Note promotes taking a holistic view and actively planning to deliver on other complementary objectives alongside BNG which can improve sustainability and respond to all Council Plan priorities.
8. BNG delivery presents an opportunity to help ensure that the Council can continue to resource the conservation and enhancement of biodiversity and work towards nature recovery and climate resilience. Responsibility for monitoring BNG planning conditions and S106 legal agreements will sit with the Council. The guidance sets out that, generally, the Council will use S106 legal agreements to secure any significant on-site enhancements, and off-site delivery mechanisms.



The use of S106 legal agreements over planning condition in these cases allows for a monitoring fee to be charged, to help meet the associated costs, whereas use of planning conditions does not allow for this and therefore poses a greater risk. Further opportunities potentially exist in the delivery of BNG. Officers continue to explore options around use of Council-owned land and other services that the Council can offer on a fee-paying basis. Although BNG delivery does present real opportunities, there is a genuine risk that implementation of BNG could be severely undermined by a lack of sufficient resource within the planning and ecology services. Creative solutions will be needed both in the short and long term delivery of this project.

### **Financial and Risk Implications**

9. There are no financial implications directly as a result of adopting the Somerset BNG Guidance Note.
10. The BNG Guidance Note refers to a future 'call for sites', with the subsequent assessment of submitted sites and then negotiation of S106 legal agreements to secure land for off-site BNG. There are resourcing costs associated with this element of future work. However, the Guidance Note sets out a process for this which reflects the fact that this is a non-statutory element and as such the Council needs to be prudent in its resourcing and ensure that costs associated are recovered through establishment and monitoring fees. Whilst this element is non-statutory, without the Council enabling off-site solutions in Somerset, BNG will unreasonably become a stalling factor in new development and this will have much wider repercussions in relation to biodiversity, nature recovery, communities, statutory functions and Council priorities.
11. Implementation of mandatory BNG itself brings with it a host of financial implications for the Council, predominantly around resourcing new burdens. However, these implications are unavoidable due to the statutory requirements placed on the Council. The Government has provided Councils with the Biodiversity Net Gain Grant over recent years, which is ring-fenced for use in preparation for implementation of BNG. The Council continues to draw upon these funds in preparing the authority for implementation of BNG. The Government has also stated that it will be providing further new burdens funding relating to implementation of BNG following the requirement coming into effect. No further information is available on this at present.

12. Longer term, BNG presents potential financial opportunities for the Council associated with the use of Council-owned land for the sale of off-site BNG units and the charging for associated services. However, these are separate considerations from the Council's role as Local Planning Authority, and options in this regard will be subject to future business cases and separate reports to members.
13. There is a low risk that some aspects of the Guidance Note could become out of date as understanding, interaction with different circumstances and case law evolves. As such, to mitigate this, the Guidance Note should be considered as a live document and the recommendations of this report include delegating authority to approve future updates.

<b>Likelihood</b>	<b>3</b>	<b>Impact</b>	<b>2</b>	<b>Risk Score</b>	<b>6</b>
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14. There is a genuine risk that implementation of BNG could be severely undermined by a lack of sufficient resource within the planning and ecology services. This is a national issue reflected locally here in Somerset. The Planning Service is already carrying a significant number of vacancies and has struggled to recruit in recent times. The Council's corporate risk register includes risk ORG0065 - Workforce; inability to recruit & retain staff, to which this relates. The performance of the Planning Service to meet statutory timescales for decisions is measured by Government. BNG may well introduce a significant complexity to the consideration and determination of planning applications and subsequent applications to discharge conditions. By publishing and adopting the Guidance Note including the validation requirements for BNG, it is hoped to reduce some of these risks by being clear about information expectations up front and providing clear justification for requesting extensions of time to statutory planning application determination deadlines. The Ecology Service is small and already has a high case load on existing ecology inputs to planning. BNG will add a significant and distinct aspect to the ecology workload, upon which the Planning Service will be reliant in order to discharge its statutory duties relating to planning applications. Officers are continuing to explore ways to bolster resources within the planning and ecology teams in a sustainable manner whilst recognising the wider financial crisis. The Government Biodiversity Net Gain Grant and anticipated new burdens funding may assist in this regard, but a longer term sustainably financed solution also needs to be found. The adoption of the BNG Guidance Note does not impact upon this risk in itself, but this situation needs to be monitored and reviewed on a regular basis.

<b>Likelihood</b>	<b>4</b>	<b>Impact</b>	<b>5</b>	<b>Risk Score</b>	<b>20</b>
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15. BNG could pose a threat to delivery of development including meeting housing need (both market and affordable), policy compliant development generally and delivery of the Council’s own projects through the creation of an additional viability burden. The national requirement has been incoming for a number of years and should have been being taken into account in the price paid for land for some time. However, BNG is an additional requirement over and above policy requirements accounted for in the viability assessment of many of the Council’s development plans. As such, it could potentially have a detrimental impact upon development and wider policy aspirations unless carefully managed. The way that BNG is delivered can have a significant impact upon the costs involved. For instance, a reliance upon national statutory credits could have the biggest impact due to their deliberately uncompetitively high pricing. The Guidance Note mitigates this risk by building on the national Biodiversity Gain Hierarchy to require justification for progression from on-site, to off-site to credits, and promoting on-site and near-site first via the Somerset BNG Principles. It further promotes the integration of BNG into site design rather than treating it as an additional requirement and afterthought as this can reduce costs and improve opportunities for multifunctionality. Furthermore, the Guidance Note sets out local validation requirements which go beyond the national minimum requirements set out in Regulations. This enables the impact of BNG on development viability and wider policy aspirations to be fully understood and the development proposal’s ability to achieve sustainable development to be properly considered as part of the application. If the Council relied solely on the national minimum validation requirements and such considerations are left to be dealt with entirely at the point of pre-commencement condition discharge, then the relationship with and implications on wider policy objectives and the ability of the application to deliver sustainable development (in the round) cannot be considered. This runs the risk of approving Biodiversity Gain Plans which in turn trigger S73 applications to vary applicability of other planning conditions. The above highlights risks inherent with the implementation of BNG nationally, which the Guidance Note aims to mitigate the impacts of to the extent that it can do. The Guidance Note is recommended to be adopted with delegated authority for future updates. The success of the Guidance Note in responding to these risks should be monitored and reviewed periodically.

<b>Likelihood</b>	<b>3</b>	<b>Impact</b>	<b>3</b>	<b>Risk Score</b>	<b>9</b>
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### **Legal Implications**

16. BNG is a new legal requirement applying to developments granted planning permission by the Local Planning Authority via the Town and Country Planning Act 1990. In England, biodiversity net gain is required under a statutory framework introduced by Section 90A and Schedule 7A of the Town and Country Planning Act 1990 (inserted by the Environment Act 2021). Under the statutory framework for biodiversity net gain, every grant of planning permission is deemed to have been granted subject to a general biodiversity gain condition to secure the biodiversity gain objective. This objective is to deliver at least a 10% increase in relation to the pre-development biodiversity value of the development granted permission. This increase can be achieved through onsite biodiversity gains, registered off-site biodiversity gains or statutory biodiversity credits.
17. The general biodiversity gain condition is a pre-commencement condition. Once planning permission has been granted, a Biodiversity Gain Plan must be submitted and approved by the Council before commencement of the development. There are exemptions and transitional arrangements which disapply the condition from certain planning permissions.
18. The BNG statutory framework also includes provisions about information requirements for planning applications and the treatment of the condition on planning decision notices.
19. The Somerset BNG Guidance Note responds to this statutory framework by setting out local guidance on the subject and the consideration of BNG through the planning system, in particular how this will work in a Somerset context. The Guidance Note sets out how local processes will work and the wider considerations of relevance to BNG from local adopted policies, plans and objectives.
20. It also sets out local validation requirements which go above and beyond the national minimum requirements as set out in Regulations. The National Planning Practice Guidance sets out that LPAs may seek further information (beyond the national minimum information requirements) about the proposed strategy to meet the biodiversity gain objective for the development. Any changes to the local validation lists must comply with statutory tests set out in section 62 (4A) of the Town and Country Planning Act 1990 (inserted by the Growth and Infrastructure Act) and Article 11(3)(c) of the Town and Country Planning (Development Management Procedure) (England) (Order) 2015. They must be reasonable having regard, in particular, to the nature and scale of the proposed development and about a matter which it is reasonable to think will be a material consideration in the determination of the application.

21. National guidance also states that BNG will often be a material consideration, and, where relevant, LPAs will want to consider whether the general biodiversity gain condition is capable of being discharged successfully, particularly where significant on-site biodiversity enhancements or off-site biodiversity gains are proposed. It states that if planning obligations are going to be used, it is good practice to submit information about any potential planning obligations which may need to be entered into connected to the application, and that LPAs may seek this via their own local validation checklists (subject to the above statutory tests). LPAs are expected to review their local validation checklists every two years and publicly consult on changes ahead of adoption. The proposed validation requirements relating to BNG were consulted on in November 2023 alongside / as part of the Draft Guidance Note. The requirements have been altered slightly in response to consultation feedback and the Government publishing the Regulations and national guidance, but are not fundamentally different. As such, and applying the statutory tests, it is considered reasonable for the Council to adopt the BNG validation requirements as part of the local validation checklists. Normally this would be done as part of a wholesale local validation checklist review. However, given the timelines involved in this and the implementation of BNG it is reasonable to recommend adoption of the BNG validation requirements as an addendum to the existing local validation checklists which are in place. These requirements will subsequently be integrated in due course into each area checklist as they are updated.
22. The Guidance Note is accompanied by a Strategic Environmental Assessment (SEA) / Habitat Regulations Assessment (HRA) Screening Report in accordance with the Environmental Assessment of Plans and Programmes Regulations 2004 and the Conservation of Habitats and Species Regulations 2017 respectively. The Report was consulted upon with the statutory consultation bodies alongside the Draft Guidance Note in November 2023. The Report concludes that the Somerset BNG Guidance Note does not need to be subject to full SEA Environmental Report or HRA Appropriate Assessment.
23. The Environment Act 2021 extended the original Section 40 NERC Act 2006 biodiversity duty on public authorities to include the enhancement of biodiversity alongside conservation by way of creating "*the general biodiversity objective*". This requires us to consider what action the Council can properly take, consistently with the proper exercise of its functions, to further the general biodiversity objective.

24. After that consideration the Council must a) determine such policies and specific objectives as it considers appropriate for taking action to further the general biodiversity objective and b) take such action as it considers appropriate, in the light of those policies and objectives, to further that objective.
25. The first consideration must have been completed by 1 January 2024. Any subsequent consideration must be completed no more than five years after the completion of the Council's previous consideration. In line with the above, officers are currently working to determine which policies and specific objectives are appropriate to take.
26. Adoption of this Guidance Note will be consistent with and help to deliver against the biodiversity duty.
27. The NERC Act 2006 also requires the Council to monitor and report on the implementation of BNG in its area. The first report in this regard is due in January 2026.

### **HR Implications**

28. As highlighted in the risks section above, staffing resources within the planning and ecology services present a potentially high risk to the implementation and delivery of BNG with impacts beyond this on our performance as a Local Planning Authority. The Government Biodiversity Net Gain Grant and anticipated new burdens funding may assist in this regard, but a longer term sustainably financed solution also needs to be found. The adoption of the BNG Guidance Note does not impact upon this risk in itself, but this situation needs to be monitored and reviewed on a regular basis.

### **Other Implications:**

### **Equalities Implications**

29. An Equalities Impact Assessment (EqIA) is appended to this report. This was initially completed in consultation with the Equalities team in October 2023 in support of the Draft BNG Guidance Note ahead of public consultation. The Guidance Note has not drastically changed post-consultation. As such the original EqIA is considered to remain relevant.

30. The sample of respondents to the consultation survey cannot be said to be representative of the Somerset population in age, sexual identity or ethnicity. However, given the scope of the Guidance Note, and the purpose, scope and primary stakeholders of the consultation (development industry, nature conservation bodies and specific stakeholders rather than the general public) this is not considered in this case to invalidate the results.

### **Community Safety Implications**

31. There are no community safety implications relating to the recommendations of this report.

### **Climate Change and Sustainability Implications**

32. The publication and adoption of the Somerset BNG Guidance Note responds directly to the Climate and Ecological Emergency and will have a positive impact upon the Council's ability to respond to and meet with its targets. The primary function of the Guidance Note is to ensure that BNG works to deliver actual nature recovery locally within Somerset, linking with the emerging Local Nature Recovery Strategy. Beyond this, it uses the Somerset BNG Principles to ensure that a holistic approach is integral to delivery of BNG, with "Build Climate Resilience through Blue and Green infrastructure" identified as a core principle. Further climate and carbon considerations were added to the guidance which underpins this principle post-consultation.
33. The Guidance Note references potential for development of a Somerset Land Use Framework which builds upon reference to this within the adopted Climate Emergency Strategy.
34. The Guidance Note has been developed with clear reference to adopted development plans and associated policies. It builds on these in relation to BNG and these adopted plans and policies and other associated guidance documents have informed the holistic approach and Somerset BNG Principles in particular. Furthermore, it makes reference to the role of new local plans in helping to deliver BNG.

### **Health and Safety Implications**

35. There are no health and safety implications relating to the recommendations of this report.

## **Health and Wellbeing Implications**

36. The Guidance Note promotes a holistic approach to the delivery of BNG. This may involve seeking opportunities to enable appropriate public access to nature, integration of biodiversity enhancements into site design close to where people live, alignment with adopted Green Infrastructure strategies etc. Delivery in line with this approach has the potential to result in significant positive impacts on health and wellbeing, preventing ill-health (physical and mental health), and reducing health and social inequalities.

## **Social Value**

37. This report does not relate to a procurement or commissioning process. However, the delivery of BNG is closely linked with the delivery of social value and clearly can help in the meeting of social value objectives/priorities from an environmental, social and economic perspective.

## **Scrutiny comments / recommendations:**

38. The proposed decision has not been considered by a Scrutiny Committee. However, the Chair of the Climate and Place Scrutiny Committee has been engaged throughout the development of the Guidance Note and has stated that the Committee are not expecting to consider the item at this stage as it is predominantly about implementing national requirements. Scrutiny Committee are more likely to be involved in considering the related Local Nature Recovery Strategy over which we have more scope of influence.

## **Background**

### **Introduction to Biodiversity Net Gain (BNG)**

39. Biodiversity Net Gain (BNG) is an approach to development, and/or land management, that aims to leave the natural environment in a *measurably* better state than it was beforehand. It is intended to deliver measurable improvements for biodiversity by creating or enhancing habitats in association with development.
40. BNG arises from the Government's 25 Year Environment Plan and the Environment Act 2021, Part 6 and Schedule 14 of which make provision for at least 10% biodiversity gain to be a deemed condition of planning permission in England. A suite of secondary legislation was laid in Parliament in January 2023,



bringing the BNG requirement into effect from 12 February 2024. The Government has set out national guidance in relation to BNG at <https://www.gov.uk/government/collections/biodiversity-net-gain>.

41. Development proposals in England submitted from this date and granted under the Town and Country Planning Act 1990 are granted planning permission subject to the national statutory general biodiversity gain condition. Regulations set out exemptions from this requirement meaning that the following types of development permitted under the Town and Country Planning Act 1990 are not subject to the general biodiversity gain condition and as such are *not* legally required to achieve at least 10% BNG:
  - “small development” (meaning for residential development a site of 9 or less dwellings or a site area of less than 1 hectare, or if the number of dwellings is unknown, then a site area of less than 0.5 hectares; and for non-residential development a site less than 1,000 square metres proposed floorspace or a site area of less than 1 hectare) – temporary exemption until 1 April 2024 (small development becomes liable for BNG from 2 April 2024);
  - development impacting habitat of an area below a ‘de minimis’ threshold of 25m<sup>2</sup>, or 5m for linear habitats such as hedgerows ;
  - householder applications;
  - development associated with the high speed rail network;
  - development of biodiversity gain sites (where engineering works are required for habitats to be enhanced for wildlife);
  - small scale self-build and custom housebuilding (meaning a development of no more than 9 dwellings and on a site no larger than 0.5 hectares and consisting of exclusively dwellings which are self-build or custom housebuilding.
  
42. Mandatory national BNG does not apply where planning permission is not required. As such, it does not apply to permitted development and prior approval applications or Review of Old Mineral Permissions. BNG does not apply to Permission in Principle applications (PIPs), though applications for subsequent technical details consent are subject to the national deemed biodiversity gain condition. BNG will also not apply to listed building consent applications, but if these are made jointly with a full application which is not exempt from BNG, then BNG will be required for the full application.
  
43. In summary, BNG:

- Moves the system from seeking “no net loss” to seeking measurable “net gains”;
- Complements existing protections, and in no way reduces or undermines existing statutory and policy protections and requirements relating to wildlife, habitats, protected species, protected sites or irreplaceable habitat;
- Cannot be negotiated away, it is a statutory, not policy requirement;
- Should inform location and design of development from the start, not be dealt with as an additional requirement to be tacked on to otherwise designed schemes;
- Is measured via the national statutory Biodiversity Metric, which uses habitats and associated “biodiversity units” as a proxy for biodiversity;
- Must be secured for a minimum of 30 years.

44. BNG can be achieved in three ways:

- On-site
- Off-site (purchasing biodiversity units from a specific registered biodiversity gain site)
- Credits (purchasing nationally available statutory BNG credits).

The national system advocates and incentivises an on-site-first approach, with use of statutory credits (which are expensive and may deliver biodiversity enhancements anywhere nationally rather than locally) a last resort.

45. Applicants / developers must statutorily submit certain information alongside their planning application for it to be considered valid. Without this information Local Planning Authorities should not validate the application. However, the statutory information required at application stage is fairly minimal, relating predominantly to on-site baseline information. Local Planning Authorities are able to require reasonable further information at validation stage to help assess whether the general biodiversity gain condition is capable of being discharged successfully, where this is set out in an up-to-date local validation checklist.

46. An applicant / developer does not need to finalise their BNG proposals until after the site has been granted planning permission. The general biodiversity gain condition is a pre-commencement condition requiring submission and approval of a Biodiversity Gain Plan (or Overall and subsequent Phase Gain Plans for phased development). The Local Planning Authority must approve the Biodiversity Gain Plan if it complies with requirements set out in the Regulations.

### **The Council's role**

47. The Council has a number of important and potential roles in relation to BNG:
- Processing planning applications (including assessing the likely ability of applications to achieve the general biodiversity gain condition, and subsequently, developer's Biodiversity Gain Plans).
  - Enabling off-site biodiversity units to be made available within Somerset by being party to legal agreements to secure habitat enhancements for 30 year periods.
  - Monitoring compliance with on-site developer and off-site unit provider obligations.
  - Reporting on BNG implementation in line with the Council's duties under the Natural Environment and Rural Communities (NERC) Act 2006 as amended by the Environment Act 2021.
  - Using the Local Nature Recovery Strategy (LNRS) and other policy/guidance tools to encourage BNG to deliver the right habitats and solutions in the right places.
  - Potentially developing a platform for communicating availability of off-site solutions in Somerset;
  - Potentially becoming a Responsible Body for the purposes of Conservation Covenants;
  - Potentially developing off-site solutions on Council owned land;
  - Active promotion of Somerset for inward investment in the area's natural capital across environmental delivery schemes.
48. The Somerset BNG Guidance Note and this report focus on the first four of the above bullet points which relate directly to the implementation of BNG and making the system work from day one, and touches upon the fourth point around reporting. Further reports may be brought to members in due course relating to the remaining points about potential future roles and options for optimising BNG and associated opportunities.
49. The requirement to demonstrate and deliver at least 10% BNG and the core processes involved in doing so are set nationally. However, there are limited areas where the requirement can be tailored to local circumstances, particularly in relation to:
- Establishing our planning processes for dealing with BNG from pre-application, through submission and validation, consideration and determination of planning applications and appropriate securing of BNG through conditions and S106 legal agreements, in relation to pre-commencement condition/obligation discharge and on to monitoring and enforcement considerations.

- Ensuring delivery of BNG is strategically aligned wherever possible with a wide range of existing and emerging plans, policies and objectives of both the Council and area more generally.
- Establishing processes to enable off-site delivery mechanisms to come forward in Somerset.

50. Officers have received training on BNG and their roles and responsibilities. Training for members (principally those on the council's various planning committees) is planned for 22 February 2024. Training materials used will be made available to all members in due course. Furthermore, officers have also trained developers on the subject matter and plan to provide some training for parish councils and neighbourhood plan groups as well as landowners and land agents associated with any future 'call for sites'.

### **The Somerset BNG Guidance Note**

51. The Somerset BNG Guidance Note provides guidance and advice on calculating and delivering BNG in a Somerset context. It aims to ensure a consistent and efficient approach aligned to local policy context, by making clear the requirements and processes in Somerset, whilst being aligned with the national requirement and guidance.

52. The Guidance Note provides information on:

- The policy context for BNG and how its delivery fits with national and local plans, strategies and objectives (chapter 2);
- What BNG is, the basics of how it works and when it applies (chapter 3);
- The key stages of the process in relation to planning applications (chapter 4);
- A sequential approach to be followed in determining whether BNG should be provided on-site, off-site or via statutory credits (chapter 5);
- A holistic approach to BNG with alignment to six Somerset BNG Principles, linked to objectives in existing adopted plans, strategies and projects (chapter 6);
- How to consider 'strategic significance' within the BNG Metric in order to deliver nature recovery in Somerset (chapter 7);
- How BNG will be secured from new development (chapter 8);
- How the Council will enable off-site delivery mechanisms to come forward in Somerset (chapter 9);
- How monitoring and enforcement of BNG is proposed to work (chapter 10); and
- Planning validation requirements (Appendix 4).

53. Through the Somerset BNG Principles and definition of 'strategic significance' the Guidance Note makes a clear and effective link between BNG proposals, adopted planning policies and guidance and wider plans, projects and objectives. In time, the LNRS will play a greater role in determining 'strategic significance'. However, in the interim until such time as this has progressed further, the Guidance Note proposes criteria for how strategic significance should be measured using published plans and data.
54. This report recommends adoption of the Somerset BNG Guidance Note as a material planning consideration. This will provide clarity to developers over how the Council will consider the new statutory BNG requirement and its relationship with wider policies, guidance, plans, projects and objectives in relation to planning applications.

#### Local validation requirements

55. The Guidance Note also includes planning validation requirements at Appendix 4. These go beyond the national statutory minimum information required to be submitted alongside planning applications by the Regulations. Such exceedance is justified within the appendix. Local validation requirements include submission of the following information:
- Wildlife / Ecology Survey
  - Biodiversity Checklist
  - Arboriculture Report
  - BNG Statement
  - Completed Biodiversity Metric
  - BNG plans and drawings
  - GIS data
  - Declaration Form
  - Completed SHEP / HEP Metric
56. Of these, the BNG Statement is of particular importance, the content of which will vary depending on the type of application.
57. Officers consider that it is necessary to require further information beyond the national statutory minimum in order to ensure that the LPA can reasonably establish whether the statutory BNG requirement is capable of being successfully discharged post-permission.

58. The Planning Practice Guidance sets out that LPAs may seek further information (beyond the national minimum information requirements) about the proposed strategy to meet the biodiversity gain objective for the development. In particular, it states that BNG will often be a material consideration, and, where relevant, LPAs will want to consider whether the general biodiversity gain condition is capable of being discharged successfully, particularly where significant on-site biodiversity enhancements or off-site biodiversity gains are proposed. It states that if planning obligations are going to be used, it is good practice to submit information about any potential planning obligations which may need to be entered into connected to the application, and that LPAs may seek this via their own local validation checklists.
59. The national minimum information requirements relate predominantly to on-site baseline, and there is no mandatory requirement to provide information about the post-development proposals or off-site elements until post-permission as part of submission of the Biodiversity Gain Plan pre-commencement.
60. If establishing the strategy for delivering BNG requirements is left too late in the site development process, this can lead to increased costs and in the worst cases, may lead to an unnecessary reliance upon national Statutory Credits. Failing to embed BNG into site selection and design from the start can therefore increase the viability impacts of complying with the requirement. As BNG is a legal requirement, this may unreasonably impact upon a site's ability to respond to / meet other policy objectives.
61. If such considerations are left to be dealt with entirely at the point of pre-commencement condition discharge, then the relationship with and implications on wider policy objectives and the ability of the application to deliver sustainable development (in the round) cannot be considered. This runs the risk of approving Biodiversity Gain Plans which in turn trigger S73 applications to vary applicability of other planning conditions.
62. Given the above, it is essential that sufficient information about the proposed strategy for delivering at least 10% BNG (including the expected balance between on-site, off-site and credits) is submitted as part of a planning application.

#### Off-site delivery mechanisms

63. Where appropriately justified, development proposals may rely in part or in whole upon an off-site BNG solution.

64. Off-site providers effectively enhance or create habitat on a specific piece of land which is entirely separate to any specific development proposal. This habitat generates 'biodiversity units' as measured through the Biodiversity Metric. These biodiversity units can be sold to applicants / developers for reliance upon in meeting their off-site obligations in relation to a specific development proposal.
65. Off-site delivery mechanisms will be legally secured entirely separately from the development proposals they are due to serve, by either an 'overarching' S106 legal agreement with the landowner or a conservation covenant.
66. Conservation covenants are a new form of private, voluntary agreement which can be entered into by a landowner and a Responsible Body to conserve the natural or heritage features of the land. A Responsible Body can be a local authority, a public body or charity, where at least some of its main purposes or functions relate to conservation; or a private sector organisation, where at least some of its main activities relate to conservation. DEFRA have specified a number of criteria for becoming a Responsible Body namely eligibility, financial security, operational capacity and capability and ongoing suitability. At the point of writing, it is understood that as yet no such Responsible Bodies have been designated. This means that, at present, S106 legal agreement between a landowner and local planning authority are the only means of enabling off-site delivery mechanisms to come forward.
67. The Guidance Note sets out the broad process for determining which off-site solutions the Council will be willing to enter into a S106 legal agreement with to secure their delivery. This includes launching a 'call for sites' in the coming months and assessing and prioritising submissions based on key considerations. It is necessary to establish such a process in order to ensure that the Council is complying with its NERC Act duty to conserve and enhance biodiversity; to protect and use its limited resources effectively and efficiently; and to minimise the risk of failure associated with any such off-site solutions.

#### Consultation

68. A Draft Guidance Note, including the proposed planning validation requirements were consulted on publicly from 6th November 2023 to 4th December 2023. Comments and responses received have been taken into account in the production of the final Guidance Note. Further information on the consultation undertaken, comments received and how they affected the final document can be viewed in the accompanying Consultation Statement.

69. A total of 88 responses were received, with 66 via the Council's Citizen Space consultation portal, 19 via email and 3 via social media.
70. Those responding via email did not respond to the survey questions directly. In order to analyse them effectively, officers summarised emailed responses, split them down and attributed answers to the most relevant survey question. Comments were recorded and captured in analysis of qualitative responses. However, emailed responses did not generally give a clear answer to sentiment questions (i.e. how much agree with a statement or yes/no). As such, the quantitative analysis of sentiment responses generally only relates to those who responded to the online survey via Citizen Space, with the exception of one or two emailed responses where a clear sentiment was expressed.
71. 56% of responses to the online survey were from members of the public. There was a poor response rate from the development industry – likely due to the timing of national guidance and regulations being published in the final week of the consultation. Officers considered the content of the regulations and national guidance and determined that they did not change things drastically and as such there was no need to formally extend the consultation.
72. Many responses from members of the public highlighted the complexity of BNG as a concept and that it was difficult for the general public to understand. A number of responses also focused on issues beyond the scope of BNG or challenged aspects of the national regime which are beyond the Council's ability to influence. In response, the final Guidance Note is to be accompanied by a short non-technical summary document and a series of Frequently Asked Questions (FAQs), which can be easily updated. These are not yet available but are intended to be published on the website to aid understanding.
73. Beyond this, there were a number of useful comments made in response to the questions posed, which have influenced tweaks and refinements within the final Guidance Note – these are set out more fully within the Consultation Statement. However, no major issues were raised, and as a result no major changes were considered necessary.
74. Of those who responded directly to the survey questions, the majority of respondents:
- Felt that the proposed processes for dealing with BNG through the planning process was sufficiently clear and appropriate (59%)



- Felt that the proposed validation requirements were appropriate (61%)
- Felt that the proposed process for securing BNG from development sites through use of conditions and S106 legal agreements was considered reasonable (62%)
- Strongly agreed or agreed with the Somerset BNG Principles:
  - Principle 1 (86%)
  - Principle 2 (86%)
  - Principle 3 (89%)
  - Principle 4 (75%)
  - Principle 5 (88%)
  - Principle 6 (88%)
- Strongly agreed or agreed that the local definitions for strategic significance scoring were clear and workable (64%)
- Strongly agreed or agreed with the proposed sequential approach (58%)
- Generally agreed with the draft conclusions of the Draft Strategic Environmental Assessment (SEA) / Habitat Regulation Assessment (HRA) Screening Report (66%)

75. With regard to the Somerset BNG Principles, a number of useful points were raised which have informed updates and improvements to the guidance underneath each of the six identified principles. Some respondents also identified additional principles. However, in all cases, suggestions were felt to be better dealt with as 'tweaks' to guidance relating to already proposed principles rather than the creation of additional principles.

76. Respondents were asked whether they felt the proposed process and criteria for considering and determining off-site delivery mechanisms were reasonable and transparent. Responses were inconclusive, with 52% of responses answering 'yes' and 48% answering 'no'. A number of comments associated with 'no' responses suggested that off-site solutions should not be allowed as they undermine the purpose of BNG – however, this is a legally acceptable solution, and it is important that the Council enables such options to be established within Somerset otherwise this offset will be exported outside of Somerset and any benefit to local nature recovery will be lost.

77. Developer and planning agent respondents were asked whether they envisaged bringing forward planning applications requiring off-site biodiversity units in Somerset within the next 12 months. Just 4 responses were received to this question, 2 being 'yes', 2 being 'no'. No responses identified a specific number of off-site units that might be required.

78. Respondents were asked whether they felt the proposed monitoring approach was reasonable and proportionate. Responses were inconclusive, with 39% strongly agreeing or agreeing, 37% strongly disagreeing or disagreeing, and the other 24% being neutral. A number of comments suggested people's main concerns were around enforcement. This was recognised as being essential to the success of BNG, but the Council's resources and appetite for enforcement were a concern.
79. The Consultation Statement includes a table of responses to key points raised as part of a 'You said, We did' chapter. For further information on the consultation and responses to issues raised, please refer to the Consultation Statement.
80. As previously mentioned, the Government published the draft BNG regulations and draft national guidance in the final week of the consultation in November 2023. However, the Government's overall approach has not changed drastically between that anticipated in preparing the Draft Guidance Note and that in the final guidance and regulations. As such, the final Guidance Note has been updated and tweaked in response to these, but more major changes were not considered necessary.

#### Implementation and next steps

81. BNG is a new national requirement of a particularly complex nature. It is likely that processes and guidance may need to adapt and iterate in response to implementation over the coming months and years as understanding, interaction with different circumstances and case law evolves. This being the case, it is important to recognise the Somerset BNG Guidance Note as being a live document which will iterate and update in response. As such, this report recommends delegating approval of amendments and updates to the Executive Director for Climate and Place, Lead Member for Environment and Climate Change and the Lead Member for Economic Development, Planning and Assets depending upon the significance of such updates.
82. Next steps following implementation include:
- Working with the site promoters to agree a S106 legal agreement for an initial pilot off-site solution in Somerset so as to enable off-site units to be purchased in Somerset. Note, this pilot will provide learnings on time taken and processes involved in bringing such sites to market which can influence fine-tuning of process for future sites and effective cost-recovery via establishment and monitoring fees.

- Preparing and launching a ‘call for sites’ seeking further sites promoted for off-site solutions. Depending upon timing this may be wrapped up with the ‘call for sites’ proposed to be used in delivery of the Council’s Nutrient Mitigation Fund proposals.
- Assessing submissions to the ‘call for sites’ and working with appropriate site promoters to agree S106 legal agreements for further off-site solutions in Somerset (working from the template agreed in the pilot project).
- Reviewing options to enable Council-owned land to be used for habitat enhancement and subsequent sale of off-site biodiversity units for BNG purposes, together with options for other associated services that the Council could provide on a fee-paying basis. However, these are separate considerations from the Council’s role as Local Planning Authority. A business case and separate report will be brought to members in due course setting out options and recommendations in this regard.
- Exploring options around development of a Land Use Framework for Somerset.
- Informing vision, objectives, spatial strategy and policy development for new local plans including the main Local Plan, Minerals Local Plan and Waste Local Plan as well as advice and responses to proposals for Neighbourhood Plans in Somerset.
- Monitoring BNG proposals and reporting on BNG implementation as part of the Councils reporting duties under the NERC Act 2006.

## **Background Papers**

83. None

## **Appendices**

- **Somerset BNG Guidance Note (including appendices)**
- **SEA/HRA Screening Report**
- **Equalities Impact Assessment**
- **Consultation Statement**

## Assurance checklist

	Officer Name	Date Completed
Legal & Governance Implications	David Clark	19/01/2024
Communications	Peter Elliott	31/01/2024
Finance & Procurement	Nicola Hix	25/01/2024
Workforce	Alyn Jones	24/01/2024
Asset Management	Oliver Woodhams	01/02/2024
Executive Director / Senior Manager	Paul Hickson Kirsty Larkins	26/01/2024 26/01/2024
Strategy & Performance	Alyn Jones	24/01/2024
Executive Lead Member	Cllr Dixie Darch Cllr Ros Wyke	25/01/2024
<b>Consulted:</b>	Councillor Name	
Local Division Members	N/A	
Opposition Spokesperson	Cllr Steve Ashton Cllr Mark Healey	18/01/2024 18/01/2024
Scrutiny Chair	Cllr Martin Dimery	18/01/2024



**Somerset**  
Council

# **Biodiversity Net Gain**

## **Guidance Note**

February 2024

## Version control

Version	Purpose	Date
0.1	Internal legal review	10/10/2023
0.2	Consultation with Lead Members and Chair of Scrutiny	18/10/2023
0.3	Publishing for public consultation	30/10/2023
0.4	Post-consultation and Regulations amendments for internal review	05/01/2024
0.5	Draft for Programme Board	18/01/2024
0.6	Draft for Planning & Transport Policy Sub-Committee	01/02/2024

Role	Name	Date
Prepared by	Graeme Thompson, MRTPI BA(Hons), Principal Planning Policy Officer James Mansfield, ACIEEM, Principal Ecologist Barbra Lakin, Biodiversity and Landscape Officer	01/02/2024
Senior Officer Approval	James Divall, Head of Service Climate & Natural Environment	05/01/2024
Lead Member Approval	Cllr Ros Wyke, Lead Member for Economic Development, Planning and Assets Cllr Dixie Darch, Lead Member for Environment and Climate Change	25/01/2024

## Acknowledgements

With special thanks to the core group of officers from across planning, ecology, climate, environment and legal who have contributed to preparing this document as well as Somerset Wildlife Trust, Somerset Environmental Records Centre and other members of the Somerset Local Nature Partnership for their inputs and assistance in establishing the Somerset approach for Biodiversity Net Gain and in preparing early sections of this document.

Thanks also to CIEEM, and the Planning Advisory Service for their excellent advice and guidance as well as the many other local authorities whose comments and questions in forums and webinars over the last year have helped to clarify many issues, and whose guidance documents have been used as inspiration in the production of this document including Devon, Dorset, Buckinghamshire, Bath & North East Somerset, South Oxfordshire, Vale of White Horse, East Devon, Greater Cambridge, Horsham, Cornwall, Greater Manchester, Leicestershire and Rushmoor.

# Executive Summary

Biodiversity Net Gain (BNG) is an approach to development, and/or land management, that aims to leave the natural environment in a **measurably** better state than it was beforehand. It is intended to deliver measurable improvements for biodiversity by creating or enhancing habitats in association with development. A **national mandatory BNG requirement came into effect from 12 February 2024**.

The requirement to demonstrate and deliver at least 10% BNG and the core processes involved in doing so are set nationally, predominantly via The Environment Act 2021, The Biodiversity Gain (Town and Country Planning) (Modifications and Amendments) (England) Regulations 2024 and The Biodiversity Gain Requirements (Exemptions) Regulations 2024. As a result, BNG will be mandatory for most development proposals approved for planning permission in England. The Government has set out national guidance in relation to BNG at <https://www.gov.uk/government/collections/biodiversity-net-gain>.

However, there are limited areas where the requirement can be tailored to local circumstances. **This document provides guidance and advice on calculating and delivering BNG in a Somerset context**. It aims to ensure a consistent and efficient approach aligned to local policy context, by making clear the requirements and processes in Somerset, whilst being aligned with the national requirement and guidance.

The document is intended to provide technical guidance and is primarily aimed at the **development industry** (in relation to housing, non-residential, minerals and waste) as well as anyone considering **promoting land for habitat creation and enhancement** in Somerset. As such the primary audience for the document is planning applicants, developers, planning agents, ecologists, landowners, land managers, land agents and site promoters. It may also be of interest to a wide range of conservation bodies and other technical stakeholders and the general public. The document is technical by its nature and requires an element of awareness and understanding of the planning system to be fully understood. However, a non-technical summary has been provided along with a series of Frequently Asked Questions (FAQs) on the Council website at <https://www.somerset.gov.uk/planning-buildings-and-land/biodiversity-and-planning/biodiversity-net-gain/>.

The intention is that this Guidance Note and the accompanying non-technical summary and FAQs **will be updated as necessary** to respond to changes in national guidance, local policy development (including Local Nature Recovery Strategy and Local Plan), teething issues and challenges which arise, and other national and local context changes as considered necessary and appropriate.

The document provides information on:

- The policy context for BNG and how its delivery fits with national and local plans, strategies and objectives ([chapter 2](#));
- What BNG is, the basics of how it works and when it applies ([chapter 3](#));
- The key stages of the process in relation to planning applications ([chapter 4](#));
- A sequential approach to be followed in determining whether BNG should be provided on-site, off-site or via statutory credits ([chapter 5](#));
- A holistic approach to BNG with alignment to six Somerset BNG Principles, linked to objectives in existing adopted plans, strategies and projects ([chapter 6](#));
- How to consider 'strategic significance' within the BNG Metric in order to deliver nature recovery in Somerset ([chapter 7](#));
- How BNG will be secured from new development ([chapter 8](#));
- How the Council will enable off-site delivery mechanisms to come forward in Somerset ([chapter 9](#));
- How monitoring and enforcement of BNG is proposed to work ([chapter 10](#)); and
- Planning validation requirements ([Appendix 4](#)).

### Earlier consultation

A Draft Guidance Note including the proposed planning validation requirements was consulted on publicly from 6<sup>th</sup> November 2023 to 4<sup>th</sup> December 2023. Comments and responses received have been taken into account in the production of this final Guidance Note. Further information on the consultation undertaken, comments received and how they affected the final document can be viewed in the accompanying Consultation Statement.



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# 1. Introduction

- 1.1 Biodiversity refers to the biological diversity or the variety of life found in a particular place across all its genetic, species and ecosystem forms. The biodiversity of an area is a direct indicator of its natural health and vitality. Biodiversity provides essential services for humans including food production, climate change adaptation, flood regulation, crop pollination plus numerous other benefits including enhancing human mental and physical well-being.
- 1.2 Biodiversity Net Gain (from here on referred to as BNG) is an approach to development, and/or land management, that aims to leave the natural environment in a **measurably** better state than it was beforehand. It is intended to deliver measurable improvements for biodiversity by creating or enhancing habitats in association with development. A national mandatory BNG requirement came into effect from 12 February 2024. The Government has set out national guidance in relation to BNG at <https://www.gov.uk/government/collections/biodiversity-net-gain>.
- 1.3 This document provides guidance and advice on calculating and delivering BNG in Somerset, ensuring a consistent and efficient approach aligned to local context, making clear requirements and processes for BNG in Somerset, whilst being aligned with the national requirements and guidance.

## Purpose and audience

- 1.4 This Guidance Note is primarily aimed at planning applicants, developers, planning agents, ecologists, landowners, land managers, land agents and site promoters to help guide them through the consideration of BNG in relation to their proposals and the planning system. However, it also deals with off-site delivery mechanisms and so will be of relevance to landowners and promoters of habitat banks and other off-site solutions creating biodiversity units to order. Some prior knowledge of the subject is necessary.
- 1.5 Furthermore, the document sets out the Council's approach to aligning BNG with other plans and objectives in Somerset, particularly in advance of publishing the Local Nature Recovery Strategy. As such, the document may be of interest to a wide range of conservation bodies and other technical stakeholders as well as the general public.

- 1.6 The document sets out Somerset Council's approach for BNG in Somerset. Somerset Council is the Local Planning Authority (LPA) for most of the county. However, it should be noted that Exmoor National Park is a separate LPA. Somerset Council as Minerals and Waste Planning Authority covers the full Somerset Council area. As such, this document is relevant to planning applications within Somerset Council's remit as both Local and Minerals and Waste Planning Authority. Reference to the LPA implies the Council's dual statutory roles unless otherwise specified. This Note will, however, guide the Council's approach and roles in BNG delivery across the full Council area.

## Non-technical summary and FAQs

- 1.7 This document is technical by its nature and requires an element of awareness and understanding of the planning system to be fully understood. However, a non-technical summary has been provided along with a series of Frequently Asked Questions (FAQs) on the Council website at <https://www.somerset.gov.uk/planning-buildings-and-land/biodiversity-and-planning/biodiversity-net-gain/>

## Future updates

- 1.8 This Guidance Note builds on relevant legislation and national guidance and also draws on a number of other sources of information including that of other bodies and local authorities. Further information is provided within the policy context section (Chapter 2).
- 1.9 The intention is that this Guidance Note will be updated as necessary to respond to changes in national guidance, local policy development (including Local Nature Recovery Strategy and Local Plans including Minerals and Waste Plans), teething issues and challenges which arise, and other national and local context changes as considered necessary and appropriate.

## Structure of the document

- 1.10 This document provides information on: the policy context for BNG (chapter 2); what BNG is and the basics of how it works (chapter 3); the key stages of the process in relation to planning applications (chapter 4); whether BNG should be provided on-site, off-site or via statutory credits (chapter 5); the key principles which should underpin delivery of BNG in Somerset (chapter 6); how to consider strategic significance in Somerset (chapter 7); how BNG will

be secured (chapter 8); off-site delivery mechanisms (chapter 9); and how monitoring will work (chapter 10).

# 2. Policy context

## National context

- 2.1 The **Environment Act 2021** achieved Royal Assent in November 2021. It is game-changing legislation for improving the environment and leaving it in a better state than we found it. Part 6 refers to biodiversity gain in planning. Schedule 14 of the Act makes provision for at least 10% biodiversity gain to be a deemed condition of planning permission in England, demonstrated using the national Biodiversity Metric and approval of a Biodiversity Gain Plan, and maintained for at least 30 years after the development is completed. It establishes that biodiversity gains can be delivered on-site, off-site on sites registered on the national Biodiversity Gain Site Register, or through purchasing of national Biodiversity Credits. Secondary legislation is required to make the provisions in Schedule 14 a statutory requirement and to make provisions about a number of matters.
- 2.2 The Government published draft **secondary legislation** at the end of November 2023, which was laid before Parliament on 19<sup>th</sup> January 2024, and this comes into effect from 12 February 2024. Secondary legislation of relevance includes:
- The Biodiversity Gain (Town and Country Planning) (Modifications and Amendments) (England)
  - The Biodiversity Gain Requirements (Exemptions) Regulations 2024
  - The Biodiversity Gain Requirements (Irreplaceable Habitat) Regulations 2024
  - The Biodiversity Gain Site Register Regulations 2024
- 2.3 The Government also published **national guidance**, initially at the end of November 2023 including:
- [BNG Guidance Collection](#) including:
    - What BNG is
    - Land manager guidance
    - Developer guidance
    - Local Planning Authority guidance
    - Guidance on calculating biodiversity value
    - Guidance on legally securing BNG

- Guidance on preparing a Habitat Management and Monitoring Plan
- Planning Practice Guidance

The Government guidance helps to clarify how the above Regulations are envisaged to be implemented and how they interact with other regimes. The Planning Practice Guidance in particular provides further explanation of how requirements within the National Planning Policy Framework interact with mandatory BNG and how BNG should be considered through the planning system.

- 2.4 The Environment Act 2021 also introduced changes to the **Natural Environment and Rural Communities Act 2006** which strengthen the duty on local authorities to conserve *and enhance* biodiversity as well as establish what actions they need to take to comply with this duty and monitor and report on actions taken and the specific expected gains in relation to approved Biodiversity Gain Plans.
- 2.5 The **National Planning Policy Framework (December 2023, NPPF)** sets out expectations in relation to local planning policy and the determination of planning applications within the scope of contributing to the achievement of sustainable development (economic, social and environmental). Paragraph 186(a) establishes a requirement for development to follow the mitigation hierarchy (1. Avoid, 2. Mitigate unavoidable impacts, 3. As a last resort and if unavoidable, compensate for impacts). Paragraph 186(d) states that *“opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate”*. Paragraph 185(b) states that Local Plans should *“promote the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species; and identify and pursue opportunities for securing measurable net gains for biodiversity”*. The National Planning Practice Guidance for BNG sets out further information and guidance on how BNG fits with the determination of planning applications. This states in paragraph 74-002-2023 that *“When determining a planning application, biodiversity net gain will often be a material consideration, and local planning authorities will want to consider, where relevant, whether the general biodiversity gain condition is capable of being discharged successfully through the imposition of conditions and agreement of section 106 planning obligations to secure significant onsite biodiversity gains and registered offsite biodiversity gains.”*

2.6 The **25 Year Environment Plan** published in 2018 sets out government action to help the natural world regain and retain good health. It aims to deliver cleaner air and water in our cities and rural landscapes, protect threatened species and provide richer wildlife habitats. It calls for an approach to agriculture, forestry, land use and fishing that puts the environment first. It establishes a series of environmental goals to be achieved over the 25 years of the plan:

1. Clean air.
2. Clean and plentiful water.
3. Thriving plants and wildlife.
4. A reduced risk of harm from environmental hazards such as flooding and drought.
5. Using resources from nature more sustainably and efficiently.
6. Enhanced beauty, heritage and engagement with the natural environment.
7. Mitigating and adapting to climate change.
8. Minimising waste.
9. Managing exposure to chemicals.
10. Enhancing biosecurity.

The Plan sets out key areas for actions to be focused around:

- Using and managing land sustainably
- Recovering nature and enhancing the beauty of landscapes
- Connecting people with the environment to improve health and wellbeing
- Increasing resource efficiency, and reducing pollution and waste
- Securing clean, productive and biologically diverse seas and oceans
- Protecting and improving the global environment.

2.7 Through the 25 Year Environment Plan the Government set out policy and aspiration to (amongst other things):

- Embed a net environmental gain principle for development, with an immediate ambition to mainstream use of existing biodiversity net gain approaches within the planning system, before in the future expanding the net gain approaches used for biodiversity to include wider natural capital benefits, such as flood protection, recreation and improved water and air quality. The implementation of BNG in February 2024 is the first step in responding to this Government policy ambition.
- Develop a Nature Recovery Network to protect and restore wildlife, and provide opportunities to re-introduce species that we have lost from our countryside. The development of Local Nature Recovery Strategies (LNRS) stems from this ambition.
- Establish a new Environmental Land Management system (ELMs) of paying farmers public money for public goods, with the principal public

good to invest in being environmental enhancement. This included using private payments for eco-system services, reverse auctions and conservation covenants. BNG and the LNRS are key opportunities to focus efforts from multiple different rural payment schemes, including ELMs, towards achieving local environmental objectives.

- 2.8 The Government's **Environmental Land Management system (ELMs)** is effectively a mechanism for implementing new agricultural and rural payments policy. The schemes will pay land managers and farmers for providing environmental goods and services alongside food production. The schemes included within ELMs are still under development, with a transitional period between former and current rural payment schemes and the new schemes underway. The three schemes currently anticipated from Government include:
- Sustainable Farming Incentive (SFI),
  - Countryside Stewardship (CS), and
  - Landscape Recovery.

A series of Test and Trial schemes are underway and in development to help understand how parts of the future schemes could work across a range of regions and sectors. It is important to consider the relationship between BNG and ELMs to optimise delivery of both schemes. Further information about local Test and Trial delivery as well as successful Landscape Recovery bids for Somerset are included within the local context section below.

- 2.9 Natural England's [National Habitat Networks Mapping](#) seek to apply the best evidence and principles and to use the best available nationally consistent spatial data to map habitats at a national scale alongside areas where action may be undertaken to build greater ecological resilience. This national level habitat data will be key to focusing BNG in the right locations in the interim before the Local Nature Recovery Strategy is in place.

## Local context

### Somerset State of Nature

- 2.10 The first [Somerset State of Nature Report 2023](#) provides an important benchmark of how wildlife is faring across our county and follows the national State of Nature Report launched in September 2023. Some of the highlights include:
- From 15,775 species recorded in Somerset over 150 years, 313 species are on the IUCN Red List, and 37 species are considered invasive to the UK.



- Climate change, land development and pollution are impacting Somerset's ecosystems, with invasive species an additional threat.
- Terrestrial insects are faring particularly badly, with butterfly distribution declining by 874km<sup>2</sup> over 30 years (including a 60% decline for fritillary butterflies and the extinction of the Marsh Fritillary from Somerset).
- Common mammal species like rabbits, foxes and dormice are in decline, whilst others are thriving.
- Non-native invasive species cover has increased by 260% between 1990 and 2021.
- Somerset habitats have declined in species richness, quality and quantity.
- Priority habitats are increasing.
- Out of 420km<sup>2</sup> of Sites of Special Scientific Interest (SSSIs), just under 90km<sup>2</sup> is in 'unfavourable declining' condition.

2.11 The delivery of meaningful and strategically aligned BNG proposals is of great importance to improving the state of nature in Somerset.

### Council Plan

2.12 The [Somerset Council Plan 2023-2027](#) sets out the Council's overarching vision for the next four years: "*Somerset Council will build a fairer, greener, resilient, more flourishing Somerset that cares for the most vulnerable and listens to you*". It sets clear priorities against which the Council will measure all our policies and actions over the coming years against the backdrop of four overarching priority themes:

- A Greener, More Sustainable Somerset
- A Healthy and Caring Somerset
- A Fairer, Ambitious Somerset
- A Flourishing and Resilient Somerset

2.13 Biodiversity Net Gain (BNG) clearly responds to the corporate priority to build a greener, more sustainable Somerset. This priority explains that addressing the climate and ecological emergencies will be at the heart of the Council's decision making. In particular, BNG will help to ensure healthy ecosystems, but if utilised effectively to deliver improvements in the right locations and with the right mix of associated actions and benefits, it can also build a more equitable society, increase wellbeing, improve resilience to future challenges, and develop a thriving green economy.

2.14 The Council Plan expects action on addressing the climate and ecological emergencies to be integrated into all its work, and for this to underpin its aspiration for Somerset to become a leader in green technologies, the circular

economy and renewable energy. It expects that where the Council has control, it will manage landscapes to protect habitats and improve biodiversity and use its policies and voice to support and encourage others to do the same. It recognises the potential value of farming and food production in developing natural capital responses and delivering ecosystem services including improvements for biodiversity. It recognises the critical role of planning in supporting nature restoration and recovery.

- 2.15 On its own, delivering BNG purely for the purpose of increasing biodiversity by (at least) 10% to meet a mandatory requirement, will deliver upon the first Council Plan priority, but is unlikely to deliver significantly on other priorities. However, taking a holistic view and actively planning to deliver on other complementary objectives alongside, can in turn enable BNG to respond to other Council Plan priorities, and in some cases all three other priorities. Examples of this more holistic consideration are indicated in Figure 1, below:

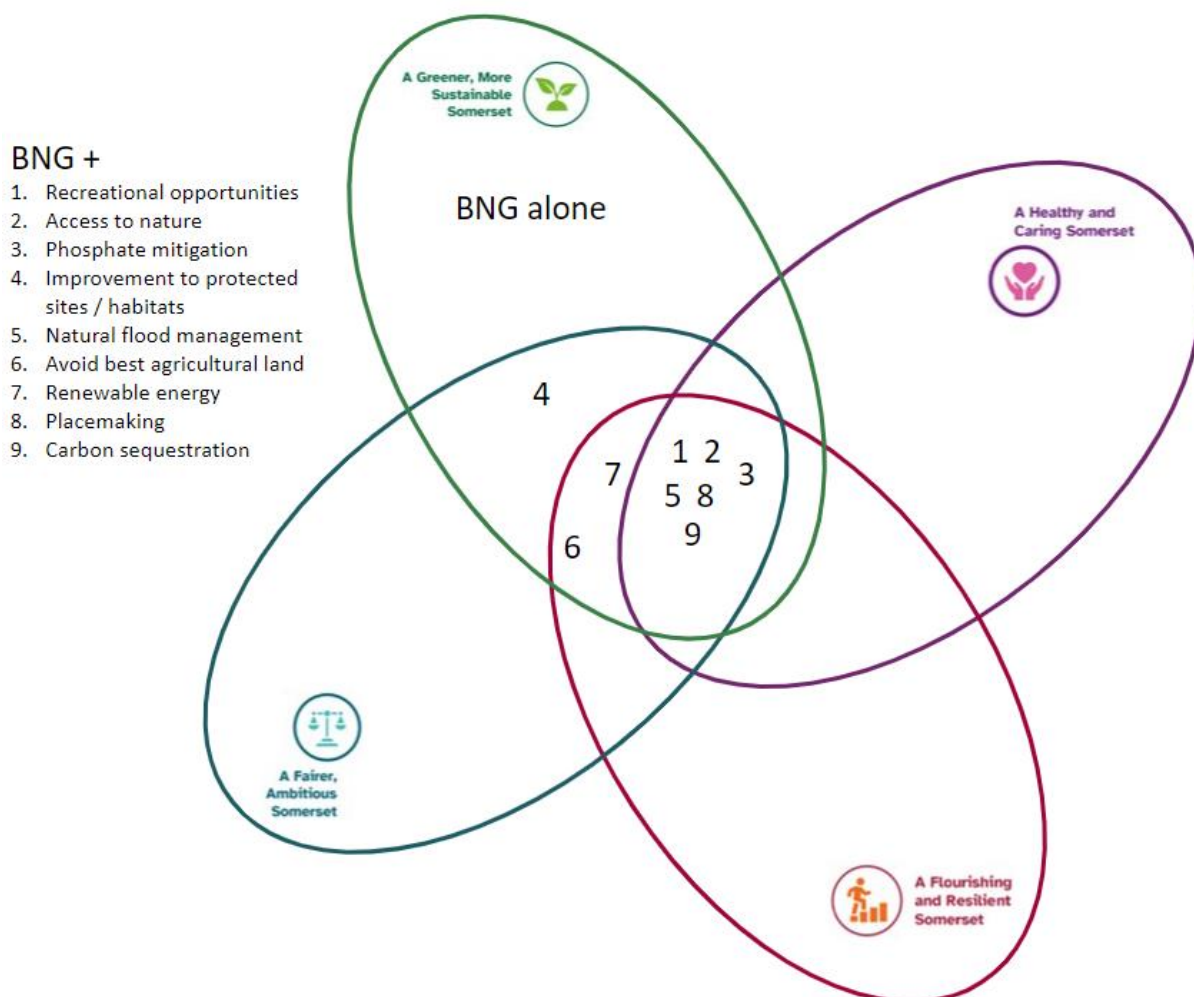


Figure 1 – The Council Plan encourages holistic consideration of BNG alongside other priorities

- 2.16 There are a wide range of existing and emerging strategies, plans and projects taking place within Somerset which it will be important to take account of and begin to explore opportunities for alignment with. Doing so will improve the Council's ability to optimise BNG delivery as part of a holistic, landscape scale approach, and in turn deliver improved outcomes for biodiversity, bioabundance and wider natural capital value.
- 2.17 In addition, it is important to remember that sustainability is defined by three mutually dependent and interrelated objectives: environmental, social and economic. The Council Plan and its priority themes respond directly to this. Delivering BNG in the right places with the right objectives and through the taking into account of wider sustainability in land-use decisions, it can be ensured that BNG contributes towards a sustainable future.

### Local Nature Recovery Strategy

- 2.18 The Environment Act 2021 sets out that a network of Local Nature Recovery Strategies will be produced to cover the whole of England. **A Local Nature Recovery Strategy (LNRS)** must be prepared and published by the 'responsible authority', which was recently confirmed as being Somerset Council. Regulations and national guidance have now been published setting out what is expected to be included within an LNRS and the procedure for their development. It is currently anticipated that the Somerset LNRS will be published in September 2024 following close working with the Somerset Local Nature Partnership, engagement and consultation with the public and interested parties, and undertaking of the statutory steps for production.
- 2.19 The LNRS must include:
- A *statement of biodiversity priorities* for the strategy area, incorporating a description of the area and its biodiversity, opportunities for recovering or enhancing biodiversity in terms of habitats and species, the priorities in relation to these, and proposals as to potential measures relating to those priorities.
  - A *local habitat map(s)* for the whole strategy area, incorporating national conservation sites (SSSIs, NNRs, Ramsar sites, Marine Conservation Zones and European Sites), nature reserves and other areas which in the opinion of the responsible authority are or could become of particular importance for biodiversity, or where the recovery or enhancement of biodiversity could make a particular contribution to other environmental benefits

- 2.20 An LNRS is expected to identify where action to achieve BNG will have the most impact and encourage action in these locations through the way BNG is calculated (strategic significance score). All public authorities will also have to have regard to the relevant LNRS under the strengthened biodiversity duty under the Natural Environment and Rural Communities (NERC) Act 2006.
- 2.21 The Government intends for LNRS's to inform the local planning process. There is a requirement in the Environment Act 2021 for the Secretary of State to issue guidance to local planning authorities as to how they must have regard to an LNRS in complying with the strengthened biodiversity duty, though this has not yet been published. The Levelling Up and Regeneration Act 2023 strengthens the legal links between Local Nature Recovery Strategies & local plans.
- 2.22 Mapped outputs for the Somerset LNRS are unlikely to emerge until Summer 2024, but work has begun, through a series of thematic groups, to establish a list of draft priorities, outcomes and measures. As these begin to emerge, they may hold increased weight in determining the strategic significance score of BNG proposals, however in the meantime an interim approach to assessing strategic significance will be required.

### Somerset Nutrient Strategy

- 2.23 The Somerset Levels and Moors Ramsar Site is in an unfavourable condition due to nutrient loading, particularly phosphates. The Council as Local Planning Authority is currently unable to determine any planning application that may give rise to additional phosphates within the catchment unless supported by an Appropriate Assessment under the Habitat Regulations and where an adverse impact is identified appropriate mitigation is secured to enable the development to demonstrate 'nutrient neutrality'. A similar issue applies in relation to the River Axe which flows south into Devon, and the small part of Somerset which lies within the River Axe catchment.
- 2.24 A **Somerset Nutrient Strategy** is in development, which will identify both short-term solutions to help clear the current backlog of planning applications held in abeyance, as well as longer term solutions to address existing and future growth commitments. The [Somerset Levels and Moors Phosphate Mitigation Solutions Report](#) published in February 2022 provides an interim review of potential phosphate mitigation options for new development. This refers to a range of nature-based solutions and non-catchment based interventions. A number of potential options in both categories have potential to also deliver other biodiversity enhancements as well as mitigation for impacts on biodiversity within the Levels and Moors themselves. For instance,

taking land out of agricultural use, cessation of fertiliser, installation of riparian buffer strips, beaver reintroduction, wetland creation, woodland/orchard creation and installation of Sustainable Urban Drainage Systems (SuDS) could all potentially lead to enhancement of biodiversity over the status quo in a specific location, if appropriately located, designed, and delivered. The Government has confirmed that biodiversity gain units and nutrient mitigation credits can be 'stacked' on the same piece of land. However, a precautionary approach must be taken; it must align with the mitigation hierarchy, and true additionality must be demonstrated.

- 2.25 The Council submitted a bid to the Government's Nutrient Mitigation Fund (NMF) in partnership with the Farming and Wildlife Advisory Group (FWAG), Plymouth University, Salinity Solutions, and Dorset Council in 2023 proposing a number of projects for delivery in Somerset which would assist in mitigating phosphates impacts and simultaneously deliver added value around BNG and other objectives. In December 2023, the Government announced that the Council's joint bid had been successful and secured a total of £9.6m to deliver phosphate mitigation measures which will unlock the delivery of new homes across the area and provide for long term nature recovery. As part of this, the partners have the opportunity to seek strategic alignment and build BNG into nature-based solutions arising from the programme alongside nutrient benefits.

### Somerset Tree Strategy

- 2.26 In June 2023, the Council published the [Somerset Tree Strategy](#), designed to help trees be a thriving part of our landscape, our ecology and our society. The strategy is comprised of five key objectives:
- Create a wood culture where everyone understands the importance of trees to the County, its natural environment, and its communities.
  - Make our trees resilient and adaptable to climate change by protecting, expanding, managing, and diversifying our existing treescapes.
  - Expand the number of trees in Somerset in urban and rural areas through planting initiatives to create cohesive connected treescapes that include woodland, parks, roadsides, and urban spaces.
  - Create a range of services and products that allow our treescapes to contribute to society through local supply chains and creating natural capital opportunities.
  - Create a sustainable and flexible governance structure that ensures successful implementation of the strategy over the next ten years.

- 2.27 The strategy sets a framework to create a coordinated and collaborative approach to increase Somerset's tree / canopy coverage whilst providing a wide variety of benefits, including alleviating flooding, increasing biodiversity and sequestering carbon and delivering on the commitment to plant 150,000 trees per year.
- 2.28 The Tree Strategy provides a useful framework which can help guide delivery of BNG in Somerset. Whilst tree planting is only one form of measure to enhance biodiversity, and it will not be appropriate in all cases, it does offer a way to deliver on multiple objectives in cases where tree planting is appropriate.

### ELMs: Test and Trial

- 2.29 In July 2023, it was confirmed that a bid to the Government's **Environmental Land Management (ELMs): Tests and Trials** fund by FWAG SW in partnership with Somerset Wildlife Trust, Terranomics, University of Exeter Centre for Rural Policy Research and Somerset Catchment Partnership had been successful. The successful proposal seeks to establish a local delivery model for ELMs across Somerset, investigating the potential to partner with the Local Nature Partnership to deliver on four objectives:
- Using local priorities to set strategic direction
  - Broker private finance and wider funding opportunities.
  - Enable effective partnership working and accountability (with arm's length bodies (ALBs)).
  - Support and enable the existing collaboration and advice models in the local area
- 2.30 Within this, there are a number of anticipated project tasks and milestones envisaged including:
- Engage with key stakeholders (including farmers and landowners) to identify local ELMs priorities and how best to communicate them to different stakeholders.
  - Research the possible role of a strategic land use framework that goes beyond nature. Provide support to Somerset Council to take forward development of a Somerset Land Use Strategy.
  - Explore potential structures for Special Purpose Vehicles to facilitate and manage nature-based solutions projects.
  - Create Somerset Natural Capital investment prospectus to promote the county and the impact of investments to help in brokering funding from both public and private investors. Provision of menu of options of readily available investment opportunities for small/medium and large investors.

- Explore how Local Delivery models can support the governance of ELMs stacked with other investment schemes.
- 2.31 Linkage with the LNRS is key to the proposals, as is securing external investment partners. As such Somerset Council is a key stakeholder in the project.
- 2.32 It is highly likely that this project will further help to develop the local priorities for the LNRS and for delivery of BNG in Somerset, aligned with other opportunities and constraints identified and explored through a Somerset Strategic Land Use Framework and through stacking of other investment schemes. Furthermore, it may assist in the consideration of options for development of off-site delivery mechanisms in Somerset.

### ELMs: Landscape Recovery Projects

- 2.33 Landscape Recovery supports landowners and managers to take a large-scale, long-term approach to producing environmental and climate goods on their land. Three projects based in or partly in Somerset were successful in the first round of Landscape Recovery Projects announced by Government in September 2022. As part of this announcement a total of 22 projects across the country were awarded a share of around £12 million in development grants to help them finalise their delivery plans. The projects are at different stages of development and each have different objectives, but all demonstrated that they have pioneering ideas that will improve the rural landscape and reverse the decline in nature.
- 2.34 The **Somerset Landscape Recovery Projects** present an opportunity for BNG delivery to align with other green finance initiatives and wider landscape recovery objectives in order to deliver multiple benefits to Somerset.
- 2.35 The three Landscape Recovery Projects based in Somerset which were awarded funding in round 1 are:
- [Adapting the Levels](#)
  - **Holnicote River Corridors**
  - [The Axe Landscape Partnership](#)
- 2.36 Further bids to round 2 of the Landscape Recovery scheme are currently in development by partners within Somerset.

### Somerset Wetlands super National Nature Reserve

- 2.37 In May 2022, the Government announced the merger of six National Nature Reserves (NNRs) to form the first ‘super National Nature Reserve’ in the country in the **Somerset Wetlands**. This designation combined the previous Bridgwater Bay, Ham Wall, Huntspill River, Shapwick Heath, Somerset Levels and Westhay Moor NNRs. The SNNR protects 6,140 hectares of precious saltmarsh, heath and wetland habitats, home to nationally significant wildlife populations.
- 2.38 The establishment of the SNNR was followed by the announcement of the **Somerset Wetlands Nature Recovery Project (NRP)**. This project has the SNNR at its heart, but is about working with local partners and landowners across a wider 60,000 hectares to enhance nature recovery through habitat creation and investing in strategic solutions that make the wetlands more sustainable and the landscape more resilient to climate change. The NRP is being led by a strong delivery partnership, which includes the Royal Society for the Protection of Birds (RSPB), Somerset Wildlife Trust, Farming and Wildlife Advisory Group South West (FWAG), Hawk and Owl Trust, Wildfowl and Wetlands Trust (WWT) and Environment Agency. Somerset Council have recently joined as an official partner of the project.
- 2.39 The long-term ambition of the project is to restore ecological processes across the whole of the Somerset Levels and Moors landscape – from the peat moors near Taunton, Glastonbury and Muchelney to the sea at Bridgwater Bay. Managing the wetlands sustainably will support livelihoods and the local economy, including boosting green leisure and tourism, and help support farm businesses through the agricultural transition. It will also maintain the extensive peatlands of the Somerset Wetlands as a carbon store, helping to reduce pollution and improve resilience to floods and drought. The project also plans in the future to increase the nature connectedness of communities in the nearby urban centres, such as Bridgwater and Taunton, through increasing access opportunities, interpretation, and outreach to new audiences.
- 2.40 A new management plan for the SNNR and masterplan for the NRP are currently in production. BNG will be a key tool to delivering on the objectives for both.

### Mendip super National Nature Reserve

- 2.41 In May 2023, the Government announced the south facing slopes of the Mendip Hills as one of the ‘King’s Series’ of five new National Nature



Reserves across the country. This new SNNR was officially created in October 2023.

- 2.42 The new **Mendip super National Nature Reserve** draws together all the existing important wildlife sites along the south facing slopes from Brean Down across to Wells, taking in important sites like Crook Peak and Cheddar Gorge, and important grassland and woodland habitats of the National Landscape. The declaration means the land will be managed for conservation for the future. Farmers have been doing important work in-between the wildlife sites and their land supports crucial links for wildlife even though they will not form part of the new National Nature Reserve.
- 2.43 Joining up 1,413 hectares of land managed for nature conservation, the NNR links ecologically important sites along the popular walking route of The Mendip Way for the benefit of wildlife and people. More than 400 hectares will be land that has not previously been managed primarily for conservation.
- 2.44 Nine organisations, (including Natural England, Mendip Hills National Landscape, Somerset and Avon Wildlife Trusts, National Trust, Cheddar Gorge and Caves, Butterfly Conservation, South West Heritage Trust and Woodland Trust) will work in partnership to improve collaboration and management for wildlife and geology. This partnership will be at the heart of nature recovery in the Mendip Hills. It will enable land managers to work together to maximise the benefits for nature, science, and people, improving access and creating more opportunities to connect with the natural world.

### National Landscape (AONB) Plans

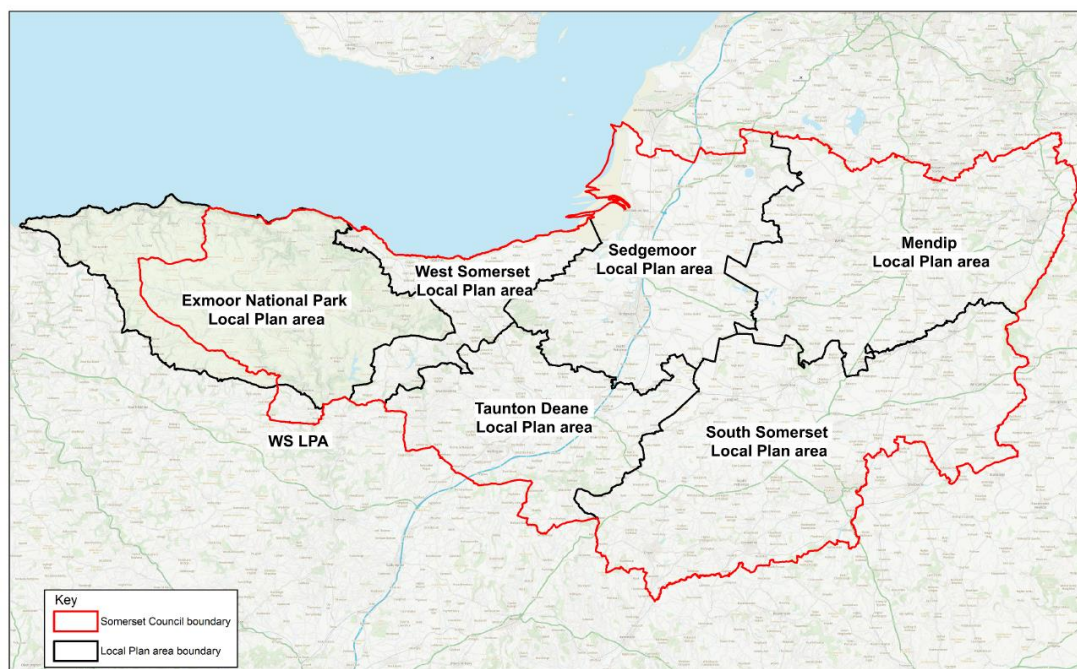
- 2.45 In November 2023, all Areas of Outstanding Natural Beauty (AONBs) in England and Wales became known as National Landscapes. These are nationally designated landscapes of exceptional quality, with the highest status protection alongside National Parks. In Somerset there are a total of five National Landscapes of relevance:
- Blackdown Hills
  - Cranborne Chase
  - Mendip Hills
  - Quantock Hills
  - Dorset (note, only a very small area of this National Landscape lies within Somerset, though a larger area may be considered within its setting).
- 2.46 Under the Countryside and Rights of Way (CROW) Act 2000, local authorities and conservation boards must prepare and review Management Plans setting

out policy for the management of their area of outstanding natural beauty and for the carrying out of their functions in relation to it. Links to each of the relevant National Landscape (AONB) Management Plans can be found in Appendix 2.

- 2.47 These Management Plans set out statements of significance explaining what is special about the relevant designated area, and management plans with objectives and policies for managing it. Biodiversity and ecology are in all cases intrinsically linked into the purpose of each National Landscape and plans for their management. In addition to this, some areas, (including the Blackdown Hills and Mendip Hills in Somerset) have begun to develop their own Nature Recovery Plans which respond to the biodiversity emergency and set out ambitious plans to recover nature in and beyond protected landscapes, build climate resilience and enhance engagement with people.
- 2.48 The CROW Act, as amended by the Levelling-Up and Regeneration Act 2023, places a duty on public bodies to *further* the purpose of conserving and enhancing natural beauty when exercising or performing any function within or affecting land in AONBs. With this in mind, the Council sets out within this Guidance Note how National Landscapes should be considered in the preparation of BNG proposals through reference within the Somerset BNG Principles and reference across to these within the definition of strategic significance.

### Local Planning Policy Context

- 2.49 In Somerset there are a large number of adopted Local Plans forming the development plan. This is due to the fact that Somerset has only recently become a single unitary authority, and previously there were four separate district local planning authorities alongside the County Council's minerals and waste planning authority functions. Exmoor National Park Authority is also (and remains so) a separate Local Planning Authority in its own right. A [Planning Policy Statement](#) published in March 2023 sets out all of the plans relevant within the Somerset Local Planning Authority area. Figure 2, below identifies the different local plan areas of Somerset alongside the separate Exmoor National Park Authority.



Somerset Local Plan areas

Date: September 2023

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*Figure 2 – Map showing the various local plan areas within Somerset – note Exmoor National Park Authority is a separate Local Planning Authority*

## 2.50 The adopted development plan in Somerset includes the following plans:

- Mendip Local Plan Part I: 2006-2029 (2014)
- Mendip Local Plan Part II: Sites and Policies (2021)
- Mendip Policies Map (2021)
- Sedgemoor Local Plan 2011-2032 (2019)
- Sedgemoor Policies Map (2019)
- Taunton Deane Core Strategy 2011-2028 (2012)
- Taunton Town Centre Area Action Plan (2008)
- Taunton Deane Site Allocations and Development Management Plan (2016)
- Saved Policies from the Taunton Deane Local Plan to 2011 (2004)
- Taunton Deane Policies Map (2016)
- West Somerset Local Plan 2032 (2016)
- Saved Policies from the West Somerset District Local Plan 2006 (2006)
- West Somerset Policies Map (2016)
- South Somerset Local Plan 2006-2028 (2015)
- Saved Policies from the South Somerset Local Plan 1991-2011 (2006)
- South Somerset Policies Map (2015)
- Somerset Minerals Plan to 2030 (2015)

- Somerset Minerals Policies Map (2015)
- Somerset Waste Core Strategy to 2028 (2013)
- “Made” Neighbourhood Plans.

- 2.51 Existing Local Plans in Somerset include various policies in relation to protecting, compensating for loss of, mitigating impacts upon and enhancing wildlife, biodiversity and habitats, as well as wider environmental objectives. However, existing plans were developed before the mandatory BNG requirement was established by the Environment Act 2021 and the latest version of the National Planning Policy Framework. As such, the policy requirements vary between the different former authority plans as to how exacting they are and the range of considerations to be taken into account in designing development proposals. Some policies refer only to protection and mitigation, others refer also to enhancement and provision of net gains.
- 2.52 None of the plans include requirements which go above and beyond the national mandatory requirement for at least 10% BNG. However, they do include other expectations which should influence how development comes forward, such as reference to Local Biodiversity Action Plans, Green Infrastructure Strategies and other environmental strategies as well as general design guidance. In some cases, development plan policies are supplemented with specific guidance documents or Supplementary Policy Documents.
- 2.53 It is important that development proposals respond to development plan policies as well as meeting national mandatory net gain requirements. These policies should inform development proposals and should influence *how* BNG is proposed to be delivered in different parts of Somerset.
- 2.54 Even where planning application sites are exempt from the national mandatory (at least) 10% BNG requirement, the Council still expects applicants to achieve a net gain and other biodiversity enhancements, in line with the NPPF and relevant development plan policy.
- 2.55 In all cases, the requirement for BNG does not change existing legal or policy protections for protected sites or species, or priority species or habitats and the need to follow the mitigation hierarchy.
- 2.56 Please check the Local Plan and any associated guidance relevant to the location of a development proposal. **A full local planning policy review is included in Appendix 1.**
- 2.57 Going forwards, a **new Local Plan** is in preparation covering the Somerset Local Planning Authority area (i.e. Somerset Council area with the exception

of the area covered by the Exmoor National Park Authority). The new Local Plan is expected to supersede existing Local Plans and is required to be in place by 2028. The adopted [Local Development Scheme](#) sets out the latest published timetable for local plan development. This presents an opportunity to ensure the new spatial strategy, plan objectives and associated policies and allocations are made with updated requirements such as BNG taken into account and with up to date local strategies such as the LNRS informing them. The National Planning Practice Guidance confirms that in developing local plans, LPAs need to take account of the statutory framework for biodiversity net gain. As such, the new Local Plan is likely to include policies setting out local priorities and expectations relating to the delivery of both of these, which will evolve over the coming years. It may also include specific environmental-led allocations, for instance identifying areas for protection and enhancement of biodiversity and other environmental objectives aligned with the LNRS and potentially aligned with any Somerset Strategic Land Use Framework that may evolve.

- 2.58 The Somerset Waste Plan and Somerset Minerals Plan are currently under review. In the case of the Minerals Plan in particular, it is important to understand how BNG fits with and works alongside wider policy requirements around site restoration, aftercare and after-use and understanding the role of sites in maintaining the connectivity and resilience of ecological networks.
- 2.59 Neighbourhood Plans are a statutory part of the development plan. The National Planning Practice Guidance confirms that in developing neighbourhood plans, neighbourhood planning bodies need to take account of the statutory framework for biodiversity net gain. In some cases, Neighbourhood Plans may include specific local objectives and policies relating to biodiversity and other environmental protection and enhancement. Where relevant, these should further influence BNG delivery.

### Other local context

- 2.60 There are a wide range of other plans, strategies and projects covering Somerset or areas of, which will have relevance to the delivery of BNG in Somerset. Some are owned by the Council, some are owned by other organisations. Some of these (such as the Exmoor Nature Recovery Vision, Somerset Ecological Network Report and Pollinator Action Plan) are likely to directly influence the priorities and opportunities to be identified by the LNRS. Others are likely to work alongside the LNRS and there may be synergies for delivery between them. The list of relevant plans, strategies and projects are included in **Appendix 2**.

# 3. BNG explained

## The Basics

- 3.1 The purpose of BNG is to ensure that development comes forward in a way which means that habitats for wildlife are left in a measurably better state than they were in before the development.
- 3.2 Achieving BNG means that natural habitats will be extended or improved as part of a development or project. Development will be designed in a way that provides benefits to people and nature and reduces its impacts on the wider environment.

### Moving from “no net loss” to “net gain”

- 3.3 As shown in Figure 3, below, BNG goes beyond compensation for impacts as a result of development (i.e. no net loss), and results in an overall net gain in habitat. The system assumes that increasing the right kind of habitat in the right location with the right management and maintenance arrangements will result in net gains in biodiversity.

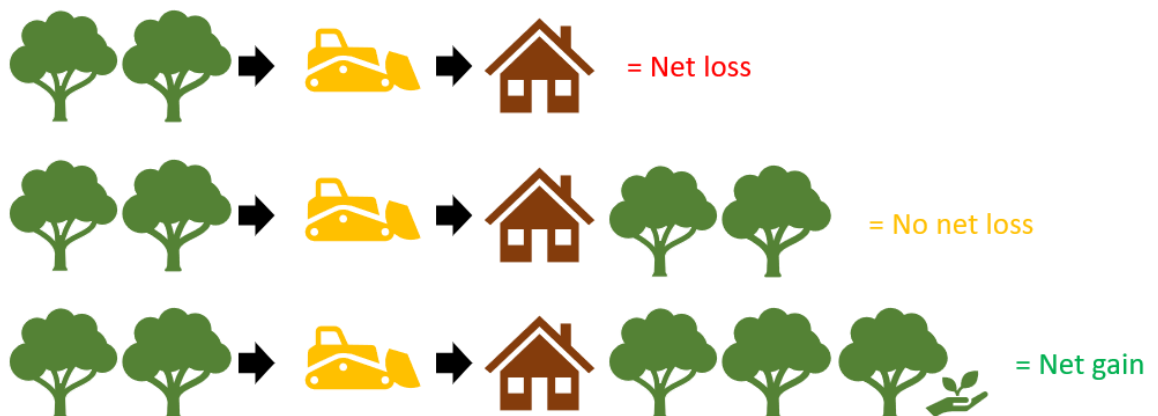


Figure 3 - Moving from "no net loss" to "net gain"

## BNG complements existing protections

- 3.4 The statutory requirement to deliver at least 10% BNG secured for a period of at least 30 years, does not supersede, replace or in any way reduce or undermine existing statutory and policy protections and requirements relating to wildlife, habitats, protected species, protected sites or irreplaceable habitat.
- 3.5 The mitigation hierarchy (see Figure 4, below) remains a critical element of national and local policy and is essential for delivering the most sustainable and appropriate solutions for the natural environment. The mitigation hierarchy requires that developments first seek to avoid impacts on biodiversity; minimise impacts where they cannot be avoided; mitigate any impacts that cannot be avoided or minimised; and as a last resort, compensate for losses which cannot be avoided, minimised or mitigated. Use of the mitigation hierarchy can help to minimise the gains required by a development.

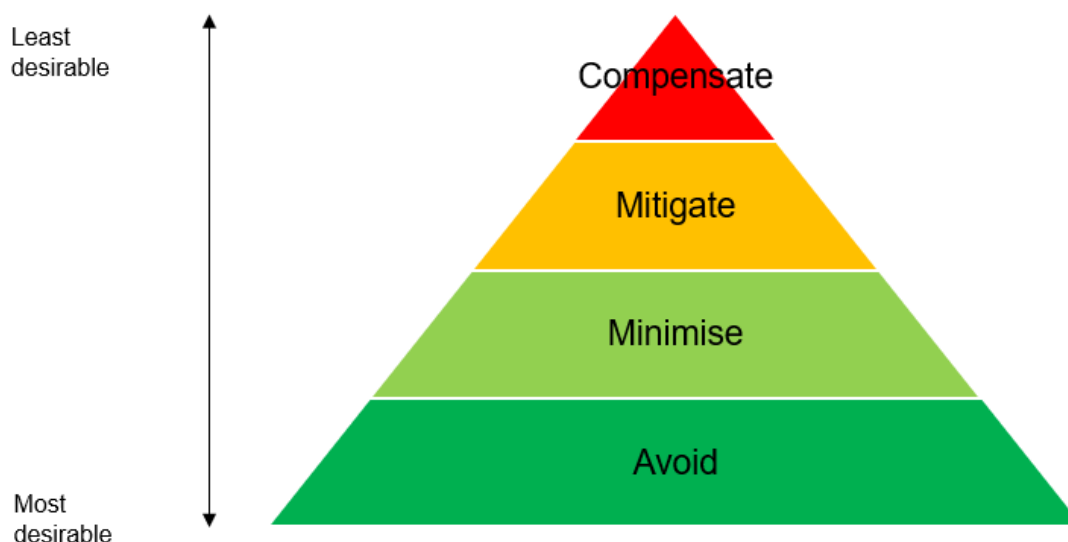


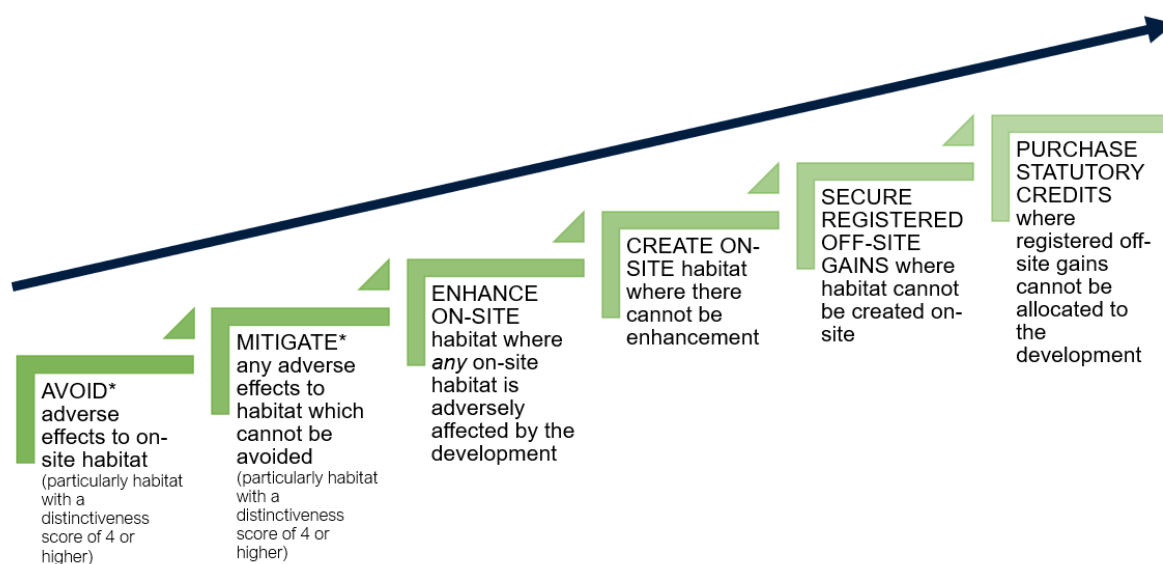
Figure 4 - The mitigation hierarchy

- 3.6 Furthermore, the Biodiversity Gain (Town and Country Planning)(Modifications and Amendments)(England) Regulations 2024 bring in the concept of a Biodiversity Gain Hierarchy. This complements and supplements the wider mitigation hierarchy above and applies specifically to the application of BNG. The Biodiversity Gain Hierarchy (summarised in Figure 5, below) is split into two parts – the first part relating to higher distinctiveness on-site habitats (above level four distinctiveness in the Metric); the second part relating to all on-site habitat adversely affected by the development and requiring compensation. The Regulations set out that the

Biodiversity Gain Hierarchy means the following actions in the following order of priority:

- In relation to on-site habitat with a habitat distinctiveness score of 4 or above:
  - i). Avoid adverse effect of the development, or
  - ii). Where adverse effects cannot be avoided, mitigate those effects.
  
- In relation to *any* on-site habitat which is adversely affected by the development, compensating for that adverse effect by:
  - i). Enhancement of on-site habitat,
  - ii). Create on-site habitat where there cannot be enhancement,
  - iii). Secure off-site gains where there cannot be on-site creation,
  - iv). Purchase statutory credits where off-site gains cannot be allocated to the development.

Whilst within the Biodiversity Gain Hierarchy, reference to “avoid” is only made to on-site habitats of distinctiveness 4 or above, the wider Mitigation Hierarchy still applies in all cases.



\* Note, the Mitigation Hierarchy applies alongside the Biodiversity Gain Hierarchy in all cases

Figure 5 - The Biodiversity Gain Hierarchy

### Where applicable, BNG is mandatory and cannot be negotiated away

- 3.7 Furthermore, the requirement to deliver BNG does not affect the weight that should be given to other planning considerations, matters of planning policy, or legal obligations. Delivering at least 10% BNG as set out in legislation is mandatory and therefore there is no scope to allow a reduction below 10% on viability grounds.



- 3.8 However, this being the case, there is a risk that the costs involved in delivering BNG could impact on the viability of other policy requirements in new development. National BNG policy has been in development for some time, and so costs involved should by now already be getting factored into the price paid for land, but the way that BNG is delivered can have a big effect on the costs involved. This reiterates the importance of considering BNG from as early on in the site selection and acquisition and the design process as possible, and the importance of sufficiently considering emerging BNG proposals through the planning system as part of the application process.

### **BNG should inform location and design of developments**

- 3.9 BNG should not be thought of as an additional requirement of development to be tacked on to a scheme designed through other processes. Consideration of the requirement to deliver BNG should be integral to the site selection and design process.
- 3.10 The Council has a range of existing planning and design guidance documents which should be consulted by applicant teams and used to inform the early stages of developing the design concept and proposals for the site. Following the processes and guidance within these documents can lead to well considered and integrated BNG solutions. Use of national statutory biodiversity credits in particular should be avoided as far as possible and, in line with the statutory Biodiversity Gain Hierarchy (see Figure 5, above), only used as a last resort. This can help to reduce costs and improve outcomes not only for BNG, but also for wider policy aims in new development. We encourage early engagement through the Council's pre-application service as much as possible.

### **The Metric**

- 3.11 BNG utilises a nationally approved Biodiversity Metric which is an assessment and accounting tool designed to assess or audit the biodiversity unit value of an area of land; calculate the losses and forecast gains in biodiversity unit value resulting from interventions which affect habitats; compare different proposals for a site, allowing more objective assessments of potential biodiversity changes; and be used to calculate biodiversity units and percentage biodiversity change.
- 3.12 The Metric uses habitats and 'biodiversity units' as a proxy for biodiversity. These 'units' are the currency of the Metric. The units fall into one of three

'modules': area units, hedgerow units and watercourse units. Each of the three types of units is distinct and must be valued separately. The Metric is used to calculate the total number of 'units' for each habitat category, and the required gain that must be achieved for each.

- 3.13 The Metric is technical by nature and should only be completed by a 'competent person', defined by the Biodiversity Metric User Guide as being "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". Somerset Council defines a competent person as being a member of CIEEM or other reputable membership body for ecology professionals (e.g. ALGE, MRSB). Special training and accreditation in the River Condition Assessment methodology is required to undertake a River Condition Assessment, required if completing the Watercourse module of the Metric.
- 3.14 The Metric must be completed in line with the Metric Rules and informed by the Metric Principles. These Rules and Principles are set out within the Biodiversity Metric User Guide along with definitions and requirements and other guidance. This note does not seek to duplicate national guidance. A competent person should always complete the Metric in line with the Metric User Guide. The Metric itself, Metric User Guide and other information is available at <https://www.gov.uk/government/publications/statutory-biodiversity-metric-tools-and-guides>.

## BNG liable developments

### What applications will BNG apply to?

- 3.15 As outlined within the Environment Act 2021 Schedule 14 and enacted through Regulations, achieving at least 10% Biodiversity Net Gain (BNG) is a legal requirement for development granted planning permission under the Town and Country Planning Act 1990 (unless specific exemptions apply). The requirement applies to planning permissions granted in respect to an application made after 12 February 2024. Permissions granted for applications made before this date are not subject to statutory BNG.

Every grant of planning permission in England granted in respect of an application made after 12 February 2024 is deemed to have been granted subject to the general biodiversity gain condition as set out in Schedule 7A of the Town and Country Planning Act 1990 (as amended by the Environment

Act and the Biodiversity Gain (Town and Country Planning)(Modifications and Amendments)(England) Regulations 2024). However, commencement and transitional arrangements, as well as exemptions, mean that certain permissions are not subject to BNG.

Generally, from 12 February 2024, planning applications made for major development will be BNG liable. **Major development** is defined as follows:

- Residential development:
  - 1) Where the number of dwellings being proposed is ten (10) or more;
  - 2) If the specific number of dwellings to be provided is not known, a site area exceeding 0.5 hectares.
- Non-residential development:
  - 1) The provision of a building or buildings where the allocated floor space being created as a result of the development is 1,000 square metres or more;
  - 2) Where the development has an area of 1 hectare or more;
  - 3) Change of use applications over 1,000 square metres or more
  - 4) All full applications concerning mineral extraction and waste development.

### Small development sites

3.16 Initially, small development is subject to a temporary exemption from BNG. However, from 2<sup>nd</sup> April 2024, small development will also be BNG liable. **Small development** is defined as follows:

- Residential development:
  - 1) Development where the number of dwellings proposed is between one and nine inclusive on a site and has an area of less than one hectare;
  - 2) If the number of dwellings is unknown, then the site area must be less than 0.5 hectares.
- Non-residential development:
  - 1) Development defined as less than 1,000 square metres of proposed floor space or
  - 2) Sites smaller than one hectare.

3.17 Small development sites are able to (though do not have to) utilise a simplified Small Sites Metric (SSM) which helps to streamline the process and reduce burdens on such sites, which are more generally delivered by SME developers. If not using the SSM, they must use the full Metric.

- 3.18 However, if a small development site sits within Priority Habitat Protected under Section 41 of the NERC Act 2006; protected sites; and/or European Protected Species site within the site, then the Site will not qualify under the 'Small Site Metric' characterization and instead the full Biodiversity Metric should be used. Small sites must also use the full Biodiversity Metric if they are reliant upon use of any off-site gains.

## Exemptions

- 3.19 There are a number of exemptions to the above as set out in The Biodiversity Gain Requirements (Exemptions) Regulations 2024. Prior to submitting an application, check whether the development may be exempt. In the following circumstances, the national deemed biodiversity gain condition will not apply:
- “small development” (see above) – temporary until 2<sup>nd</sup> April 2024;
  - development impacting habitat of an area below a ‘de minimis’ threshold of 25m<sup>2</sup>, or 5m for linear habitats such as hedgerows<sup>1</sup>;
  - householder applications;
  - development associated with the high speed rail network;
  - development of biodiversity gain sites (where engineering works are required for habitats to be enhanced for wildlife);
  - small scale self-build and custom housebuilding (meaning a development of no more than 9 dwellings and on a site no larger than 0.5 hectares and consisting of exclusively dwellings which are self-build or custom housebuilding).

Further guidance on the applicability of the statutory exemptions can be found in the DEFRA Land Use Blog “BNG – what are the exemptions?” available at <https://defralanduse.blog.gov.uk/2024/01/22/biodiversity-net-gain-what-are-the-exemptions/>.

- 3.20 Mandatory national BNG does not apply where planning permission is not required. As such, it does not apply to permitted development and prior approval applications or Review of Old Mineral Permissions. BNG does not apply to Permission in Principle applications (PIPs), though applications for subsequent technical details consent are subject to the national deemed biodiversity gain condition. BNG will also not apply to listed building consent applications, but please note that if these are made jointly with a full application which is not exempt from BNG, then BNG will be required for the full application.
- 3.21 Mandatory BNG will apply to new applications made from 12 February 2024. This means, only planning applications submitted after the implementation date will be subject to the national deemed biodiversity gain condition. BNG will not be applied retrospectively to planning applications that have been

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<sup>1</sup> However, if an application sits within a Priority Habitat that is protected under Section 41 of the Natural Environment and Rural Communities (NERC) Act, then the development cannot be subject to exemption even if it meets these criteria.

submitted or have already been granted permission prior to the implementation date. For example, if an outline consent for a major application was granted before February 2024 without a requirement to provide at least 10% net gain, the subsequent reserved matters application(s) will not need to incorporate at least 10% net gain. In another example, if an application for major development was submitted in December 2023 but not determined until March 2024, then the national deemed biodiversity gain condition will not apply.

- 3.22 National mandatory (at least) 10% BNG will not apply to Section 73 applications to vary the conditions imposed on an existing permission where that original permission was not subject to the national deemed biodiversity gain condition (i.e. it was submitted or approved prior to the implementation of national requirements). However, where an application for development has been submitted and approved post 12 February 2024 and is therefore subject to the national deemed biodiversity gain condition, any subsequent Section 73 application seeking to vary the conditions imposed on the existing permission and which will alter the post-development biodiversity value, *will* be required to achieve national mandatory (at least) 10% BNG.
- 3.23 Even where planning application sites are exempt from the national mandatory (at least) 10% BNG requirement, the Council still expects applicants to achieve a net gain and other biodiversity enhancements, in line with the NPPF and relevant development plan policy.
- 3.24 In all cases, the requirement for BNG does not change existing legal or policy protections for protected sites or species, or priority species or habitats and the need to follow the mitigation hierarchy.
- 3.25 Applicants are strongly encouraged to make use of the Council's Pre-application Service to further understand the specific requirements in relation to their site. Further information can be found at <https://www.somerset.gov.uk/planning-buildings-and-land/pre-application-advice/>.

### Mineral and waste applications

- 3.26 Minerals and waste planning applications are also subject to BNG requirements. All minerals and waste applications are considered to be major applications. As such, the national requirement for full minerals and waste applications to deliver at least 10% BNG will come in from 12 February 2024 alongside other major development. Reviews of Old Minerals Permissions

(ROMPs) are exempt from the requirement to deliver national mandatory BNG as they do not require planning permission.

- 3.27 Minerals (and some waste) development differ in nature from other forms of development (long-term, phased and temporary developments, able to achieve significantly greater than 10% net gain through restoration, aftercare and after use). The Planning Practice Guidance states that “there are no special provisions set out in regulations for minerals applications, although there are specific provisions for planning permissions (including outline permission) that have the effect of permitting development in phases which may be relevant for many minerals applications”. Given the potential uplifts over 10% BNG that may be provided, there may in some circumstances be potential for such uplifts to be sold as off-site biodiversity units to other developments. This is explored further in chapter 9 of this document.
- 3.28 It is recommended that minerals and waste applicants and agents engage early with Somerset Council as Minerals and Waste Planning Authority in consultation with Somerset Ecology Services to discuss the specifics of their scheme and a case-by-case approach will be taken. In time, the Council may consider setting out further local guidance specifically in relation to BNG and minerals and waste development.

## Further detail

- 3.29 The [Government BNG Guidance](#) should be consulted for further information, but the guidance below pulls out some key aspects.

### Irreplaceable Habitats

- 3.30 BNG does not override existing protections for irreplaceable habitats (such as ancient woodland and ancient or veteran trees), as set out in the National Planning Policy Framework (para 186c). Impacts to these habitats will be considered on a case-by-case basis, outside of the BNG system. In most cases, proposals that would result in the loss or deterioration of irreplaceable habitats, will be refused unless the need for and public benefits of the development clearly outweigh the loss. If you have irreplaceable habitat within your development site, then you should engage with the Council’s ecology service at an early opportunity ahead of submitting any planning application.
- 3.31 The Biodiversity Gain Requirements (Irreplaceable Habitat) Regulations 2024 set out the definition of irreplaceable habitat for the purposes of BNG. The

Regulations also allow for Natural England to provide further guidance on how to identify if habitat falls within the description of irreplaceable habitat, and allow for periodic review by the Secretary of State. DEFRA has published [interim guidance on irreplaceable habitats](#), but DEFRA has stated an expectation to launch public consultation on the definition and list of irreplaceable habitats in the second half of 2024. However, the interim list of habitats considered to be irreplaceable by the Regulations and guidance are:

- Ancient woodland
- Ancient and veteran trees
- Blanket bog
- Limestone pavements
- Coastal sand dunes
- Spartina saltmarsh swards
- Mediterranean saltmarsh scrub
- Lowland fens

3.32 Where irreplaceable habitat is retained and enhanced on-site (as is expected) this should be recorded in the Metric calculations but not assigned any value unless enhancements are proposed. Any enhancements to irreplaceable habitat should also be recorded in the Metric and can count towards meeting the (at least) 10% BNG requirement.

3.33 Impacts on irreplaceable habitats, or indeed losses, cannot be offset by BNG or dealt with through the Metric, and therefore a tailored approach will be required. However, by their nature, such habitats are considered to be irreplaceable and it is extremely difficult and in some cases impossible to re-create. Any compensation plan must meet local policy requirements and should aim to reflect the same type of habitat being lost. Off-site biodiversity units and statutory biodiversity credits will not be able to be used to compensate for the loss of irreplaceable habitat.

3.34 Where irreplaceable habitat forms part of the development site, there are special modifications for the content and approval of the Biodiversity Gain Plan. The Biodiversity Gain Plan must include information about how any adverse effect on the irreplaceable habitat has been minimised and any compensation plan if there are any adverse effects. The Local Planning Authority must be satisfied that the adverse effect is minimised and that appropriate arrangements have been made for the purpose of compensating for any impact which do not involve the purchase of biodiversity credits. For phased developments including irreplaceable habitats, the Local Planning Authority must be satisfied that the Overall and Phase Gain Plans demonstrate that the adverse effect of the development on the onsite habitat's

biodiversity is minimised and appropriate arrangements have been made compensating any impact.

### Protected Species

- 3.35 Development impacts on protected sites and species, as well as priority species and habitats all still need to be considered in relation to habitat losses. Therefore, BNG does not change existing protections, and so the current legal and policy provisions relating to development impacts need to be considered. Section 99 of the Government Circular 2005/06 on biodiversity and geological conservation states that '*It is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision.*' Additionally, Natural England advice requires that all developments likely to affect European Protected Species should have surveys carried out to inform the planning decision. They cannot be conditioned. This was confirmed in case law through *Woolley v Cheshire East Borough Council and Millennium Estates Limited* [2009] EWHC 1227 (Admin). Applicants should use the relevant Biodiversity Checklist to assist in ascertaining whether protected species or habitats which may support protected species might be present on the site.
- 3.36 It is envisaged that BNG will provide a wide scope of benefits to much of the UK's wildlife. However, the successful incorporation of BNG in a proposal cannot be seen as a waiver to the consideration of the proposal's (and indeed, the BNG's) impacts on protected species. If the on-site habitats are used by protected species, then these should be approached and managed following the mitigation hierarchy and taking a precautionary approach. BNG and Species Habitat Evaluation Procedure Metric calculation would then be in addition to these considerations (see below).
- 3.37 The Biodiversity Metric is a habitat-based approach, using habitat as a proxy for biodiversity. Species-based features such as bird and bat boxes are not included within the metric, instead it focuses on the habitats such species need to forage and complete their life cycles. The provision of such species features within developments is still encouraged by Somerset Council through existing policies and design guidance, as does the National Planning Policy Framework (para 180d), and they may be necessary to mitigate impacts. However, such non-habitat species-based features cannot count towards BNG.



## Stacking of environmental benefits

- 3.38 Natural England have stated that it is acceptable to use sites (i.e. the same parcel of land) to generate BNG in addition to nutrient neutrality habitat/credits, Great Crested Newt habitat and Suitable Alternative Natural Greenspaces (SANGs). This has been more commonly referred to as 'stacking' or 'bundling'.
- 3.39 DEFRA and Natural England have provided [further information in relation to the stacking of various green finance initiatives/nature markets](#). This sets out that in addition to the above, under specific circumstances it is possible for land to be used to generate BNG or nutrient mitigation schemes even where the land benefits from the Basic Payment Scheme; Sustainable Farming Incentive, Countryside Stewardship, Environmental Stewardship or Landscape Recovery payments; selling carbon credits under the Woodland Carbon Code or Peatland Code; or sells enhancements for Corporate Social Responsibility. However, in all cases, specific requirements exist in relation to ensuring explicit and demonstrable additionality. Landowners should seek their own advice on whether or not it is possible to stack BNG on their land in their own circumstances.
- 3.40 Beyond these specific schemes, it is important to understand the general opportunity for multifunctional and holistic nature-based solutions. As explained in chapter 2 of this document, the Council expects BNG solutions to consider this wider holistic approach and seek to ensure that multiple benefits are realised through proposals. This is further incentivised through the Somerset BNG Principles (chapter 6) and approach to strategic significance (chapter 7).
- 3.41 DEFRA has also published [guidance on what can count towards a development's BNG](#). This sets out that habitat created or enhanced as part of a development may count towards the sites BNG, even when that habitat is to:
- comply with a statutory obligation or policy, for example green infrastructure, environmental impact assessment (EIA) compensation or sustainable drainage;
  - provide river basin management plan (RBMP) mitigation and enhancement measures;
  - provide mitigation or compensation for protected species or sites (e.g. achieving nutrient neutrality, fulfilling the minimum requirements of a District Level License for Great Crested Newts habitat creation, bat mitigation planting, implementation of SANGs).
- However, in the case of any mitigation or compensation for protected sites and species provided off-site; or to provide river basin management plan

(RBMP) mitigation and enhancement measures; at least 10% of the site's BNG must be achieved through other activities, for example, on-site habitat creation and enhancement. Habitat creation or enhancements required for restocking conditions relating to a tree felling licence or a restocking notice; marine licensing; or remediation under the environmental damage regulations cannot count towards BNG.

### **Relationship with use of the Somerset Species Habitat Evaluation Procedure**

- 3.42 The Government's Environmental Improvement Plan, published in January 2023, sets out plans for significantly improving the natural environment. Some of the Government's commitments include halting the decline in species abundance by 2030, and increase species abundance by at least 10% from 2030, surpassing 2022 levels, by 2042.
- 3.43 The Biodiversity Metric focuses on units being generated through the creation/enhancement of more biodiverse habitats than those lost due to a development, and less so on the abundance of certain habitats that may be important to local species populations. Many species rely more on the abundance of prey or food species rather than diversity, i.e., certain habitat which in turn attract their targeted prey species (for example, Noctuid moth abundance the main prey of female Greater Horseshoe bats during the maternity period and over 90% of the prey hunted by Barbastelle bats are abundant in unmanaged homogenous grassland).
- 3.44 Diverse habitats considered as being of a higher value through the Biodiversity Metric usually result in a smaller area of more diverse plant species than those lost to development. This can result in a reduction in the abundance of important food plants. This could mean that the prey that rely on those specific food plants will not be there in as many numbers as before, as the food source which was once present in abundance may be in part or completely removed. This will likely have a knock-on effect to species of conservation importance, such as bats, as they may not have sufficient prey to hunt, thereby increasing the risk of a population being able to survive.
- 3.45 The Somerset Species Habitat Evaluation Procedure (SHEP) provides a solution to this shortfall. The methodology is employed for calculating the value of the habitats on a site for important species, the result of which is used in determining the amount of habitat replacement that would be required to mitigate for that lost to land use change.
- 3.46 If there are protected species utilising habitat onsite, the SHEP Metric should be completed separately and in addition to the statutory Biodiversity Metric for

BNG purposes, and focus on calculating the required compensatory habitat for the specific species. The SHEP works alongside the Biodiversity Metric to ensure that the 'Favourable Conservation Status' of local populations of important species are not adversely affected. Please note, that the required replacement habitat to achieve 'no net loss' which will satisfy the SHEP, is unlikely to fulfil the proposal's requirements for at least 10% net gain if the replacement habitat is provided off-site, meaning more habitats will likely be required to satisfy those requirements.

- 3.47 The final version of the SHEP is currently in development, and so more information will be released soon. However, the existing HEP is available at <https://www.somerset.gov.uk/planning-buildings-and-land/habitat-evaluation-process/>.
- 3.48 It should be noted that where Habitat Regulations Assessment or other legislative requirement stipulates that an application is also required to deliver mitigation and/or compensation for likely significant effects upon a protected site/species, transparency must be provided over which on-site and off-site enhancements are related to the habitat mitigations and compensations, and which are related to net gains and counted for BNG purposes<sup>2</sup>. This should draw directly on information within any associated Ecological Impact Assessment.

### **Habitat degradation ahead of planning application submission**

- 3.49 Site clearance (in this context, deliberately clearing habitat of value without authorisation, prior to submitting an application) is considered in the Environment Act 2021, under Schedule 14, para 6, meaning habitat condition can be back dated with a cut-off dated of the 30<sup>th</sup> January 2020. Unauthorised degradation is any degradation which is not in accordance with a previous planning permission.
- 3.50 In addition to this, under the British Standard BS42020:2013, section 6.4.8, it states that a retrospective impact assessment will be required where it is obvious that habitats at a site have been cleared or damaged prior to assessment by an ecologist. This means the applicant is not creating a blank slate as far as the updated impact assessment is concerned. If sufficient evidence is provided to demonstrate the deliberate damage or complete removal of habitats on an application site, the worsened condition will not be taken into consideration, and information will be gathered to ascertain the past habitat value of the site, which will form the BNG Baseline that the proposals will have to deliver against.

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<sup>2</sup> The Government has confirmed that off-site mitigation and compensation for protected sites and species may count towards mandatory BNG, but at least 10% of the BNG must be provided through other activities.

# 4. Key stages

- 4.1 The application of BNG to development proposals can be boiled down to six key stages:
- 1) Development site selection
  - 2) Pre-application
  - 3) Submission and validation
  - 4) Consideration
  - 5) Pre-commencement
  - 6) Commencement and Monitoring
- 4.2 This chapter provides a basic introduction to each stage, alongside a process flow diagram to assist landowners, applicants and developers in understanding the steps involved in implementing BNG for their proposals. Further, more detailed information can be found in subsequent chapters relating to application of key aspects. The guidance does not seek to duplicate nationally available information, but rather supplements this with information and process relevant to local application of BNG in Somerset.
- 4.3 Note, for minerals and waste applications, some, though not necessarily all of the process described in this chapter will apply. Applicants /agents should engage early with Somerset Council as Minerals and Waste Planning Authority to discuss the specifics of their scheme and a case by case approach will be taken.

## Process flow diagram

- 4.4 A process flow diagram is included in **Appendix 3**. This summarises the key stages and processes involved in the application of BNG to development proposals. Subsequent sections of this chapter set out further detail.

## Development site selection

- 4.5 The prospective applicant should consider the location, context and appropriateness of developing their site from an ecological perspective. This can help to understand the broad potential feasibility of developing the site and to scope out the range of constraints, opportunities and impacts. Ecological advice should be incorporated into site selection from the outset.

This should include locating and designing development to have minimum impact on existing site habitats and focusing development on areas of low distinctiveness. The mitigation hierarchy should always be applied and impacts upon protected, irreplaceable and priority habitats avoided. Furthermore, the prospective applicant should ensure that development of the site could reasonably justify compliance with the Biodiversity Gain Hierarchy. The applicant should consult the **Somerset BNG Principles** set out in chapter 6 and use these to help inform site selection and option preferences.

- 4.6 If wildlife impacts are likely, the applicant should **appoint an Ecologist**<sup>3</sup> to produce an Ecological Impact Assessment, the scale of which will be proportionate to the scale of potential impacts. Baseline ecological surveys should be undertaken and the statutory Biodiversity Metric used as early as possible to identify options with the least impact. Identify which option will be of greatest benefit to wildlife and reduce the need and cost for additional BNG compensation. Remember the rules around on-site habitat degradation (see 3.49-3.50, above).
- 4.7 Use of the relevant area **Biodiversity Checklist** (below) can be helpful in ascertaining whether protected species or habitats which may support protected species might be present on the site.
- [East area \(formerly Mendip\)](#)
  - [North area \(formerly Sedgemoor\)](#)
  - [South area \(formerly South Somerset\)](#)
  - [West area \(formerly Somerset West & Taunton\)](#)

## Pre-application

- 4.8 Through careful site selection, application of the mitigation hierarchy, consideration of the Biodiversity Gain Hierarchy, application of good practice and design principles, the applicant, developer and consultant ecologist will ensure that ecological impacts are avoided and minimised, appropriate mitigation, compensation and BNG requirements are identified and included from the outset in the project design.
- 4.9 Applicants are encouraged to **make use of the Council's Pre-application Service** to further understand the specific requirements in relation to their site. Further information can be found at <https://www.somerset.gov.uk/planning-buildings-and-land/pre-application-advice/>.
- 4.10 Through the pre-application service, the planning case officer, green infrastructure / landscape officer and ecology case officer will liaise internally, and with any consultant ecologist where such a resource has been appointed

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<sup>3</sup> Somerset Council defines a competent person as being a member of CIEEM or other reputable membership body for ecology professionals (e.g. ALGE, MRSB)

by the applicant to provide advice referencing this BNG Guidance Note and any site-specific habitat retention, enhancement and creation opportunities.

- 4.11 For larger and more complex sites, the LPA may request that the applicant signs up to a **Planning Performance Agreement (PPA)** which can provide improved certainty for both parties and ensure enhanced bespoke levels of service from the Council in exchange for proportionate and reasonable costs being covered by the applicant. PPAs can cover all or just part of a development process, but work best when covering the full period from pre-application through to delivery. Where a PPA is agreed, appropriate and costed LPA and Ecology Service resourcing will be identified within it.
- 4.12 Also for larger and more complex sites, the LPA may request that the development proposal is referred to the Council's **Quality Review Panel**. This provides prospective applicants with a chance to understand how their site can respond to its context and opportunities to deliver high quality development. Engagement with this process at the pre-application stage is the most productive, economic and advantageous way to approach things, as this can assist in designing in appropriate responses from the outset rather than trying to retrofit responses into recommendations around elements of a fixed design. This can be particularly helpful in terms of designing in a site's approach to BNG. Further information can be found at <https://www.somerset.gov.uk/planning-buildings-and-land/pre-application-advice/somerset-quality-review-panel/>.
- 4.13 Prospective applicants should consider the Biodiversity Gain Hierarchy and use the guidance in chapter 5 of this document to understand the most appropriate BNG response for their site. **On-site BNG is the starting point**, but there will be cases and reasons why off-site BNG or a combination of on- and off-site will be necessary or more desirable. The guidance in chapter 5 sets out a sequential approach to be followed which works alongside the Biodiversity Gain Hierarchy. If it looks likely that off-site BNG will be necessary in part or in whole, then applicants should begin to explore options for how and where this will be secured ahead of submitting their application.
- 4.14 Prospective applicants should further refer to the guidance on **Somerset Key BNG Principles** (chapter 6) and **Strategic Significance** (chapter 7) in the evolution of their development design and in arriving at their proposed approach to BNG.
- 4.15 Local communities and relevant stakeholders should also be consulted early on during the pre-application stage in order to understand priorities, constraints, concerns and opportunities in relation to biodiversity. The

development proposal should take responses into account in developing their proposals for submission.

## Submission and validation

- 4.16 An applicant should have established a **proposed approach to delivering at least 10% BNG** by the time a planning application is submitted. This does not mean that the applicant has a fully developed Biodiversity Gain Plan or Habitat Management and Monitoring Plan, but that it has sufficient understanding of how it will approach compliance with the statutory requirement, and justifications associated. There should be a particular focus on the on-site provision, and at least an understanding of the quantum and type of off-site units that may be required and why this is justified as well as proposals for how any such off-site units will be legally secured in relation to the development (see chapter 8 for more information). Ideally, applicants will have an idea of where they plan on sourcing any off-site units, but this cannot be insisted upon at validation.
- 4.17 The general biodiversity gain condition applies to any relevant planning permission and requires the submission and approval of the Biodiversity Gain Plan before commencement of development. As such, the Planning Practice Guidance sets out that *“it would generally be inappropriate for decision makers, when determining a planning application for a development subject to biodiversity net gain, to refuse an application on the grounds that the biodiversity gain objective will not be met. However, decision makers may need to consider more broadly whether the general condition is capable of being successfully discharged.”* It sets out that a number of matters may reasonably be considered in determining the application in this regard including (though not limited to):
- the appropriate balance between on-site, off-site gains and credits, taking account of the biodiversity gain hierarchy;
  - the appropriateness of the type and location of any significant<sup>4</sup> on-site enhancements and associated gains, taking account other policies to support biodiversity (including local nature recovery strategies) and other wider objectives; and
  - any planning conditions or S106 planning obligations which may be needed to secure significant on-site or off-site gains for at least 30 years (including any conditions relating to any subsequent reserved matters in relation to phased developments).
- 4.18 Whilst the Government has set out minimum information requirements to be submitted in order to validate a planning application liable for BNG, the

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<sup>4</sup> The Government has provided guidance on what are likely to be considered “significant” on-site enhancements (see <https://www.gov.uk/guidance/make-on-site-biodiversity-gains-as-a-developer>).

Planning Practice Guidance allows for local planning authorities to seek further information about the proposed strategy to meet the biodiversity gain objective for the development, and explains that such specific further requirements may be set out in the Local Planning Authority's local validation checklist.

- 4.19 In Somerset, a **BNG Statement** must be submitted with the application. This should be a standalone document and contain the core information required nationally by Article 7 of The Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended by the Biodiversity Gain (T&CP)(Modification and Amendments)(England) Regulations 2024) relating to the biodiversity gain condition, and also the information required locally to aid consideration and determination of planning applications in relation to BNG.
- 4.20 Every application for planning permission which is liable for BNG, should be accompanied by a BNG Statement. The content of the BNG Statement will vary depending upon the type of application and whether or not it is BNG liable. The specific requirements relating to the BNG Statement are set out in **Appendix 4** to this Guidance Note alongside other validation requirements.
- 4.21 The full headline list of **validation requirements** below captures both the national requirements and the documents/content which Somerset Council considers necessary to be submitted in order to validate a planning application:
- Wildlife / Ecology Survey
  - Biodiversity Checklist
  - Arboriculture Report
  - BNG Statement
  - Completed Biodiversity Metric
  - BNG plans and drawings
  - Declaration Form
  - Completed SHEP / HEP Metric
- 4.22 **Appendix 4** to this Guidance Note includes further information on each of the individual validation requirements including the specific requirements for inclusion within the BNG Statement, plans and drawings, GIS data and declaration form.
- 4.23 For exempt developments, under the regulations, applicants must confirm whether they believe that planning permission, if granted, would be subject to the biodiversity gain condition, and if not, the reasons for that belief. It is expected that Planning Portal application forms will be amended to capture



this information, but without this, the LPA is not allowed to validate such applications.

- 4.24 The Council consulted on draft BNG validation requirements as part of the draft Guidance Note and form an addendum to each of the Council's adopted area-based and Minerals and Waste Local Validation Checklists. The validation requirements will be absorbed fully into each existing Local Validation Checklist as they are reviewed.
- 4.25 On receiving an application, the LPA's validation officers will check:
- whether an application is BNG 'liable'
  - whether all of the above listed validation requirements have been submitted
  - whether the headline results page of the submitted Metric identifies any errors or red flags
  - whether the declaration form includes all necessary aspects for the type of application submitted.
- 4.26 If any of the above information is missing or inadequate then the application will be returned to the applicant / agent. If all information is provided in a suitable format in line with validation checklist requirements, then the application will be validated and passed to the planning case officer for consideration and ecology case officer consulted.

## Consideration

- 4.27 Once validated, the planning case officer and ecology case officer begin to review the submitted information. Officers will consider whether sufficient information has been provided to answer the following questions:
- Has the Metric been completed properly?
  - Has the mitigation hierarchy been followed?
  - Has the proposal followed the national Biodiversity Gain Hierarchy and Somerset's sequential approach and provided appropriate justification?
  - Does the development and associated BNG align with the Somerset BNG Principles?
  - Has the strategic significance multiplier been applied and justified appropriately?
  - Have they got a clear strategy for securing any off-site gains?
  - Have they been clear about how gains will be achieved across the whole site through future phases (where relevant)?

- Are their proposals for securing the gains, management, maintenance and monitoring appropriate?

If any information is considered missing or sub-standard then further information may be requested and the planning case officer will request an appropriate extension of time to accommodate for this.

- 4.28 If 'significant'<sup>5</sup> on-site gains are planned or there is any reliance upon off-site gains or statutory credits, then the means of securing these gains must be identified in any emerging S106 Heads of Terms.
- 4.29 The ecology case officer reviews the submitted information in detail and will liaise with the planning case officer. The ecology case officer will then confirm whether or not the on-site BNG is acceptable, and whether there is reasonable justification for reliance in part or in whole upon off-site BNG. At this point, the planning case officer and ecology case officer may meet with the applicant and their consultant ecologist to discuss any issues or ways that the BNG response could be improved upon.
- 4.30 For larger and more complex sites, the LPA may request that the development proposal is referred to the Council's **Quality Review Panel**. This provides applicants with a chance to further explain the logic in their approach to BNG alongside other aspects of the development proposal. Panel comments may highlight opportunities and aspects for the development to respond to in order to deliver high quality development. Panel comments are a material consideration in the determination of planning applications. Further information can be found at <https://www.somerset.gov.uk/planning-buildings-and-land/pre-application-advice/somerset-quality-review-panel/>
- 4.31 If revisions are required to the scheme or supporting evidence, these will be requested and an appropriate extension of time to accommodate for this.
- 4.32 Where off-site BNG is adequately justified as being necessary but has not yet been proposed, the developer will need to consider its off-site options in line with the Biodiversity Gain Hierarchy and the guidance set out in chapter 5 of this document. Where the applicant has included a specific proposed off-site solution, the planning case officer and ecology case officer will liaise and confirm whether or not the proposal conforms with the Biodiversity Gain Hierarchy and guidance included within this document. If this cannot be confirmed, then the applicant may need to consider alternative options. Only as a last resort and where appropriate justification is provided in line with the guidance in chapter 5, will the LPA accept a reliance upon statutory credits.

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<sup>5</sup> The Government has provided guidance on what are likely to be considered "significant" on-site enhancements (see <https://www.gov.uk/guidance/make-on-site-biodiversity-gains-as-a-developer>).

- 4.33 Once the planning case officer is satisfied that information is accurate, satisfactory and sufficient with reference to statutory requirements, adopted policy and in relation to this Guidance Note, the application can proceed towards determination. The appropriate route for securing the BNG proposals will be followed (see chapter 8). Sufficient certainty and specificity over the intended BNG solution will be required to include reference to any appropriate conditions or S106 legal agreement as appropriate.
- 4.34 It should be noted that the national general biodiversity gain condition will not be included in the list of conditions imposed upon a planning permission on the Decision Notice. Instead, the LPA will include an informative relating to the Biodiversity Gain Information which must be set out separately in line with the Planning Practice Guidance.

## Pre-commencement

- 4.35 Following determination, the applicant / developer works up the final detail of their BNG proposal in line with the approved BNG Statement and other approved plans of the application. The final Metric is completed in full.
- 4.36 Where reliant upon an off-site solution, the applicant / developer secures the necessary biodiversity units and the off-site provider supplies a proof of purchase / allocation certificate. Note, in order to secure units for a specific development site, the off-site habitat enhancement must have already been legally secured (see chapter 9) and registered on the national biodiversity gain sites register.
- 4.37 Developers should not buy Statutory Credits until they receive confirmation from the LPA that use of Statutory Credits will be acceptable, and they are able to discharge (fulfil) their non-BNG pre-commencement planning conditions.
- 4.38 A Habitat Management and Monitoring Plan (HMMP) and Biodiversity Gain Plan are developed using the national templates. Any agreements or arrangements with third parties relied upon for management, maintenance or monitoring should be established. Once prepared, the applicant / developer submits these documents alongside any other necessary information to the LPA seeking discharge of the national general biodiversity gain condition and any other related conditions and/or S106 legal agreement planning obligations as necessary. Note, the final Biodiversity Gain Plan must be submitted in writing and cannot be submitted earlier than the day after the day on which notification is given of the decision to grant planning permission.

- 4.39 Upon receipt of necessary documentation, the planning case officer and ecology case officer review submitted information.
- 4.40 The general biodiversity gain condition relating to submission and approval of the Biodiversity Gain Plan can only be discharged once the planning case officer is satisfied that:
- Pre-development biodiversity value of on-site habitat is correct.
  - Post-development biodiversity value of on-site habitat is what the BGP says or more.
  - Any reliance upon off-site gain is allocated to the development and has the value as specified in the BGP.
  - Any reliance upon statutory credits have been purchased.
  - The development will deliver at least 10% BNG
  -
- In addition, the planning case officer must take into account how the Biodiversity Gain Hierarchy will be followed, and any reasons provided where it cannot be followed (except in relation to irreplaceable habitats where the Biodiversity Gain Hierarchy does not apply).
- 4.41 The applicant has a right to appeal the non-determination or refusal of the Biodiversity Gain Plan.
- 4.42 Depending on the specifics of the site and the associated planning permission, there may be other BNG and ecology related pre-commencement conditions and planning obligations to be discharged which will be considered and discharged as appropriate.

### Phased development

- 4.43 The general biodiversity gain condition is modified for phased development, reflecting the fact that such developments come forward in stages, often over a long period of time, and often will not have the full detail available for the full site at outline stage. Instead of requiring submission and approval of the full Biodiversity Gain Plan in one go ahead of development commencing:
- an Overall Biodiversity Gain Plan must be submitted and approved before any development can be begun; and
  - a Phase Biodiversity Gain Plan for each phase must be submitted and approved before the development of that phase can be begun.
- 4.44 The Overall Biodiversity Gain Plan should set out a clear upfront framework for how at least 10% gain is expected to be met across the entire

development. The Overall Biodiversity Gain Plan can only be approved once the planning case officer is satisfied that:

- Pre-development biodiversity value of the entire development's on-site habitat in the Plan is correct;
- The combination of post-development on-site biodiversity value, any proposed registered off-site biodiversity gain to be allocated and proposed purchasing of statutory credits will deliver at least 10% gain;
- Any registered off-site gains specified in the Plan as having been allocated to the development are so allocated and have the correct value (and, if the allocation is conditional, whether any conditions have been met or will be met by the time development begins);
- Any statutory credits specified in the Plan as having been purchased for the development have been so purchased; and
- The strategy in the Plan for meeting the biodiversity gain objective if there is change to this combination; and
- Adverse effects upon any irreplaceable on-site habitat's biodiversity is minimised and appropriate arrangements have been made to compensate for any impact.

In addition, the planning case officer must take into account how the Biodiversity Gain Hierarchy will be followed, and any reasons provided where it cannot be followed (except in relation to irreplaceable habitats where the Biodiversity Gain Hierarchy does not apply).

4.45 The Phase Biodiversity Gain Plan should set out a phase's contribution to BNG and track progress towards the overall biodiversity gain objective for the development once clear proposals for each phase have been developed. It is expected that in the case of Outline planning permissions, a Phased Biodiversity Gain Plan would be required to be submitted alongside and approved as part of each application for reserved matters. The Phase Biodiversity Gain Plan can only be approved once the planning case officer is satisfied that:

- Post-development on-site biodiversity value for the phase is correct;
- The post-development on-site biodiversity value for any phase which has been begun is at least the value specified in the biodiversity gain plan most recently approved for that phase;
- Any registered off-site biodiversity gain allocated and biodiversity credits purchased for the development are correct;
- At least 10% gain will be achieved over the development as a whole, taking into account the post-development biodiversity value of the on-site habitat for the overall development, for each phase (whether begun or otherwise), in relation to registered off-site gains allocated and proposed to be allocated to the development, and any statutory credits purchased and proposed to be purchased for the development, and the strategy for

meeting the objective if there has been a change, and reasons for departing from this strategy;

- Adverse effects upon any irreplaceable on-site habitat's biodiversity is minimised and appropriate arrangements have been made to compensate for any impact.

In addition, the planning case officer must take into account how the Biodiversity Gain Hierarchy will be followed, and any reasons provided where it cannot be followed (except in relation to irreplaceable habitats where the Biodiversity Gain Hierarchy does not apply).

## Commencement and Monitoring

- 4.46 The developer must submit a commencement notice to the LPA advising the LPA of the proposed date of commencement. This notice must be received by the LPA prior to development commencing. Understanding an accurate date of commencement is important to monitoring compliance with any BNG associated legal agreements and planning conditions.
- 4.47 On-site biodiversity gains should be secured for work to start as soon as possible or at least within 12 months of the development being commenced. The Government's intention here is understood to be for this to influence application of conditions, planning obligations and conservation covenants rather than for it to be an inflexible rule. Developers must comply with the conditions of planning permission and any associated S106 legal agreement.
- 4.48 Off-site biodiversity gains allocated to a development do not have to have been completed prior to registration on the National Biodiversity Gain Sites Register or sale/allocation to the development. However, in order to minimise delays between development impacts and the delivery of compensatory habitat, the Government state an expectation that off-site habitat creation, enhancement and management work should start within 12 months of allocation.
- 4.49 The development and any associated BNG should be delivered in line with any associated planning conditions, S106 legal agreements and approved Biodiversity Gain Plan and Habitat Management and Monitoring Plan. Monitoring returns should be submitted to the LPA and Ecology Service of Somerset Council as per agreed within the above.
- 4.50 The Council will monitor and enforce compliance as necessary. The Council's monitoring approach is set out in chapter 10 of this document.

# 5. On-site, Off-site or Credits?

## Spatial hierarchy

- 5.1 The national Biodiversity Gain Hierarchy (see paragraph 3.6, above) emphasises that on-site gains should be considered first, followed by registered off-site gains and – as a last resort – statutory Biodiversity Credits. LPAs must take into account this Biodiversity Gain Hierarchy when considering whether the biodiversity objective has been met and when determining whether to approve the Biodiversity Gain Plan. The Biodiversity Metric incentivises off-site provision in close proximity to the development it is serving and in strategically significant locations over solutions further afield or in less strategically significant locations through associated risk and opportunity multipliers.
- 5.2 These approaches, alongside the intentional uncompetitive pricing of statutory Biodiversity Credits, are intended to ensure as much as possible, habitat creation occurs close to where biodiversity is lost, but in appropriate locations.
- 5.3 The Biodiversity Metric User Guide includes a series of Metric Principles. Principle 8 states that “*Created and enhanced habitats should be, where practical and reasonable, local to any impact and deliver strategically important outcomes for nature conservation*”. It also includes two key definitions: “spatial risk”<sup>6</sup>, and “strategic significance”<sup>7</sup>. These are essential for delivering on the above.
- 5.4 The Metric User Guide does not include specific thresholds for when it is appropriate to deliver on-site gains, off-site gains, or rely upon statutory biodiversity credits.
- 5.5 The spatial risk score to be used in the Metric is set out in Table 8 of the Metric User Guide and is effectively fixed. The Council cannot change the definition of spatial risk. However, this Guidance Note sets out guidelines which build on the sequential nature of the national spatial risk definitions and the Biodiversity Gain Hierarchy. These should, in combination with the

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<sup>6</sup> Spatial risk represents the relationship between the location of biodiversity loss (on-site) and where the off-site habitat is being delivered. This is applied to off-site interventions only.

<sup>7</sup> Describes the local significance of the habitat based on its location and the habitat type.

guidance on application of the Somerset BNG Principles (see chapter 6), and Strategic Significance (see chapter 7), further assist in focusing the right kinds of habitat creation and enhancement in the right locations.

## Sequential approach

- 5.6 BNG best practice is to deliver on-site (i.e. within the red line boundary of a planning application). In line with the above, the Council expects, where practical and reasonable, for BNG to be delivered close to any biodiversity losses being incurred. However, the practicality and reasonableness of delivering BNG on-site will vary site by site. As such it is not considered appropriate to establish specific thresholds for when on-site or off-site gains are allowed, rather a sequential approach (identified in Figure 65, below) should inform decision making about what is most appropriate for the delivery of BNG on a given site.
- 5.7 The sequential approach below should be considered alongside the Biodiversity Gain Hierarchy and compliance with the Somerset BNG Principles (see chapter 6) and consideration of Strategic Significance (see chapter 7), which should also help guide appropriate delivery.

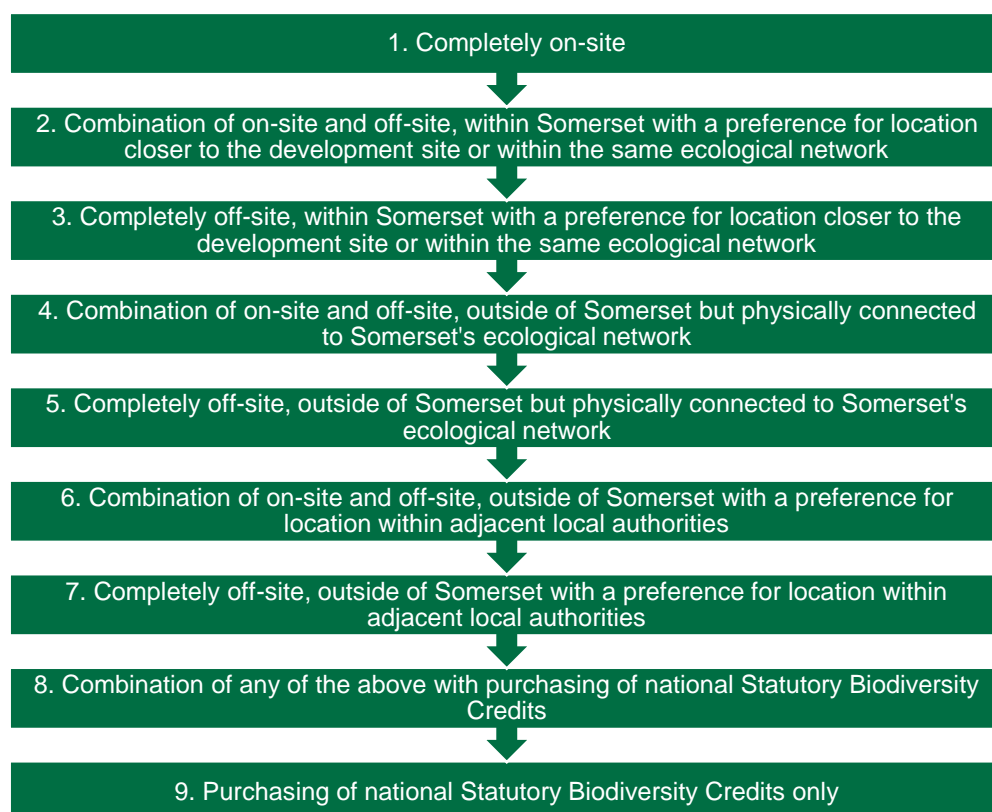


Figure 6 - The sequential approach



- 5.8 The Biodiversity Statement should be used to initially set out and justify the approach to BNG for a development proposal. This should set out how this sequential approach has been followed. This should be refined and updated within the Biodiversity Gain Plan further along the process to reflect and justify any changes in approach.

## On-site considerations

- 5.9 Opportunities are likely to exist within most development proposals to retain, create and manage habitats for biodiversity and provide BNG on-site. Bearing in mind the requirement to comply with the mitigation hierarchy and the Biodiversity Gain Hierarchy, this may be easily achievable in some circumstances through the enhancement of retained habitats, establishment of appropriate buffers and creation of habitats to increase connectivity.
- 5.10 BNG should not be thought of as an additional requirement of development to be tacked on to a scheme designed through other processes. Consideration of the requirement to deliver BNG should be integral to the site selection and design process.
- 5.11 The Council has a range of existing planning and design guidance documents which should be consulted by applicant teams and used to inform the early stages of developing the design concept and proposals for the site. Following the processes and guidance within these documents can lead to well considered and integrated BNG solutions. This can help to reduce costs and improve outcomes. Applicants should make use of the Council's [pre-application service](#) and where relevant the [Quality Review Panel](#) to assist in the on-site design of schemes.
- 5.12 However, it is recognised that on some sites, practical, sustainable ecological enhancement may not always be possible or viable. On-site multifunctional green spaces required by other planning policies will inevitably have potential to deliver some level of habitat and biodiversity enhancement, but this will usually not be the primary function, for example recreational space or Sustainable Urban Drainage Systems. This can have potential to lead to compromises in habitat condition and long-term value of the new habitats. In these circumstances off-site BNG may well provide a more sustainable option. Whilst a key policy aim of mandatory BNG is to improve people's access to nature, this needs to be balanced against the risk of overwhelming the core biodiversity goals of the policy, which may favour placing at least a proportion of BNG off-site, away from such significant/regular public access and other

concerns associated with proximity to urban development including lighting and cat predation etc.

- 5.13 Smaller sites tend to, by their nature, have a lower net to gross ratio in terms of their developable area, meaning they have less opportunity to accommodate BNG on-site. However, smaller sites also may be more likely to lead to lower levels of biodiversity and habitat loss, and therefore may be able to accommodate low level enhancements on-site alongside purchasing of off-site biodiversity units or as a last resort statutory biodiversity credits. However, location of development, and the nature of low level enhancements of on-site gains are likely to mean that it is difficult to achieve higher scores for strategic significance. As such, small sites may in some circumstances, where appropriate, be advised to consider purchasing off-site biodiversity units in place of the on-site element. However, any approach for small sites purchasing off-site units would not be eligible to use the Small Sites Metric (designed to reduce the burdens of the process for SME developers). As such, a pragmatic approach should be taken.
- 5.14 Larger sites tend to, by their nature, have a higher net to gross ratio in terms of their developable area meaning they have greater opportunity to accommodate BNG on-site. In some cases this might be within otherwise planned, multi-functional Green Infrastructure (GI), in others it may be specific dedicated areas for BNG. Larger sites may also be more likely to lead to greater levels of biodiversity and habitat loss and fragmentation. However, the greater population pressures associated with larger developments and potentially reliance upon multi-functional GI also bring risks such as cat predation, general disturbance and maintenance risks. These aspects mean that it may again be difficult for on-site gains to achieve higher scores for strategic significance, as well as being knocked down on other risk multipliers for difficulty of creation or enhancement and potentially temporal risk. As such, whilst larger sites may be more likely to deliver on-site gains, they are also likely to seek off-site biodiversity units. Larger sites tend to be delivered by larger developers with greater access to other landholdings within their company, although this is not always the case. As such, the demand to purchase off-site biodiversity units on the market may be reduced. However, it is important that any off-site units delivered (whether purchased on the market or on other landholdings of the developer) work to deliver in strategically significant locations.

## Off-site delivery

- 5.15 Where justified, and agreed between the Local Planning Authority and site applicant/developer/promoter that on-site options have been exhausted or are otherwise considered to be less sustainable than alternatives, off-site delivery (i.e. beyond the red line boundary of the application) may be permitted. Off-site solutions may be bespoke schemes developed for the applicant (including, but not limited to “blue” land in the same ownership) or through purchase of units from a habitat bank provider. A combination of on-site and off-site gains should be sought wherever possible before an entirely off-site solution is considered.
- 5.16 A key aim is for BNG to be delivered close to any biodiversity losses being incurred, and to deliver strategically important outcomes for nature conservation. As such, the sequential approach set out in Figure 6, above, alongside the Somerset BNG Principles (chapter 6) and consideration of Strategic Significance (chapter 7) set out the process that should be gone through in identifying a suitable off-site solution for a development.
- 5.17 Progression through the off-site steps of the sequential approach should only take place where justified and agreed between the Local Planning Authority and site applicant/developer/promoter that all options have been exhausted or are otherwise considered to be less sustainable than alternatives.
- 5.18 The Council will work to enable sufficient off-site biodiversity units to be delivered in appropriate locations within Somerset reflecting the local interpretation of strategic significance. This will reduce reliance upon off-site solutions outside of Somerset, and on the national statutory biodiversity credits and in turn improve biodiversity and other natural capital benefits locally, contributing to delivery of the emerging LNRS and other plans and strategies. A proposed process for bringing forward different off-site delivery mechanisms in Somerset is set out in chapter 9.

## Use of Statutory Credits

- 5.19 National Statutory Biodiversity Credits can be purchased from Natural England as a last resort. However, these are intentionally uncompetitively priced to encourage on and off-site unit delivery and are intended to be phased out once the off-site biodiversity unit market has matured.

- 5.20 The Government intends to use the revenue from statutory credit sales to invest in strategic habitat creation and enhancement which deliver long-term environmental benefits in line with LNRS priorities. However, this is not guaranteed to be within Somerset and as such benefits will not necessarily be realised locally.
- 5.21 Furthermore, given the legal requirement to deliver at least 10% BNG and the intentionally uncompetitive pricing of the Credits, an unnecessary reliance upon Statutory Credits may in some cases result in viability concerns for developments. This has the potential to undermine delivery against local policy objectives and bring into question whether proposals will result in sustainable development.
- 5.22 As such, there will be a strong assumption against reliance upon statutory biodiversity credits, and in order to rely upon them, an applicant must demonstrate as part of their Biodiversity Statement, and then Biodiversity Gain Plan that they are unable to achieve net gains on-site, or off-site in line with the Biodiversity Gain Hierarchy and sequential approach above.
- 5.23 Given the impact that use of Statutory Credits may potentially have on development viability, and the requirement for the LPA to take into account the Biodiversity Gain Hierarchy and whether the general biodiversity gain condition is capable of being successfully discharged, it is essential that sufficient information about the proposed strategy for delivering at least 10% BNG (including the expected balance between on-site, off-site and credits) is submitted as part of a planning application (see validation requirements at Appendix 4).
- 5.24 If a developer or applicant thinks that they are going to need to rely upon Statutory Credits at all, then they should discuss this with the LPA at the earliest opportunity. Only once it has been sufficiently justified, will the LPA be able to provide confirmation that use of Statutory Credits will be acceptable. Developers should not buy Statutory Credits until they receive this confirmation, and they are able to discharge (fulfil) their non-BNG pre-commencement planning conditions.
- 5.25 Note, some habitat types require bespoke compensation. Where this is the case, Statutory Credits cannot be used.

# 6. Somerset BNG Principles

## Good practice context

### A holistic approach

- 6.1 Somerset Council has established a set of key principles to help guide and inform the development of BNG proposals in Somerset. These Somerset BNG Principles draw upon existing plans, policies and strategies as well as building upon externally produced good practice guidelines. As set out in the context section of this Guidance Note, there are a wide range of existing plans, policies, strategies and projects to which BNG relates. **Appendix 2** lists and provides links to where applicants can find out more about each of these. High quality BNG proposals should be informed by, work with and also in some cases help to deliver on these other strategies through taking a holistic approach. Delivering on multiple benefits and objectives will not be possible or appropriate in all cases, and achieving BNG will remain the primary objective. However, where possible and appropriate, these wider objectives and multi-functionality should be considered and explored. The Somerset BNG Principles encourage such a holistic approach to be taken.
- 6.2 The Somerset BNG Principles set out the key factors the Council want applicants / developers to respond to and use to inform how they develop their on-site design or determine their off-site solution. They help to reinforce the sequential approach (see chapter 5) and are then referenced within the local definition of Strategic Significance (see chapter 7): creating a scoring incentive within the Metric for projects which align with these Principles.
- 6.3 In addition to the specific local plans, policies, strategies and projects set out in **Appendix 2**, the Somerset BNG Principles draw directly on and encourage further alignment with:
- [CIEEM BNG Good Practice Principles for Development: A Practical Guide](#)
  - British Standards Institution (BSI) BS8683:2021 and BS42020:2013
  - [Natural England Green Infrastructure Framework](#)
  - [Building with Nature](#)
  - [RSPB & NHBC Biodiversity in New Housing Developments](#)

Applicants should reference the above and demonstrate within their submissions how they also have been informed by these guidelines.

### The Lawton Principles: *more, bigger, better, and joined-up habitats*

- 6.4 In 2010, Professor John Lawton presented a report to the UK Government, called '*Making Space for Nature*'. The report called for the creation of a healthy ecological network operating across the landscape as a whole, not in isolated reservoirs. The report established that five key components are needed for an ecological network to be effective, as identified in Figure 6:
1. Core areas – these are the areas of highest wildlife value
  2. Corridors and stepping stones – the places that allow movement and interaction
  3. Restoration areas – areas where species and habitats can be restored
  4. Buffer zones – these protect the core areas, corridors, stepping stones and restoration areas from the pressures of human influence
  5. Sustainable use areas – areas of greater human influence and resource use.
- 6.5 To create an ecological network that operates more naturally and effectively, the Lawton report called for simple measures - *more, bigger, better and joined-up* sites within the landscape.

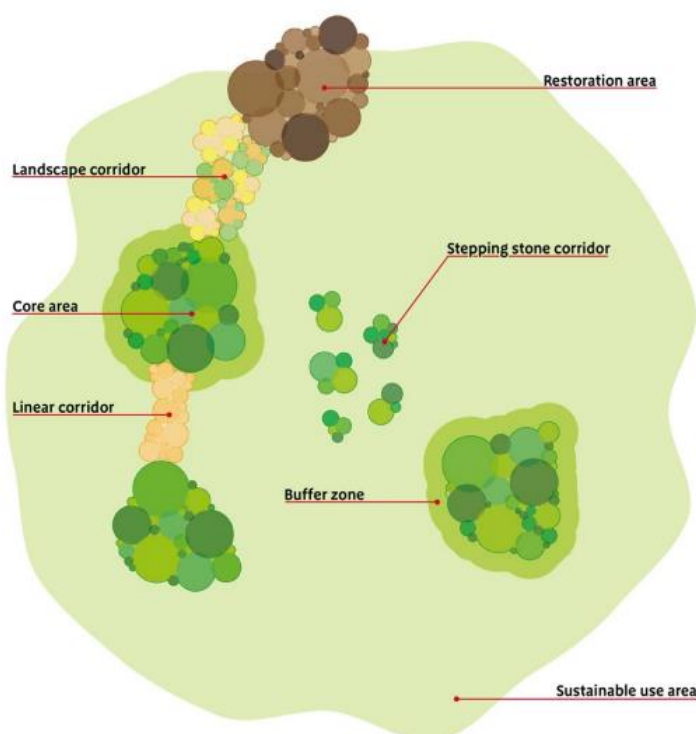


Figure 7 - "The components of ecological networks" taken from '*Making Space for Nature*' (Lawton Review, 2010).

- 6.6 The Lawton Principles directly informed the Somerset Ecological Networks Report published in 2019 and the associated mapping, which is further referred to in relation to Strategic Significance scoring in chapter 7, below.

## Somerset BNG Principles

- 6.7 The Lawton Principles of *more, bigger, better* and *joined-up* habitats can be achieved in Somerset through the delivery of BNG in line with the following key principles:

Somerset BNG Principles	
1	Consider biodiversity early on in site selection and design
2	Pay special attention to habitat retention, compensation and connectivity
3	Respond to heritage and landscape opportunities from the start
4	Enable and deliver appropriate multi-functionality and recreation
5	Build climate resilience through green and blue infrastructure
6	Ensure all proposals are realistic, deliverable and unlikely to fail

- 6.8 These principles and the guidance relating to each (below) arise from consideration of the existing plans, policies, strategies and projects set out in **Appendix 2**, along with the good practice guidance referred to above. BNG proposals in Somerset should be informed by these principles and respond to them accordingly through submission of the BNG Statement and in justifications within the Metric.

- 6.9 Each principle is unpacked further, below.

### 1) Consider biodiversity early on in site selection and design

- Locate and design development to have minimum impact on existing site habitats, focus development on areas of low distinctiveness.
- Use the statutory BNG Metric to identify designs with the least impact. Identify which option will be of greatest benefit to wildlife and reduce the need and cost for additional BNG compensation.

- Avoid impacting on protected, irreplaceable and priority habitats. These cannot be compensated for through BNG. Any agreed loss would require bespoke compensation agreement with Somerset LPA.
- Prioritise retaining existing trees, especially older and native species which will take decades to grow, help people feel more rooted to the place and time, sequester significant levels of carbon and improve groundwater attenuation.
- Consider the potential of natural regeneration for habitat creation.
- Respond to species and habitat recommendations identified by ecology / wildlife surveys, Habitat Evaluation Procedure and ecological impact assessments.
- Identify and control invasive nonnative species on site before they can spread.
- Integrate BNG considerations into site design from the word go, do not treat it as a bolt-on requirement or assume that all impacts can be off-set off-site.
- Reduce light impact on nocturnal wildlife through compliance with [Institution of Lighting Professionals Guidance Note 08/23: Bats and Artificial Lighting](#). Consider dark skies policies and objectives e.g. in National Landscape (AONB) Management Plans where relevant.
- If traditional approaches to protecting and enhancing biodiversity are insufficient, consider innovative solutions to create and or maintain wild corridors such as green bridges, but only where other options have been exhausted and where it can be demonstrated that such options will secure major benefits that cannot be achieved otherwise, and that they are deliverable and reasonable considering wider impacts upon scheme viability.

## 2) Pay special attention to habitat retention compensation and connectivity

- Habitats should be retained and enhanced through good management where possible to generate BNG.
- Wherever possible, wildlife corridors need to be retained, and fragmentation of habitats should be avoided.
- Compensation should be on-site wherever possible as this will be the best outcome for local wildlife directly impacted by a development.
- Compensation must be like for like or better than the habitat lost to the development.
- Downgrading habitats is not acceptable – the value and condition of baseline habitat must be accurate and must not be artificially reduced within the Metric.
- Where possible create functional and structural habitat connectivity within and without the site, building on evidence, environmental records and published aspirations for nature recovery (including national Habitat Networks dataset, Somerset Ecological Networks Report and where appropriate National



Landscape (AONB) Management Plans and Nature Recovery Plans in advance of the Local Nature Recovery Strategy).

- Where compensation cannot be fully achieved on-site, a mix of on-site and off-site may be considered. Maximum on-site delivery is still expected and off-site should be close to any losses where possible, particularly in the case of compensation.
- Utilise the strategic significance scoring criteria to prioritise habitats for retention and enhancement, and the types and locations of habitats that should be used for compensation and new habitat creation.
- Installation of species-based features on buildings/structures and around the site such as swift or house martin nesting bricks, open sided car ports with swallow nests (replicating lost barns), bee bricks, hibernaculum etc. are encouraged to be included as additional measures to support biodiversity and specific species, although these measures are not able to be counted towards BNG.
- Green roofs and walls, and gardens designed using native or wildlife friendly species which can deliver important local benefits to nature and people are encouraged and will count towards BNG. However, their condition and distinctiveness scores are heavily restricted in the Metric to reflect the variability in ways that such spaces will be managed by future residents and that long-term management, maintenance and monitoring of these habitats is not feasible.
- Develop management plans without the use of chemicals such as herbicides, pesticides, fertilizers etc..
- Ensure full consideration of improving management plans in line with best practice to enhance existing habitats on the site, (including by regeneration) and / or create appropriate new habitats.

### **3) Respond to heritage and landscape opportunities from the start**

- The distinctive character of the built and natural setting of the development and the wider landscape character should inform design of the development, as well as the enhancement, creation, and management of the on- and off-site habitats from the outset.
- Composition of created and enhanced habitats should draw on native species in the locale to gauge appropriate habitat size, scale, aspect and composition. This will assist in the development and new habitat blending in with existing.
- Lost habitats such as traditional orchards may be identified on historic maps and reinstated using local varieties.
- Create corridors and join fragmented habitats where possible. Where possible reflect the local features, such as hedge banks or drystone walls (dependent upon location), by using the same local materials and styles. Be guided by

what is cultural and appropriate for the area by referring to relevant Landscape Character Assessment and Design Guidance.

- Explore what wider landscape, heritage, ecology and connectivity opportunities habitat creation and enhancement can help deliver upon by referring to the appropriate area Green Infrastructure Strategy, National Landscape (AONB) Management Plans and Nature Recovery Plans and other plans and projects referred to in **Appendix 2**.
- Traditional and historic buildings support a range of local species including protected species. Consider whether retention is possible and whether appropriate re-use is possible, and otherwise, where appropriate, provide the nesting and roosting capabilities those buildings offered within the new development e.g. bat and bird breeding and roosting site, bee brick for masonry bees, though note such species-based features are not able to contribute to BNG.
- Keep lighting levels appropriate and minimal especially where the character of the surrounding area is low-lit or non-lit, to reduce light pollution impacts on the landscape and nocturnal wildlife.

#### 4) Enable and deliver appropriate multi-functionality and recreation

- Enable more people to have access to good quality green and blue spaces close to home, particularly in more deprived areas or where existing opportunities to connect with nature locally are lower. Refer to local planning policy and Natural England's Accessible Greenspace Standards within their Green Infrastructure Framework.
- Design spaces for people to come into contact with nature (as appropriate) as part of their daily routines to benefit people's wellbeing and mental health.
- Promote and inform future residents and users of the value of the habitats on-site and the reasons for BNG.
- Engage local communities and groups from early on in the design of proposals and ongoing management and maintenance.
- Consider establishing self-guided nature routes, quiet areas and interpretation boards to help people connect with nature and feel safe.
- Encourage users of the site to become involved in care, monitoring and supporting the continued enhancement of the site for the benefit of wildlife and their enjoyment of it, e.g. by encouraging care of newly planted trees.
- Design gardens and allotments with clean soil to encourage local food growing and use of pollinator-friendly species and other measures to attract wildlife and communicate the reasons and benefits to new occupiers.
- Habitat creations such as traditional orchards and food forests can benefit wildlife, provide food for people and support historic landscape regeneration.

- Design SuDS and swales to be landscape-led, multi-functional and attractive to people and wildlife by following the Somerset SuDS Guidance. Water holding swales, planted with native and wetland species will attract wildlife.
- Include nature-based play areas and equipment for children, as well as seating and social areas in green spaces to improve well-being and encourage protection/maintenance of the biodiverse areas.
- Consider how BNG proposals can contribute to multiple priorities in one space through stacking of benefits including nutrient mitigation, flood risk management, landscape enhancement, recreational connectivity etc. Review the plans, strategies and projects within **Appendix 2** for opportunities.
- Restrict access and buffer plant areas intended for species sensitive to human activities and pet impacts. Use Suitable Alternative Natural Greenspaces where appropriate.
- Design safe and accessible walking / cycling routes which dual as habitat corridors where appropriate (carefully balanced needs for lighting and surveillance).
- Consider using motion activated lighting where appropriate to reduce impact on nocturnal wildlife, reduce energy demands and cut carbon emissions.
- Whilst responding to the above, bear in mind that human activity can directly impact upon habitats and their suitability for different wildlife (e.g. through disturbance, cat predation, dog fouling, lighting, vandalism, fires and noise). If multi-functionality reduces the wildlife value of a habitat, then this must be taken into account in Metric scores.

### **5) Build Climate Resilience through Blue and Green infrastructure**

- Consider how BNG can be designed to increase climate resilience and adaptability of the development for wildlife and people from the outset.
- Consider the carbon footprint of proposals (for instance associated with maintenance or emissions from land use changes or ecological features over time).
- Consider the impact on and relationship with active travel routes to ensure benefits are mutual and unintended consequences are not introduced (for instance creating barriers to active and sustainable movements).
- Place appropriate tree species in locations which will provide shade during heatwaves to areas such as buildings, play areas and outside community meeting areas.
- Consider locating trees to provide prevailing wind protection to buildings, assist with noise reduction from transport routes etc. and help mitigating air pollution and particulate matter in the development e.g. from busy roads.

- Ensure tree and other plant species are resilient to anticipated changes in climate and associated impacts including ability to cope with heat and water stress and resilience to current and projected pest species and disease.
- Ensure appropriate aftercare and management are in place, especially for newly planted trees and created habitats, to cope with climatic extremes such as excessive heat. This will aid successful establishment and reduce replacement costs.
- Use of local sustainable wood can support local woodland management, local businesses and reduce the development's carbon costs.
- Where non-native trees and other plant species are used, they should support local wildlife and / or be resilient to climate change.
- Design development and habitats through a holistically considered SuDS strategy to minimise run off and floodwater, make space for water and slow the flow. Utilise the [Somerset Council SuDS Guidance and Design Standards](#).
- Enhance and create riparian and wetland habitat by working with natural lines aimed at slowing flood water on a catchment-wide basis. Consider how such interventions can also assist in mitigating nutrient pollution.
- Design wildlife friendly, vegetated SuDS that capture and slow water flow during excessive rainfall without reliance upon use of piped networks, underground tanks and end-of-pipe storage solutions wherever possible. Consider including green roofs, raingardens, planters, tree pits, swales, ponds, wetlands and basins as well as use of water butts or rainwater harvesting systems to reduce demand for potable water where appropriate.
- Use permeable surfaces wherever possible, e.g., driveways and parking areas, to reduce run off and potential flooding.
- Consider use of systems like gabion walls (where appropriate structurally and from a character point of view) for low retaining walls (soil-dependent) and barriers or seating around the site.
- Use vegetation to stabilise banks (1:3 slope or less) and reduce erosion.
- Explore opportunities for natural filtration which reduces the pollutants carried by runoff and flood water, helping to protect and improve the quality of surface water and ground water and improve climate resilience of freshwater habitats and species.
- Create refuges and corridors to protect for sensitive species from climate change e.g., amphibians.
- Well-designed SuDS can generate additional biodiversity units and benefit developments and users. Retention and creation of natural surfaces such as grassland, trees and scrub can reduce the carbon impact of the development.
- Where appropriate consider enhancement or creation of coastal habitats that assist with coastal erosion protection and tidal flooding.

## 6) Ensure all proposals are realistic, deliverable and unlikely to fail

- Be realistic when setting the target condition. E.g. it is unlikely that habitat on-site will reach a high condition because of disturbance from humans and pets.
- For the majority of on-site proposals, relatively simple, robust, low-maintenance habitats in keeping with the locality are likely to be generally more achievable.
- Consider the practicalities of management and maintenance that habitats may require early on (e.g. grazing, access, water, cutting regimes).
- Consider the cost and operational logistics of maintaining small areas of habitat which might be higher cost and more difficult – does it become more viable by increasing the size of habitat to be maintained?
- Engage specialists for management of high distinctiveness habitats, where these are being relied upon.
- All significant on- and off-site proposals require a Habitat Management and Monitoring Plan (HMMP), supported by adequate funding, appropriate maintenance regimes, achievable and resourced monitoring and contingency planning to ensure the habitat is delivered within the set time frames, in line with the Metric User Guide and current good practice BNG guidance. Use SMART targets. Build feedback loops into the HMMP so that delivery can learn from what is working and what is not.
- Where biodiversity units are to be sold, ensure that the price of a biodiversity unit is set at an appropriate level to support the level of management, maintenance and monitoring set out in the HMMP. All delivery mechanisms must be supported by a sound business plan.
- Habitat viability must be considered. Does the site have suitable conditions to establish the planned habitat to the distinctiveness and condition proposed? Facts that should be considered include: soil pH and type, aspect, drainage, development of tree canopies, size, human impact, predicted risks over the 30 year management period etc. For example, a calcareous grassland needs a thin, nutrient poor soil with a high pH which does not receive too much shading. Even if the conditions at creation are good if young trees have been planted nearby, in time their canopy may make it unviable.
- Have a clear plan for what happens at the end of the minimum 30 year period. Retention and continued enhancement for biodiversity is strongly encouraged.
- Design the site to protect wildlife from crime and disturbance by considering and responding to the risks.
- Private gardens can be counted for BNG purposes, though the condition and distinctiveness scores for vegetated gardens are heavily restricted to reflect the variability in ways that such spaces will be managed by future residents and that long-term management, maintenance and monitoring of these habitats is not feasible. However, gardens do still present opportunities for nature enhancement and continued/improved connectivity through development sites which should be encouraged and enabled.

- Follow the “right tree, right place” guidance and deliver greater after care and management to support young trees rather than relying upon contingency planting to account for high losses.
- Consider what guidance the developer can provide to new residents/occupiers to encourage and facilitate wildlife friendly and sustainable practice going forward (e.g. advice and encouragement about avoiding intrusive external lighting and use of artificial grass, ways to build biodiverse gardens etc. and why this is important.
- Ensure that proposals are informed by and take account of pre-application consultation with other relevant bodies (e.g. Environment Agency, Natural England, Canal and River Trust etc.) and any other permitting regimes which need to be complied with.

# 7. Strategic Significance

- 7.1 Strategic significance is the local significance of a habitat based on its location and habitat type. Assessors should assign a strategic significance category within the Metric for each individual habitat parcel both at baseline and at post-intervention. Assessors should use published plans, strategies or policies which are relevant to the habitat's location to determine the strategic significance of the habitat and reference the relevant documents in their justification.
- 7.2 The Metric User Guide sets out the default definitions for high, medium and low scores of strategic significance. Habitat may be scored as being of high strategic significance where it is of an appropriate habitat in a location identified as ecologically important for the specific habitat type, or where that habitat is otherwise identified as being ecologically important within a local plan, strategy or policy.
- 7.3 In time, the LNRS, and the new Local Plan will likely provide the primary source for identifying strategic significance in Somerset. However, the Somerset LNRS is not expected to be published until later in 2024 and it will be a number of years until the new Somerset Local Plan has progressed sufficiently to hold significant weight in this regard. If an LNRS has not been published, the Metric User Guide sets out that a Local Planning Authority should specify alternative documents for assigning strategic significance.
- 7.4 In the interim, before the LNRS is complete, strategic significance in Somerset will be defined as per the table in Figure 8, below. This approach combines spatially defined areas and the definitions of enhancements which can support them, with reference to the Somerset BNG Principles (as discussed in the previous chapter). Collectively they are intended to guide BNG proposals to take a holistic approach and deliver multiple benefits by incentivising stronger alignment with other plans, strategies and projects.
- 7.5 Applicants must include adequate justification for the strategic significance category applied, referencing the definitions set out below, relevant Somerset BNG Principles and related plans and strategies used to arrive at this.

Strategic significance	Score in Metric	Definition in Somerset (subject to change as the Somerset LNRS emerges)
High	1.15	<p>Only where appropriate habitat enhancement or creation:</p> <ul style="list-style-type: none"> <li>a) Is located within and meets the definition of a Priority Habitat or enhancement, expansion or fragmentation zone as defined by the <b>National Habitat Networks</b> dataset,</li> </ul> <p>or,</p> <ul style="list-style-type: none"> <li>b) Is located within and meets the definitions of the core, stepping stone or dispersal areas identified by the <b>Somerset Ecological Networks Report</b> mapping,</li> </ul> <p>or,</p> <ul style="list-style-type: none"> <li>c) Would support or could support recovery of <b>priority species</b> or <b>protected sites</b>.</li> </ul> <p>This should be supplemented by justification within the comments section of the metric, which should also pick up how the proposals respond to the Somerset BNG Principles. <b>High levels of alignment with the principles</b> are expected for post-intervention habitats.</p>
Medium	1.10	<p>Only where habitat enhancement or creation is clearly justified as <b>contributing to the ecological functionality within the landscape</b> e.g., buffering priority habitats, providing connectivity, supporting, or providing bat flight lines but outside of the areas identified under 'high' above.</p> <p>This should be supplemented by justification within the comments section of the metric, which should also pick up how the proposals respond to the Somerset BNG Principles. <b>General and majority alignment with the principles</b> is expected for post-intervention habitats.</p>
Low	1	<p>Any other habitat enhancement or creation which does not meet the above criteria.</p> <p>This should be supplemented by justification within the comments section of the metric, which should also pick up how the proposals respond to the Somerset BNG Principles.</p>

Figure 8 - Defining Strategic Significance in Somerset



- 7.6 Justification for strategic significance should refer to spatial and habitat considerations, as well as alignment with the Somerset BNG Principles. Assessors should consider other plans and strategies (for instance those set out in Appendix 2 such as National Landscape/AONB Management Plans and Nature Recovery Plans) which may assist in understanding the most appropriate solutions in a specific location.
- 7.7 The definition of areas and associated types of interventions of high strategic significance does not mean that the areas in-between have no ecological relevance. In line with the Lawton Principles (see chapter 6), there is a need to deliver *more, bigger, better* and *joined-up* sites within the landscape, and this requires actions across all core, stepping stone, buffer, corridor, restoration and sustainable use areas. Habitat enhancement and creation outside of the most strategically significant locations will still deliver benefit, particularly where combined with other measures for instance improving local access to nature. However, appropriate actions in certain strategically significant locations will deliver greater benefit to nature recovery overall, and potentially also other policy objectives where closely aligned with the Somerset BNG Principles.
- 7.8 Careful consideration still needs to be given to the location of any habitat enhancements and creation in relation to the development it is serving. Simply because an off-site solution could deliver high strategic significance, does not mean that the Biodiversity Gain Hierarchy and the sequential approach (see chapter 5) can be ignored. BNG solutions should aim to deliver compensation and gains as close to any losses as possible in the first instance.

# 8. Securing BNG from development

## Securing the Biodiversity Gain Plan

- 8.1 As set out in the Environment Act 2021, all relevant planning applications to which BNG applies will automatically be subject to a deemed pre-commencement condition (the general biodiversity gain condition) which ensures that development may not be begun unless a Biodiversity Gain Plan has been submitted to and approved by the Local Planning Authority. The Biodiversity Gain (Town and Country Planning) (Modifications and Amendments) (England) Regulations 2024 modify the general biodiversity gain condition in relation to phased developments to the effect of requiring submission and approval of an overall gain plan prior to commencement of any works on-site, and subsequent submission and approval of phase gain plans prior to commencement of works relating to a specific phase.
- 8.2 In many cases, it is anticipated that it will not be possible to establish all of the necessary detailed aspects of a development and its BNG provision at the point of the planning application being made. As such, the Regulations set out that the final Biodiversity Gain Plan (or Overall Gain Plan) can only be submitted and approved after the application has been determined, and prior to commencement. Therefore, the deemed general biodiversity gain condition will apply in all cases, requiring submission and approval of the Biodiversity Gain Plan prior to commencement (or as modified for phased development). The general biodiversity gain condition will not appear on the Decision Notice alongside other locally derived conditions of planning permission. Instead, the Decision Notice will include an informative drawing the applicant's attention to the fact that the general biodiversity gain condition applies and what is necessary to discharge it.
- 8.3 However, the LPA requires a BNG Statement to be submitted alongside planning applications setting out how a development proposes to discharge the general biodiversity gain condition (see Chapter 4 and in Appendix 4). The BNG Statement will be approved as part of the determination of the application. The LPA will then expect any formal Biodiversity Gain Plan submitted for approval at pre-commencement stage to be broadly in

accordance with the approved BNG Statement. This will likely be explicitly conditioned as part of the planning permission in line with the template conditions to be produced by the Council (see 8.21-8.22, below). This ensures that the overall strategy for meeting the BNG requirements for the site does not change drastically and as such should help to avoid significant post-permission viability issues associated with BNG.

## Securing claimed biodiversity gains

- 8.4 Beyond the deemed general biodiversity gain condition requiring submission and approval of the Biodiversity Gain Plan, the LPA will need to use appropriate measures to secure the gains themselves and their management and maintenance for a minimum 30 year period. The method of securing these gains will vary depending on their nature, representing the appropriate balance between risk and reasonableness as set out below. The Environment Act 2021 requires any off-site biodiversity gains, the use of credits, and *significant*<sup>8</sup> on-site enhancements to be formally secured by condition, planning obligation or conservation covenant.
- 8.5 Planning conditions should be kept to a minimum, and only used where they satisfy the following legal tests:
- 1) necessary;
  - 2) relevant to planning;
  - 3) relevant to the development to be permitted;
  - 4) enforceable;
  - 5) precise; and
  - 6) reasonable in all other respects.
- 8.6 Planning obligations are secured via legal agreement under Section 106 of the Town and Country Planning Act 1990. Regulation 122 of the Community Infrastructure Levy Regulations 2010 states that a planning obligation may only constitute a reason for granting planning permission if the obligation is:
- necessary to make the development acceptable in planning terms;
  - directly related to the development; and
  - fairly and reasonably related in scale and kind to the development.
- 8.7 As a rule of thumb, planning obligations are more easily monitored and enforced due to their nature as legal agreements. Furthermore, it is possible for the LPA to charge an appropriate monitoring fee as part of a planning obligation, which cannot be secured via condition. This monitoring fee can be

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<sup>8</sup> The Government has provided guidance on what are likely to be considered “significant” on-site enhancements (see <https://www.gov.uk/guidance/make-on-site-biodiversity-gains-as-a-developer>).

used to cover overhead costs of resourcing and undertaking the monitoring of the legal agreements and can greatly assist in ensuring the secured gains are adequately monitored and actually delivered.

- 8.8 Somerset Council is not registered as a Responsible Body for the purposes of signing conservation covenants. As such, at this stage conservation covenants cannot be used to secure claimed biodiversity gains. The Council may review its position with regards to conservation covenants and potential status as a Responsible Body in due course, but from day one of implementation, this route will not be available to applicants in Somerset.

### On-site gains

- 8.9 The Government has set out in the [DEFRA Guidance](#)<sup>9</sup> that ‘significant’ on-site enhancements are areas of habitat enhancement which contribute significantly to the proposed development’s BNG relative to the biodiversity value before development. It suggests that exactly what counts as significant will vary depending on the scale of development and existing habitat, though sets out what may normally be considered ‘significant’. As such, it is for the applicant to justify what on-site enhancements should be considered ‘significant’, what should not, and why.
- 8.10 Whilst being able to contribute to the overall BNG requirement, the ability for ongoing monitoring and maintenance of private gardens in line with an overarching Biodiversity Gain Plan is minimal. As such private gardens will only ever be treated as non-significant on-site enhancements, even where they contribute a large proportion of the necessary biodiversity units for a site.
- 8.11 As such at this stage it seems likely that any site capable of achieving significant on-site gains, will be of sufficient scale that it will hit other policy requirement thresholds, for instance around on-site open space and affordable housing. As such, it is envisaged that the use of planning obligations for the securing of ‘significant’ on-site biodiversity gains through a S106 legal agreement will be most appropriate and also not be overly burdensome.
- 8.12 ‘Significant’ on-site gains secured via S106 legal agreement will likely also need reference within planning conditions relating to any general Landscape and Ecological Management Plan, phasing plan, masterplan or design code/guide, particularly where they are multi-functional in purpose as is promoted through the Somerset BNG Principles. This will include securing management and maintenance of such on-site areas beyond the statutory BNG 30 year period where these are required and relied upon for wider ecological mitigation or compensation or they contribute towards other policy requirements such as open space, amenity, landscaping, SuDS, nutrient

<sup>9</sup> see <https://www.gov.uk/guidance/make-on-site-biodiversity-gains-as-a-developer>)

mitigation, HRA compensation/mitigation etc.. Where on-site land is secured for BNG purposes alone (i.e. it is not multi-functional and required for other purposes as suggested above), then the applicant will still need to set out broadly what the plan for that land will be at the end of the 30 year period.

- 8.13 On-site enhancements which do not reach the threshold definition of 'significant' do not statutorily need to be secured formally. However, where such non-significant on-site gains are anticipated (beyond private gardens), these may be secured via planning condition and S106 legal agreements as part of any general on-site Landscape and Ecological Management Plan.
- 8.14 Even where planning application sites are exempt from the national mandatory (at least) 10% BNG requirement, the Council still expects applicants to achieve a general net gain and other biodiversity enhancements, in line with the NPPF and relevant development plan policy. In these circumstances, net gains should be on-site only, may be demonstrated more generally through the Ecological Impact Assessment or through the Habitat Evaluation Procedure where required for other purposes anyway (i.e. not necessarily through the statutory Metric) and may be secured via planning condition as part of any general on-site Landscape and Ecological Management Plan.

### **Off-site gains and use of statutory credits**

- 8.15 All off-site gains must be formally secured. Precisely how this occurs depends upon the route taken. Off-site gains may be secured on other adjacent land in the same ownership (i.e. land within the 'blue line'); other land in the same ownership as or also under option by the applicant/developer but further away; or land in a third party ownership.
- 8.16 If, at the point of determining a planning application, it is clear that the development site may need to rely upon a quantum of off-site units or statutory credits, then this should be set out within the BNG Statement along with the appropriate justifications. The LPA will likely condition any permission so that any subsequent Biodiversity Gain Plan is produced broadly in accordance with the submitted BNG Statement. It should not be necessary for planning obligations to require purchase of such off-site units or statutory credits in addition to the deemed general biodiversity gain condition and any local condition requiring the Biodiversity Gain Plan to be in broad accordance with the submitted BNG Statement.
- 8.17 The Council's process for enabling off-site delivery mechanisms is set out in Chapter 9. In summary, in the majority of cases, such sites, the habitat

enhancements on them, their monitoring, management and maintenance, will be legally secured entirely separately from any development which purchases any subsequently created biodiversity units from it.

- 8.18 Where separately legally secured, it will not be necessary to further secure these specific off-site gains in relation to the development in question. The gains are already legally secured, and the national biodiversity gain sites register will make the appropriate linkage with the relevant development. The applicant just needs to provide justification for reliance upon off-site units and evidence that sufficient registered and legally secured units have been purchased and allocated to the development as part of their Biodiversity Gain Plan.
- 8.19 Where an applicant justifies a reliance upon off-site units, but intends to bring these forward on other land in the same ownership or from a bespoke off-site solution (i.e. one serving only the development site in question) and that land has not previously been secured for the necessary habitat enhancements, then this may be dealt with alongside determination of the planning application. In this case, there may be a need for two separate but linked legal agreements, securing the off-site solution and the obligations in relation to the development proposal (see 9.40, below).

## Template conditions and planning obligations

- 8.20 The Council intends to develop template planning conditions and S106 legal agreements, however these are not yet available.
- 8.21 Following the appropriate method for the relevant type of biodiversity gains as set out above, beyond the national deemed general biodiversity gain condition, the Council will need to secure the following in relation to any development proposals:
- A planning condition to ensure that the subsequent Biodiversity Gain Plan will be broadly in accordance with the submitted BNG Statement;
  - A S106 legal agreement in relation to any significant on-site gains covering:
    - Submission of a Habitat Management and Monitoring Plan (HMMP) and approval prior to commencement ;

- Specification of the contents which the HMMP must include in order to demonstrate it as deliverable, adequately resourced and funded;
- Compliance with the approved HMMP for a minimum of 30 years;
- Specification of contingency arrangements;
- Enforcement arrangements and details of how any remedial measures may be required as appropriate;
- Obligation to pay an agreed monitoring fee to the LPA upon completion of the relevant S106 legal agreement, to cover the costs of monitoring the agreement and biodiversity gains secured.

# 9. Off-site delivery mechanisms

## What are off-site BNG solutions?

- 9.1 Development proposals are able to meet their mandatory BNG requirement via use of on-site gains, off-site gains or statutory credits. The appropriate solution will differ from site to site but should be governed by the Biodiversity Gain Hierarchy, the sequential approach set out in chapter 5, above in conjunction with the application of the Somerset BNG Principles (chapter 6) and strategic significance scoring (chapter 7).
- 9.2 Where appropriately justified, development proposals may rely in part or in whole upon an off-site BNG solution. In this situation, the applicant will be expected to set out within their BNG Statement the expected quantum of off-site units they are expecting to require together with necessary justification and as much information as possible about the off-site units they propose to use. The subsequent Biodiversity Gain Statement submitted post-permission to discharge the general biodiversity gain condition must then be accompanied by proof that sufficient and appropriate biodiversity units have been purchased. Note, the Council will have separately conditioned that the Biodiversity Gain Plan should be in broad accordance with the submitted BNG Statement.. Chapter 8 sets out the approach to securing BNG from development proposals including from off-site providers.
- 9.3 Off-site providers effectively enhance or create habitat on a specific piece of land which is entirely separate to any specific development proposal. This habitat generates 'biodiversity units' as measured through the Biodiversity Metric. These biodiversity units can be sold to applicants / developers for reliance upon in meeting their off-site obligations in relation to a specific development proposal.

### Off-site delivery mechanisms

- 9.4 There are two key delivery mechanisms for bringing forward off-site BNG solutions and then selling the resulting biodiversity units:



- **Habitat banks** – where the off-site provider enhances/creates habitat in advance of securing sales of resulting biodiversity units.
- **Habitat to order** – where the off-site provider enhances/creates habitat only in response to a specific requirement from a development.

9.5 Landowners will take a risk-based approach in determining which of the above mechanisms they are most keen to explore.

9.6 Habitat banks can be more cost effective to create and manage; reduce temporal risks (time to target condition and therefore needs less land take); and result in habitat creation ahead of loss on development sites. However, there are risks if demand proves lower than anticipated and initial capital investment can be significant well in advance of receiving income.

9.7 Conversely, habitat to order results in delivery in line with demand and therefore lower commercial risks, with initial capital outlay in habitat creation met by the cost of selling units. However, this approach is less cost-effective, has a greater administrative burden and may result in a time lag between habitat loss on-site and creation off-site.

9.8 A third option would be a hybrid between the two above, whereby some units are created in advance, whilst others are created to order.

9.9 In most cases, habitat enhancements will not in themselves require a planning application / permission. However, where a material change of use or engineering operations are to take place (for instance the creation of constructed wetlands) then this may be required. Developments undertaken solely or mainly for the purpose of fulfilling, in whole or in part, the biodiversity gain planning condition which applies in relation to another development are exempt from the general biodiversity gain condition themselves.

9.10 The price of a biodiversity unit is not set nationally or by the local authority but will instead be determined by the market. This means that, in due course, there may be competition between different off-site providers. However, the price of a biodiversity unit will necessarily need to be set at such a level so as to balance between a viable and attractive cost to developers and the anticipated lifetime costs of creating, managing and maintaining the new habitat including administration, contingency and other overheads and creating a financial incentive for the use of the land for this over another potential purpose. A report by Eftc commissioned by DEFRA and published in 2021 suggested that the market price of a biodiversity unit may settle at around £20-25k. Where schemes have come forward in other areas there is a suggestion that unit prices may be slightly higher in the region of £30-35k.

However, the price is likely highly dependent upon the specifics of the site and supply and demand in the local market.

## Securing off-site delivery mechanisms

9.11 In the case of both habitat banks and habitat to order, an ‘overarching’ legal agreement will be required to secure a Habitat Management and Monitoring Plan for a minimum 30 year period in relation to the land as well as processes for selling and allocation of biodiversity units to development proposals. This may be possible through a S106 legal agreement or a conservation covenant. The legal agreement securing the off-site delivery mechanism would generally be entirely separate from any legal agreements relating to a specific development proposal, particularly in the case of ‘habitat banks’. It may be that ‘habitat to order’ could be secured via a single legal agreement covering both the development site it is to serve and the off-site BNG land in one go. Further detail is provided on the potential routes, below.

### In Somerset

- 9.12 The default method for securing an off-site delivery mechanism within the county of Somerset will be through an overarching S106 legal agreement with Somerset Council. The Council is exploring development of template S106 Agreements for the purpose of securing off-site delivery mechanisms. However, the Council is not obligated to enter into such agreements and will only do so where determined appropriate. The process set out in the next section of this chapter will help determine when the Council will consider entering into such agreements.
- 9.13 If the off-site delivery mechanism is located within Somerset, but within Exmoor National Park, an overarching S106 legal agreement could in theory be signed with either Somerset Council and/or Exmoor National Park Authority.
- 9.14 Conservation covenants present an alternative option for securing an off-site delivery mechanism in Somerset. Conservation covenants are a new enforceable legal structure which will allow landowners to give long term commitments, regarding the use and management of land, which are enforceable by a Responsible Body. Responsible Bodies must be designated

by the Secretary of State for the Department for the Environment, Food & Rural Affairs (DEFRA).

- 9.15 Local Authorities may apply to be designated as a Responsible Body. At this stage, Somerset Council is not registered as a Responsible Body. The Council may review its position with regards to conservation covenants and potential status as a Responsible Body in due course. This means that for now it will not be possible to enter a conservation covenant with the Council in order to secure an off-site BNG delivery mechanism.
- 9.16 However, other bodies (with a main purpose, function or activity relating to conservation) are also eligible to apply to be designated as a Responsible Body. At this stage it is not known whether any other such bodies exist within Somerset, but conceivably they may become designated over the coming months and years. Where this is the case, an off-site provider may choose to explore the potential of entering a conservation covenant with them in order to secure an off-site delivery mechanism as an alternative to entering a S106 legal agreement with the Council.
- 9.17 A provisional off-site provider may want to bring forward an off-site delivery mechanism in phases to help spread risk and respond to demand. In order to assist the streamlining of processes for future expansions, the Council will consider securing entire land holdings under a framework S106 legal agreement, which will enable future phases / expansions within the same land holding to be dealt with through supplemental agreements or deeds of variation rather than having to begin the process 'from scratch' each time.

### **Beyond Somerset**

- 9.18 As set out in the sequential approach (chapter 5), there may be situations where it is acceptable for an applicant / developer to rely on off-site gains beyond the boundaries of Somerset. Off-site delivery mechanisms outside of Somerset must be secured in the same way (i.e. via S106 legal agreement or conservation covenant). However, Somerset Council will not be party to any legal agreements beyond the boundaries of Somerset. Instead, a S106 legal agreement would need to be signed with the relevant Local Planning Authority within which the off-site solution is located, or a conservation covenant with a suitable Responsible Body.

# Demand for off-site solutions in Somerset

## Where does the demand come from?

- 9.19 Engagement with developers in Somerset has suggested that larger regional and national developers are reasonably confident that they will be able to deliver BNG requirements on-site due to their generally larger development sites. Otherwise, they typically have their own banks of land and resources to be able to arrange their own off-site solutions (which would still need to be secured in line with the above guidance) relatively easily.
- 9.20 However, smaller, more local SME developers do have concerns given that they tend to bring forward smaller development sites with less flexibility in land budgets to deliver BNG on-site, yet with minimal other land to call on or resources to arrange their own off-site solutions. This same situation has also been experienced with regards to phosphate mitigation measures, where larger developers are often seeking to develop their own wetlands solutions, whilst smaller developers have been more reliant upon local credit schemes to date. As such, without sufficient local off-site solutions being made available, these SME developers are likely to be more reliant upon more expensive national statutory credits (and therefore be more severely affected in terms of viability). SME developers contribute a significant amount of development including housing delivery in Somerset. It is therefore in the Council's interests to enable and facilitate a reasonable and appropriate flow of available off-site solutions locally in order to avoid unreasonable impacts upon SME developers and knock-on impacts to development delivery.

## Quantum of demand for off-site solutions

- 9.21 A 2022 Bidwells report for Natural England produced in relation to the Somerset Wetlands Nature Recovery Project included a market analysis of demand for off-site biodiversity units over the next ten years. The analysis was based on a broad quantum of annual development likely to come forward in the next ten years which does not already benefit from planning permission, and of that how (at a high level, based on a range of assumptions) it is likely that BNG requirements might be delivered. This suggested that residential development sites might on average be likely to deliver between 38% and 78% of the BNG requirements on-site depending on site size and location (green/brownfield), with the figure for greenfield commercial development much lower around 9%. This led to identification of biodiversity unit deficits

and an overall off-site land-take requirement to meet this biodiversity unit deficit for the next ten years:

- Estimated total biodiversity unit on-site deficit (area habitats) = 1,281.54 area units
- Estimated total biodiversity unit on-site deficit (hedgerows) = 1.67 hedgerow units
- Estimated total off-site land-take to meet biodiversity unit deficit = 701 ha.

9.22 This overall figure is an indicative estimate of the land-take required to meet demand for off-site solutions in Somerset for the next ten years based on a large number of assumptions. However, this figure excludes any BNG requirements associated with infrastructure projects (either relevant to the Town and County Planning Act regime or the Planning Act (NSIP) regime). In addition to this, developments in other areas of the country may need to purchase off-site gains outside of the local authority in which they are being developed (particularly in the case of more tightly constrained urban authorities). Somerset may present an attractive location for such offsets. As such, the requirements may, if anything, be a marginal understatement of demand.

9.23 701 ha of land equates to approximately 0.2% of all the land in Somerset, or approximately 0.27% of all the agricultural land in Somerset (not that all BNG would be delivered solely on agricultural land necessarily).

9.24 The majority of overall demand for off-site biodiversity units was assumed to come from major developments above 100 dwellings in size, and greenfield commercial developments. Whilst these categories represent where the biggest demand for units might come from, by their nature, there are less individual planning applications for these larger development sites. Smaller development sites including minor development of 0-9 dwellings and major development of 99 dwellings or less, as well as business and service industry developments drive a smaller overall quantum of biodiversity unit demand, but by their nature there will be many more applications for such developments occurring more often.

### Timing of off-site solutions in Somerset

9.25 Taking an average of the above estimated ten-year demand for off-site biodiversity units, this would suggest average annual demand of:

- 128.15 area-based units per annum
- 0.17 hedgerow-based units per annum

This might require in the region of 70.1 hectares of land per annum.

- 9.26 The Government's DEFRA Guidance states that off-site habitat creation, enhancement and management work should start within 12 months of allocation to a specific development. Furthermore, earlier delivery is also rewarded within the BNG Metric through the temporal risk score, which penalises delays to delivery.
- 9.27 This may increase demand for habitat bank delivery mechanisms (as opposed to habitat to order, see above) as the habitat would have already been enhanced and simply need allocating to the relevant development. This might suggest a need for at least some off-site solutions to be brought forward sooner rather than later so that they have time to enhance or create the habitat and for it to reach target condition in line with approved plans ready for the market to purchase units when required.
- 9.28 Many larger development sites are broken down into phases of development. Phased development benefits from a modified version of the general biodiversity gain condition which allows for an Overall Gain Plan to be approved prior to site commencement, and then subsequent Phase Gain Plans to be approved prior to start on a specific phase. This may spread demand for off-site biodiversity units arising from larger development sites into smaller peaks across the ten-year period as reserved matters applications for phases of major sites are determined, rather than seeing much bigger front-loaded peaks associated with first commencement on such sites.
- 9.29 However, considering that routine demand for off-site biodiversity units is currently expected to be driven by a larger number of applications for smaller developments, it may be less likely that phasing will be a major influence on the market in Somerset.

## **Process for establishing off-site delivery mechanisms in Somerset**

- 9.30 The Council is regularly being approached by landowners and promoters seeking to establish off-site delivery mechanisms in Somerset. These prospective off-site providers require the Council's assistance to legally secure their proposals and effectively bring the biodiversity units created to market. As set out above, off-site solutions must be secured by either an overarching S106 legal agreement or conservation covenant. Whilst the Council is keen to enable sufficient off-site solutions to be made available in

Somerset at the right time, it is not obligated to enter into such agreements and will only do so where it is determined appropriate to do so.

9.31 When determining whether it is appropriate for the Council to enter into an overarching S106 legal agreement to secure an off-site delivery mechanism in Somerset, it must take account of multiple factors:

- **Compliance with the Natural Environment and Rural Communities (NERC) Act 2006** – the NERC Act 2006 requires local authorities to consider what action they can properly take, consistent with proper exercise of functions, to further the general biodiversity objective (to conserve and enhance biodiversity), then determine policies and specific objectives required. In doing so, the local authority must have regard to any relevant LNRS and any relevant Species Conservation Strategy or Protected Site Strategy prepared by Natural England. These documents do not yet exist, but in the interim, the Council has set out local definitions for the scoring of strategic significance within the Metric, which can be used as a proxy for alignment with these future documents.
- **Resources** – the Council has limited resources which it must prioritise towards discharge of statutory functions. Enabling off-site solutions to come forward is in the Council's interest for the delivery of development. However, the work involved in this is not a statutory duty. The establishment of legal agreements and monitoring compliance with any legal agreements which it is party to will require significant resource from multiple departments and as such it is important that this resource is focused only on suitable sites. The work establishing and monitoring the agreement only arises due to the off-site provider's approach, and as such, it is important that any such agreement is accompanied by an establishment fee and a monitoring fee to cover the full costs involved in establishing and then monitoring it. Given the limited resources of the Council, it is important that it takes opportunities where possible to ensure proposals deliver on multiple objectives of the Council Plan to maximise efficiency of resources attributed to the task.
- **Risk of failure** – the Council must consider whether an off-site proposal is realistically likely to deliver as proposed. This requires clear understanding of land ownership; landowner and site promoter intentions; other consents, covenants, charges etc. affecting the land; financial stability and a business plan for creation, sale, management, maintenance and monitoring of the biodiversity units as well as any contingency plans.

9.32 Taking the above into account, the Council must establish a transparent process and consistent approach to apply in to determining whether third party proposals are appropriate, which should be prioritised, and why the

Council is willing to enter into a legal agreement to secure the site and enable biodiversity units to be sold.

9.33 The Council's process for considering and securing off-site delivery mechanisms for BNG can be summarised as per the bullet points below. This is set out as a process flow diagram in Figure 9, below.

- The Council intends to launch a 'call for sites'. This will seek submissions from landowners / site promoters who are interested in bringing forward off-site delivery mechanisms for BNG. The Council will set out clear requirements on the information which must accompany such submissions, and it will be the responsibility of any landowner / site promoter to ensure that they are providing all of the relevant information in the requested format.
- A minimum site threshold of 10 biodiversity units being created will apply, to help ensure efficient use of Council resources in assessing sites and negotiating S106 legal agreements for the benefits created.
- The Council will then undertake a two-stage assessment process:
  - Stage 1 will assess how the site fares in terms of strategic significance scoring, how it can assist the Council in complying with its NERC Act 2006 duties, and generally help weed out non-starters. Sites providing incorrect or insufficient information will not progress at all. Site submissions providing all appropriate information will then be prioritised through consideration of the above factors alongside the number, type, location and timing of biodiversity units that can potentially be delivered.
  - Stage 2 will then assess the risk of failure. The top prioritised site from Stage 1 will progress to Stage 2 and be asked to submit additional information relating to the above. If a site progressing to Stage 2 later fails to enter a S106 legal agreement, the next priority site will enter Stage 2 in its place. This helps to ensure Council resources are prioritised and capacity is used to get the preferred sites onto the market quicker.
- Once the Council has confirmed that the additional information provided at Stage 2 demonstrates a low risk of failure the site will proceed to negotiation on a S106 legal agreement.
- Once the S106 legal agreement is signed and sealed, the landowner / site promoter must register the site with the national biodiversity gain site register. Only once these steps have occurred can they then begin to allocate and sell biodiversity units in line with the legal agreement. Depending on the type of off-site delivery mechanism (habitat bank or habitat to order) and the specifics of the legal agreement, a landowner / site promoter might begin delivering the habitat enhancements and accompanying Habitat Management and Monitoring Plan straight away, or



they may wait until they have orders to begin this process. Monitoring reports will need to be submitted in line with the legal agreement.

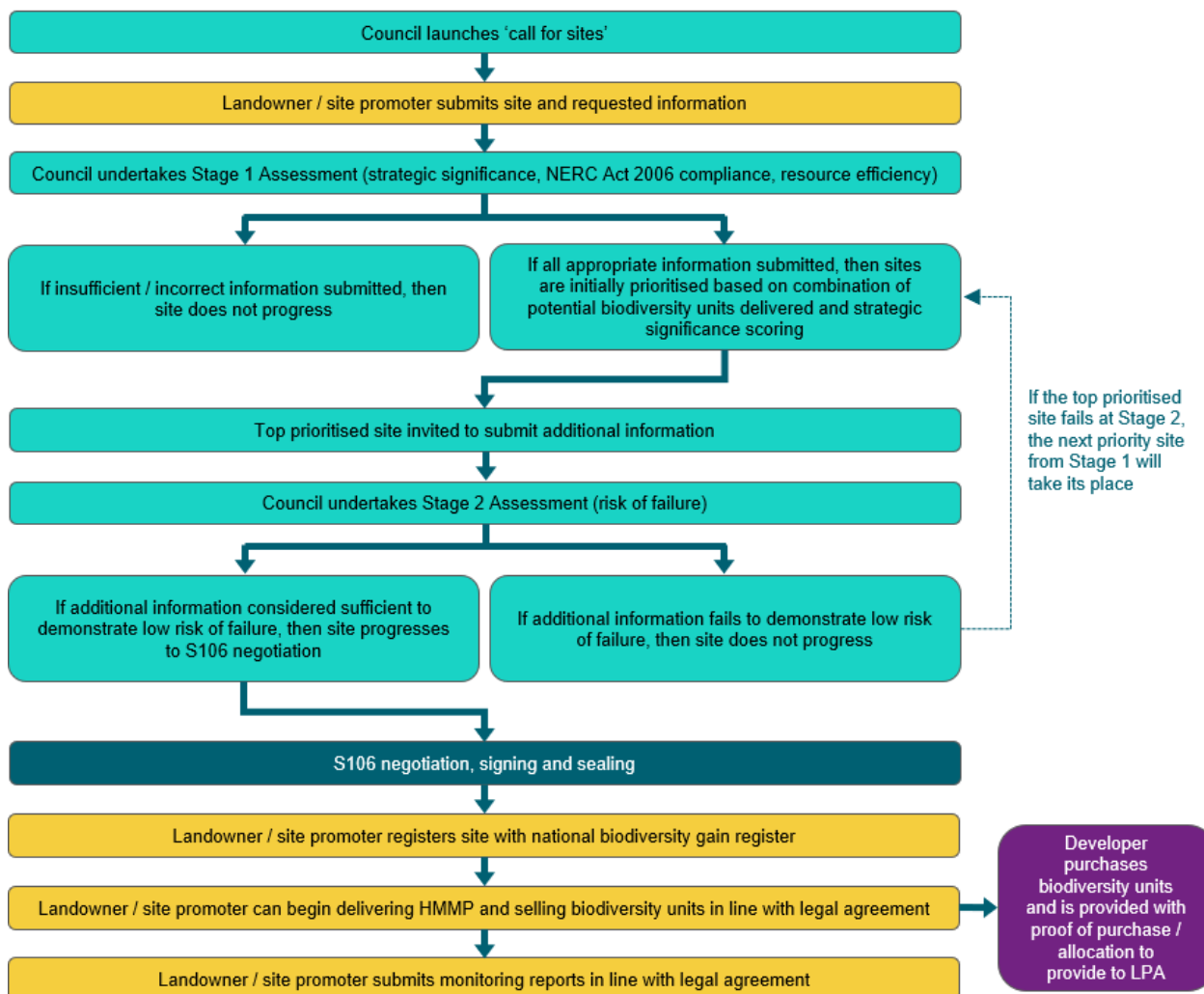


Figure 9 - Somerset Council proposed process for off-site delivery mechanisms for BNG

9.34 Full information requirements will be established over the coming months as part of preparing for the 'call for sites'. However, it is likely that the following information will be required as a minimum to enable officers to reasonably undertake Stage 1 of the above process:

- Location plan
- Farm/land Management Plan setting out how the site has been identified within the land holding, how this fits with wider management and land use opportunities and constraints within the land holding and intentions in relation to stacking or otherwise of other ecosystem services and rural payments such as nutrient mitigation, woodland carbon code, natural flood management etc.)

- Baseline and Potential BNG (and nutrient, carbon, other as necessary) assessments
- Brief history of land use, habitat and biodiversity on the site (importantly identifying any changes since 30<sup>th</sup> January 2020).
- Land ownership details
- Preferred approach in bringing biodiversity units to market (habitat bank / habitat to order / something else)
- Investment / outline business plan
- Evidence of stakeholder engagement and partnership where relevant (e.g. Natural England, Somerset Environmental Records Centre, Somerset Wildlife Trust, other nature conservation and enhancement bodies)
- Biodiversity Gain Plan
- Habitat Management and Monitoring Plan
- GIS data

9.35 Submission of these details should provide sufficient information for officers to understand the broad opportunities and be able to assess the various merits and demerits of different submissions and therefore prioritise sites.

9.36 Further information will need to be submitted at Stage 2 of the above process to support assessment of the risk of failure.

9.37 The Council will likely look to cover the costs associated with assessing and enabling off-site delivery mechanisms through charging a fee for this process.

### **Off-site delivery mechanisms secured as part of a separate planning permission**

9.38 A further route for off-site delivery mechanisms relates to situations where habitat creation and enhancements are secured and delivered as part of or incidental to a planning application. This might include:

- dedicated planning applications relating to habitat creation and enhancement activities;
- bespoke off-site solutions brought forward as part of/alongside a planning application for development; or
- excess biodiversity units generated on-site by a planning application for development.

9.39 **Dedicated planning applications relating to habitat creation and enhancement** may occur where engineering works are required to create new habitat e.g. proposals for constructed wetlands. In these cases, where the application is solely in relation to the construction of such habitat

enhancements, the application will most likely be exempt from the statutory BNG requirement, and it will be appropriate to secure the habitat enhancements, the management, monitoring and future sale of biodiversity units (and other stacked benefits e.g. nutrient credits) arising via S106 Agreement as part of the approval of the planning application. As this process will be related to a specific planning application, such proposals will not be required to go via the proposed 'call for sites' referred to above. However, the same assessment criteria will still apply as indicated in 9.34, above in order to achieve consistency and protect the Council in relation to the key factors it needs to consider before agreeing to sign up to a S106 legal agreement. Proposals will also need to respond to the Somerset BNG Principles and local definition of strategic significance.

- 9.40 Some applicants for development proposals requiring off-site units, will want to propose a **bespoke off-site solution on a specific piece of land** beyond the application red line for delivery of these. Where this land has not already been legally secured for BNG enhancements, it will be necessary to secure this as part of the planning application for development. This might be the case where the applicant wishes to use other land beyond the red line but in the same ownership, or where wider organisational agreements stimulate a developer preference for specific sites. As this process will be related to a specific planning application, such proposals will not be required to go via the proposed 'call for sites' referred to above. However, the same assessment criteria will still apply as indicated in 9.34, above in order to achieve consistency and protect the Council in relation to the key factors it needs to consider before agreeing to sign up to a S106 legal agreement. Proposals will also need to respond to the Somerset BNG Principles and local definition of strategic significance. In this case, the S106 legal agreement will secure the off-site solution for only the development site in question.
- 9.41 Some planning applications for wider development (most likely larger, strategic sites due to the scale of open space and wider landscape enhancements often required and potentially also minerals sites) may be in a position where they can demonstrate a **substantial exceedance of the statutory 10% BNG** for their site. The Government has stated<sup>10</sup> that developers can sell excess biodiversity units as off-site gains for another development, provided that this excess gain is registered with the national biodiversity gain sites register, and that there is genuine additionality for the excess units sold. This means that these units should be delivered above and beyond the gains required by the original development to meet the mandatory BNG requirement and to make the development acceptable to the LPA. Where this is the case, these excess gains must be identified clearly as such in the original development's Biodiversity Gain Plan. The LPA must also be satisfied that the on-site excess gains count as being 'significant' on-site enhancements. Whether or not the excess gains are secured for BNG

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<sup>10</sup> See <https://www.gov.uk/guidance/make-on-site-biodiversity-gains-as-a-developer>.

purposes and future sale of units via the main development S106 legal agreement will be dealt with on a case-by-case basis. In some cases, this may be desirable and appropriate, whilst in others these factors which may not be 'material' obligations (necessary to make the development acceptable in planning terms) may overly complicate already complex decisions and legal agreements and be better dealt with separately. If the excess gains and future sale of units are not secured via the main development S106 Agreement, then these units would need to be submitted to the 'call for sites' process and dealt with accordingly. In order to sell any excess gains, an applicant / developer will need to demonstrate true additionality above 10% BNG using the Metric and consideration of delivery risks and contingency. This will be considered on a case-by-case basis..

## The role of Somerset Council

- 9.42 Beyond being a party to S106 legal agreements, Somerset Council can potentially play a number of other roles in helping to enable the availability of off-site biodiversity units in Somerset, and assisting developers in identifying and securing them. These roles could include:
- Developing a platform for communicating availability of off-site solutions in Somerset
  - Becoming a Responsible Body for the purposes of Conservation Covenants
  - Developing off-site solutions on Council owned land
  - Active promotion of Somerset for inward investment in the area's natural capital across environmental delivery schemes
- 9.43 Each of the above roles present opportunities and risks for the Council and delivery against the Council's responsibilities under the NERC Act 2006 as well as wider responsibilities. As such, the role of the Council in relation to each of the above has not yet been determined but they are actively being explored.
- 9.44 With the advent of statutory BNG, the Council is unable to deal with BNG through a tariff style approach (where a developer pays a set tariff contribution to offset BNG and the Council then invests that money in local schemes to deliver BNG). Instead BNG must be secured through on-site delivery, specific off-site delivery, or purchase of national statutory credits. The Council is considering longer-term the intention to develop off-site solutions on Council land and in time this may become an option, but this would not be on a tariff

style approach and would instead be dealt with like any other off-site solution on a specific unit purchase basis.

## Pilot site

- 9.45 In order to ensure that a limited supply of off-site biodiversity units is progressed and available in the shorter-term, the Council is working to establish a pilot site by working directly with organisations within the [Somerset Local Nature Partnership \(LNP\)](#). This pilot site will enable a limited pool of Somerset-based off-site biodiversity units to be made available on the market through working with trusted partners until such time as other third-party or Council-owned proposals can be assessed and brought to market through the above processes.
- 9.46 By working with trusted LNP partners who are also directly involved with development of the LNRS and furthering of the goals of the LNP, the Council has greater comfort and certainty that the habitat enhancements and creation will deliver benefit to biodiversity and wider objectives in Somerset as well as that the activities will be monitored and reported appropriately.
- 9.47 The pilot site will enable aspects of the above process and mechanism of legally securing the site for BNG purposes as well as future allocations to developments to be tested and inform the final processes for future sites.

# 10. Monitoring and enforcement

10.1 The successful delivery of BNG and its core objectives requires effective monitoring and enforcement. Without this, there is a chance that BNG could become a tick-box exercise and fail to deliver promised gains.

## Monitoring and Enforcement Roles

### What needs monitoring and enforcement?

10.2 There are three key areas of BNG which require monitoring and potentially enforcing:

- Triggers and compliance with planning conditions and S106 legal agreements associated with development (i.e. has the development proceeded in line with conditions and any associated planning obligations);
- Triggers and compliance with S106 legal agreements / conservation covenants relating to off-site delivery mechanisms (i.e. has the off-site provider complied with associated legal agreements);
- Actual habitat enhancements (i.e. are the habitat enhancements themselves being carried out as agreed and are they delivering the promised outcomes). Legal agreements referred to in the above will include specific monitoring requirements with defined responsibilities.

### Who is responsible for each part of the monitoring process?

10.3 It will be the landowner or developer's responsibility to ensure monitoring and reporting obligations are fulfilled, or adequately delegated to another body (with necessary funding). Therefore, landowners / developers will ultimately be responsible for monitoring the habitat enhancements themselves and delivery against the agreed Biodiversity Gain Plan and associated Habitat Management and Monitoring Plan. For on-site gains, the landowner / developer will need to either manage and monitor the habitat creation / enhancement itself or arrange for an appropriate representative management company to undertake this. For off-site gains, it is likely that the management and monitoring will be undertaken by the developer or by a third party off-site landowner. Proposals in this regard should be identified in the BNG Statement submitted as part of the planning application, and will be secured via

conditions and/or S106 legal agreement as appropriate (see chapter 8). Landowners / developers will be required to submit monitoring reports to the Council in line with the agreed Biodiversity Gain Plan, Habitat Management and Monitoring Plan and any relating conditions and/or S106 legal agreements.

- 10.4 For off-site delivery mechanisms, the landowner / off-site provider will be responsible for monitoring the habitat enhancements themselves and delivery against the agreed Biodiversity Gain Plan and associated Habitat Management and Monitoring Plan. Where the intention is to secure the off-site delivery mechanism with the Council through an overarching S106 legal agreement, proposals should be identified in the associated Biodiversity Gain Plan (see chapter 9). Landowners / off-site providers will be required to submit monitoring reports to the Council in line with the agreed Biodiversity Gain Plan, Habitat Management and Monitoring Plan and any relating S106 legal agreements.
- 10.5 Somerset Council has responsibilities in relation to monitoring and enforcement of triggers and compliance with planning conditions and S106 legal agreements relating to development sites. Somerset Council will also monitor and where appropriate enforce in relation to triggers and compliance with S106 legal agreements relating to off-site delivery mechanisms where it is a party to them.
- 10.6 Where an off-site delivery mechanism is secured with another party (e.g. a Responsible Body via a conservation covenant, or another local authority such as Exmoor National Park or a neighbouring authority outside Somerset by either S106 legal agreement or conservation covenant), then the Responsible Body / other local authority party to that agreement will be responsible for monitoring triggers and compliance with the conservation covenant. The landowner / off-site provider will be responsible for managing and monitoring the habitat enhancements themselves and delivery against the agreed Biodiversity Gain Plan and associated Habitat Management and Monitoring Plan and submitting monitoring reports as required to the Responsible Body / other local authority. In this circumstance, the Council will have no role in monitoring or enforcing compliance with the legal agreement or associated plans for the off-site delivery mechanism.
- 10.7 Somerset Council also has duties to report on BNG delivery under the Natural Environment and Rural Communities (NERC) Act 2006 as amended by the Environment Act 2021. The Act requires local authorities (and local planning authorities) to publish a Biodiversity Report by 1 January 2026 (and every 5 years after) containing:

- a summary of the actions taken consistent with proper exercise of functions, to further the general biodiversity objective (to conserve and enhance biodiversity),
- a summary of plans for complying with the duty for next 5 years,
- data required by regulations,
- (for LPAs) action taken in relation to biodiversity gain,
- (for LPAs) expected biodiversity gains resulting from approved Biodiversity Gain Plans,
- (for LPAs) a summary of plans for next 5 years in this regard.

## The Monitoring Report

- 10.8 The specific requirements of any monitoring report required to be submitted by a landowner / developer / off-site provider (see above) will be set out within any planning condition / S106 legal agreement requiring it. However, it is likely that any monitoring report will need to include a certain level of consistent information. The initial report will be expected no later than 12 months after commencement of delivery against the Biodiversity Gain Plan. All Monitoring Reports should be compiled by a competent person<sup>11</sup> .
- 10.9 The report should remind the reviewer of the original habitat baseline conditions prior to the development (including the supporting metric calculations) and this needs to include all created/enhanced habitats that were subject to approval during the application stage, along with the supporting Metric calculations. Furthermore, the report should demonstrate how the implemented habitats are achieving the planned condition at that stage in time.
- 10.10 The report should discuss the current condition of any BNG habitats, and how this will (if at all) influence the assessment and monitoring strategy for the future if changes need to be made to meet the required biodiversity unit value that was agreed at the application stage. Other information in the report should include any survey requirements, the frequency of those surveys and qualifications/relevant experience the surveyors need to competently undertake those surveys. If any changes to the survey methods are deemed necessary, these should be highlighted, and a justification must be provided. Similarly, if the monitoring regime needs to be amended to account for unexpected changes in habitats and their condition (for example, remedial habitat management prescriptive measures that need to be amended/added to achieve the targeted biodiversity unit values) then these must be outlined and justified.

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<sup>11</sup> Somerset Council defines a competent person as being a member of CIEEM or other reputable membership body for ecology professionals (e.g. ALGE, MRSB).



10.11 The monitoring report will need to include the following as a minimum:

- **Non-technical summary** – Highlighting points from the Biodiversity Gain Plan; Have these features now been planted, if not why and when will they be implemented; confirming if any changes to the initial approved Biodiversity Gain Plan<sup>12</sup>; confirmation if the targeted units approved at planning stage are still on track for delivery; if irreplaceable habitats and/or protected species are on-site, how have they been managed; finally, what actions are required from this report to the next years report in order to track compliance.
- **Method statement** – Outlining monitoring/survey methods used, personnel involved, and how any methods specifically relate to the Biodiversity Gain Plan and Habitat Management and Monitoring Plan; evidence of technical experience; any limitations to the monitoring and whether these influence outcomes and the report overall.
- **Site conditions as they are today** – This should delineate the ‘built as of now’ Habitat Plan (i.e. the specific conditions at the time of monitoring report rather than proposed or predicted conditions). A Habitat map should show the specific, measured areas of each habitat that were targeted during this period, and the habitat type that was proposed as part of the original Metric calculations. The same habitat classifications need to be used so that classifications can be cross-referenced easily.
- **Main body of the report** – Information on the habitats that have been created ‘to date’ supported by completed Metric calculations showing progress and directly compared to the original baseline Metric. Any differences need to be scrutinised to demonstrate that the ‘gains’ are on target in relation to the set years to reach target condition as set out in the approved Biodiversity Gain Plan. Clearly outline each section of habitat being created/enhanced during the monitoring period i.e. area/lengths of habitat that are being created and/or enhanced.
- **Detailed evaluation** – Show how the project is complying with the relevant phase of the creation/enhancement required by the approved Biodiversity Gain Plan e.g. in terms of reaching the ‘target year’ condition.
- **Conclusions** – a definitive statement to confirm the final biodiversity units that have been delivered and if this meets the projected units relative to the original baseline condition. If not, how remedial measures have been put in place to increase the deliverance of BNG commitments and thus how they will be implemented.

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<sup>12</sup> Note, if changes are required to the Biodiversity Gain Plan then this will require thorough review from an ecologist to assess if the units originally approved are still valid for this project/phase. Depending upon circumstances, this may require further consideration in relation to amending of approved plans and variation to conditions and S106 legal agreements.

# The Council's monitoring approach

## Frequency of Monitoring Report submissions

10.12 BNG Habitat proposals will, by their nature, be bespoke, and therefore require more bespoke monitoring arrangements. The frequency, extent and specific requirements of the monitoring regime for a BNG proposal will be dependent upon:

- the size of the BNG habitat being enhanced or created,
- the distinctiveness of the habitat,
- the condition that the BNG is targeted to achieve,
- the strategic significance of the enhanced the created habitat,
- and consideration of the difficulty, temporal and spatial risks.

10.13 As a guide, monitoring reports might be expected in Years 1, 2, 5, 10, 20 and 30 for a typical site. However, the factors above will have an effect on the monitoring years, content and scope of the monitoring reports required. Specific high distinctiveness and high-risk sites as well as very large sites and those seeking to achieve target condition in a very short period may require yearly reports initially. Reports will need to cover the period from the previous report to the present and the actions necessary between the present and the next planned reporting interval. The timing of any drop off in reporting frequency may relate to the anticipated year for habitat reaching target condition. Two case studies are set out in the boxes below to help demonstrate how these factors may affect monitoring requirements:

### Case Study 1

One hectare of lowland meadow is being proposed for BNG at a site with optimal mineral soil conditions which is moist with low fertility. The habitat is of Very High Distinctiveness, highly difficult to create and the Ecologist is aiming to achieve 'Good' condition in 15 years. These habitats typically deliver a greater number of units in a shorter time period, and so the applicant should expect the council to request regular monitoring reports as well as undertaking more site visits to assess progress in meeting the required unit value.

### Case Study 2

One hectare of intensive green roof is being proposed for BNG at a site which is being turned into developed land and sealed surfaces. The habitat is of Low Distinctiveness, and these types of habitats are generally very light weight, low difficulty to create and require little maintenance. The Ecologist is aiming to achieve 'Good' condition in 5 years. Green roofs usually comprise of common wildflowers, moss or sedum, and selected species for green roofs are often chosen due to their robustness and low maintenance. The applicant should expect the council to request less monitoring reports and undertake no more than a single site visit during the period.

- 10.14 Competent persons producing the Biodiversity Gain Plan, Habitat Management and Monitoring Plan and completing the Metric for a development should propose appropriate monitoring arrangements and reporting intervals based on their professional opinion, the habitats present/proposed and in consideration of the above factors. The Council will review monitoring proposals and advise if any amendments should be made.
- 10.15 If BNG includes High Distinctiveness habitat, the monitoring strategy for the subject land is expected to be transferred to a specialist nature conversation body or a management company such as an ecologist with suitable experience and accreditations in managing similar habitats – this will increase the likelihood of delivering of the High Distinctiveness target. The reason Somerset Council expects such arrangements is because these habitat types are harder to achieve in a development context.
- 10.16 The direct involvement of a specialist nature conservation body (such as an organisation partner from within the Somerset Local Nature Partnership) in the management, maintenance and monitoring of the site may mean that the Council can agree to reduce the frequency of reporting to some extent over similar habitat enhancements and creations where such bodies are not involved.
- 10.17 Reports will be submitted to Somerset Council as per the approach entailed within any approved Biodiversity Gain Plan and Habitat Management and Monitoring Report as enshrined within any associated S106 legal agreement (or where relevant to the Responsible Body as per any conservation covenant).

## Council monitoring

- 10.18 As outlined above, there are different roles and responsibilities in monitoring BNG. The Council is required to monitor triggers and compliance with planning conditions and S106 legal agreements and also monitor actions taken in relation to BNG and expected biodiversity gains resulting from approved Biodiversity Gain Plans (BNG delivery) as per the Natural Environment and Rural Communities (NERC) Act 2006.
- 10.19 The Council will review monitoring reports submitted to it in line with any approved Biodiversity Gain Plan and Habitat Management and Monitoring Report as enshrined within any associated S106 legal agreement. The details in these reports will be used to inform the Council's own monitoring reports under the NERC Act 2006 and any other relevant legislation.
- 10.20 The same criteria as set out in relation to frequency of reporting will be used to prioritise resourcing and scope of the Council's own monitoring:
- the size of the BNG habitat being enhanced or created,
  - the distinctiveness of the habitat,
  - the condition that the BNG is targeted to achieve,
  - the strategic significance of the enhanced the created habitat,
  - and consideration of the difficulty, temporal and spatial risks.
- 10.21 As well as reviewing submitted monitoring reports, the Council will on occasion undertake site visits to undertake direct spot monitoring to corroborate submitted monitoring details, update BNG habitat records and ensure early identification of concerns. Monitoring is not just about quality control but also identifies the need for early intervention and enforcement.

## Monitoring fees

- 10.22 A monitoring fee will be set during the negotiation of any relevant S106 legal agreement to cover the Council's administrative and technical costs involved in monitoring the agreement and habitat creation or enhancement.
- 10.23 The same criteria as set out in relation to frequency of reporting and prioritisation of Council resources will be used in establishing the appropriate monitoring fee representative of the amount of officer time likely necessary in monitoring the BNG proposals:
- the size of the BNG habitat being enhanced or created,
  - the distinctiveness of the habitat,
  - the condition that the BNG is targeted to achieve,

- the strategic significance of the enhanced the created habitat, and
  - consideration of the difficulty, temporal and spatial risks.
- Any monitoring fees charged will be fairly and reasonably related to Council resourcing of the activity.

10.24 In line with the proposed approach set out in 10.16, above, where a specific nature conservation body is directly involved in the management, maintenance and monitoring of a site, this may mean that monitoring fees may be reduced over situations where such bodies are not involved. This would reflect the reduced level of resource expected to be required in monitoring the site from the Council's perspective.

## Enforcement

- 10.25 Failure to comply with the general biodiversity gain condition by commencing development without approval of the Biodiversity Gain Plan will be a breach of planning control. The LPA has a range of planning enforcement powers available to it and will consider taking enforcement action as may be necessary, in the public interest. Depending on the situation, this may include requiring remedial action to address any failings. Enforcement matters and potential for remedial action will be covered within any associated S106 legal agreement securing the significant on-site / off-site gains in question.
- 10.26 Monitoring is not just about quality control but also identifies the need for early intervention and enforcement. Through the above monitoring approach, the Council expects the landowner / developer / off-site provider to be able to identify potential concerns and necessary mitigations at an early stage so as to avoid breaches and the need to engage enforcement.
- 10.27 Depending on the circumstances, if necessary and appropriate, the Council may use enforcement powers as per its adopted [Planning Enforcement Policy](#) or [Corporate Enforcement Policy](#) as appropriate.

# Appendices

[Appendix 1 – Local Planning Policies](#)

[Appendix 2 – Related plans, strategies and projects](#)

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[Appendix 4 – Validation requirements](#)

[Appendix 5 – Acronym Explainer](#)

# Appendix 1

## Local Planning Policies

The table below summarises adopted planning policies across Somerset with relevance to Biodiversity Net Gain (BNG). It is important that development proposals respond to development plan policies as well as meeting national mandatory net gain requirements. These policies should inform development proposals and should influence how BNG is proposed to be delivered in different parts of Somerset.

The list does not include adopted neighbourhood plan policies due to their very local nature. However, neighbourhood plans also form part of the development plan and relevant policies should be responded to and may influence BNG delivery as appropriate. Adopted Neighbourhood Plan policies are no less important than other policies of the adopted development plan. Applicants should ascertain whether there are relevant neighbourhood plan policies to respond to in addition to the below.

\* Exmoor National Park Authority is a separate Local Planning Authority, part of which is located within the Somerset Council area. The Somerset BNG Guidance Note will be relevant across the whole of the Somerset Council area, but will only be a material planning consideration within the Somerset Local Planning Authority area – all those parts of Somerset Council area outside of the National Park. ENPA Local Plan policies are listed in the table below for completeness.

Plan / Policy	Key points in policy	Commentary
Mendip Local Plan Part 1 DP5 (2014)	<p>“The Council will use the local planning process to protect, enhance and restore Somerset’s Ecological Network within Mendip”.</p> <p>All development “must ensure protection, conservation and where possible enhancement of internationally and locally designated habitat areas and species”.</p> <p>Proposals with adverse impacts on protected/priority sites/species/habitats to be resisted unless criteria met.</p> <p>Offsets to be calculated using SCC Biodiversity Offsetting methodology.</p>	<p>Catch all policy covering protection, conservation and enhancement.</p> <p>Policy and supporting text clearly relate to maintaining and enhancing ecological networks.</p> <p>Clear policy basis to secure enhancement where possible. Supporting text talks about a baseline of “no net loss” and seeking a net gain where possible.</p> <p>Supporting text refers to a forthcoming Ecological Networks and Biodiversity Offsetting SPD which has not been produced, however, the BNG Guidance note will provide this additional guidance now. The Mendip Greenspace SPD was adopted in February 2023 – this provides</p>

		additional guidance as to how developments should respond to a number of adopted policies and includes a set of design principles for new greenspace.
Mendip Local Plan Part 1 DP6 (2014)	Key policy for catching development which may impact on European Sites through impacts on bats.	Key policy for catching development which may impact on European Sites through impacts on bats.
Mendip Local Plan Part 1 DP8 (2014)	"Development (either cumulatively or individually) will be required to demonstrate that it does not give rise to unacceptable adverse environmental impacts on...biodiversity".	Protects against adverse biodiversity impacts.
Mendip Local Plan Part 2 (2021) Various	Most site allocation policies include reference to development requirements and design principles including "opportunities should be taken to maintain or enhance biodiversity" as well as referring to mitigating/offsetting issues / opportunities specific to the site in question.	Site specific expectations to take opportunities to enhance biodiversity on site.
Sedgemoor Local Plan S4 (2019)	"Development proposals will be supported where they contribute to meeting the relevant following objectives:...Protecting and enhancing the quality of the natural...environment...and Creating net gains for nature, ecology and biodiversity".	General policy setting out principles for what constitutes sustainable development, including net gains.
Sedgemoor Local Plan S5 (2019)	"Development should adapt to the effects of climate change by contributing to all of the relevant following objectives:... Ensuring that the ability of landscapes, habitats and species to adapt to the adverse effects of climate change is not affected with compensatory habitats provided".	Clarifies that ecological impacts are intertwined with addressing and building resilience to climate change.  About avoiding potential harm and providing compensation where appropriate.
Sedgemoor Local Plan D2 (2019)	"Development will need to demonstrate how it maximises its contribution to the following relevant principles, with information provided proportionate to the nature, scale and location of proposals:... Landscaping that creates new and retains and integrates existing features and assets to build a coherent structure beneficial to biodiversity and ecology and which integrates innovative and sustainable urban drainage water management techniques".	Design quality policy which clarifies that GI proposed as part of site landscaping should be holistically considered with biodiversity/ecological benefits a key part of this.
Sedgemoor Local Plan D20 (2019)	"Development proposals should contribute to maintaining and where appropriate enhancing biodiversity and geodiversity, taking into account climate change and the need for habitats and species to adapt to it." Particular regard to be had to designated sites, habitats and species.	Protection and where possible enhancement.  Specific reference to ecological networks.



	<p>Ecological Impact Assessments required where reasonably likely impacts from a development.</p> <p>Development will be supported where it ensures protection of locally designated sites, “it retains or enhances features as appropriate...which provide wildlife corridors, links or stepping stones from one habitat to another”, and “it makes appropriate positive provision for wildlife through urban and rural habitat creation/restoration (having particular regard to Ecological Networks)”.</p> <p>Seek to avoid significant harm in the first instance. Mitigation or (as a last resort) compensation calculated using SCC HEP methodology.</p>	
Sedgemoor Local Plan D21 (2019)	“All development proposals should protect and, where possible, enhance the coherence and resilience of Somerset’s Ecological Network within the Sedgemoor District”.	Specific reference to protection and where possible enhancement of ecological networks within Sedgemoor.
Sedgemoor Local Plan D22 (2019)	Development proposals including a planting scheme should be accompanied by a Landscape Masterplan with native tree and hedgerow species which are characteristic of the local landscape and provide benefits to local wildlife.	Ensuring planting is relevant to the place it is being proposed and will benefit, not detract from local biodiversity.
Sedgemoor Local Plan D23 (2019)	Key policy for catching development which may impact on European Sites through impacts on bats.	Key policy for catching development which may impact on European Sites through impacts on bats.
Somerset Waste Plan DM3 (2013)	<p>“Planning permission for waste management development that would have a significant adverse impact on the integrity, character and/or setting of [a list of regionally important sites and considerations]... will only be granted if the applicant demonstrates that...the proposal includes adequate measures to mitigate adverse impacts or, as a last resort, proportionately compensate for or offset any loss of biodiversity, supported by appropriate ecological assessment.”</p> <p>Key policy for catching development which may impact on European Sites.</p>	<p>General requirement to mitigate, compensate or offset losses.</p> <p>Key policy for catching development which may impact on European Sites.</p>
Somerset Minerals Plan SMP8 (2015)	<p>Requirement for minerals sites to be restored to high environmental standards as soon as practicable including phased restoration during operation.</p> <p>Restoration, aftercare and after-use to be determined in relation to characteristics and land-use of site and surrounding environment and any local requirements.</p>	<p>Expectation for mineral site restoration, after-care, after-use to deliver high environmental standards and be determined in relation to characteristics and land uses.</p> <p>Supporting text refers to providing net gains for environment to secure legacy. Biodiversity creation listed as a potential</p>

		after-use depending on type of site and setting.
Somerset Minerals Plan DM2 (2015)	<p>Development proposals must demonstrate they will not generate unacceptable impacts on biodiversity and geodiversity.</p> <p>“measures will be taken to mitigate to acceptable levels (or, as a last resort, proportionately compensate for) adverse impacts on biodiversity and geodiversity. Such measures shall ensure a net gain in biodiversity where possible. The Habitat Evaluation Procedure will be used in calculating the value of a site to species affected by the proposal where the conservation value of the habitat is considered to be replaceable and mitigation techniques have been proven.”</p> <p>Role of site in “maintaining the connectivity and resilience of the county’s ecological networks” key consideration in determining weight of protection.</p> <p>Key policy for catching development which may impact on European Sites.</p>	<p>Protect and mitigate impacts.</p> <p>Net gain in biodiversity where possible.</p> <p>Use of HEP.</p> <p>Ecological networks a key consideration. Supporting text refers to securing net gains in the local ecological network.</p>
Taunton Deane Core Strategy CP1 (2012)	<p>“Development proposals should result in a sustainable environment and will be required to demonstrate that the issue of climate change has been addressed by...incorporation of measures which promote and enhance the resilience of ecosystems and biodiversity networks within and beyond the site”.</p>	<p>Strategic level climate change policy setting out criteria that development proposals will be required to demonstrate their response to.</p> <p>References enhancement of the resilience of biodiversity networks.</p> <p>No explicit reference to how enhancement would be calculated / demonstrated.</p>
Taunton Deane Core Strategy CP8 (2012)	<p>“Conserve and enhance” the natural environment.</p> <p>The Council will “not permit development proposals that would harm these interests...unless material factors are sufficient to override their importance”.</p> <p>Refers to a network of GI assets that should be “retained and enhanced, including through the development of green wedges and corridors as envisaged through the Taunton Deane GI Strategy”.</p> <p>“Development will need to mitigate and where necessary, compensate for adverse impacts on...protected or important species, important habitats and natural networks....so that there are no residual effects”.</p>	<p>Strategic level “Environment” policy.</p> <p>General “conserve and enhance”.</p> <p>Supporting text refers to role that Green Wedges play in providing wildlife corridors and habitats.</p> <p>Supporting text refers to Taunton Deane BAP (2008) and Somerset Biodiversity Strategy (2008).</p> <p>Supporting text refers to role of GI Strategy in habitat enhancement and creation.</p>

	<p>Key policy for catching impacts on European Sites etc. and restricting development accordingly.</p> <p>Sets out criteria for development proposals on unallocated greenfield sites which includes (amongst other things) “protect habitats and species, including those listed in UK and Local Biodiversity Action Plans, and conserve and expand the biodiversity of the Plan Area”.</p>	
Taunton Deane SADMP ENV1 (2016)	“Seek to minimise impact on trees, woodlands, orchards, historic parklands and hedgerows of value to the areas landscape, character or wildlife and seek to provide net gain where possible”.	DM policy relating to protection of trees etc. Seeks net gain in trees etc. (but not in biodiversity).
Taunton Deane SADMP ENV2 (2016)	Tree planting to be sought in new developments “where this would benefit wildlife and biodiversity...”	DM policy seeking new tree planting which will benefit biodiversity.
Taunton Deane SADMP D7 (2016)	“New housing and commercial developments shall create a high standard of design quality and sense of place”.	<p>Refers to criteria taken from Building for Life 12 (now Building for a Healthy Life) – “what green looks like” within BfHL includes enhancement of existing habitats and creating new habitats.</p> <p>Districtwide Design Guide SPD hangs off this policy – includes guidance on how to integrate BNG into site design.</p>
West Somerset Local Plan to 2032 NH6 (2016)	<p>Applications will not generate unacceptable adverse impacts on biodiversity.</p> <p>Measures will be taken to protect, mitigate or compensate for adverse impacts and “ensure a net gain in biodiversity where possible. The Somerset ‘habitat evaluation procedure’ will be used in calculating the value of a site to species affected by a proposal as appropriate”.</p> <p>The local planning process will be used to protect, enhance and restore the ecological network within West Somerset. The weight of protection afforded to a site that contributes to the district’s biodiversity will reflect its role in maintaining connectivity and resilience of the local ecological network.</p> <p>Key policy for catching impacts on European Sites etc. and restricting development accordingly.</p>	<p>DM policy explicitly seeking protection and enhancement of biodiversity.</p> <p>Explicitly references ensuring a net gain in biodiversity where possible and using the Somerset HEP to calculate this.</p> <p>No specific % net gain required.</p>
West Somerset Local Plan to 2032 NH7 (2016)	“The creation and enhancement of a green infrastructure network will be supported”.	<p>Strategic GI policy.</p> <p>Supporting text references linking areas of high value habitat together to increase the quality and resilience of ecosystems.</p>

West Somerset Local Plan to 2032 NH11 (2016)	Key policy for catching impacts on species associated with European Sites etc. and restricting development accordingly.	Policy focuses on mitigating impacts on bats.
West Somerset Local Plan to 2032 NH12 (2016)	Key policy for catching impacts on species associated with European Sites etc. and restricting development accordingly.	Policy focuses on mitigating impacts of wind energy development on waterfowl.
West Somerset Local Plan to 2032 NH13 (2016)	New development to meet highest standards of design. “Landscape proposals have been developed to enhance both the natural and built environment and maximise the potential to improve local biodiversity”.	Districtwide Design Guide SPD hangs off this policy – includes guidance on how to integrate BNG into site design.
Saved Policies of the West Somerset Local Plan (2006)	Policy TW/1 – protection of trees etc. where appropriate requires additional tree planting. Policy TW/2 – protection of hedgerows NC/1 - Key policy for catching impacts on SSSIs and restricting development accordingly – refers to enhancement of site’s nature conservation interest being considered.	DM policies relating to protection of trees etc. Seeks net gain in trees etc. (but not in biodiversity). SSSI enhancement only, not specific to biodiversity.
South Somerset Local Plan EQ4 (2015)	“All proposals for development...will: Protect the biodiversity value of land and buildings and minimise fragmentation of habitats and promote coherent ecological networks; maximise opportunities for restoration, enhancement and connection of natural habitats; incorporate beneficial biodiversity conservation features where appropriate; protect and assist recovery of identified priority species” and protected features used by bats and other wildlife.  Sequential approach to avoid harm, lessen impacts, make compensatory provision.  Key policy to avoid impacts on European sites.	Strong requirement to maximise opportunities for enhancement of habitats and assist in recovery of priority species.  Supporting text references Wild Somerset strategy and South Somerset Local BAP.
South Somerset Local Plan EQ5 (2015)	“Development proposals should provide and /or maintain a network of connected and multifunctional open spaces that, where appropriate, meet the following requirements: Create new habitats and connects existing wildlife areas to enrich biodiversity and promote ecological coherence”.	GI should be multifunctional and holistically planned and in doing so create habitats which enrich biodiversity.

Exmoor NP*Local Plan GP1 (2017)	"Sustainable development for Exmoor National Park will conserve and enhance the National Park, its natural beauty, wildlife...".	Conservation and enhancement of the things that make Exmoor special including wildlife, will be central to sustainable development.
Exmoor NP* Local Plan CE-S2 (2017)	Dark skies policy making specific reference to the wildlife and habitat benefits of this.	Dark skies policy making specific reference to the wildlife and habitat benefits of this.
Exmoor NP* Local Plan CE-S3 (2017)	<p>"The conservation and enhancement of wildlife, habitats and sites of geological interest within the National Park will be given great weight".</p> <p>"Development delivery, management agreements and positive initiatives will conserve, restore and re-create priority habitats and conserve and increase priority species identified for Exmoor in the Exmoor Wildlife Research and Monitoring Framework (or successor publication)".</p> <p>Protection of designated sites, species and habitats.</p> <p>"The enhancement of biodiversity and creation of multi-functional green infrastructure networks at a variety of spatial scales, including cross-boundary connectivity to areas adjacent to the National Park, that help support ecosystem services will be encouraged".</p> <p>"Opportunities will be promoted for habitat management, restoration, expansion that strengthens the resilience of the ecological network, and enables habitats and species adapt to climate change or to mitigate the effects of climate change".</p> <p>"Green infrastructure that incorporates measures to enhance biodiversity, including dispersal areas identified within the ecological network, should be provided as an integral part of new development".</p>	<p>Great weight will be placed on the enhancement of wildlife, habitats and sites.</p> <p>Multifunctional GI networks, which enhance biodiversity will be encouraged and should be an integral part of new development.</p>
Exmoor NP* Local Plan CE-D2 (2017)	<p>"Development proposals should include measures that will enhance green infrastructure provision and create opportunities for wildlife in the National Park commensurate with the scale of the proposal and intensity of activity expected".</p> <p>GI proposals should: "protect and enhance existing natural and historic environments; strengthen connectivity and resilience of ecological networks..."</p>	<p>GI should deliver enhancement.</p> <p>Explicit reference to ecological networks.</p>

# Appendix 2

## Related plans, strategies and projects

There are a wide range of other plans, strategies and projects covering Somerset or areas of, which will have relevance to the delivery of BNG in Somerset. Some of these are listed below. Some are owned by the Council, some are owned by other organisations. Some of these (such as the Exmoor Nature Recovery Vision, Somerset Ecological Network Report, National Landscape (AONB) Nature Recovery Plans and Pollinator Action Plan) are likely to directly influence the priorities and opportunities to be identified by the Somerset Local Nature Recovery Strategy (LNRS). Others are likely to work alongside the LNRS and there may be synergies for delivery between them. These plans, strategies and projects have informed the Guidance Note through the development of the Somerset BNG Principles (chapter 6) and local definition of strategic significance (chapter 7).

- [National Habitat Network mapping](#)
- [Somerset's Ecological Network Report \(2019\)](#)
- [Wild Somerset: Somerset's Biodiversity Strategy \(2008\)](#)
- [Mendip Biodiversity Action Plan \(2008\)](#)
- Sedgemoor Biodiversity Action Plan
- [South Somerset Biodiversity Action Plan \(2008\)](#)
- [Taunton Deane Biodiversity Action Plan \(2008\)](#)
- West Somerset Biodiversity Action Plan
- [Somerset Highways Biodiversity Manual \(2015\)](#)
- [Somerset Internal Drainage Board Biodiversity Action Plan \(2010\)](#)
- [Somerset West and Taunton and Sedgemoor Ecological Emergency Vision and Action Plan \(2022\)](#)
- [Exmoor Nature Recovery Vision](#)
- [Pollinator Action Plan \(2018\)](#)
- [Somerset Nutrient Strategy](#)
- [Somerset Tree Strategy \(2023\)](#)

- [Mendip Green Spaces SPD](#)
- [Sedgemoor Green Infrastructure Strategy \(2011\) Exec. Summary, Vol.1, Vol.2](#)
- [Taunton Deane Green Infrastructure Opportunities Update \(2017\)](#)
- [Somerset West and Taunton Districtwide Design Guide SPD \(2021\)](#)
- [Somerset West and Taunton Climate Positive Planning \(2022\)](#)
- ELMs Test & Trial
- [Adapting the Levels](#)
- Holnicote River Corridors
- [The Axe Landscape Partnership](#)
- [Somerset Wetlands super National Nature Reserve \(SNNR\) and Nature Recovery Project](#)
- [Mendip super National Nature Reserve \(SNNR\)](#)
- [Triple Axe Project](#)
- [Blackdown Hills National Landscape \(AONB\) Management Plan](#)
- [Blackdown Hills National Landscape \(AONB\) Nature Recovery Plan](#)
- [Quantock Hills National Landscape \(AONB\) Management Plan](#)
- [Mendip Hills National Landscape \(AONB\) Management Plan](#)
- [Mendip Hills National Landscape \(AONB\) Nature Recovery Plan](#)
- [Cranborne Chase National Landscape \(AONB\) Management Plan](#)
- [Dorset National Landscape \(AONB\) Management Plan](#)
- [Somerset Climate Emergency Strategy and action plans \(2020\)](#)
- [South Somerset Environment Strategy \(2019\)](#)
- [Somerset Local SuDS Guidance \(2023\)](#)
- [Brue Catchment Action Plan \(2020\)](#)
- [Tone Catchment Action Plan \(2021\)](#)
- [Somerset Levels and Moors Flood Action Plan – 20 years](#)
- [Somerset Flood Risk Management Strategy](#)
- [Somerset ROW Improvement Plan](#)
- Protected site management plans, improvement plans, mitigation strategies etc. (various across the area's SACs SSSIs, SPAs, Ramsars, NNRs, LNRs)

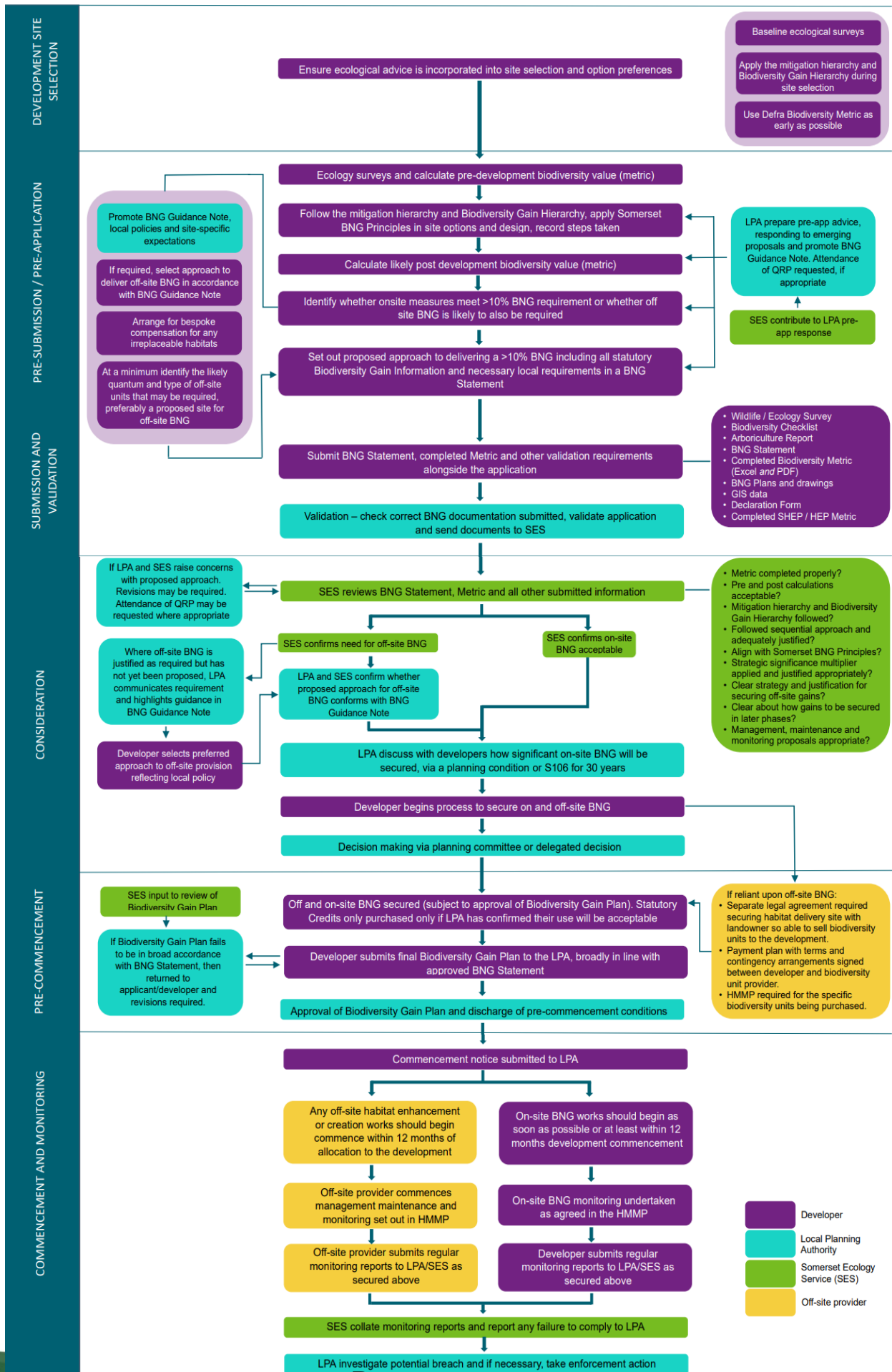
- Open space management plans (various across the area)
- Local Plans (see Appendix 1)



# Appendix 3

## Planning Process Flow Diagram

The process flow diagram on the following page summarises the key stages and processes involved in the application of BNG to development proposals. It should be read in conjunction with chapter 4 (Key Stages).



# Appendix 4

## Validation Requirements

### Introduction

This document sets out the Council's planning validation requirements relating to the implementation of mandatory Biodiversity Net Gain (BNG) from 12 February 2024.

These validation requirements are adopted by the Council as an addendum to existing adopted Local Validation Checklists, and will be integrated in due course into each area Checklist as they are updated.

The Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended by The Biodiversity Gain Town and Country Planning (Modifications and Amendments) (England) Regulations 2024) sets out the nationally required information to support validation of planning applications in relation to the general biodiversity gain condition. These requirements reflect the national minimum information requirements.

The Planning Practice Guidance sets out that LPAs may seek further information (beyond the national minimum information requirements) about the proposed strategy to meet the biodiversity gain objective for the development.

This document sets out the local information requirements in relation to BNG in Somerset in accordance with the above.

### National validation information requirements in relation to BNG

In accordance with The Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended by The Biodiversity Gain Town and Country Planning (Modifications and Amendments) (England) Regulations 2024), any application for planning permission must be accompanied by the following information relating to the biodiversity gain condition:

- a) a statement as to whether the applicant believes that planning permission, if granted, would be subject to the biodiversity gain condition;
- b) where the applicant believes that planning permission, if granted, would not be subject to the biodiversity gain condition, the reasons for that belief;
- c) in cases where the applicant believes that planning permission, if granted, would be subject to the biodiversity gain condition—
  - i). the completed biodiversity metric calculation tool or tools (as the case may be) showing the calculation of the biodiversity value of the onsite

habitat, for the purpose of the biodiversity gain plan required to be submitted under paragraph 13 of Schedule 7A to the 1990 Act if permission is granted, on -

- (aa). the date of the application, or
  - (bb). an earlier date proposed by the applicant, and
  - (cc). in either case, the date immediately before any activities of the type mentioned in paragraph 6 or 6A of Schedule 7A to the 1990 Act have been carried out on the land;
- ii). the biodiversity value or values (as the case may be) referred to in paragraph (i);
  - iii). the publication date of the biodiversity metric calculation tool or tools (as the case may be) used to calculate the values referred to in paragraph (i),
  - iv). if an earlier date is proposed by the applicant under paragraph (i)(bb), the reasons why that earlier date is proposed;
  - v). if any activities of the type mentioned in paragraph 6 or 6A of Schedule 7A to the 1990 Act have been carried out on the land-
    - (aa). a statement that such activities have been carried out;
    - (bb). confirmation of the date immediately before those activities were so carried out, and
    - (cc). any available supporting evidence for the date referred to in sub-paragraph (bb) and for the value referred to in paragraph (i)(cc).
  - vi). a description of any irreplaceable habitat, corresponding to the descriptions in Table 1 or in column 1 of Table 2 of the Schedule to the Biodiversity Gain Requirements (Irreplaceable Habitat) Regulations 2024, that -
    - (aa). is on the land to which the application relates; and
    - (bb). exists on the the date referred to in paragraph (i)(aa) or (bb) (as applicable);
  - vii). a plan showing the location, on the date referred to in paragraph (i)(aa) or (bb) (as applicable), of –
    - (aa). the onsite habitat included in the calculations referred to in paragraph (i), and
    - (bb). any irreplaceable habitat.

Note, the above requirements do not apply to an application for permission to develop land without compliance with conditions previously attached made under Section 73 of the 1990 Act.

In accordance with regulations and national guidance, if this information has not been provided, the Local Planning Authority must refuse to validate the application.

This means that for applications where the applicant believes their application, if approved, would be subject to the biodiversity gain condition, they must submit the information set out under clauses (a) and (c) (i-viii) to comply with the national minimum information requirements.

For applications where the applicant believes their application, if approved would not be subject to the biodiversity gain condition, they must submit the information set out under clauses (a) and (b).

### Justification for requiring further information at validation locally

The Planning Practice Guidance sets out that LPAs may seek further information (beyond the national minimum information requirements) about the proposed strategy to meet the biodiversity gain objective for the development. In particular, it states that BNG will often be a material consideration, and, where relevant, LPAs will want to consider whether the general biodiversity gain condition is capable of being discharged successfully, particularly where significant<sup>13</sup> on-site biodiversity enhancements or off-site biodiversity gains are proposed. It states that if planning obligations are going to be used, it is good practice to submit information about any potential planning obligations which may need to be entered into connected to the application, and that LPAs may seek this via their own local validation checklists.

Information in local validation checklists should not duplicate the national minimum information requirements but could include information requirements around:

- any particular BNG matters which will be relevant when determining the planning application, or
- responding to local policies which could influence how the BNG objective is to be met.

The general biodiversity gain condition applies to any relevant planning permission and requires pre-commencement determination of the Biodiversity Gain Plan. As such, the Planning Practice Guidance sets out that *“it would generally be inappropriate for decision makers, when determining a planning application for a development subject to biodiversity net gain, to refuse an application on the grounds that the biodiversity gain objective will not be met. However, decision makers may need to consider more broadly whether the general condition is capable of being successfully discharged.”* It sets out that a number of matters may reasonably be

<sup>13</sup> The Government has provided guidance on what are likely to be considered “significant” on-site enhancements (see <https://www.gov.uk/guidance/make-on-site-biodiversity-gains-as-a-developer>).

considered in determining the application in this regard including (though not limited to):

- the appropriate balance between on-site, off-site gains and credits, taking account of the biodiversity gain hierarchy;
- the appropriateness of the type and location of any significant on-site enhancements and associated gains, taking account other policies to support biodiversity (including local nature recovery strategies) and other wider objectives; and
- any planning conditions or S106 planning obligations which may be needed to secure significant on-site or off-site gains for at least 30 years (including any conditions relating to any subsequent reserved matters in relation to phased developments).

If establishing the strategy for delivering BNG requirements is left too late in the site development process, this can lead to increased costs and in the worst cases may lead to an unnecessary reliance upon Statutory Credits. Failing to embed BNG into site selection and design from the start can therefore increase the viability impacts of complying with the requirement. As BNG is a legal requirement, this may unreasonably impact upon a site's ability to respond to / meet other policy objectives.

If such considerations are left to be dealt with entirely at the point of pre-commencement condition discharge, then the relationship with and implications on wider policy objectives and the ability of the application to deliver sustainable development (in the round) cannot be considered. This runs the risk of approving Biodiversity Gain Plans which in turn trigger S73 applications to vary applicability of other planning conditions.

Given the above, it is essential that sufficient information about the proposed strategy for delivering at least 10% BNG (including the expected balance between on-site, off-site and credits) is submitted as part of a planning application.

This does not mean that the applicant has to have a fully developed Biodiversity Gain Plan or Habitat Management and Monitoring Plan by the point of validation or even determination, but the applicant does need to demonstrate that it has sufficient understanding of how it will approach compliance with the statutory requirement, and justifications associated. There should be a particular focus on the on-site provision, and at least an understanding of the quantum and type of off-site units that may be required and why this is justified as well as proposals for how any such off-site units will be legally secured in relation to the development (see chapter 8 for more information). Ideally, applicants will have an idea of where they plan on sourcing any off-site units, but this cannot be insisted upon at validation.

### Local validation requirements:

The local validation requirements below set out how applicants should demonstrate compliance with the above national requirements and other local requirements as set out within Somerset Council's emerging BNG Guidance Note.

Applicants are encouraged to make use of the Council's Pre-application Service to further understand the specific requirements in relation to their site. Further information can be found at <https://www.somerset.gov.uk/planning-buildings-and-land/pre-application-advice/>.

These local validation requirements will apply to any application submitted to the LPA seeking planning permission, which is not explicitly exempted from the BNG requirement (i.e. all BNG-liable development). Article 7 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended) sets out a requirement for the applicant to state whether they believe that planning permission, if granted, would be subject to the biodiversity gain condition, and if not, the reasons for that belief. It is understood that Planning Portal application forms will be updated to incorporate capture of this information. This means that only applications for BNG-liable development will need to submit the following information for validation purposes.

Item	Commentary
Wildlife / Ecology Survey	<ul style="list-style-type: none"> <li>All ecological reports should follow CIEEM guidance on the lifespan of ecological reports and surveys – see <a href="https://cieem.net/wp-content/uploads/2019/04/Advice-Note.pdf">https://cieem.net/wp-content/uploads/2019/04/Advice-Note.pdf</a>.</li> </ul>
Biodiversity Checklist	<ul style="list-style-type: none"> <li>Checklist proformas exist for each planning area: <ul style="list-style-type: none"> <li><a href="#">East area (formerly Mendip)</a></li> <li><a href="#">North area (formerly Sedgemoor)</a></li> <li><a href="#">South area (formerly South Somerset)</a></li> <li><a href="#">West area (formerly Somerset West &amp; Taunton)</a></li> </ul> </li> </ul>
Arboriculture Report	<ul style="list-style-type: none"> <li>Necessary to help inform accurate baseline, proposals and management plans.</li> </ul>
BNG Statement	<ul style="list-style-type: none"> <li>Including all statutory information relevant to the application in relation to the biodiversity gain condition, as set out in Article 7 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended).</li> </ul>

	<ul style="list-style-type: none"><li>• In addition to this, the Statement should include the following information:<ul style="list-style-type: none"><li>○ The steps taken to minimise adverse biodiversity impacts in line with the mitigation hierarchy and Biodiversity Gain Hierarchy;</li><li>○ The proposed strategy for meeting the biodiversity gain condition, including the anticipated balance between on-site, off-site gains and credits;</li><li>○ The proposed approach to enhancing, managing, maintaining and monitoring biodiversity on-site, and justification as to how this responds to the Somerset BNG Principles and strategic significance criteria;</li><li>○ The proposed post-development biodiversity value of the on-site habitat to the extent known;</li><li>○ A clear definition of any on-site enhancements the applicant believes would be classified as 'significant' and as such need to be legally secured for at least 30 years;</li><li>○ The likely quantum of off-site biodiversity units anticipated to be required to discharge the biodiversity gain condition, together with any justification in relation to the Biodiversity Gain Hierarchy;</li><li>○ Where available, any information about potential off-site biodiversity units being targeted, together with justification as to how this responds to the Somerset sequential approach and strategic significance criteria;</li><li>○ The likely quantum of statutory credits anticipated to be required to discharge the biodiversity gain condition, together with any justification in relation to the Biodiversity Gain Hierarchy.</li><li>○ Where an application is for a phased development, the proposed strategy for how at least 10% gain is broadly expected to be achieved across the entire development site, including:<ul style="list-style-type: none"><li>▪ the key principles that will be followed to ensure biodiversity gain commitments are achieved through subsequent detailed design;</li><li>▪ how biodiversity net gain delivery will be tracked on a phase-to-phase basis, including the target percentage gains to be delivered at each stage (expectation for “frontloading” into earlier stages);</li><li>▪ the approach to be taken in the event that subsequent phases do not proceed or fail to achieve their biodiversity net gain targets;</li></ul></li></ul></li></ul>
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	<ul style="list-style-type: none"> <li>▪ Taking a precautionary approach where the specific definitive number of units/floorspace and / or full site layout are not yet known;</li> <li>○ Where irreplaceable habitat is present on-site: <ul style="list-style-type: none"> <li>▪ A description of any irreplaceable habitat, considerations and calculations relating to any irreplaceable habitat on-site,</li> <li>▪ Any details of pre-application discussion with the LPA about bespoke compensation arrangements as appropriate, and</li> <li>▪ Evidence that Somerset Environmental Records Centre has been consulted for habitat details and known conditions;</li> </ul> </li> <li>○ Where Habitat Regulations Assessment or other legislative requirement stipulates that an application is also required to deliver mitigation and/or compensation for likely significant effects upon a protected site/species: <ul style="list-style-type: none"> <li>▪ Transparency over which on-site and off-site enhancements are related to the habitat mitigations and compensations, and which are related to net gains and counted for BNG purposes.</li> <li>▪ This should draw directly on information within any associated Ecological Impact Assessment and make direct links across to relevant information in any Nutrient Neutrality Assessment and Mitigation Strategy, Bat Mitigation Strategy or other appropriate documentation.</li> </ul> </li> <li>•</li> </ul>
Completed Biodiversity Metric	<ul style="list-style-type: none"> <li>• Must be the latest published national statutory Metric appropriate for the size and type of development.</li> <li>• In addition to the statutory requirement to provide the biodiversity value of the onsite habitat on the relevant date as set out in Article 7 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended), this should include: <ul style="list-style-type: none"> <li>○ the proposed post-development biodiversity value of the on-site habitat to the extent known; and</li> <li>○ where available, any information about potential off-site biodiversity units being targeted;</li> </ul> </li> </ul>

	<ul style="list-style-type: none"> <li>• Must be submitted as a Microsoft Excel Workbook (versions with macros disabled must be provided) and <i>also</i> as a PDF (note <i>both</i> must be provided).</li> <li>• Any red flag errors relating to non-compliance with trading rules or on-site elements will result in the Metric being returned and the application not being validated.</li> </ul>
BNG plans and drawings	<ul style="list-style-type: none"> <li>• On-site baseline habitat plan;</li> <li>• On-site post-intervention proposed habitat plan;</li> <li>• Where significant on-site enhancements are proposed and as such need to be legally secured, these should be clearly defined on the post-intervention proposed habitat plan;</li> <li>• Where anticipating a reliance upon off-site units and the applicant proposes to legally secure these on a bespoke off-site solution as part of the planning application: <ul style="list-style-type: none"> <li>○ an off-site baseline habitat plan</li> <li>○ an off-site post-intervention proposed habitat plan</li> </ul> </li> <li>• Plans should be to scale and in line with other validation checklist conventions for site plans.</li> <li>• Plans should identify all different habitats referred to within the Metric submission on the relevant date, including any irreplaceable habitat so the size and location of habitat parcels can be fully understood spatially as well as through the Metric.</li> <li>• Where Habitat Regulations Assessment or other legislative requirement stipulates that an application is also required to deliver mitigation and/or compensation for likely significant effects upon a protected site/species: <ul style="list-style-type: none"> <li>○ A plan clearly identifying mitigations and compensations and, where relevant, how these relate and count for BNG purposes.<sup>14</sup></li> </ul> </li> </ul>
Declaration Form	<ul style="list-style-type: none"> <li>• A signed declaration form (available at <a href="https://www.somerset.gov.uk/planning-buildings-and-land/biodiversity-net-gain/">https://www.somerset.gov.uk/planning-buildings-and-land/biodiversity-net-gain/</a>) confirming that: <ul style="list-style-type: none"> <li>○ to the best of the applicant's knowledge, the BNG Statement includes all of the information required;</li> <li>○ the habitat information provided within the submitted Biodiversity Metric is consistent with the information shown on the submitted BNG plans and drawings.</li> <li>○ the applicant has checked whether the baseline habitat has deteriorated significantly since 30 January 2020, and</li> </ul> </li> </ul>

<sup>14</sup> The Government has confirmed that off-site mitigation and compensation for protected sites and species may count towards mandatory BNG, but at least 10% of the BNG must be provided through other activities.

	<p>how the baseline date has been appropriately adjusted to reflect (such as to disregard) any deterioration;</p> <ul style="list-style-type: none"> <li>○ the Metric and other Biodiversity Gain Information have been completed by a suitably competent person (Somerset Council defines a competent person as being a member of CIEEM or other reputable membership body for ecology professionals (e.g. ALGE, MRSB));</li> <li>○ Where necessary, the watercourse part of the Metric and other associated Biodiversity Gain Information have been completed by a suitably competent person (requires specialist training to undertake). More information of guidance for such assessments can be found <a href="#">here</a></li> </ul>
Completed SHEP/HEP Metric	<ul style="list-style-type: none"> <li>● A completed Somerset Species Habitat Evaluation Procedure Metric where necessary (where a site is located within a SAC Impact Risk Zone or where Protected Species are present on-site).</li> </ul>

### Reserved Matter Applications

Phased developments (where the original outline application was subject to BNG) are required by condition to submit for approval an Overall Gain Plan as a pre-commencement condition to set a clear upfront framework for how the biodiversity gain objective of at least a 10% gain is expected to be met across the entire development. Subsequent Phase Gain Plans setting out a phase's contribution to BNG and track progress towards the overall biodiversity gain objective for the development, must then be submitted and approved before commencement of each phase. It may be beneficial for the relevant Phase Gain Plan to be prepared alongside the application for reserved matter approvals for a phase.

### Section 73 Applications

S73 applications have special arrangements for BNG, including transitional arrangements which clarify that BNG does not apply where the original permission to which it applies was not subject to the national deemed biodiversity gain condition (i.e. it was submitted or approved prior to the implementation of national requirements). Where the original permission was subject to BNG, then it will apply to the S73 application also, but only to the extent that the application will alter the post-development biodiversity value. As such, the normal validation requirements do not apply to S73 applications, but where liable, such applications should provide a S73 BNG Statement clarifying how the application is expected to affect the post-development biodiversity value and the overall approach to BNG as set out in any previously submitted / approved BNG Statement and/or Biodiversity Gain Plan for the site.

# Appendix 5

## Acronym explainer

The list below sets out a number of acronyms used within this document.

Acronym	Explanation
ALB	Arm's Length Body
ALGE	Association of Local Government Ecologists
AONB	Area of Outstanding Natural Beauty (now National Landscapes)
BAP	Biodiversity Action Plan
BfHL	Building for a Healthy Life
BGP	Biodiversity Gain Plan
BNG	Biodiversity Net Gain
BSI	British Standards Institute
CIEEM	Chartered Institute of Ecology and Environmental Management
CROW	Countryside and Rights of Way Act 2000
CS	Countryside Stewardship
DEFRA	Department for Environment, Food and Rural Affairs
DM	Development Management
EIA	Environmental Impact Assessment
ELMs	Environmental Land Management
ENPA	Exmoor National Park Authority
FWAG SW	Farming and Wildlife Advisory Group (South West)
GI	Green Infrastructure
GIS	Geographical Information Systems
HEP	Habitat Evaluation Procedure
HMMP	Habitat Management and Monitoring Plan
HRA	Habitat Regulations Assessment
IUCN	International Union for Conservation of Nature
LNP	Local Nature Partnership
LNR	Local Nature Reserve
LNRS	Local Nature Recovery Strategy
LPA	Local Planning Authority
MRSB	Member of the Royal Society of Biology
NERC	Natural Environment and Rural Communities Act 2006
NHBC	National House Building Council
NMF	Nutrient Mitigation Fund
NNR	National Nature Reserve
NPPF	National Planning Policy Framework
NRP	Nature Recovery Project
NSIP	Nationally Strategic Infrastructure Project
PDF	Portable Document Format

PIP	Permission in Principle
PPA	Planning Performance Agreement
RBMP	River Basin Management Plans
ROMPs	Reviews of Old Mineral Permissions
ROW	Rights of Way
RSPB	Royal Society for the Protection of Birds
RTPI	Royal Town Planning Institute
SAC	Special Area of Conservation
SADMP	(Taunton Deane) Site Allocations and Development Management Plan
SANGs	Suitable Alternative Natural Greenspaces
SCC	Somerset County Council (now Somerset Council)
SEA	Strategic Environmental Assessment
SFI	Sustainable Farming Incentive
SHEP	Species Habitat Evaluation Procedure
SME	Small and Medium-sized Enterprises
SNNR	Super National Nature Reserve
SPA	Special Protection Area
SPD	Supplementary Planning Document
SSM	Small Sites Metric
SSSI	Site of Special Scientific Interest
SuDS	Sustainable Drainage Systems
WWT	Wildfowl and Wetlands Trust

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# **Biodiversity Net Gain Guidance Note**

## **Strategic Environmental Assessment and Habitat Regulations Assessment Screening Report**

January 2024

<b>Version</b>	<b>Purpose</b>	<b>Date</b>
1	For internal consultation	26/09/2023
2	For consultation with Consultation Bodies	30/10/2023
3	Minor updates for final version	18/01/2024



# Biodiversity Net Gain Guidance Note

## SEA/HRA Screening Report

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# 1. Introduction, Context and Summary

- 1.1 The Environment Act 2021 achieved Royal Assent in November 2021. The intention of the legislation is to help improve the environment, and furthermore leaving it in a better state than we found it. Part 6 of the act refers to biodiversity gain in planning. The most notable schedule of this significant Act is Schedule 14, which makes provision for 10% biodiversity gain to be a deemed condition of planning permission in England. Demonstrating this numerically is done by using the national Biodiversity Metric which has been produced by Natural England, and is then followed by the subsequent approval of a Biodiversity Gain Plan. Biodiversity Net Gain must be maintained for a minimum of 30 years post development completion. The way Biodiversity can be delivered is on-site, off-site on sites registered on the national Biodiversity Gain Site Register, or as a last resort through purchasing of national Biodiversity Credits.
- 1.2 As a matter of perspective and understanding, Biodiversity Net Gain (from here on in referred to as BNG) is an approach to development, and/or land management, that aims to leave the natural environment in a measurably better state than it was beforehand. It is intended to deliver measurable improvements for biodiversity by creating or enhancing habitats in association with development.
- 1.3 Changes were made to the Natural Environment and Rural Communities Act 2006 (NERC 2006) because of The Environment Act. The results of these changes a strengthening of the duty on local authorities to conserve and enhance biodiversity as well as instilling a fundamental requirement to establish what actions need to be taken by local authorities to comply with this duty. To assist complying with this duty local authorities will be required to monitor and report on what actions have been taken and the specific expected gains in relation to approved Biodiversity Gain Plans.
- 1.4 Secondary legislation is required to make the necessities in Schedule 14 a statutory requirement and to make provisions on several matters, which were published in November 2023. At the time of writing these are still making their way through the Houses of Parliament, but are expected to come into force in early February 2024.
- 1.5 The National Planning Policy Framework (2023, NPPF) outlines the expectations in relation to local planning policy and the determination of planning applications. Paragraph 186(a) defines the requirement for development to follow the mitigation hierarchy (1. avoid, 2. mitigate unavoidable impacts, 3. As a last resort, compensate for impacts). Paragraph 185(b) states that Local Plans should *“promote the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species; and*

*identify and pursue opportunities for securing measurable net gains for biodiversity”.*

- 1.6 Through the 25 Year Environment Plan (published in 2018) the Government set out policy which in part aspires to develop a Nature Recovery Network (NRN) to protect and restore wildlife, and provide opportunities to re-introduce species that have historically been lost from our countryside's; establish a new Environmental Land Management system (ELMs) of paying farmers public money for public goods, with the principal public good to invest in being the achievement of producing environmental enhancement; and finally in this context, to entrench a net environmental gain principle for most development types. The national legislative implementation of BNG in February 2024 is seen as the first step in fulfilling Government policy ambition.
- 1.7 Another Government Mechanism which shall ensure the implementation of new agricultural and rural payment policy as mentioned above is the Environmental Land Management System (ELMs). The intention of the schemes is to pay land managers and farmers for providing food production alongside new agricultural and rural payments policy. These ELMs are still being strategised and there will need to be a transitional period between the former rural payment schemes and the new schemes.
- 1.8 The Environment Act 2021 sets out that a network of Local Nature Recovery Strategies will be produced to cover the whole of England. The 'responsible authority' will need to publish a Local Nature Recovery Strategy (LNRS), which in this context has been confirmed to be Somerset Council. Regulations and national guidance have now been published, outlining what is expected to be included and it is currently anticipated that the Somerset LNRS will be published in September 2024.
- 1.9 Natural England have introduced the [National Habitat Networks Mapping](#). The map provides habitat data on a national level and will form an important part of BNG's focus in ensuring habitat is put in the right locations prior to the Local Nature Recovery Strategy being in place.
- 1.10 With relevance to the Environment Act 2021, other local strategies including the council plan Somerset Council Plan 2023-2027; The Somerset Tree Strategy; The Somerset Nutrient Strategy; Nature Recovery Projects; Landscape Recovery Projects; and Super National Nature Reserved have been produced or are under development.
- 1.11 There are a large number of adopted Local Plans, none of which specifically outline the requirement for 10% net gain. This is because previously there were four separate district local planning authorities as well as the County Councils

minerals and waste planning authority functions. In March 2023 a [Planning Policy Statement](#) was published, setting out all of the plans of relevance to the Somerset Local Planning Authority Area. A new Local Plan will be produced to represent the unitary authority, which is expected to supersede existing Local plans – this is required to be in place by 2028. The new Local Plan will provide Somerset Council with the opportunity to instil new local policies, objective and strategic approaches that are relevant to various topics, including BNG

- 1.12 As a result of the above, the Council has been working on the BNGGN to help applicants, Somerset Council staff and any respective associates understand this evolving piece of legislation. The BNGGN is intended to provide a simplified resource on what needs to be considered if a proposal is required to demonstrate a minimum of 10% Biodiversity Net Gain in accordance with Schedule 14 of the Environment Act 2021. The BNGGN is the document subject to the SEA & HRA Screening. The BNGGN does not introduce new policy or allocate sites for development.
- 1.13 The purpose of this Report is to determine whether the BNGGN should be subject to:
- a Strategic Environmental Assessment (SEA) in accordance with European Directive 2001/42/EC (SEA Directive) and associated Environmental Assessment of Plans and Programmes Regulations 2004 (SEA Regulations); or
  - a Habitat Regulations Assessment (HRA) in accordance with Article 6(3) of the EU Habitats Directive and with Regulation 63 of the Conservation of Habitats and Species Regulations 2017 (as amended).
- 1.14 Under the above pieces of legislation, a SEA is required for all plans which may have a significant effect on the environment; and a HRA is required when it is deemed that the implementation of the plan is likely to cause significant negative effects upon protected European Sites.
- 1.15 **The conclusion of the Screening assessment is that the BNGGN does not require a full SEA or HRA to be conducted.**
- 1.16 This Screening Report has been subject to consultation with the three statutory consultees designated in the regulations (Historic England, Environment Agency and Natural England) for their views. Based on the comments received, no updates or amendments were deemed necessary.

**Natural England Comments:**

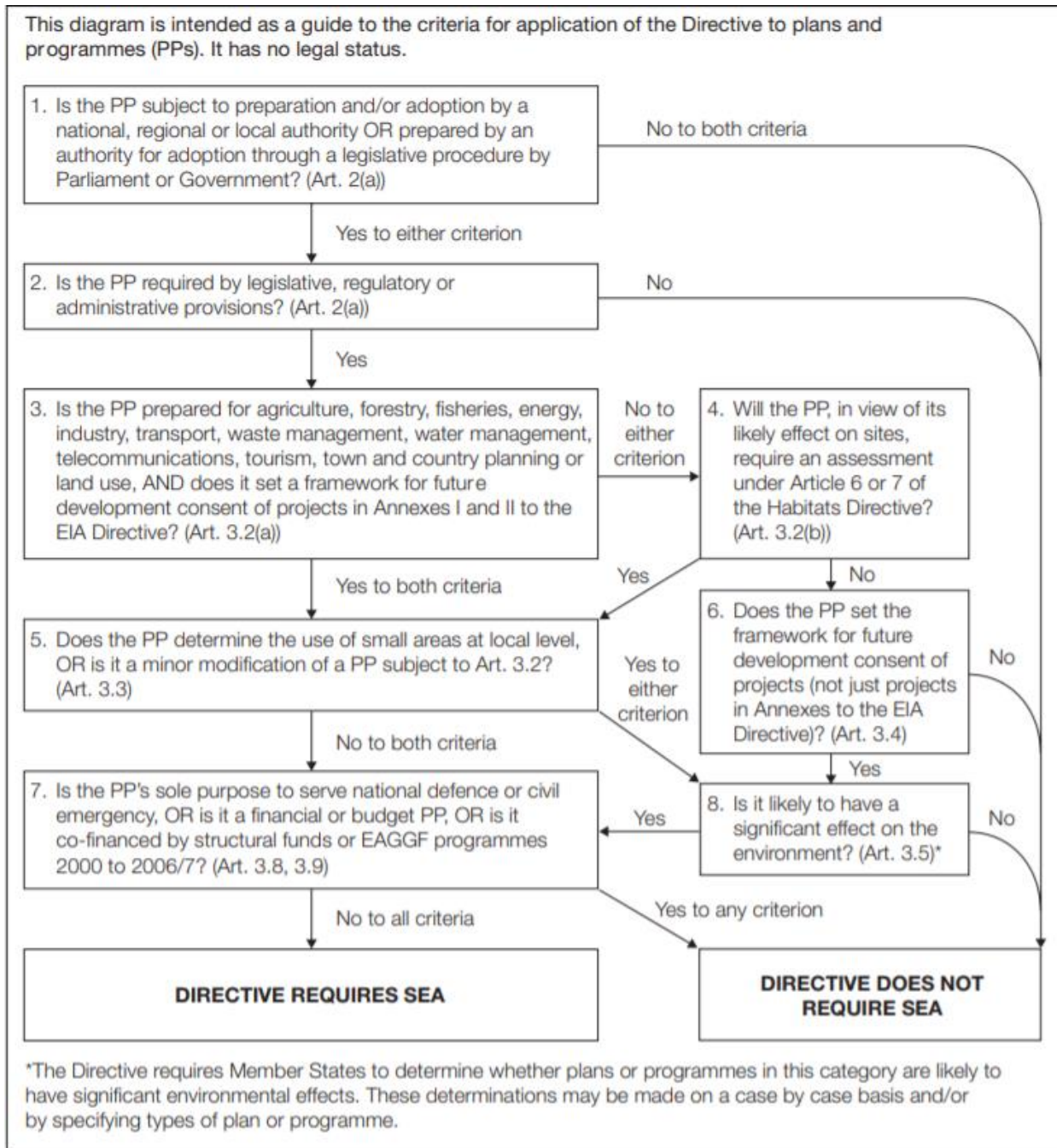
Natural England agrees with your Authority's conclusion that the need for further environmental assessment of the BNGGN is not required.

<b>Environment Agency Comments:</b>	<p>Thank you for consulting the Environment Agency on Somerset Biodiversity Net Gain (BNG) Guidance Note and associated documents dated November 2023.</p> <p>We support the production of the BNG Guidance Note. We don't have any other comments to make</p>
<b>Historic England Comments:</b>	<p>In terms of our area of interest, given the nature of the of this guidance note and its relationship with the Local Plan, we would concur with your assessment that the document is unlikely to result in any significant environmental effects. As a result, we would endorse the Authority's conclusions that it is not necessary to undertake a Strategic Environmental Assessment of this guidance document.</p>

## 2. SEA Screening

- 2.1 The basis for Strategic Environmental Assessments and Sustainability Appraisal legislation is European Directive 2001/42/EC (SEA Directive), transposed into English law by the Environmental Assessment of Plans and Programmes Regulations 2004 (SEA Regulations). Detailed Guidance of these regulations can be found in the Government publication 'A Practical Guide to the Strategic Environmental Assessment Directive' (ODPM 2005).
- 2.2 The objective of SEA is *"to provide for a high level of protection of the environment and contribute to the integration of environmental considerations into the preparation and adoption of development plans... with a view to promoting sustainable development"* EU Directive 2001/42/EC (Article 1).
- 2.3 Under Article 2(a) of the SEA Directive, a plan or programme requires an SEA to be conducted where they are:
- *"subject to preparation and/or adoption by an authority at national, regional or local level or which are prepared by an authority for adoption, through a legislative procedure by Parliament or Government, and*
  - *required by legislative, regulatory, or administrative provisions."*
- According to the ODPM guidance, "administrative provisions" are *"likely to be that they are publicly available, prepared in a formal way, probably involving consultation with interested parties. The administrative provision must have sufficient formality such that it counts as a "provision" and it must also use language that plainly requires rather than just encourages a plan or programme to be prepared"*.
- 2.4 There is no guidance definitively stating that a Guidance Note such as the BNGGN should require SEA. However, the Council is legally obliged to advise on whether it is their opinion that an SEA is required or not.
- 2.5 In order to determine whether or not an SEA is required, a "screening" exercise has been undertaken by the Council. The screening evaluates the contents of the BNGGN against the criteria set out in the SEA Directive. These criteria are presented over the page in Figure 1.
- 2.6 Should the screening conclude that the BNGGN is applicable and will have a "significant impact on the environment", then a full SEA will be required. Should the conclusion be that an SEA is not required, then any future significant variations or additions to the Plan will need to be subject to further screening.

Figure 1 – Application of the SEA Directive to plans and programmes



**Biodiversity Net Gain Guidance Note**

2.7 The purpose of the BNGGN is to provide further guidance on the implementation of Biodiversity Net Gain, which will become legally mandatory for major applications from February 2024, and Small Site's from April 2024.

- 2.8 The BNGGN is intended to assist developers, conservation bodies, agents, landowners & promoters of habitat banks, planning applicants, ecological consultants when they need to consider BNG in relation to their planning proposals. The BNGGN also sets out the approach in how BNG is going to be aligned with other important plans and objectives in Somerset.
- 2.9 The BNGGN does not set policy or requirements in itself, but as a guidance supplement for mandatory BNG, it will be a corporately adopted document, designed to influence and guide corporate work planning, planning guidance and decision making as well as convene national and local objectives in Somerset Council
- 2.10 In terms of town and country planning, Schedule 14 of the Environment Act 2021 will require proposals to incorporate a minimum of 10% Biodiversity Net Gain, making it a material consideration in the determination of planning applications, and will directly influence development of the new Local Plan which needs to be implemented by 2028. This is a Guidance Note, and thus will not become a formal Supplementary Planning Document (SPD), or Development Plan Document (DPD). The BNGGM (draft) does not allocate any land for development.

### **The SEA Screening Assessment**

2.11 Table 1 below contains the criteria from Figure 1, above. It identifies whether the Council considers the answer to each criterion to be Yes or No (Y or N), and gives the reason for this conclusion.

Stage	Y/N	Reason
1. Is the Plan or Programme (PP) subject to preparation and/or adoption by a national, regional or local authority <b>OR</b> prepared by an authority for adoption through a legislative procedure by Parliament or Government? (Art. 2(a))	Y	The BNGGN will be prepared and adopted by Somerset Council.
2. Is the PP required by legislative, regulatory or administrative provisions? (Art. 2(a))	N	The guidance note is not formally <i>required</i> by any legislative, regulatory or administrative provisions. The Council decided to develop BNGGN to assist the planning process when BNG needs to be considered. The guidance will be publicly available, has been prepared in a reasonably formal way and shall involve consultation with interested parties. This has ultimately been



		produced to help provide clarity on BNG and its relationship with the planning process and therefore, should not be considered as a formal requirement.
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2.12 As a result of the above, the conclusion of the SEA Screening is that the SEA Directive does not require the BNGGN (draft) to be subject to full SEA.

2.13 However, taking a more critical view of criterion 2, based on a more rigorous interpretation of the term of “administrative provisions” further criteria have been considered to show the outcome of the assessment should the answer to criterion 2 be considered by some to be “yes”.

Stage	Y/N	Reason
3. Is the BNGGN (draft) prepared for agriculture, forestry, fisheries, energy, industry, transport, waste management, water management, telecommunications, tourism, town and country planning or land use, <b>AND</b> does it set a framework for future development consent of projects in Annexes I and II to the EIA Directive? (Art 3.2(a))	N	Although the BNGGN is prepared for biodiversity in relation to town and country planning purposes, it does not set a framework for future development consent for projects that are required to undergo an Environmental Impact Assessment including potentially in relation to some of the projects referred to in Annex I and II of the EIA Directive.
4. Will the BNGGN (draft), in view of its likely effect on sites, require an assessment under Article 6 or 7 of the Habitats Directive? (Art. 3.2(b))	N	See section 3 of this Screening Report in relation to HRA Screening.
5. Does the BNGGN (draft) determine the use of small areas at local level, OR is it a minor modification of a PP subject to Art. 3.2? (Art 3.3)	N	The BNGGN will not determine the use of small areas at a local level. The BNGGN provides guidance on the how applicants should demonstrate the delivery of biodiversity net gain, but it does not specifically determine the use of small areas at a local level. The BNGGN will form guidance for BNG, which will become a material consideration in decision taking from February 2024.
6. Does the BNGGN (draft) set the framework for future development consent of projects (not just projects in	N	The BNGGN elaborates upon approved and emerging national legislation and does not introduce new policy or allocate sites for development. The

Annexes to the EIA Directive)? (Art. 3.4)		BNGGN will likely inform the new Local Plan which comes into effect in 2028, and any new policies will be subject to an SA/SEA as a matter of course in the development of that Plan.
7. Is the BNGGN (draft)'s sole purpose to serve national defence or civil emergency, or is it a financial or budget Plan, or is it co financed by structural funds or European Agricultural Guidance and Guarantee Fund (EAGGF) programmes 2000 to 2006/7?	N	The BNGGN does not serve a purpose related to national defence or civil emergency, a financial or budget Plan, not is the BNGGN co-financed by structural funds or EAGGF programmes 2000 to 2006/7.
8. Is it likely to have a significant effect on the environment? (Art. 3.5)	N	See screening assessment for environmental effects in Table 2 of this report, below.

2.14 The BNGGN is not considered to have significant effect on the environment and therefore Somerset Council has determined that a SEA is not required. However, for thorough observation, please refer to Table 2 which assesses whether the BNGGN will have any significant environmental effects using the criteria set out in Annex II of SEA Directive 2001/42/EC<sup>1</sup> and Schedule 1 of the Environmental Assessment of Plans and Programmes Regulations 2004<sup>2</sup>.

Table 2 – Environmental impact screening assessment

Criteria for determining the likely significance of effects (Schedule 1 of SEA regulations)	Is the strategy likely to have a significant environmental effect?	Justification for Screening Assessment
The characteristics of plans and programmes:		
a) the degree to which the plan or programme sets a framework for projects and other activities, either with regard to the location, nature, size and operating	N	The BNGGN provides further clarity and understanding on BNG and other related strategies, and further informs what to include in planning submissions and more specific information on determination of planning applications, consistent with National Legislation as outlined in the Environment Act 2021.

<sup>1</sup> [eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32001L0042&from=EN](http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32001L0042&from=EN)

<sup>2</sup> [Microsoft Word - 040630SEA final draft.doc \(legislation.gov.uk\)](https://www.legislation.gov.uk/microsoft-word/040630SEA-final-draft.doc)

<p>conditions or by allocating resources;</p>		<p>Final decisions will be determined through the planning process. No resources in relation to the BNGGN are allocated.</p>
<p>b) the degree to which the plan or programme influences other plans and programmes including those in a hierarchy;</p>	<p>N</p>	<p>The purpose of the BNGGN is to provide additional guidance in the planning process concerning mandatory BNG in accordance with the Environment Act 2021. The BNGGN also identifies the Council's role in a number of related actions in supporting, enabling and delivering BNG in a locally strategic way. Many of the identified actions crosslink to new planning policy which will be created in the new Local Plan and will influence the production of other plans and programmes, as well as the Council's corporate process. It will sit below the developing Local Plan in terms of the Development Plan hierarchy.</p> <p>The Environment Act 2021 sets out that a network of Local Nature Recovery Strategies (LNRS) will be produced to cover the England. The purpose of this strategy is to help ensure that BNG contributes to wider nature recovery plans in addition to local objectives. The BNGGN will provide guidance on the considerations of the LNRS, and how to achieve BNG in the best locations where the most positive impacts are anticipated by way of how it is calculated on the metric in terms of the strategic significance score). The LNRS is expected to be released in September 2024. The BNGGN discusses and uses existing Local Plans and objectives to influence the direction of BNG during the interim until the Somerset LNRS gets published.</p>
<p>c) the relevance of the plan or programme for the integration of environmental considerations in particular with a view to promoting sustainable development;</p>	<p>N</p>	<p>The BNGGN promotes sustainable development, in accordance with the NPPF (2023) and the Environment Act 2021. The BNGGN is pertinent in guiding the integration of environmental considerations and by that very notion is promoting sustainable development through the exercise of providing guidance</p>

		on the delivery of Biodiversity Net Gain for Somerset Council.
d) environmental problems relevant to the plan or programme;	N	Due to the nature and purpose of the BNGGN, it has been determined that there are no significant environmental problems relevant to the BNGGN.
e) the relevance of the plan or programme for the implementation of Community legislation on the environment (for example, plans and programmes linked to waste management or water protection).	N	The BNGGN will not have an impact on the implementation of community legislation on the environment. It is envisaged that BNGGN will help achieve many council objectives including access to nature; recreational opportunities; indirect and direct improvements to protected sites; flood management through natural processes such as by incorporated Sustainable Drainage Systems (SuDs); avoiding losses of productive agricultural land and make less productive parcels more biodiverse; providing more renewable energy; enabling placemaking; and carbon sequestration. Additionally, it will help assist with water quality and furthermore be a complimentary document to the separate Somerset Nutrient Strategy which provides guidance and information on what Somerset are doing to reduce the amount of phosphorus flowing into the Somerset Levels and Moors Ramsar Site.
<b>Characteristics of the effects and of the area likely to be affected:</b>		
a) the probability, duration, frequency and reversibility of the effects;	N	The BNGGN is not anticipated to result in significant environmental effects. The BNGGN seeks to ensure the effective and consistent implementation of 10% biodiversity net gain when it becomes mandated in February 2024, which in itself should ensure positive effects relating to environmental impact.
b) the cumulative nature of the effects;	N	The BNGGN is not considered to have any significant cumulative effects. The BNGGN seeks to ensure the effective and consistent implementation of 10% biodiversity net gain when it becomes mandated in February 2024, which in itself should ensure positive effects relating to environmental impact.

c) the transboundary nature of the effects;	N	The BNGGN is not anticipated to increase pressures concerning significant transboundary environmental effects.
d) the risks to human health or the environment (for example, due to accidents);	N	There are no anticipated effects of the BNGGN in relation to human health or the environment. The BNGGN seeks to ensure the effective and consistent implementation of 10% biodiversity net gain when it becomes mandated in February 2024, which in itself should ensure positive effects.
e) the magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected);	N	The BNGGN will cover the Somerset Council area. It will assist and guide those making planning applications in this area.
f) the value and vulnerability of the area likely to be affected due to – i) special natural characteristics or cultural heritage; ii) exceeded environmental quality standards or limit values; or iii) intensive land-use; and	N	The BNGGN will not lead to significant effects on the value or vulnerability of the area. It is primarily providing guidance regarding the implementation of mandatory 10% biodiversity net gain on certain proposal types, and does not, in itself, influence or have any implication on the location of development.
g) the effects on areas or landscapes which have a recognised national, Community or international protection status.	N	The BNGGN will not have significant effects on areas or landscapes which have a recognised national, community or international protection status. Reference is made within the BNGGN to the relationship with wider protected landscapes including in relation to BNG and National Landscape (AONB Management Plans and Nature Recovery Plans.

### **SEA Screening Conclusion**

**2.15 It has been concluded that the BNGGN does not require Strategic Environmental Assessment.**

### 3. HRA Screening

- 3.1 The basis for Habitat Regulations Assessment legislation is the European Habitats Directive 92/43/EEC (Habitats Directive), transposed into English law by the Conservation of Habitats and Species Regulations 2017 (as amended)).
- 3.2 The Habitats Directive and Regulations afford protection to plants, animals and habitats that are rare and vulnerable in a European context. Habitats Regulations Assessment (HRA) is a systematic process through which plans or projects are assessed for likely impact on the integrity of European Sites. European Sites, (also referred to as Natura 2000 sites), consist of Special Protection Areas (SPA), Special Areas of Conservation (SAC); Potential Special Protection Areas and candidate Special Areas of Conservation (pSPA and cSAC); and listed or proposed Ramsar sites.
- 3.3 There are 12 European sites within the Somerset Council, as set out in Table 3 below:

Table 3 – European Sites within Somerset Council

European Sites
Exmoor and Quantock Oak Woodlands SAC
Hestercombe House SAC
Holme and Clean Moor SAC
Quants SAC
Severn Estuary SPA/SAC/Ramsar
Somerset Levels and Moors SPA/Ramsar
Exmoor Heaths SAC
North Somerset and Mendip Bats SAC
Mells Valley SAC
Exmoor and Quantock Oakwood’s SAC
Mendip Woodlands SAC
Mendip Limestone Grasslands SAC

- 3.4 Article 6(3) of the Habitats Directive states that:

*“Any plan or project not directly connected with or necessary to the management of the site but likely to have a significant effect thereon, either individually or in combination with other plans and projects, shall be subject to appropriate assessment of its implications for the site in view of the site’s conservation objectives”.*

3.5 Under the Habitat Regulations, the Council is considered to be a “competent authority”. Regulation 63(1) of the Habitat Regulations states that:

*“A competent authority, before deciding to undertake, or give any consent, permission or other authorisation for, a plan or project which –*

- a) is likely to have a significant effect on a European site or a European offshore marine site (either alone or in combination with other plans or projects), and*
- b) is not directly connected with or necessary to the management of that site,*

*must make an appropriate assessment of the implications of the plan or project for that site in view of that site’s conservation objectives.”*

3.6 The first stage of the HRA process is to establish whether a “*significant effect*” is likely. This is referred to as screening. If the screening assessment concludes that a significant effect is not likely, then no further action is required. If the screening assessment identifies potential effects and deems them to be significant, then further “*Appropriate Assessment*” is required.

3.7 In order to establish whether the BNGGN is likely to have any significant effects upon the European Sites, this Screening assessment considers the BNGGN in relation to four steps based around the Screening methodology set out in the Methodological guidance on the provisions of Article 6(3) and (4) of the Habitats Directive 92/43/EEC (European Commission 2001) as set out in Table 4, below:

Table 4 – Screening steps and responses

Question	Y/N	Reason
1. Is the BNGGN directly connected with, or necessary to the management of a European site for nature conservation?	N	The BNGGN does not directly influence or set policy necessary to the management of any European Site. Therefore, it can be concluded that this guidance note is not connected with, or necessary to, the management of European sites
2. Are there any other PPs that could in combination with this BNGGN have potential to have significant effects upon a European Site?	N	The BNGGN identifies the Council’s role in relation to many actions as deliver, enable, support or push forward. A number of the actions cross reference to other plans, including identifying actions to develop new planning policy in relation to specific issues through the new Local Plan which will come into force in 2028. The BNGGN will no doubt influence the production of other plans and programmes. The BNGGN sets out a consistent guidance approach on what to consider when implementing 10% biodiversity net gain to a proposal. The BNGGN will result in positive action and, cumulatively, along with

		<p>other local, regional, national plans, result in positive impacts and effects upon the environment.</p> <p>The new Local Plan which will come into effect in 2028, (which will be a means to implement a number of the actions identified within the BNGGN) that may have potential to have significant effects upon a European Site). The Local Plan process will be subject to Appropriate Assessment as a matter of course.</p> <p>The BNGGN will also providing guidance in improving the water quality around Somerset, and furthermore as a byproduct improve the Ramsar Site (Somerset Level's and Moors Ramsar) to a more favourable state.</p>
<p>3. Are there likely to be any potential effects upon the identified European Site(s)?</p>	<p>Y</p>	<p>The BNGGN is designed to result in positive environmental impacts, by assisting and guiding concerned individuals in the planning process in implementing 10% BNG successfully. This includes in relation to the management of land, creation of new habitats, recovery of nature, enhancing irreplaceable habitats and retaining onsite habitats when possible. Many of the European Sites in question have species of bat as qualifying features. Many projects that will be guided by the BNGGN will ultimately target multi-benefit habitat projects which will lead potential to directly enhance foraging and commuting landscapes for bats. Simply focusing on planting certain habitat types could have negative effects upon European Sites if inappropriate habitats were planted near them. For both above reasons, there are measures built into relevant potential actions within the plan to align with the Local Nature Recovery Strategy and our own Green Blue Infrastructure Strategy so that a more holistic approach is taken building on potential co-benefits. The BNGGN will also make reference to several Technical Guidance documents concerning Special Areas of Conservation that are designated for their bat populations, and where necessary mitigation for those site's will be seen to work a long side the principles of Biodiversity Net Gain, rather than morphing them together. All of the above is not possible to assess at this high-level stage and will need to be assessed as more detail becomes clearer such as part of the HRA for the new Local</p>



		<p>Plan which will come into effect in 2028 and/or at the project level. Finally, you will be able to sell biodiversity units and nutrient credits from the same pieces of land by stacking them, meaning improving the water quality around Somerset, and furthermore as a byproduct improve the Ramsar Site (Somerset Level's and Moors Ramsar) to a more favourable state – the BNGGN connects to this and makes reference to the separate Somerset Nutrient Strategy.</p>
<p>4. What is the significance of the effects upon the identified European Site(s)?</p>	<p>N/A</p>	<p>The BNGGN is designed to result in positive environmental impacts, by informing the planning process and instil consistent guidance on ways to consider successfully implementing 10% BNG. Overall positive impacts associated with potential actions around the improvement of habitat distinctiveness, habitat creation and habitat retention will likely have significant positive effects upon the European Sites and qualifying features, but it is impossible to tell exactly how significant these effects might be at this stage as project detail (including location and relationship with European Sites) is not yet known. Potential negative effects of, for instance, removing important specific bat habitat that is in abundance, and replacing it with diverse but inappropriate habitats that do not attract the same invertebrate's bats rely on may have a negative impact on such European Sites. However, one potential action that the BNGGN will outline is to ensure where such habitats exist, a Species Habitat Evaluation Procedure calculation is provided alongside the requirement for 10% - this can potentially be outlined in the New Local Plan. This will require evidence accounting for biodiversity impact and effects upon European Sites. The HRA for the Local Plan will assess any proposals within it.</p>




***HRA Screening Conclusion***

**3.8 It has been concluded that the BNGGN does not require Appropriate Assessment under HRA legislation.**

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# Somerset Equality Impact Assessment

Before completing this EIA please ensure you have read the EIA guidance notes – available from your Equality Officer or [www.somerset.gov.uk/impactassessment](http://www.somerset.gov.uk/impactassessment)

<b>Organisation prepared for (mark as appropriate)</b>		X			
<b>Version</b>	2		<b>Date Completed</b>	16/10/23	
<b>Description of what is being impact assessed</b>					
Development of the Biodiversity Net Gain (BNG) Guidance Note and associated public consultation.					
<b>Evidence</b>					
<p><b>What data/information have you used to assess how this policy/service might impact on protected groups?</b>                  Sources such as the <a href="#">Office of National Statistics</a>, <a href="#">Somerset Intelligence Partnership</a>, <a href="#">Somerset's Joint Strategic Needs Analysis (JSNA)</a>, Staff and/ or <a href="#">area profiles</a>, should be detailed here</p>					
<p>Professional understanding of the broad implications and scope of the BNG Guidance Note and associated public consultation. Biodiversity Net Gain is an incoming mandatory national requirement which is supported by a 2019 Government Impact Assessment - <a href="https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/839610/net-gain-ia.pdf">https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/839610/net-gain-ia.pdf</a>.</p>					

**Who have you consulted with to assess possible impact on protected groups and what have they told you?** If you have not consulted other people, please explain why?

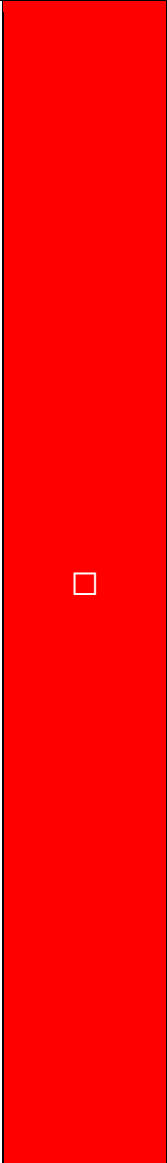
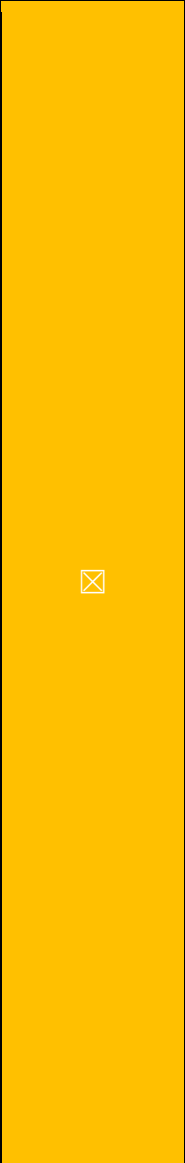
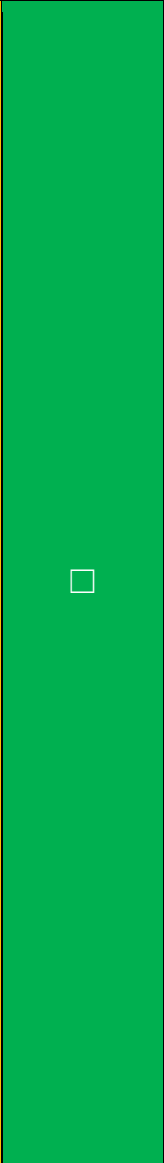
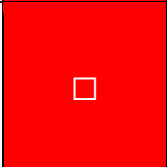

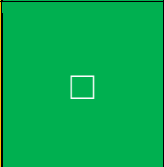
Consultation with David Crisfield (Communities Specialist) – Given the Guidance is responding to a legal requirement and is principally for the benefit of developers, landowners, land agents and planners, with minimal opportunity for residents to affect outcomes, the EIA only needs to be proportional in relation to impacts on the general populous. To that end, because the impacts table is used to ‘score’ how things are prior to any mitigations being put in place it would be appropriate to score each of the Protected Characteristics as neutral rather than positive. With a neutral score there is no need to identify any mitigations as there are no negative impacts to mitigate.

This assessment is to inform public consultation on the BNG Guidance Note. Different equalities groups will be consulted as part of the consultation as per the consultation plan, and feedback received will be taken into account in formulating the final principles for adoption. However, due to the technical nature of the subject matter, limited scope of what is being tailored locally, and the relationship with the planning process itself, the primary focus of the consultation and likely greatest interest is with the developer community, planning agents, landowners and land agents rather than the general public. Further consultation and engagement will be undertaken as part of planning applications and plan and policy development in due course.

### **Analysis of impact on protected groups**

The Public Sector Equality Duty requires us to eliminate discrimination, advance equality of opportunity and foster good relations with protected groups. Consider how this policy/service will achieve these aims. In the table below, using the evidence outlined above and your own understanding, detail what considerations and potential impacts against each of the three aims of the Public Sector Equality Duty. Based on this information, make an assessment of the likely outcome, before you have implemented any mitigation.

Protected group	Summary of impact	Negative outcome	Neutral outcome	Positive outcome
-----------------	-------------------	------------------	-----------------	------------------

<p><b>Age</b></p>	<ul style="list-style-type: none"> <li>• Biodiversity Net Gain is an incoming mandatory national requirement for relevant planning applications. It has no direct interaction with the interests or protected characteristics of any protected group. However, delivery of BNG in alignment with the national requirements and local approach set out in the Guidance Note will help to improve local access to nature for all groups and communities.</li> <li>• Where public engagement is taking place then this will take place using different consultation methods and where appropriate through relevant equality groups. Given the technical nature of the subject matter and very specific technical aspects where the mandatory national requirement is proposed to be tailored locally it may be difficult for many in the general public to engage with. However, this has no direct interaction with the interests or protected characteristics of any protected group, is only realistically likely to be of interest to and is primarily aimed at the developer community, planning agents, landowners and land agents rather than the general public.</li> </ul>			
<p><b>Disability</b></p>	<ul style="list-style-type: none"> <li>• Biodiversity Net Gain is an incoming mandatory national requirement for relevant planning applications. It has no direct interaction with the</li> </ul>			

	<p>interests or protected characteristics of any protected group. However, delivery of BNG in alignment with the national requirements and local approach set out in the Guidance Note will help to improve local access to nature for all groups and communities.</p> <ul style="list-style-type: none"> <li>Where public engagement is taking place then this will take place using different consultation methods and where appropriate through relevant equality groups. Given the technical nature of the subject matter and very specific technical aspects where the mandatory national requirement is proposed to be tailored locally it may be difficult for many in the general public to engage with. However, this has no direct interaction with the interests or protected characteristics of any protected group, is only realistically likely to be of interest to and is primarily aimed at the developer community, planning agents, landowners and land agents rather than the general public.</li> </ul>			
<p><b>Gender reassignment</b></p>	<ul style="list-style-type: none"> <li>Biodiversity Net Gain is an incoming mandatory national requirement for relevant planning applications. It has no direct interaction with the interests or protected characteristics of any protected group. However, delivery of BNG in alignment with the national requirements and local</li> </ul>	<p>□</p>	<p>⊗</p>	<p>□</p>

	<p>approach set out in the Guidance Note will help to improve local access to nature for all groups and communities.</p> <ul style="list-style-type: none"> <li>• Where public engagement is taking place then this will take place using different consultation methods and where appropriate through relevant equality groups. Given the technical nature of the subject matter and very specific technical aspects where the mandatory national requirement is proposed to be tailored locally it may be difficult for many in the general public to engage with. However, this has no direct interaction with the interests or protected characteristics of any protected group, is only realistically likely to be of interest to and is primarily aimed at the developer community, planning agents, landowners and land agents rather than the general public.</li> </ul>			
<p><b>Marriage and civil partnership</b></p>	<ul style="list-style-type: none"> <li>• Biodiversity Net Gain is an incoming mandatory national requirement for relevant planning applications. It has no direct interaction with the interests or protected characteristics of any protected group. However, delivery of BNG in alignment with the national requirements and local approach set out in the Guidance Note will help to improve local access to nature for all groups and communities.</li> <li>• Where public engagement is taking place then this will take place using different consultation methods</li> </ul>	<p>□</p>	<p>⊗</p>	<p>□</p>

	<p>and where appropriate through relevant equality groups. Given the technical nature of the subject matter and very specific technical aspects where the mandatory national requirement is proposed to be tailored locally it may be difficult for many in the general public to engage with. However, this has no direct interaction with the interests or protected characteristics of any protected group, is only realistically likely to be of interest to and is primarily aimed at the developer community, planning agents, landowners and land agents rather than the general public.</p>			
<p><b>Pregnancy and maternity</b></p>	<ul style="list-style-type: none"> <li>• Biodiversity Net Gain is an incoming mandatory national requirement for relevant planning applications. It has no direct interaction with the interests or protected characteristics of any protected group. However, delivery of BNG in alignment with the national requirements and local approach set out in the Guidance Note will help to improve local access to nature for all groups and communities.</li> <li>• Where public engagement is taking place then this will take place using different consultation methods and where appropriate through relevant equality groups. Given the technical nature of the subject matter and very specific technical aspects where the mandatory national requirement is proposed to be tailored locally it may be difficult for many in the general public to engage with. However, this has</li> </ul>	<p>□</p>	<p>⊗</p>	<p>□</p>



	<p>no direct interaction with the interests or protected characteristics of any protected group, is only realistically likely to be of interest to and is primarily aimed at the developer community, planning agents, landowners and land agents rather than the general public.</p>			
<p><b>Race and ethnicity</b></p>	<ul style="list-style-type: none"> <li>• Biodiversity Net Gain is an incoming mandatory national requirement for relevant planning applications. It has no direct interaction with the interests or protected characteristics of any protected group. However, delivery of BNG in alignment with the national requirements and local approach set out in the Guidance Note will help to improve local access to nature for all groups and communities.</li> <li>• Where public engagement is taking place then this will take place using different consultation methods and where appropriate through relevant equality groups. Given the technical nature of the subject matter and very specific technical aspects where the mandatory national requirement is proposed to be tailored locally it may be difficult for many in the general public to engage with. However, this has no direct interaction with the interests or protected characteristics of any protected group, is only realistically likely to be of interest to and is primarily aimed at the developer community, planning agents, landowners and land agents rather than the general public.</li> </ul>	<p>□</p>	<p>⊗</p>	<p>□</p>

<p><b>Religion or belief</b></p>	<ul style="list-style-type: none"> <li>• Biodiversity Net Gain is an incoming mandatory national requirement for relevant planning applications. It has no direct interaction with the interests or protected characteristics of any protected group. However, delivery of BNG in alignment with the national requirements and local approach set out in the Guidance Note will help to improve local access to nature for all groups and communities.</li> <li>• Where public engagement is taking place then this will take place using different consultation methods and where appropriate through relevant equality groups. Given the technical nature of the subject matter and very specific technical aspects where the mandatory national requirement is proposed to be tailored locally it may be difficult for many in the general public to engage with. However, this has no direct interaction with the interests or protected characteristics of any protected group, is only realistically likely to be of interest to and is primarily aimed at the developer community, planning agents, landowners and land agents rather than the general public.</li> </ul>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p><b>Sex</b></p>	<ul style="list-style-type: none"> <li>• Biodiversity Net Gain is an incoming mandatory national requirement for relevant planning applications. It has no direct interaction with the interests or protected characteristics of any protected group. However, delivery of BNG in</li> </ul>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

	<p>alignment with the national requirements and local approach set out in the Guidance Note will help to improve local access to nature for all groups and communities.</p> <ul style="list-style-type: none"> <li>• Where public engagement is taking place then this will take place using different consultation methods and where appropriate through relevant equality groups. Given the technical nature of the subject matter and very specific technical aspects where the mandatory national requirement is proposed to be tailored locally it may be difficult for many in the general public to engage with. However, this has no direct interaction with the interests or protected characteristics of any protected group, is only realistically likely to be of interest to and is primarily aimed at the developer community, planning agents, landowners and land agents rather than the general public.</li> </ul>			
<p><b>Sexual orientation</b></p>	<ul style="list-style-type: none"> <li>• Biodiversity Net Gain is an incoming mandatory national requirement for relevant planning applications. It has no direct interaction with the interests or protected characteristics of any protected group. However, delivery of BNG in alignment with the national requirements and local approach set out in the Guidance Note will help to improve local access to nature for all groups and communities.</li> </ul>	<p>□</p>	<p>⊗</p>	<p>□</p>

	<ul style="list-style-type: none"> <li>Where public engagement is taking place then this will take place using different consultation methods and where appropriate through relevant equality groups. Given the technical nature of the subject matter and very specific technical aspects where the mandatory national requirement is proposed to be tailored locally it may be difficult for many in the general public to engage with. However, this has no direct interaction with the interests or protected characteristics of any protected group, is only realistically likely to be of interest to and is primarily aimed at the developer community, planning agents, landowners and land agents rather than the general public.</li> </ul>			
<p><b>Armed Forces (including serving personnel, families and veterans)</b></p>	<ul style="list-style-type: none"> <li>Biodiversity Net Gain is an incoming mandatory national requirement for relevant planning applications. It has no direct interaction with the interests or protected characteristics of any protected group. However, delivery of BNG in alignment with the national requirements and local approach set out in the Guidance Note will help to improve local access to nature for all groups and communities.</li> <li>Where public engagement is taking place then this will take place using different consultation methods and where appropriate through relevant equality groups. Given the technical nature of the subject matter and very specific technical aspects where the mandatory national requirement is proposed to</li> </ul>	<p>□</p>	<p>⊗</p>	<p>□</p>

	<p>be tailored locally it may be difficult for many in the general public to engage with. However, this has no direct interaction with the interests or protected characteristics of any protected group, is only realistically likely to be of interest to and is primarily aimed at the developer community, planning agents, landowners and land agents rather than the general public.</p>			
<p><b>Other, e.g. carers, low income, rurality/isolation, etc.</b></p>	<ul style="list-style-type: none"> <li>• Biodiversity Net Gain is an incoming mandatory national requirement for relevant planning applications. It has no direct interaction with the interests or protected characteristics of any protected group. However, delivery of BNG in alignment with the national requirements and local approach set out in the Guidance Note will help to improve local access to nature for all groups and communities.</li> <li>• Where public engagement is taking place then this will take place using different consultation methods and where appropriate through relevant equality groups. Given the technical nature of the subject matter and very specific technical aspects where the mandatory national requirement is proposed to be tailored locally it may be difficult for many in the general public to engage with. However, this has no direct interaction with the interests or protected characteristics of any protected group, is only</li> </ul>	<p>□</p>	<p>⊗</p>	<p>□</p>

	realistically likely to be of interest to and is primarily aimed at the developer community, planning agents, landowners and land agents rather than the general public.			
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### Negative outcomes action plan

Where you have ascertained that there will potentially be negative outcomes, you are required to mitigate the impact of these. Please detail below the actions that you intend to take.

Action taken/to be taken	Date	Person responsible	How will it be monitored?	Action complete
	Select date			<input type="checkbox"/>
	Select date			<input type="checkbox"/>

### If negative impacts remain, please provide an explanation below.

There will remain some negative impacts in relation to public consultation due to the technical nature of the topic. However, the scope of the local influence on BNG and scope of the consultation are such that whilst the general public are invited to respond and appropriate consultation methods will be used, they are not a key stakeholder in this case. As such, a proportionate and reasonable approach has been suggested.

<b>Completed by:</b>	<b>Graeme Thompson</b>
<b>Date</b>	<b>16/10/2023</b>
<b>Signed off by:</b>	<b>James Divall</b>
<b>Date</b>	<b>20/10/2023</b>
<b>Equality Lead sign off name:</b>	<b>Tom Rutland</b>

<b>Equality Lead sign off date:</b>	<b>22/01/2024</b>
<b>To be reviewed by:</b> (officer name)	
<b>Review date:</b>	

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# **BNG Guidance Note**

# **Consultation Statement**

February 2024



Version	Purpose	Date
1	For consultation	24/10/2023
2	For adoption	02/02/2024

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# Introduction

Biodiversity Net Gain (from here on referred to as BNG) is an approach to development, and/or land management, that aims to leave the natural environment in a **measurably** better state than it was beforehand. It is intended to deliver measurable improvements for biodiversity by creating or enhancing habitats in association with development. A national mandatory BNG requirement comes into effect from 12 February 2024.

The BNG Guidance Note provides guidance and advice on calculating and delivering BNG in Somerset, ensuring a consistent and efficient approach aligned to local context, making clear requirements and processes for BNG in Somerset.

The Guidance Note is primarily aimed at planning applicants, developers, planning agents, ecologists, landowners, land managers, land agents and site promoters to help guide them through the consideration of BNG in relation to their proposals and the planning system. However, it also deals with off-site delivery mechanisms and so will be of relevance to landowners and promoters of habitat banks and other off-site solutions creating biodiversity units to order. Some prior knowledge of the subject is necessary.

Furthermore, the document sets out the Council's approach to aligning BNG with other plans and objectives in Somerset, particularly in advance of publishing the Local Nature Recovery Strategy. As such, the document may be of interest to a wide range of conservation bodies and other technical stakeholders as well as the general public.

This Consultation Statement explains how Somerset Council have undertaken public consultation to inform the development of the BNG Guidance Note and support effective implementation of the incoming national requirement. The statement explains how the engagement, feedback and responses received through public consultation have influenced the development of the Guidance Note and been taken into account.

This statement covers:

- Which bodies and persons were invited to make comments;
- How those bodies and persons were invited to make comment;
- The material which was subject to consultation;
- A summary of early engagement and how this influenced the development of the initial draft Guidance Note.
- A summary of the responses received; and
- A summary of how the responses influenced the development of the Guidance Note.

The Council has an adopted [Statement of Community Involvement](#) (SCI). The SCI outlines that the Council is committed to effective community engagement and seeks to use a wide range of methods for involving the community in the plan making

process. Somerset Council's Statement of Community Involvement was adopted in October 2023.

In relation to plan preparation, the SCI primarily relates to the preparation of Development Plan Documents (DPDs), Strategic Environmental Assessment (SEA) and Sustainability Appraisal (SA), Supplementary Planning Documents (SPDs) and Neighbourhood Plans.

As the BNG Guidance Note is not any of these types of documents and is not formally required by any legislative, regulatory or administrative provisions, there are no mandatory steps, methods or bodies for consultation to comply with. However, the SCI explains that guidance documents intended to be adopted as a material consideration (as this is) are expected to broadly follow the same process as SPDs, though they may vary according to the specifics of the guidance.

Consultation on the Guidance Note included information on proposed changes to the local validation checklist (locally defined requirements which must be submitted alongside planning applications in order to validate them and begin consideration). In relation to updating the local validation checklist, the National Planning Practice Guidance states that "*where a local planning authority considers that changes are necessary, the proposals should be issued to the local community, including applicants and agents, for consultation*". There are no further detailed requirements on the length or nature of this consultation.

Consultation on the Guidance Note was accompanied by a draft Strategic Environmental Assessment / Habitat Regulations Assessment Screening Report. The purpose of this Report is to determine whether the Guidance Note should be subject to:

- a Strategic Environmental Assessment (SEA) in accordance with European Directive 2001/42/EC (SEA Directive) and associated Environmental Assessment of Plans and Programmes Regulations 2004 (SEA Regulations); or
- a Habitat Regulations Assessment (HRA) in accordance with Article 6(3) of the EU Habitats Directive and with Regulation 63 of the Conservation of Habitats and Species Regulations 2017 (as amended).

The SEA Regulations require the Council as 'responsible authority' to consult the consultation bodies (Natural England, Historic England and Environment Agency) before making a determination of whether or not a plan or programme is likely to have significant environmental effects. There are no further detailed requirements on the length or nature of this consultation.

The Habitat Regulations require the Council as 'plan making authority' to consult Natural England in determining whether a plan is likely to have a significant effect on a European site or a European offshore marine site, and have regard to any

representations made by that body within such reasonable time as the authority specifies.

The Town and Country Planning (Local Planning) (England) Regulations 2012 require the following in relation to preparation of SPDs:

- Depending upon the subject of the Supplementary Planning Document the Council may invite specific groups or organisations with specialist interest in the subject matter to engage in workshops or provide specific evidence to support production of the Supplementary Planning Document or Guidance.
- When the Council has produced its draft Supplementary Planning Document it will undertake press, Council website and social media coverage of the draft and contact those on its consultation portal inviting comments on the draft. There will be a minimum period of 4 weeks to make representations.
- The comments on the Supplementary Planning Document will all be published on the Council website (with personal contact details redacted).
- A summary of the issues raised and how they are addressed will also be posted on the website.
- The Council will publicise the adoption of the Supplementary Planning Document in the local press, social media and on the Council website. It will inform those who have requested notification of adoption.

Consultation on the draft Guidance Note and associated documents including the SEA/HRA Screening Report were designed to comply with the SCI in the interests of good practice.

## Consultation Summary

In November 2023, the Council published a draft BNG Guidance Note for public consultation. Consultation ran from 6<sup>th</sup> November 2023 until 4<sup>th</sup> December 2023.

The Guidance Note was subject to some limited early engagement with technical stakeholders, which informed the proposals within the consultation draft.

The draft Guidance Note itself was an 85 page long PDF document, supported by five technical appendices totalling a further 20 pages. The draft Guidance Note set out its purpose, context, introduced the subject matter, proposed processes and set out specific proposals for the tailoring of the national requirement to the Somerset context. An executive summary was set out at the front of the document to summarise the document at a glance.

In addition to this, the Guidance Note was supported by a draft SEA / HRA Screening Assessment which was also required to be subject to consultation. This was a 19 page long PDF technical document.

The purpose, objectives and general requirements and process for BNG are pre-determined via national processes including the Environment Act 2021, Natural

Environment and Rural Communities Act 2006 and a number of statutory instruments which bring forward regulations to support the requirement coming into effect. At the time of launching the consultation, these regulations had not been published. However, the Government published draft regulations a few days before the consultation ended. There are limited aspects of the requirement and process that can be tailored to local circumstances and it is these limited areas which the consultation focused on.

As a result, the draft document was technical and text heavy by nature, relating primarily to technical processes within the planning process. The focus of the consultation was specifically on the limited areas where there is scope for local tailoring of the national processes and guidance. Whilst officers tried to ensure that it was drafted in as accessible way as possible, and the consultation hub hosted excerpt chapters of the guidance document as well as the document as a whole, the technical specifics made this particularly difficult. Whilst the consultation was public and available for anyone to respond to, the key intended stakeholders for the consultation were technical.

The consultation was focused on the Council's Citizen Space portal, which presented the core information on how BNG is proposed to be tailored locally alongside the survey questions.

### ***Purpose of the consultation***

Public consultation had the following objectives:

- To meet the national requirement to consult on changes to the local validation list (no explicit consultation length defined).
- To ensure consultation is undertaken in compliance with the Council's SCI with the intention of being adopted as a material planning consideration.
- To publicise to planning applicants, agents and developers that BNG is coming as a mandatory national requirement for new development from January and how we anticipate it working in Somerset.
- To seek views from planning applicants, agents and developers on our proposed processes and local tailoring of the national requirement in order to ensure they are transparent, deliverable and realistic. Identify any flaws or issues or alternative options which the final Guidance Note and Validation Checklist will need to amend / resolve / respond to.
- To seek views from the public and natural environment stakeholders on the proposed local tailoring of BNG in order to understand whether it will deliver on local objectives and priorities. Identify any issues or unintended consequences which the final Guidance Note and Validation Checklist will need to amend / resolve / respond to.
- To seek views from landowners, land managers and land agents and other land use stakeholders on the proposed process for considering, assessing

and securing off-site BNG delivery mechanisms and the parameters for a future 'call for sites'.

The scope of the consultation exercise is:

- To ensure that the proposed processes are reasonable, clear and include all necessary considerations.
- To ensure that the final version of the proposed Somerset BNG Principles are well informed.
- To ensure that the local definition of strategic significance is workable and will deliver its intended outcomes.
- To publicise criteria and process for a future 'call for sites' to support transparent and consistent approach to determining off-site delivery mechanisms.
- There is no scope to consider alternatives to the general approach or issues which are agreed at the national level and enshrined / will be enshrined in law (including the 10%, exceptions, Metric, key structure of the process etc.).
- The Guidance Note covers the whole county of Somerset, though from a planning perspective the guidance only covers the Somerset Local Planning Authority (LPA) (which includes the scope of the local, minerals and waste planning authorities). For general development this excludes the area within the Exmoor NPA which is its own LPA).

### ***Who did we consult?***

As a non-statutory plan, there was no statutory list of bodies and organisations that the Council was required to consult in its preparation. In relation to the proposed changes to the local validation checklist, the Council was required to consult the local community, including applicants and agents. In relation to the SEA / HRA Screening Report, the Council was required to consult Natural England, Historic England and the Environment Agency.

A list of Specific Consultation Bodies and General Consultation Bodies the Council seeks to involve in plan-making is included in Appendix A of the SCI. All those on this list have been included in this exercise.

In addition, the Council is committed to ensuring that local groups, organisations and individuals are provided with the opportunity to be involved in the preparation of planning policy documents.

The Council has a database of consultees, who have expressed an interest in being involved with the development of local plans and planning policy. This database is used to keep individuals, companies and organisations informed on the production of the Local Plan and other planning policy documents. New consultees are added to the consultation database by signing up to receive email updates on local planning policy through the Plan-It Somerset newsletter. The General Data Protection Regulations are followed to ensure that personal data is only required and retained

where proportionate and necessary, is only gathered where explicit consent has been provided, is kept securely and is not disclosed to others. All bodies and persons identified within this database were emailed with notification of the consultation.

In addition to the above, A number of specific consultees were identified as key stakeholders and also invited to comment, including:

- Developers (housing, non-residential, minerals and waste)
- Planning agents
- Land managers
- Land agents
- Minerals site operators
- Significant landowners
- Natural England
- Environment Agency
- Somerset Wildlife Trust
- RSPB
- Local Nature Partnership
- Woodland Trust
- Forestry Commission
- Somerset Catchment Partnership
- FWAG SW
- Wildlife & Wetlands Trust
- National Trust
- Wessex Water
- Hawk & Owl Trust
- Exmoor NPA
- Quantock Hills AONB
- Blackdown Hills AONB
- Mendip AONB
- Cranborne Chase AONB
- Dorset AONB
- Heart of the South West Local Enterprise Partnership
- Historic England
- Canal and Rivers Trust
- City, Town and Parish Councils
- Local Community Networks

### ***How we consulted***

Consultation on the draft BNG Guidance Note ran from 6<sup>th</sup> November 2023 until 4<sup>th</sup> December 2023. During this time, a variety of methods were employed. This section of the report details each of these methods.

Responses to the consultation could be made:

- Online via the Council's [consultation portal](#), which contains a survey;



- By email to [localplanningpolicy@somerset.gov.uk](mailto:localplanningpolicy@somerset.gov.uk);
- By post to BNG, Somerset Council, County Hall, Taunton, Somerset, TA1 4DY.

To publicise the consultation, the Council:

- Emailed notification of the consultation to all bodies and persons identified within the consultation database, developers and agents signed up for the Council's regular 'agents forum' and otherwise those identified as key stakeholders;
- Made the above consultation documents available for inspection at the following locations:
  - Bridgwater House, Bridgwater, TA6 3AR (Monday – Friday 8.45am to 5.00pm)
  - Council Offices, Cannard's Grave Road, Shepton Mallet, BA4 5BT (Monday – Friday 8.30am to 5.00pm)
  - Petters Way Council Offices, Yeovil, BA20 1AS (Monday – Tuesday and Thursday – Friday 9.00am to 4.00pm, first Wednesday of the month 11.00am to 4.00pm and every other Wednesday 9.00am to 4.00pm)
  - Deane House, Belvedere Road, Taunton, TA1 1HE (Monday – Friday 8.30am to 5.00pm)
  - West Somerset House, 20 Fore Street, Williton, TA4 4QA (Monday to Friday 8.30am to 5.00pm)
  - County Hall, Taunton, TA1 4DY (Monday – Friday 8.00am to 6.00pm, Saturday 09:00am to 4.00pm)
  - 'Hub' libraries: Taunton, Minehead, Frome, Bridgwater, Yeovil, Glastonbury.
- Published the documents on the Council's website on a new page linked from <https://www.somerset.gov.uk/planning-buildings-and-land/biodiversity-and-planning/> and on the consultation portal at <https://somersetcouncil.citizenspace.com/planning/bng-guidance-note>. The Council's Consultation webpage at <https://somersetcouncil.citizenspace.com/> also contained information directing people to the consultation portal.
- Published a press release via the Council's website, including articles in the Council's Somerset Environmental and Ecological News (SEEN) newsletter and social media posts, raising interest, communicating the consultation and encouraging participation.
- Presented regarding the Guidance Note consultation to a meeting of the Council's 'agents forum' on Friday 10<sup>th</sup> November 2023.
- Presented regarding the upcoming Guidance Note consultation to a meeting of the parish, town and city council clerks on Monday 1<sup>st</sup> November 2023.
- Promoted the consultation during other engagement meetings with neighbouring local authorities, developers, nature conservation bodies and prospective off-site unit providers.

# Previous engagement

Development of the draft BNG Guidance Note was informed ahead of public consultation by earlier engagement activities.

In May 2022, the previous district councils and county council began working in partnership with Somerset Wildlife Trust, Somerset Environmental Records Centre, Exmoor National Park Authority and Natural England to explore development of a BNG Guidance Note. A number of working group meetings were held and work began in drafting a document, though this was paused awaiting further information from Government.

In July 2022, the previous district councils and county council were invited by Natural England to contribute to and join the steering group for development of a BNG project relating to the Somerset Coast, Levels and Moors Nature Recovery Project (NRP). This project aimed to better understand the scale of BNG required in Somerset; how BNG could help to deliver on the aims and objectives of the NRP and align with other initiatives including carbon credits, nutrient credits and Local Nature Recovery Strategy; and improve developer awareness of BNG and the NRP. This project involved working closely with Natural England, their consultants Bidwells and Somerset Wildlife Trust in the steering group.

The above project involved a developer workshop which was held at Deane House Council offices on 23<sup>rd</sup> March 2023. This was a hybrid session which was attended in-person by 24 developer representatives, with a further 50+ representatives attending on-line. Presentations were given by Natural England, the Council and Bidwells, with a Q&A session following. In-person attendees then took part in breakout sessions focusing around challenges and barriers to delivering BNG; organisational biodiversity targets; resourcing and understanding BNG; interest in working with conservation sector to deliver requirements. Slides were circulated to attendees afterwards along with an FAQ sheet responding to questions posed both in the room and online. Findings from the session informed development of the draft BNG Guidance Note for consultation.

In September 2023, Council officers presented emerging thoughts around a local definition of strategic significance to the Nature Recovery sub-group of the Local Nature Partnership. Feedback helped to shape the consultation document and proposals within.

# Draft Guidance Note Consultation

The Draft Guidance Note was subject to a four-week consultation from 6<sup>th</sup> November 2023 until 4<sup>th</sup> December 2023 using a variety of engagement methods. Through these various engagement methods, the Draft Guidance Note could be further refined. This section of the report details each of these methods:

## Emails

Emailed notification of the consultation was sent to all bodies and persons identified within the consultation database on Monday 6<sup>th</sup> November 2023 as part of the [November edition of the Plan-It Somerset Newsletter](#). This was supplemented by emails directly to

- the specific identified stakeholders for the consultation (listed above),
- parties who had previously contacted the Council regarding potential off-site solutions,
- developers/agents on the Council's agent's forum mailing list, and
- stakeholders on the Council's minerals and waste operators mailing list (screenshot example of this email below),

From: Local Planning Policy  
Sent: Monday, November 6, 2023 10:48 AM  
Subject: CONSULTATION - Somerset Biodiversity Net Gain Guidance Note

Dear consultee,

### Biodiversity Net Gain (BNG) Guidance Note

From January 2024, planning applications submitted for new developments in England will be required to achieve at least 10% Biodiversity Net Gain. Biodiversity Net Gain (from here on referred to as BNG) is an approach to development, and/or land management, that aims to leave the natural environment in a **measurably** better state than it was beforehand. It is intended to deliver measurable improvements for biodiversity by creating or enhancing habitats in association with development.

Whilst the requirement to demonstrate and deliver at least 10% BNG and the core processes involved in doing so are set nationally, there are limited areas where the requirement can be tailored to local circumstances.

Somerset Council has produced a draft BNG Guidance Note for public consultation which **provides technical guidance and advice on calculating and delivering BNG in a Somerset context**. It aims to ensure a consistent and efficient approach aligned to local policy context, by making clear the requirements and processes in Somerset.

We are seeking views on this Guidance Note and the proposed validation requirements from planning applicants, developers, planning agents, ecologists, landowners, land managers, land agents, site promoters, nature conservation bodies, other technical stakeholders and the general public.

### **The Consultation runs for 4 weeks from Monday 6<sup>th</sup> November 2023 until Monday 4<sup>th</sup> December 2023.**

We are seeking views specifically on:

- Our proposed processes for dealing with BNG through the planning process (including validation requirements and approach for securing BNG from new development),
- Our proposed approach for tailoring BNG locally through use of the Somerset BNG Principles, definition of strategic significance and the sequential approach,
- Our proposed approach for enabling off-site delivery mechanisms in Somerset,
- Our proposed approach for monitoring BNG, and
- The draft conclusions of the accompanying SEA / HRA Screening Report

**To respond to the consultation**, we encourage you to use the consultation portal at <https://somersetcouncil.citizenspace.com/planning/bng-guidance-note>. Here you can find the following:

- Draft BNG Guidance Note
- Strategic Environmental Assessment / Habitat Regulations Assessment Screening Report
- Consultation Statement and
- Online survey

Alternatively, you can:

- Email responses to [localplanningpolicy@somerset.gov.uk](mailto:localplanningpolicy@somerset.gov.uk),
- Write to us at: BNG, Somerset Council, County Hall, Taunton, Somerset, TA1 4DY
- Or respond directly through comments on social media: @SomersetCouncil

Paper copies of the consultation documents are also available for public viewing at:

- Bridgewater House, Bridgewater, TA8 3AR (Monday – Friday 9.45am to 5.00pm)
- Council Offices, Cannard's Grave Road, Shepton Mallet, BA4 5BT (Monday – Friday 8.30am to 5.00pm)
- Petters Way Council Offices, Yeovil, BA20 1AS (Monday – Tuesday and Thursday – Friday 9.00am to 4.00pm, first Wednesday of the month 11.00am to 4.00pm and every other Wednesday 9.00am to 4.00pm)
- Deane House, Belvedere Road, Taunton, TA1 1HE (Monday – Friday 8.30am to 5.00pm)
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- County Hall, Taunton, TA1 4DY (Monday – Friday 8.00am to 6.00pm, Saturday 09.00am to 4.00pm)
- 'Hub' libraries: Taunton, Minehead, Frome, Bridgewater, Yeovil, Glastonbury

If you would like to sign up to receive future planning policy related news and information about consultations please subscribe to Plan-It Somerset via the following link <https://public.govdelivery.com/accounts/UKSCS/subscribe/new>

Kind regards

Somerset Council Planning Policy Team

 A Greener, More Sustainable Somerset

This was further supplemented by emails to anyone signed up for the Council's Somerset Environment and Ecological News in the [November edition of the Newsletter](#) on Wednesday 8<sup>th</sup> November 2023.

A total of 19 emailed comments were received. Emailed comments did not respond directly to the survey questions and tended to provide commentary on a wide range of areas of the consultation material. Officers reviewed, analysed and summarised emailed responses and then manually added these to the consultation hub against the most appropriate survey questions.

### ***Citizen Space Consultation Platform***

The [Council's Citizen Space Consultation hub](#) was used to host the consultation material. A new activity with a specific URL was set up at <https://somersetcouncil.citizenspace.com/planning/bng-guidance-note/>. This included a landing page with introductory text about BNG and scope of the consultation as well as links to download PDFs of the main Draft Guidance Note document, SEA/HRA Screening document and draft Consultation Statement. Respondents could click through to begin answering the survey which included a total of 19 questions (8 of which were about the respondent themselves including optional equalities monitoring questions). Questions were split into the following groupings:

- About you;
- BNG planning processes;
- Tailoring BNG to Somerset;
- Off-site delivery mechanisms in Somerset;
- Monitoring BNG; and
- SEA/HRA Screening.

Questions within each of the above groupings were accompanied by links to embedded PDF documents hosting relevant excerpts from the Guidance Note (see example below). Respondents were advised to review this material before answering those questions. This helped to split the overall document into more manageable chunks for the public.

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Closes 4 Dec 2023

This service needs [cookies](#) enabled.

#### **BNG planning processes**

The Guidance Note sets out the key stages involved in dealing with BNG through the planning process. It divides the process up into six key stages and explains how each is expected to work from development site selection through to commencement and monitoring (see Chapter 4 and Appendix 3). It sets out the proposed planning validation requirements in relation to BNG (see Appendix 4), and the proposed approach for securing BNG from new developments (see Chapter 8).

**9. Are the proposed processes for considering BNG through the planning process sufficiently clear and appropriate?**

Please review Chapter 4 and Appendix 3 before responding.

[▶ Chapter 4 - Key stages](#)

[▶ Appendix 3 - Planning process flow diagram](#)

Yes

No

If answering no, please explain your reasons here:

A total of 66 responses were received directly through Citizen Space. Officers reviewed and analysed responses received through this method, and tagged the qualitative elements of responses against specific trends for each question. The emailed responses which were added to Citizen Space by officers were also tagged against these specific trends to improve and ensure consistency of the qualitative analysis.

### ***Somerset Council Website***

A new webpage was set up on the Council's website at <https://www.somerset.gov.uk/planning-buildings-and-land/biodiversity-net-gain/>. The webpage sits within the [planning, buildings and land webpages](#) and is accessible alongside other related webpages via a heading of "Biodiversity and Planning" directly from this page. The webpage included information on BNG, the scope of the consultation and how to get involved, and included a link to the Citizen Space consultation hub as well as a direct link to download a PDF of the Draft Guidance Note. The Council's [Council and Democracy webpage](#) also includes a link to the Citizen Space consultation hub.

### ***Consultation events***

Two online events were held to promote the consultation:

- **Monday 1<sup>st</sup> November 2023** – online presentation to a meeting of the parish, town and city council clerks regarding the upcoming Guidance Note consultation. This was attended by the vast majority of parish, town and city council clerks. The session provided a high level overview on the basics of BNG and the upcoming consultation. A few questions were asked by attendees to help inform conversations they would have with their respective local councillors, but as the consultation had not yet launched and material was not fully available this was predominantly a promotional exercise to ensure awareness of the consultation. The slides and presenter's contact details were shared with attendees should further questions or queries arise.
- **Friday 10<sup>th</sup> November 2023** – online presentation to a meeting of the Council's 'agents forum regarding the Guidance Note consultation. This was well attended by a combination of planning agents and developers. During the session, a Council officer introduced BNG and the content of the Guidance Note and promoted use of the consultation hub for responding to the consultation. This was followed by a question and answer session in which attendees could raise a virtual hand and then come on-screen to ask it. Other questions were asked within the meeting chat function. Council officers from planning policy, development management and ecology responded to questions posed. Where questions were not able to be answered at the time a note was made and these influenced questions included within the FAQ document which accompanies the final Guidance Note. The slides used in the presentation were shared with attendees afterwards.

## Social Media

A social media campaign was launched on the first day of the consultation across the Council's social media platforms (Facebook, Twitter, LinkedIn and Instagram). This was followed up by further posts reminding people to take part before the consultation closing date. An example of a post used below:



Somerset Council

3,040 followers

2mo •



Help shape new government Biodiversity Net Gain guidance for [#Somerset!](#)

New government [#Biodiversity](#) Net Gain (BNG) planning legislation, expected to come into force in January next year, will mean planning applications for new developments in England must leave nature better off than before.

We're working to embed the new legislation into our planning processes, including tailored guidance to [#BNG](#) for Somerset where we can. Let us know if our planned approaches for delivering and monitoring BNG in Somerset are appropriate, workable, and reasonable.

Find out more and have your say – <https://orlo.uk/T765L>

The closing date for comments is midnight on 4 December.



Social media impressions and engagements are summarised below:

Platform	Impressions	Engagement
Facebook	4507	30
Twitter	3084	43
LinkedIn	1091	52
Instagram	456	14

Despite a total of 139 'engagements', only 3 actual comments were received via social media platforms.



### **Press Release**

A press release was published on the Council's website at <https://www.somerset.gov.uk/news/somerset-council-needs-your-help-to-shape-new-biodiversity-net-gain-planning-rules-for-somerset/> on 7<sup>th</sup> November 2023 and sent to all regional media.

### **Articles in media outlets**

This was picked up by various local news outlets including

- Somerset County Gazette who published an article entitled "[Somerset Council implementing Biodiversity Net Gain rules](#)" on 8<sup>th</sup> November 2023
- Somerset Live who published an article entitled "[Government could force new Somerset housing developments to be greener](#)" on 20<sup>th</sup> November.

### **Level of response**

Overall, there were 88 responses to the consultation. As set out in the table below, of these, 19 were submitted by email, 0 by post, 66 using Citizen Space and 3 via social media. While this summarises the formal responses, it is important to note that other informal responses and comments were received through the consultation events and there were many more engagements with social media posts (such as 'likes' etc.) which have not been counted in this figure and would be in addition.

Method	Number of respondents
Email	19
Citizen Space	66
Post	0
Social Media	3

## **Summary of Survey Responses**

This section summarises the responses received through the Council's Citizen Space consultation portal, by email/post, via social media and within the consultation events.

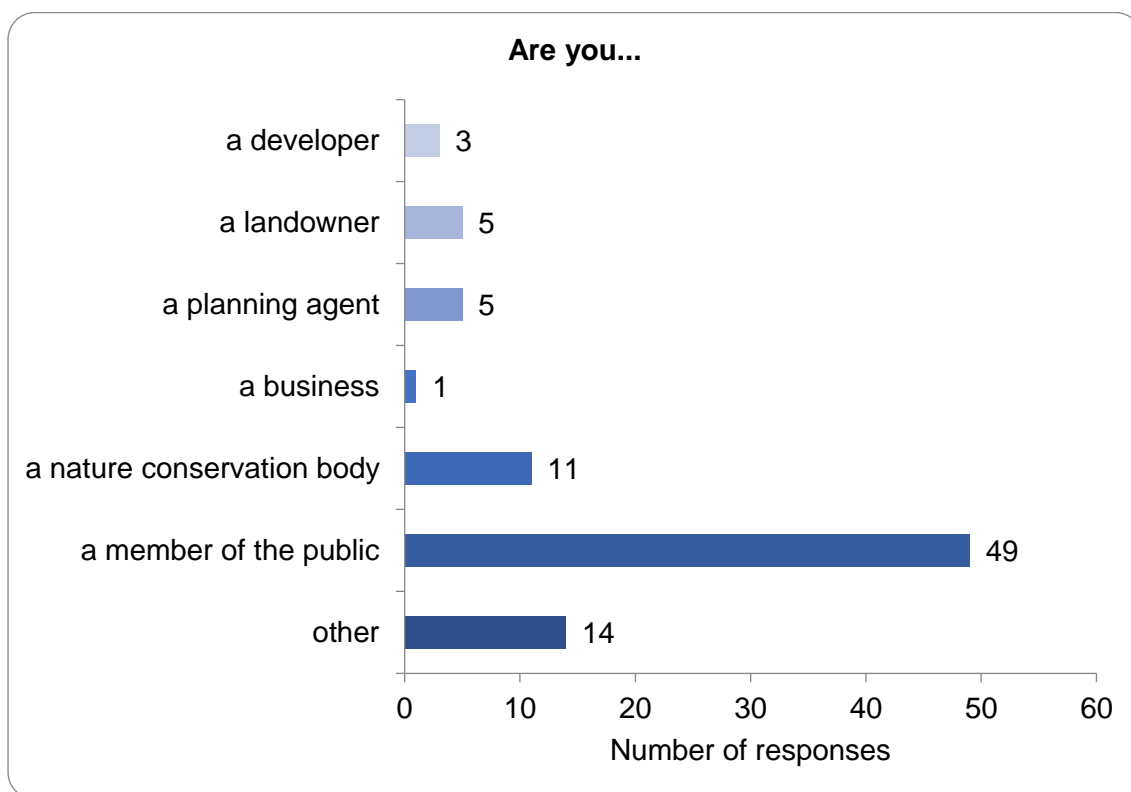
To improve quality, ease, and consistency of analysis, emailed responses were reviewed, analysed and summarised by officers, and then manually added to the consultation hub against the most appropriate survey questions. This means that the trends and data relating to the analysis of the qualitative elements of the questions below includes data from both online survey respondents and email respondents. However, emailed responses did not generally answer the questions directly which means that the analysis in relation to the quantitative elements of the questions below include data almost entirely from only those responding to the online survey.

Emailed and social media responses did not provide any equalities data.

## Respondents

Respondents via Citizen Space answered a specific question on the capacity in which they were responding to the consultation. Respondents via email tended to set out the capacity in which they were responding to the consultation, though where this was not stated or obvious then officers assume that they were being submitted as a member of the public. All three comments from social media are considered to be from members of the public.

On this basis, all 88 respondents to the consultation can be categorised as follows:



49 responses (56%) were from members of the public.

A combined 8 responses (9%) came from those identifying as developers and planning agents. Considering the target audience of the consultation this was a poor response rate from the development industry. This is likely due to the fact that BNG is known to be a national requirement with only limited places for local tailoring, and also the timing of national guidance and regulations, which were published in the final week of the consultation. Officers considered the content of the regulations and national guidance once these had been published and determined that they did not change things drastically and as such there was no need to formally extend the consultation.

11 responses (13%) came from those identifying as nature conservation bodies including:

- Natural England
- Environment Agency



- Canal and River Trust
- National Trust
- Blackdown Hills National Landscape (AONB)
- Mendip Hills National Landscape (AONB)
- East Bridgwater Urban Wildlife Group
- Somerset Badger Group
- The Friends of Easthill Field
- Bumblebee Conservation Trust
- Curry Woods Conservation Trust

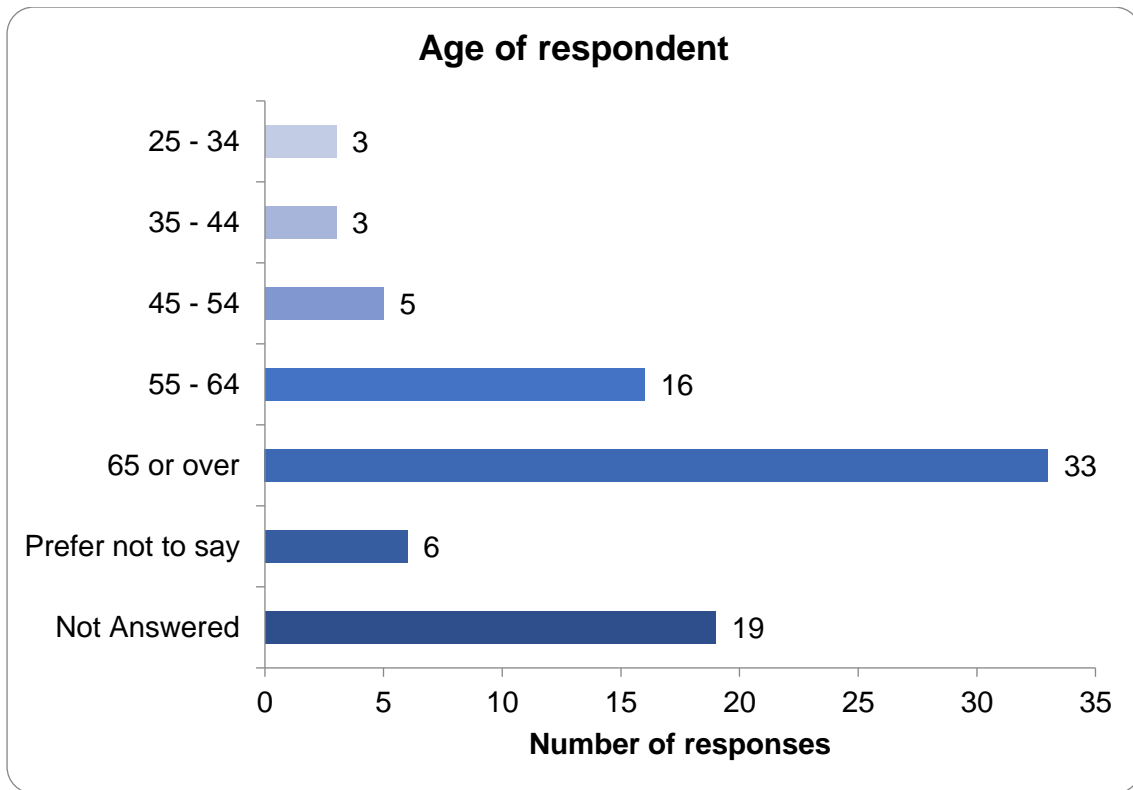
14 responses (16%) came from those identifying as 'other' including:

- Historic England
- The Coal Authority
- The Home Builders Federation (which may be seen as boosting the development industry response up to 10%)
- CPRE
- Quantock Hills National Landscape (AONB) (who may be seen as boosting the nature conservation bodies response up to 14%)
- Mendip Hills National Landscape (AONB) (completed by a different officer to that identified under nature conservation bodies and which may be seen as boosting the nature conservation bodies response further up to 15%)
- Town and parish councils including Curry Rivel, Norton St Philip, Street, Frome and West Monkton)
- Gloucestershire County Council (minerals and waste planning policy team)
- GE Consulting (which may be seen as boosting the businesses response up to 2%), and
- A former parish councillor (which may be seen as boosting the member of the public response up to 57%)

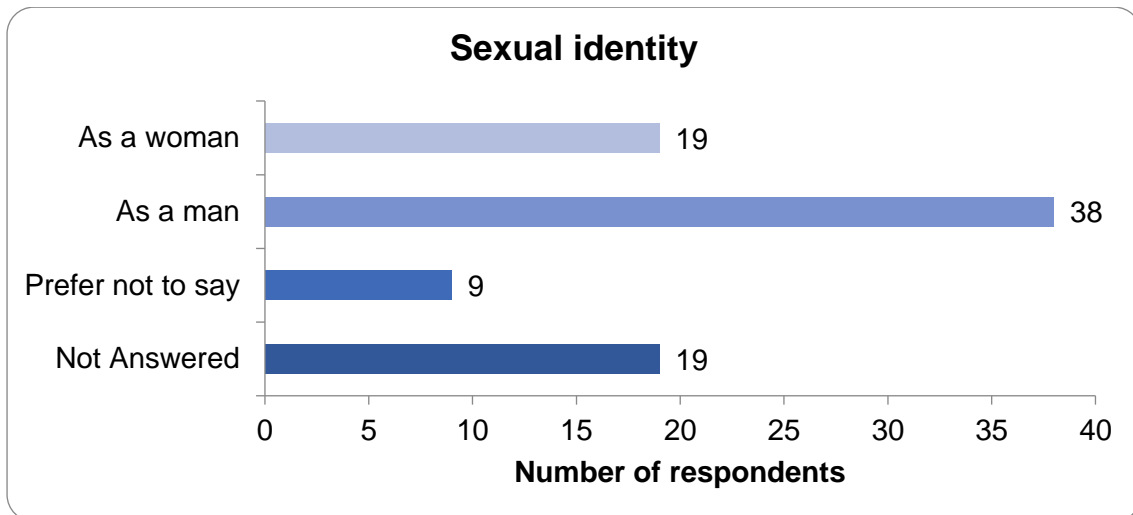
5 responses (6%) came from those identifying as landowners, and 1 response (1%) came from those identifying as businesses.

Respondents answering the survey directly via Citizen Space provided responses to three equalities questions. Respondents via email and social media did not provide responses here.

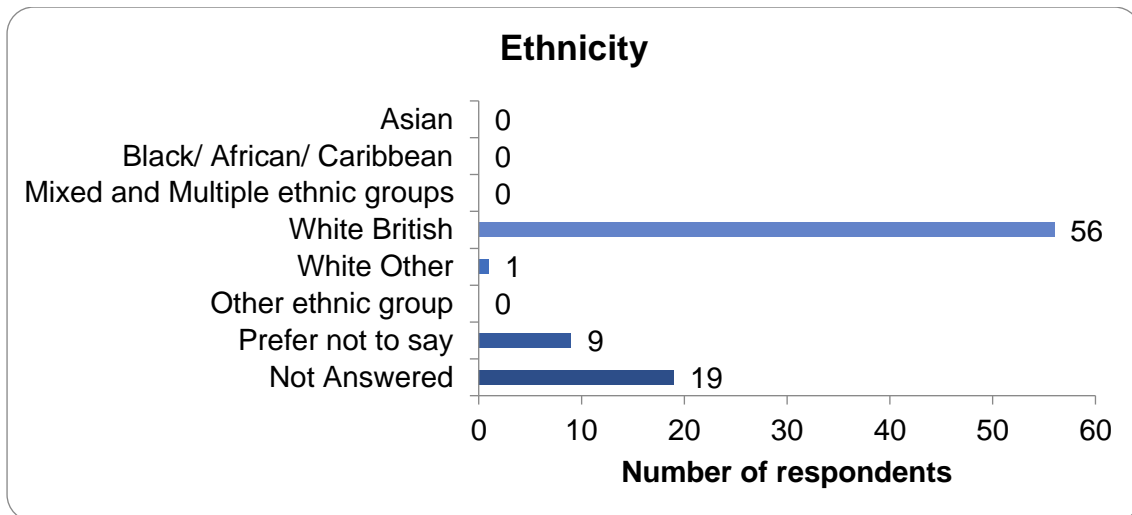
Of the 66 respondents via Citizen Space, there was an older age profile from those who responded with their age (60 respondents). Of those 60 respondents, 55% identified as 65 or older, 27% aged 55-64, 8% aged 45-54, 5% aged 35-44 and 5% aged 25-34, no-one identified as being under 25 years of age. This is a significantly older age profile than for Somerset as a whole.



Of the 66 respondents via Citizen Space, the majority identified as a man (58%), with 28% identifying as a woman, and 14% preferring not to say and no-one identifying in some other way. This is not representative of the wider Somerset population.



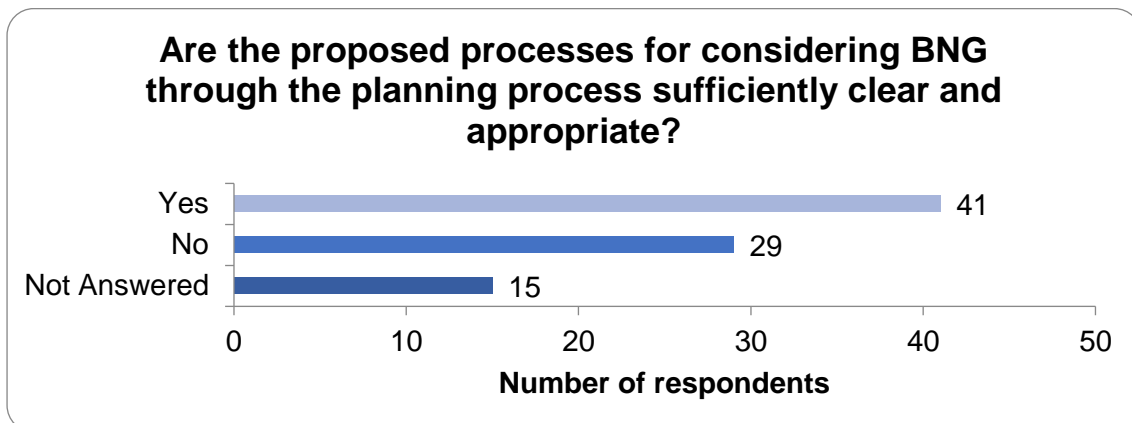
Of the 66 respondents via Citizen Space, the vast majority (85%) identified as White British, with 2% identifying as White Other, and 14% preferring not to say. No-one identified as Asian, Black/ African/ Caribbean, Mixed and Multiple ethnic groups, or as other ethnic group. This is not representative of the wider Somerset population.



The sample of respondents to the survey cannot therefore be said to be representative of the Somerset population in age, sexual identity or ethnicity. However, given the scope of the Guidance Note, and the purpose, scope and primary stakeholders of the consultation (development industry, nature conservation bodies and specific stakeholders rather than the general public) this is not considered in this case to invalidate the results.

### ***BNG planning processes***

Q – Are the proposed processes for considering BNG through the planning process sufficiently clear and appropriate?



Of the 85 respondents to the consultation, 70 people answered this question directly. Of the 70 direct responses to the question, 59% said that “yes”, the proposed processes were sufficiently clear and appropriate, with the other 41% saying “no” they were not.

Some of the emailed responses gave a clear answer to the question and so contributed to the “yes” or “no” quantitative elements above, others were less explicit and so were recorded as “not answered”.

A total of 43 respondents made comments in relation to this question. Key comments focused around:

- Hard for general public to understand / complicated;
- Costly;
- May need to update and reconsult post Regulations;
- Amend definition of competent person;
- Concern LPA won't have resources to deliver;
- Clarity needed re monitoring and enforcement;
- Only works with effective monitoring and enforcement;
- Should apply to more types of development;
- Climate change considerations need to figure more in decision making;
- Don't go beyond policy / national requirements;
- No ecologist currently on the Quality Review Panel (QRP)

Comments raised a range of other points as well. The full range of groupings are as follows:

- Application to works outside of planning system – 1
- Apply mitigation hierarchy locally important species/habitats/ LWS too – 1
- Are the additional time requirements know? - 1
- Avoidance tactics will used – 2
- Climate change considerations need to figure more in decision making – 2
- Complicated – 5
- Costly – 4
- Definition of competent person – 3
- Disproportionate – 1
- Don't go beyond policy / legislative requirements – 2
- Enforcement – 5
  - System only works if sufficient resource to and willing to enforce
  - How will breaches be enforced if in another county?
  - Too many ways to wriggle out?
  - Include what happens if contraventions or diversion from plans in flow chart
- Enhanced duty in relation to National Landscapes – 1
- Flow diagram layout cramped – 1
- Hard for general public to understand – 9
- Identify consequences of not adhering to agreements inflow chart – 1
- Levy local tariff instead – 1
- Local group/community engagement needs to be facilitated early in process – 1
- Minerals development requires pragmatic approach – 1
- Monitoring – 5
  - Needs to be thorough, regular and enforceable
  - How will the Council monitor that actually happens, especially if delivered in another county?
  - Monitoring calculations will be complex, how rigorous will monitoring be?

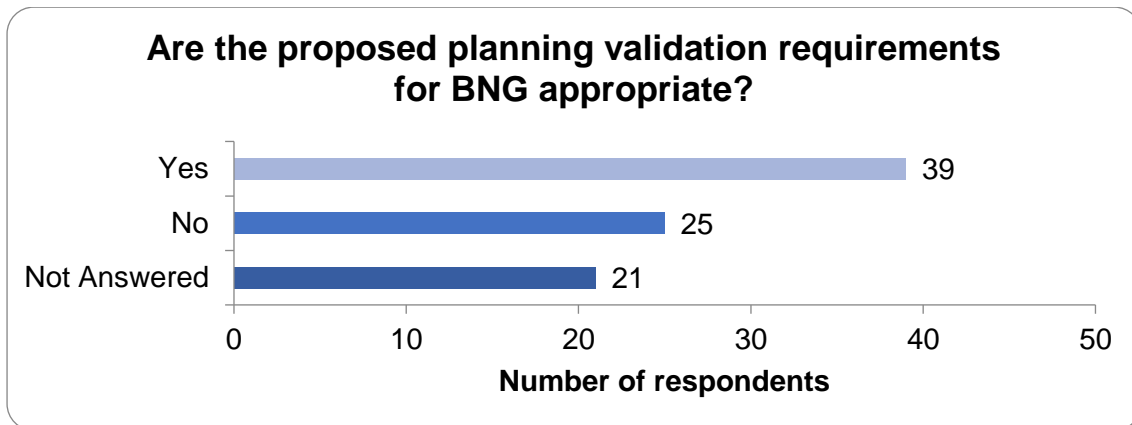
- HMMP should only be required for significant gains
  - Monitoring should be paid for by application fees
- Need a masterplan for increasing biodiversity – 3
- Need acronym definitions set out – 1
- Needs to apply to all applications – 3
- No ecologist on QRP – 1
- Off site delivered pre commencement – 1
- Relationship with other environmental requirements (mitigation/compensation for protected species/sites) – 1
- Resources to deliver – 3
  - Concerned insufficient staffing resource to cope
  - Metric should be assessed, verified and monitored in-house, not rely on consultancy
- Response doesn't answer the question – 2
- SHEP should be reviewed and subject to own consultation before adoption – 1
- Stronger language -e.g. "no impact" replace "avoid" - 2
- Support – 1
- Timing of enhancements – 2
- Updates and reconsultation – 6
- Use Defra Magic – 1

#### Planning processes conclusion

In conclusion, whilst respondents tended to feel that the proposed planning processes were sufficiently clear and appropriate, there were a sizeable number of people who felt that it was not so, and was complicated and difficult to understand. This is likely predominantly a product of the national requirements and subject matter more generally which is by its nature complex and technical. Even so, it highlights the need for an easier to digest, non-technical summary of how the planning processes will work.

A number of specific comments, identified under the 'key comments' bullet points above, raise important points around relationship with the BNG Regulations / national requirements, definition of a 'competent person', resourcing and monitoring and enforcement. These points are responded to more fully in the "You said, we did" section of this report.

Q – Are the proposed planning validation requirements for BNG appropriate?



Of the 85 respondents to the consultation, 64 people answered this question directly. Of the 64 direct responses to the question, 61% said that “yes”, the proposed validation requirements were appropriate, with the other 39% saying “no” they were not.

Some of the emailed responses gave a clear answer to the question and so contributed to the “yes” or “no” quantitative elements above, others were less explicit and so were recorded as “not answered”.

A total of 31 respondents made comments in relation to this question. Key comments focused around:

- Hard for general public to understand;
- Concern LPA won’t have resources to deliver;
- Should apply to more types of development;
- Concern will end up as a tick box exercise;
- Increased cost to developers, impact housing delivery;
- Questioning need and ability to submit GIS data;
- Too onerous/bureaucratic

Comments raised a range of other points as well. The full range of groupings are as follows:

- BNG Statement (Can BNG Statement be part of the Ecological Impact Assessment or need to be a standalone document?)- 1
- Climate change considerations need to figure more in decision making – 2
- Complicated – 4
- Concern over resources to implement – 4
- Concern will all end up as tick box exercise – 3
- Data – 3
  - Where survey results include protected species, it must be mandatory to supply the data to SERC, with proof of reporting included in the checklist
  - Is GIS shapefile data really necessary?
  - Can planning portal accept GIS data?

- Hard for general public to understand – 8
- Higher % for development in National Landscapes – 1
- Increased cost to developers – 3
- Irreplaceable habitats – 2
  - Avoid
  - Definition of irreplaceable habitat should be extended to include calcareous and floodplain grasslands and (due to North Somerset & Mendip Bats SAC), grazed grasslands within SAC consultation zones (at least zones A&B)
- Links not working (biodiversity checklist) – 1
- Need a masterplan for increasing biodiversity – 1
- Needs to apply to all applications – 4
- Small Sites Metric (Shouldn't be mandatory, can use full)- 1
- Too bureaucratic – 1
- Too onerous – 1
- Viable phosphate credit concerns (only taking viable operations out of use should be able to generate phosphate credits and BNG) – 1
- Watercourse units (watercourses include canal network and require baseline of that watercourse and net gain in them)- 1
- What are the difference applied to mineral and waste? – 1
- Will impact housing delivery – 2

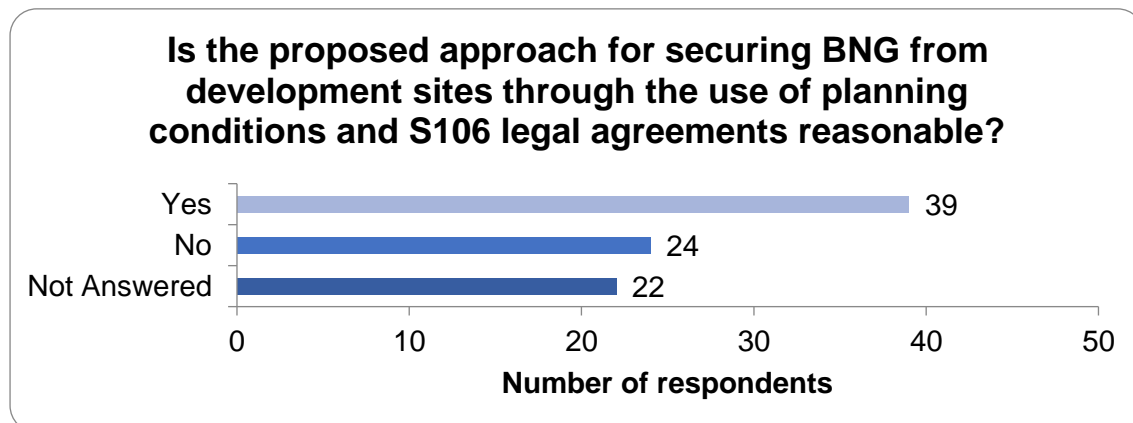
#### Validation requirements – conclusion

In conclusion, whilst respondents tended to feel that the proposed validation requirements were appropriate, there were some specific ways that they could be clarified and reasonably revised. Of most importance will be ensuring that the local validation requirements are consistent with national guidance on the matter and adequately justify why additional information is required at validation where necessary.

As above, a sizeable number of people felt the validation requirements were complicated and difficult to understand, and others raised questions about issues which are out of the Council's scope to change with regards to the application of BNG. This, again, highlights the need for an easier to digest, non-technical summary of validation requirements.

A number of specific comments, identified under the 'key comments' bullet points above, raise important points around impacts on development and justification for additional information. These points are responded to more fully in the "You said, we did" section of this report.

Q – Is the proposed approach for securing BNG from development sites through the use of planning conditions and S106 legal agreements reasonable?



Of the 85 respondents to the consultation, 63 people answered this question directly. Of the 63 direct responses to the question, 62% said that “yes”, the proposed approach was reasonable, with the other 38% saying “no” it was not.

None of the emailed responses gave a clear answer to the question and so none of them contributed to the “yes” or “no” quantitative elements above, and instead were all recorded as “not answered”.

A total of 31 respondents made comments in relation to this question. Key comments focused around:

- Hard for general public to understand;
- Complicated – need simpler approach for small developers;
- How will general NPPF gains be secured?;
- Need clear definition of what is “significant”;
- Is S106 required for off-site when habitat bank is already secured by its own S106?
- Should be securing beyond 30 years;
- BNG should all be on-site;
- Enforcement key;
- Need independent ecologist to review submitted metrics;

Comments raised a range of other points as well. The full range of groupings are as follows:

- Alternative to conservation covenants (required) - 1
- Climate change considerations need to figure more in decision making – 1
- Complicated (inc. need simpler approach for small developers) – 3
- Conditions vs S106 (Can’t permissions use condition if the habitat bank is secured by S106?) – 1
- Costly – 1
- Definition of significant – 1
- Enforcement – 3
  - What if fail to deliver on obligation?



- No evidence Council has appetite to enforce at the moment
- Funding management of sites (need to clearly state that this will be secured from developers) – 1
- Hard for general public to understand – 9
- Independent ecologist should review, paid for by the developer but not in their employ – 2
- Levelling Up & Regeneration Act intention to replace S106 (what's the contingency?) – 2
- Liability for maintaining third party BNG sites (and who pays the monitoring fee related to this?) – 1
- Must be on-site and BNG delivery ensured – 4
- Need to identify adequate resources to deliver effectively – 1
- Needs to apply to all applications – 1
- Needs to be stricter (e.g. higher than 10%) – 3
- On-site high risk – 1
- Secondary legislation inclusion (review against) – 1
- Securing beyond 30 years – 3
- Securing general NPPF gains (will bat/bird boxes be allowed for this, is off-site required for this?) – 1
- Template approach may miss specifics of the site – 2
- Timing of enhancements (early, so not forgotten) – 1
- Timing of monitoring fee payment (clarity needed) – 1
- Too bureaucratic – 2

#### Securing BNG – conclusions

In conclusion, whilst respondents tended to feel that the proposed approach to securing BNG was reasonable, there were some particularly pertinent points raised around how specific aspects of the securing process might work. In many cases, the Government's publication of Regulations and national guidance have helped to answer questions of how these aspects will work.

As above, a sizeable number of people felt the approach for securing BNG was complicated and difficult to understand, and others raised questions about issues which are out of the Council's scope to change with regards to the application of BNG. This, again, highlights the need for an easier to digest, non-technical summary of the approach.

A number of specific comments, identified under the 'key comments' bullet points above, raise important points around the relationship with off-site solutions, beyond the 30 years requirement and general NPPF gains. These points are responded to more fully in the "You said, we did" section of this report.

## **Tailoring BNG to Somerset**

### Q – How do you feel about each of the proposed Somerset BNG Principles?

Respondents provided separate responses to each of the six Principles and then had the opportunity to make comments in relation to their answers. The responses specific to each Principle are discussed further, below.

A total of 16 respondents made general comments not related to any one principle in particular. Key comments focused around:

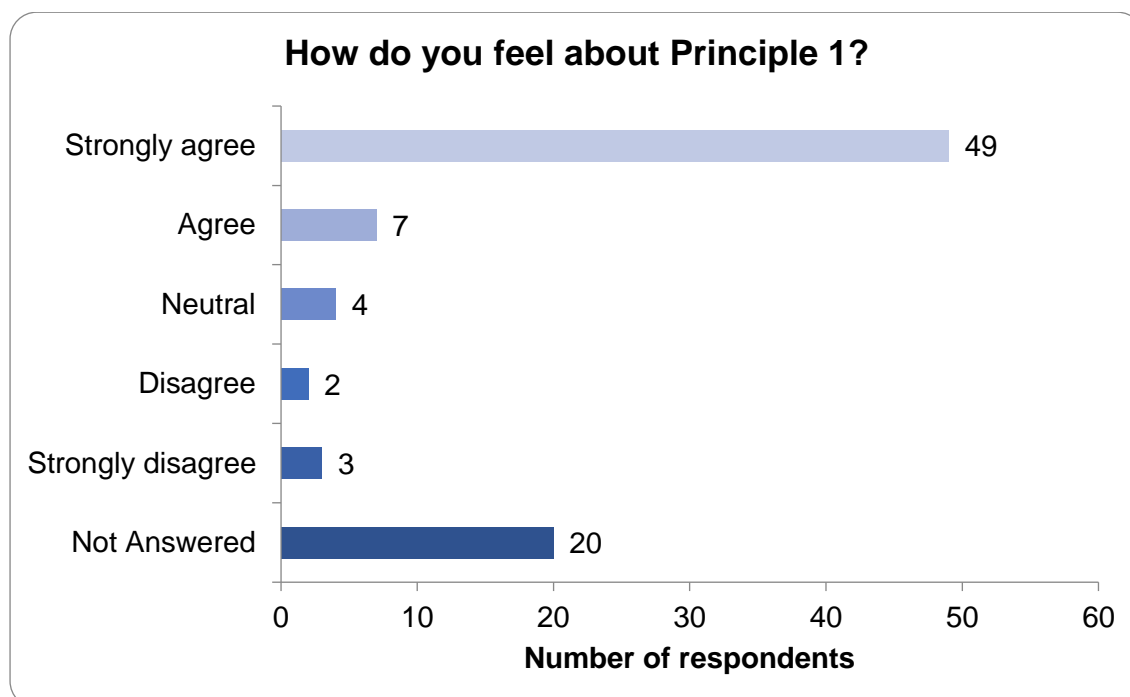
- Good / useful / adds value / great;
- Integrated approach, not a bolt on – should apply to all developments;
- Urban / brownfield first so as to minimise damage;
- Go beyond requiring proposals to “be informed by” / “respond to” the principles;
- Will hamper / reduce opportunities for development;
- Use principles to add detail;
- On-site or very local only ways to deliver benefits to local people, nature and create attractive places.

Comments raised a range of other general points as well. The full range of groupings are as follows:

- Can't disagree with any, all good
- Development in rural areas maximises environmental damage.
- If off-site isn't very local then does not benefit the local community
- Will hamper and reduce opportunities for development
- Need to apply to all developments
- Not enough or soon enough
- Great if they work
- Brownfield development first so as not to encroach on nature
- Concerned won't have resources to check developers
- Conservation and regeneration should be legal requirement
- Integrated approach, not a bolt on.
- 'Other neutral grassland' as a habitat type is very vague, could encompass wide range of habitats containing grass – not necessarily flower rich or beneficial to pollinators. Needs more detail
- Unfortunately only recommends adhering to the principles / go beyond 'informed by/respond to'.
- Need to link principles with emerging legislation
- Useful, adds value
- On-site can lead to mental/physical health benefits – connection to nature and creating attractive places

A total of 2 respondents made comments which did not seem to be related to the principles.

### Principle 1 – Consider biodiversity early on in site selection and design



Of the 85 respondents to the consultation, 65 people answered this question directly. Of the 65 direct responses to the question, 75% strongly agreed, 11% agreed, 6% were neutral, 3% disagreed, and 5% strongly disagreed. This equates to an 86% positive sentiment in responses.

None of the emailed responses gave a clear answer to the question and so none of them contributed to the quantitative elements above, and instead were all recorded as “not answered”.

A total of 7 respondents made comments in relation to Principle 1. Key comments focused around:

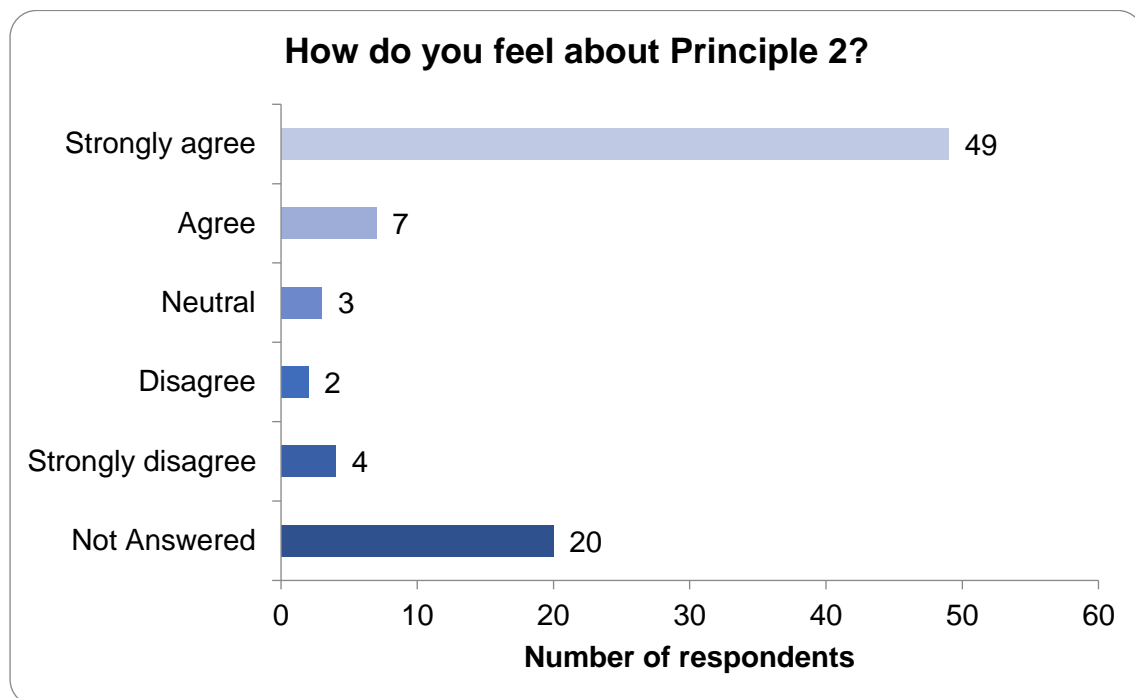
- Greater emphasis needed on avoiding degradation;
- BNG mustn't become get out via offset;
- Principles 1 & 2 highest priority and inform approval/rejection
- Link with justification on mitigating climate change
- Retain existing trees, shrubs and hedges

Comments raised a range of other points as well. The full range of groupings are as follows:

- Not enough emphasis on ensuring no degradation of biodiversity in the pre-application stage, thus lowering the baseline for determining how much gain needs to be achieved.
- Biodiversity not given greatest weight in battling climate change.
- BNG mustn't become get out as can offset impacts.

- 1 & 2 are highest priority and should form basis of whether development is approved or rejected.
- Link with wider justification of how proposals mitigate climate change
- Existing trees/shrubs/hedges should remain as sacrosanct, fines if removed.
- Integrated approach from the start is essential using these parameters – not a bolt on

Principle 2 – Pay special attention to habitat retention, compensation and connectivity



Of the 85 respondents to the consultation, 65 people answered this question directly. Of the 65 direct responses to the question, 75% strongly agreed, 11% agreed, 5% were neutral, 3% disagreed, and 6% strongly disagreed. This equates to an 86% positive sentiment in responses.

None of the emailed responses gave a clear answer to the question and so none of them contributed to the quantitative elements above, and instead were all recorded as “not answered”.

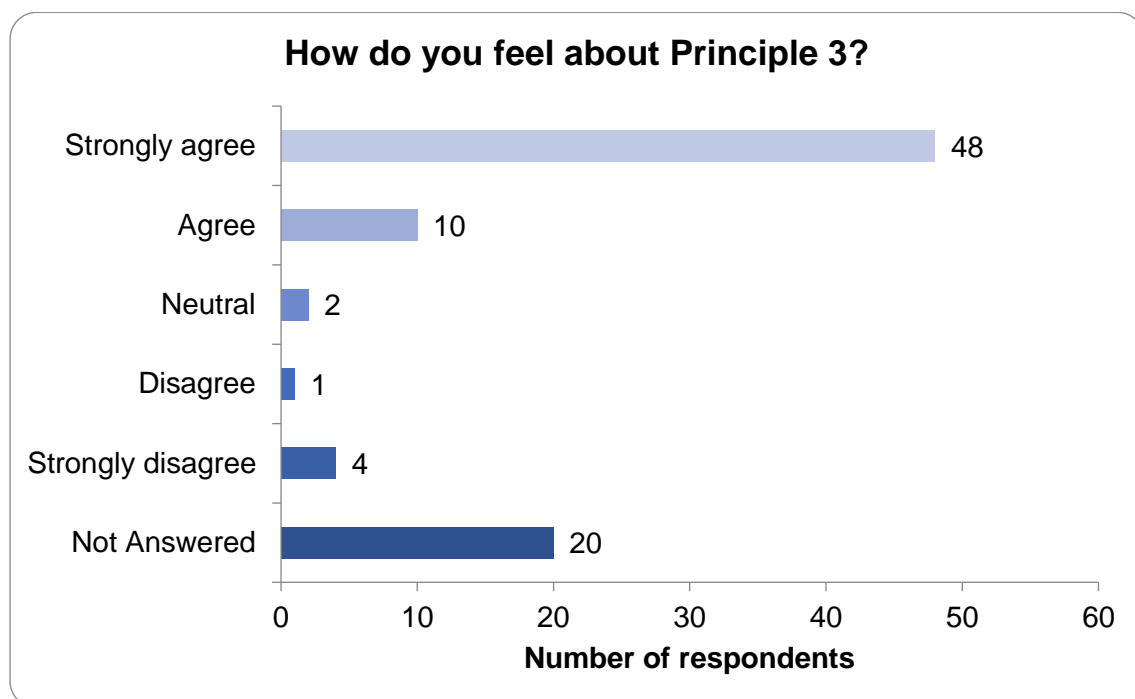
A total of 5 respondents made comments in relation to Principle 2. Key comments focused around:

- Engage specialists for management of high distinctiveness on-site BNG;
- Remove phrases like “wherever possible”;
- Principles 1 & 2 highest priority and inform approval/rejection;
- Retention and connectivity need greater weight;
- Need to condition on-site measures to prevent occupiers removing/changing.

Comments raised a range of other points as well. The full range of groupings are as follows:

- Include engagement of specialists for management of high distinctiveness on-site BNG as per section 10.15
- Delete “wherever possible” from reference to fertiliser etc.
- 1 & 2 are highest priority and should form basis of whether development is approved or rejected.
- Retention and connectivity should have greater weight
- Need to condition any additional on-site BNG from open-sided car ports or bee/swift bricks to prevent occupiers removing/changing.

Principle 3 – Respond to heritage and landscape opportunities from the start



Of the 85 respondents to the consultation, 65 people answered this question directly. Of the 65 direct responses to the question, 74% strongly agreed, 15% agreed, 3% were neutral, 2% disagreed, and 6% strongly disagreed. This equates to an 89% positive sentiment in responses.

One of the emailed responses gave a clear answer to the question and so contributed to the quantitative elements above, others were not and so were recorded as “not answered”.

A total of 4 respondents made comments in relation to Principle 3. Key comments focused around:

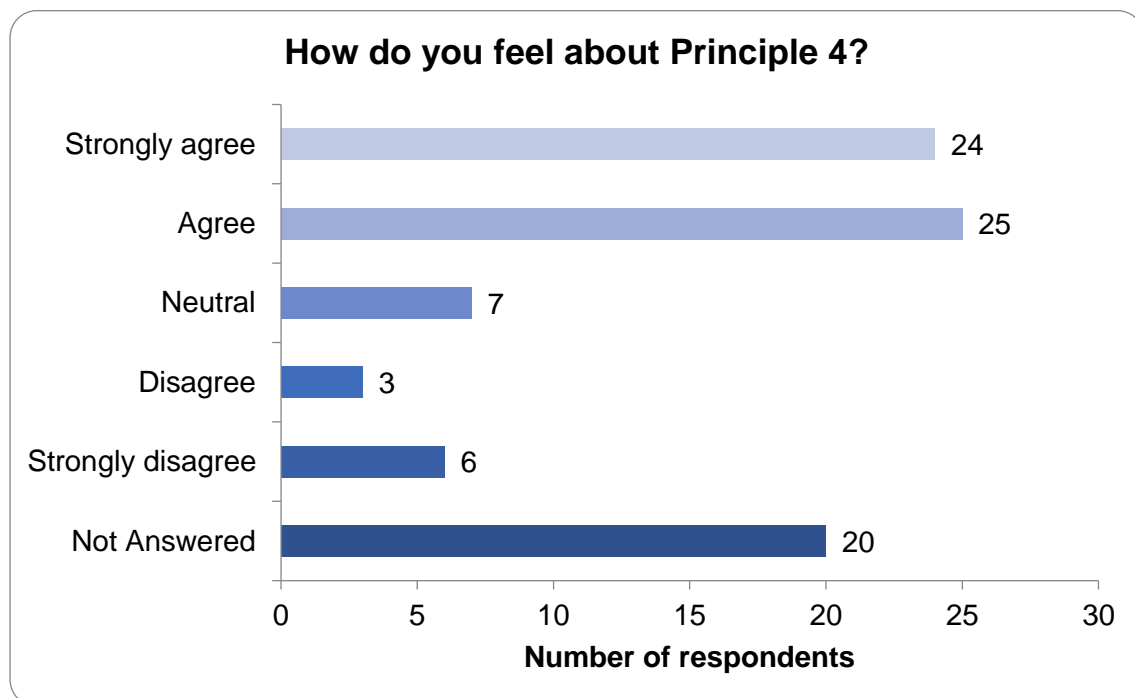
- Greater emphasis on distinctive character of protected landscapes and value of alignment with National Landscape (AONB) Management Plans etc.

- Prevent unsuitable lighting of landscape and wildlife;
- Remove phrases like “otherwise endeavour to”;
- Involve conservation and archaeology advisors;

Comments raised a range of other points as well. The full range of groupings are as follows:

- Delete “otherwise endeavour to” from reference to nesting and roosting capabilities
- Prevent unsuitable lighting to detriment of landscape and wildlife.
- Welcome inclusion of principle 3 and recommend that you involve your local authority conservation and archaeology advisers
- Refer to additional weight afforded to ‘distinctive character of the built and natural setting of the development and the wider landscape character’ in protected landscapes. Add reference to NL Management Plans (LCAs not consistent, comprehensive or up to date across Somerset). Also ref in para 2.51

Principle 4 – Enable and deliver appropriate multi-functionality and recreation

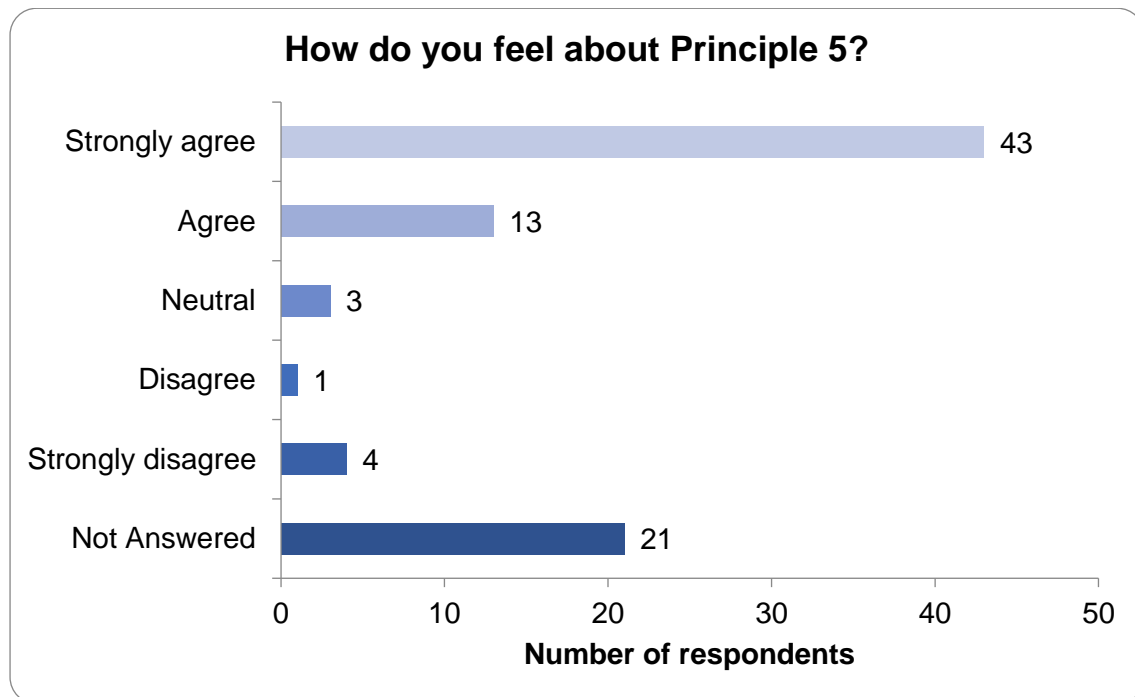


Of the 85 respondents to the consultation, 65 people answered this question directly. Of the 65 direct responses to the question, 37% strongly agreed, 38% agreed, 11% were neutral, 5% disagreed, and 9% strongly disagreed. This equates to a 75% positive sentiment in responses.

None of the emailed responses gave a clear answer to the question and so none of them contributed to the quantitative elements above, and instead were all recorded as “not answered”.

No respondents made any comments in relation to Principle 4.

Principle 5 – Build climate resilience through green and blue infrastructure



Of the 85 respondents to the consultation, 64 people answered this question directly. Of the 64 direct responses to the question, 67% strongly agreed, 20% agreed, 5% were neutral, 2% disagreed, and 6% strongly disagreed. This equates to an 88% positive sentiment in responses.

None of the emailed responses gave a clear answer to the question and so none of them contributed to the quantitative elements above, and instead were all recorded as “not answered”.

A total of 7 respondents made comments in relation to Principle 5. Key comments focused around:

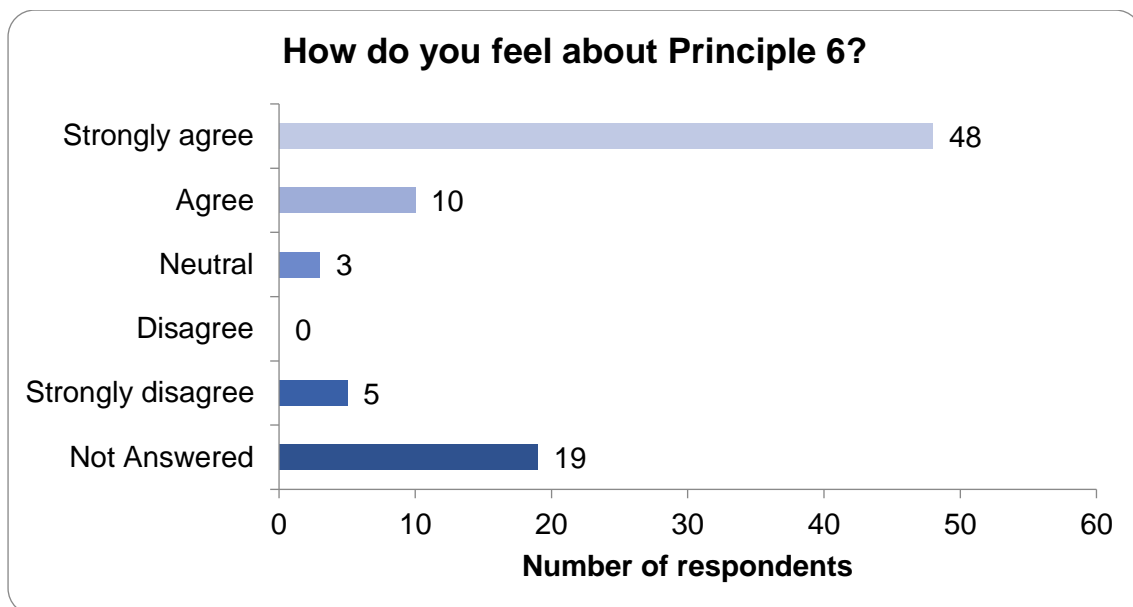
- Plan for long term adaptation to inevitable climate change;
- Plan for blue infrastructure on a catchment-wide basis;
- Natural filtration should be an instruction and linked with points on SUDS;
- Pay attention to hard surfaces to stop excess run offs / protect water courses from nitrates/phosphorates;
- Promote resilience, sustainability and wellbeing in the community;
- Ensure most appropriate infrastructure for the area is incorporated and maintained.

Comments raised a range of other points as well. The full range of groupings are as follows:

- Don't understand this principle

- Plan for long term adaptation to inevitable climate change
- Plan for blue infrastructure on a catchment-wide basis. Not all nature-based solutions are effective and impacts of climate change may change things.
- Point re natural filtration should be an instruction and linked with points on SUDS
- Pay attention to hard surfaces to stop excess run offs / protect water courses from nitrates/phosphorates
- Principle 5 has particular significance in promoting resilience, sustainability and wellbeing in the community
- work with local officers (planning/resilience/tree etc) to ensure the most appropriate infrastructure for the area is incorporated and will be maintained.

Principle 6 – Ensure all proposals are realistic, deliverable, and unlikely to fail



Of the 85 respondents to the consultation, 66 people answered this question directly. Of the 66 direct responses to the question, 73% strongly agreed, 15% agreed, 4% were neutral, 0% disagreed, and 8% strongly disagreed. This equates to an 88% positive sentiment in responses.

One of the emailed responses gave a clear answer to the question and so contributed to the quantitative elements above, others were not and so were recorded as “not answered”.

A total of 11 respondents made comments in relation to Principle 6. Key comments focused around:

- Must be strongly enforced and achievable;
- Future iterations should be informed by failed proposals;
- Work with wildlife groups to educate on wildlife friendly management;
- Use SMART targets;



- Encourage connectivity through developments;
- 'Relatively simple, robust and low maintenance habitats' risks homogenous habitats – 'In keeping with the locality' better?;
- 'Other neutral grassland' very vague, wide range of habitats not necessarily beneficial to pollinators;
- Support more imaginative projects even if slightly unrealistic;
- Reference to gardens not being able to be relied upon is not consistent with national guidance – they can be counted.

Comments raised a range of other points as well. The full range of groupings are as follows:

- Must be strongly enforced and achievable
- Sites often promise much more than they deliver and nobody seems willing or able to police conformity
- Future iterations of BNG strategy should be informed by lessons learned from failed proposals
- habitats, species, ecosystems generally require management and must be secured in any agreement.
- SMART targets are an invaluable tool.
- Work with wildlife outreach groups to increase education about wildlife friendly management.
- Encourage connectivity through residential sites, particularly gardens
- What are 'relatively simple, robust and low maintenance habitats'? – risk steering to homogenous habitats across an area? 'In keeping with the locality' would be better. If developer can't afford to maintain best fit habitat for locality, they can't afford to develop the site.
- 'Other neutral grassland' is very vague, could encompass wide range of habitats containing grass not necessarily beneficial to pollinators, more detail needed.
- more imaginative projects should be fully supported no matter being slightly unrealistic
- All-too-numerous examples of the failure of newly-planted trees, and the failure to implement the agreed maintenance plans for SUDS infrastructure.
- Reference to gardens not being able to be relied upon under Principle 6 is not consistent with national guidance – they can be counted and scoring caveated accordingly.

#### Somerset BNG Principles – conclusions

The Somerset BNG Principles generated overwhelming levels of support, with the positive sentiment for all principles being between 75% and 89%. Comments received generally identified ways that the principles could be improved through additional explanation within the supporting guidance text.

A number of specific comments, identified under the 'key comments' bullet points above, raise important points in relation to each principle and more generally. These points are responded to more fully in the "You said, we did" section of this report.

Q – Are there any other Principles you think should be identified?

A total of 35 respondents made comments suggesting other principles which could be identified. Key comments focused around:

- Carbon footprint consideration of maintenance activities, methane from wetlands etc.;
- Alignment with climate change considerations;
- Consider all nature and species, not just those protected;
- Greater consideration on impact on surrounding biodiversity / respond to local species records;
- Pay greater attention to habitat condition alongside extent;
- Greater consideration of light pollution;
- Engage with local groups / community early in the process;
- Avoid use of plastic grass;
- Consider minimum outdoor space standards;
- Refer to pre-app and other permissions / licences from other bodies;
- Wellbeing intrinsically linked to loss of nature.

Comments raised a range of other points as well. The full range of groupings are as follows:

- Aim for more than 10% BNG – 2
- AONB Management plans (refer to them) – 1
- Assessment through multiple seasons – 1
- BNG in or very close to Somerset boundary – 1
- Carbon footprint consideration (of maintenance activities and potential for methane from wetlands etc.) – 3
- Climate connections, reduce light pollution, sustainable transport – 6
- Consider all nature and species not just those protected – 2
- Drainage (cover drains to protect amphibians, hedgehogs, reptiles from drowning) – 1
- Education – programme for developers and residents on the value and positives of biodiversity & NG – 1
- Ensure any BNG is in perpetuity – 1
- For all developments including national infrastructure (should apply) – 1
- Greater consideration of the impact on surrounding Biodiversity (inc habitat types lost, connectivity, potential for improvement etc.) – 4
- Habitat condition (greater emphasis required alongside extent) – 1
- Hedgerow introduction (more needed) – 2
- Involve local artists – 1
- Lack of accredited competent Ecologist= delays (insistence on CIEEM accreditation may create backlog as not enough) – 1
- Landscape enhancement (NPPF weight re conserving/enhancing NL landscapes) – 1
- Light pollution (inc, dark skies policies and restricting householders installing intrusive lighting- 2

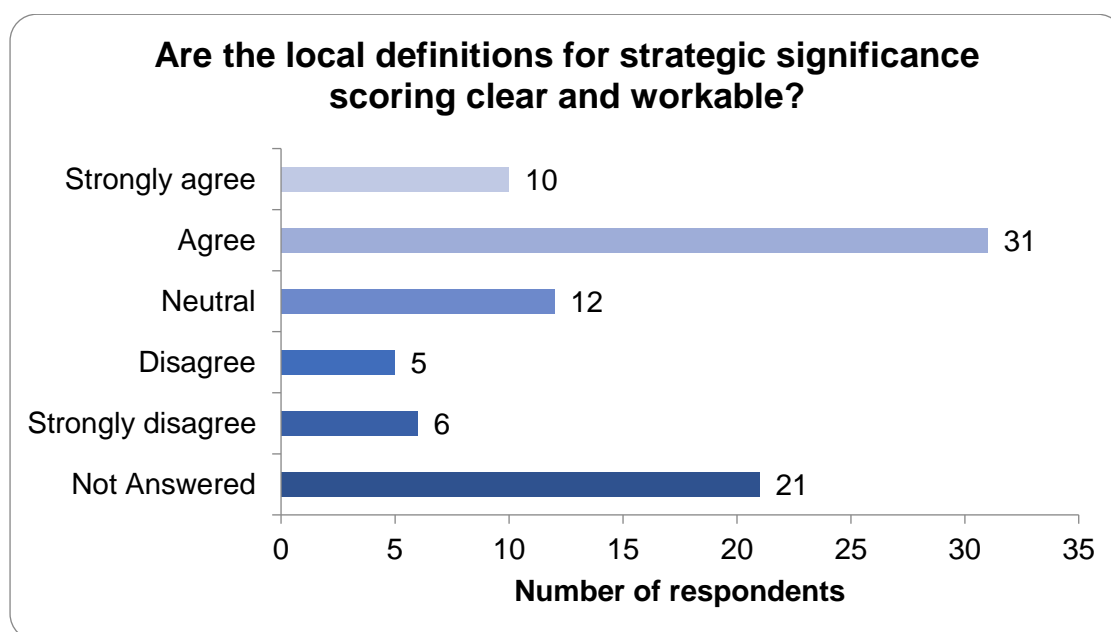
- Local group/community engagement needs to be facilitated early in process – 2
- Monitoring resources (needed) – 1
- No use of plastic grass – 1
- Not relevant to the principles – 1
- Outdoor space minimum standards (needed) – 1
- Permission refused if not on-site – 1
- Phosphates (upgrade sewage works is the answer) – 1
- Pre-app and permissions from other bodies (CRT) – 1
- Reduce charges / burdens within process – 1
- Refuse if reliant on credits – 1
- Respond to species records identified locally – 4
- Rolling on-site target (30% biodiversity by 2030 (rolling 5-10 years) – 1
- Wellbeing (intrinsic link to loss of nature) – 1

#### Additional principles – conclusions

A number of prospective additional principles were identified in responses. However, in all cases, officers considered that the points being made could be better accommodated through improved reference within guidance supporting the already proposed six Somerset BNG Principles, rather than by adding specific additional principles.

A number of specific comments, identified under the 'key comments' bullet points above, raise important points in relation to each principle and more generally. These points are responded to more fully in the "You said, we did" section of this report.

#### Q – Are the local definitions for strategic significance scoring clear and workable?



Of the 85 respondents to the consultation, 64 people answered this question directly. Of the 64 direct responses to the question, 16% strongly agreed, 48% agreed, 19% were neutral, 8% disagreed, and 9% strongly disagreed. This equates to a 64% positive sentiment in responses.

Two of the emailed responses gave a clear answer to the question and so contributed to the quantitative elements above, others were not and so were recorded as “not answered”.

A total of 26 respondents made comments in relation to this question. Key comments focused around:

- Hard for general public to understand;
- Careful about how treat ‘white space’ between priority areas;
- Use the LNRS to focus;
- Language used open to interpretation;
- NHN data not reliable enough;
- Use National Landscape Management Plans / Nature Plans / NE Peat Map to supplement;
- Avoid suggesting competition between strands of sustainability;
- Careful not to dilute purpose;
- Landscape-scale projects provide good opportunities.

Comments raised a range of other points as well. The full range of groupings are as follows:

- Careful not to dilute purpose – 1
- Clarify who are the assessors – 1
- Climate change considerations need to figure more in decision making – 1
- Enhancements in ‘white space’ between priority areas (could lead to lower standard proposals / disregard in-between and hide greater need in these areas?, need to dedicate more areas to nature) – 4
- Greater focus on brownfield sites – 1
- Habitat data (NHN not reliable enough, supplement with NE peat map / support for use of NHN ahead of LNRS) – 3
- Hard for general public to understand – 7
- Include Neighbourhood Plan policies also (in Appendix 1) – 1
- Land Use Framework (significant undertaking, could delay things) – 1
- Landscape-scale projects could provide good opportunities – 2
- Language used open to interpretation (could be more specific?) – 3
- Local group/community engagement needs to be facilitated early in process – 1
- Mitigation needed for all biodiversity loss through development – 3
- National Landscape Management Plans / Nature Recovery Plans (use to supplement) – 2
- Strategically focus re LNRS – 3
- Sustainability in the round (Venn diagram and text suggest competition between objectives) – 2

- Values for specific habitats not appropriate in Metric – 1

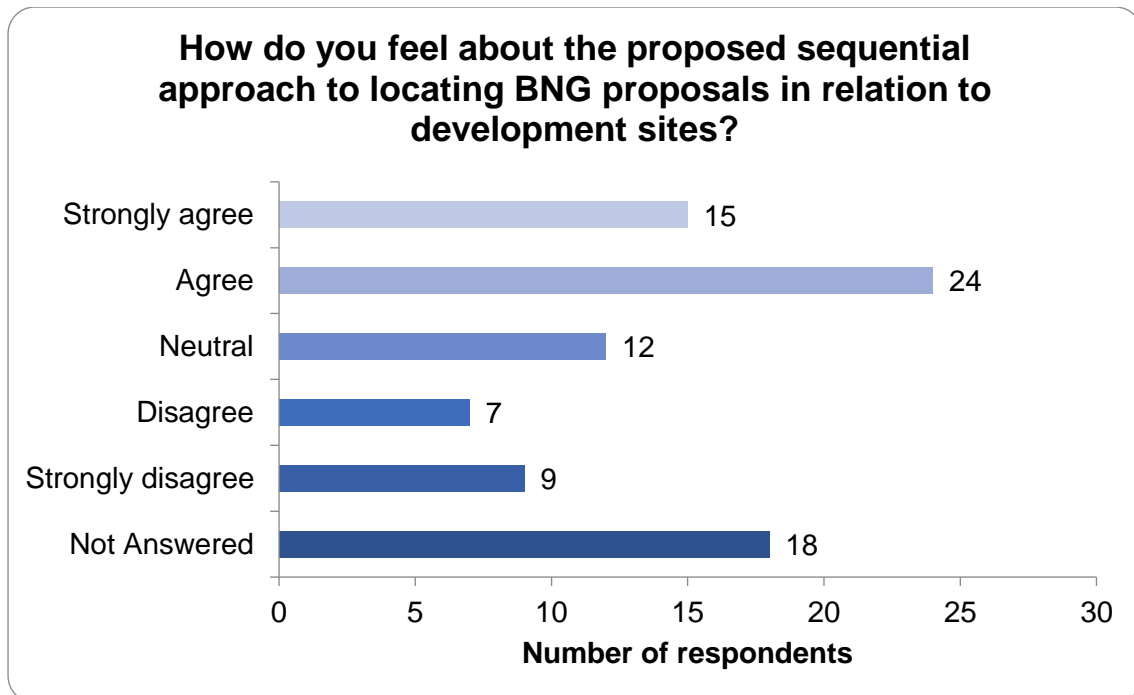
Strategic significance – conclusions

Respondents showed strong support for the local definitions of strategic significance, with a positive sentiment of 64%. Despite this, important questions were raised and ideas shared for improving things further.

As above, a sizeable number of people felt the definitions / issue was complicated and difficult to understand. This, again, highlights the need for an easier to digest, non-technical summary of the approach.

A number of specific comments, identified under the ‘key comments’ bullet points above, raise important points about how the space between high priority areas is treated, reliability of national data, other potential sources, and the importance of taking a rounded view on sustainability. These points are responded to more fully in the “You said, we did” section of this report.

Q – How do you feel about the proposed sequential approach to locating BNG proposals in relation to development sites?



Of the 85 respondents to the consultation, 67 people answered this question directly. Of the 67 direct responses to the question, 22% strongly agreed, 36% agreed, 18% were neutral, 10% disagreed, and 13% strongly disagreed. This equates to a 58% positive sentiment in responses.

Three of the emailed responses gave a clear answer to the question and so contributed to the quantitative elements above, others were not and so were recorded as “not answered”.

A total of 32 respondents made comments in relation to this question. Key comments focused around:

- Hard for general public to understand;
- On-site or near-site only;
- Should be on-site only
- Consider within Somerset related National Park or National Landscapes before other out of County solutions;
- Result in isolated pockets off-site unless link ecological networks;
- Off-site/credits are greenwashing;
- Support statutory credits as last resort only;
- Pragmatic approach welcomed;
- Clarify small sites don't have to use the SSM.

Comments raised a range of other points as well. The full range of groupings are as follows:

- Add consideration of Somerset Natural landscapes (NP, NLs) before BNG out of the County – 2
- Bureaucratic – 1
- Climate change considerations need to figure more in decision making – 2
- Compensating specific impacts e.g. on CRT waterways – 1
- Enforcement (great if it is enforced) – 1
- Ensure off-site actually delivers desired benefits – 1
- Flow diagram needed – 1
- Food security concerns – 1
- Greenwashing (credits/off-site are) – 2
- Hard for general public to understand – 4
- Isolated pockets of off site BNG (unless link with ecological networks) – 2
- Monitoring (how will compliance with the approach be monitored?) – 1
- More exacting rules needed for developments departing from Local Plan – 1
- On and Off sites equally important – 1
- On-site only – 5
- On-site or near-site only – 8
- Points contradict each other (see 5.9 and 5.12) – 1
- Pragmatic approach welcomed – 1
- Secondary guidance changes (check compliant) – 2
- Secure long-term future of BNG (post 30yrs?) – 1
- Small sites likely need to use full metric too- clarify possible – 1
- Strong justification necessary between steps – 1
- Support statutory credits as last resort only – 2
- Too little, too late – 1

### Sequential approach – conclusions

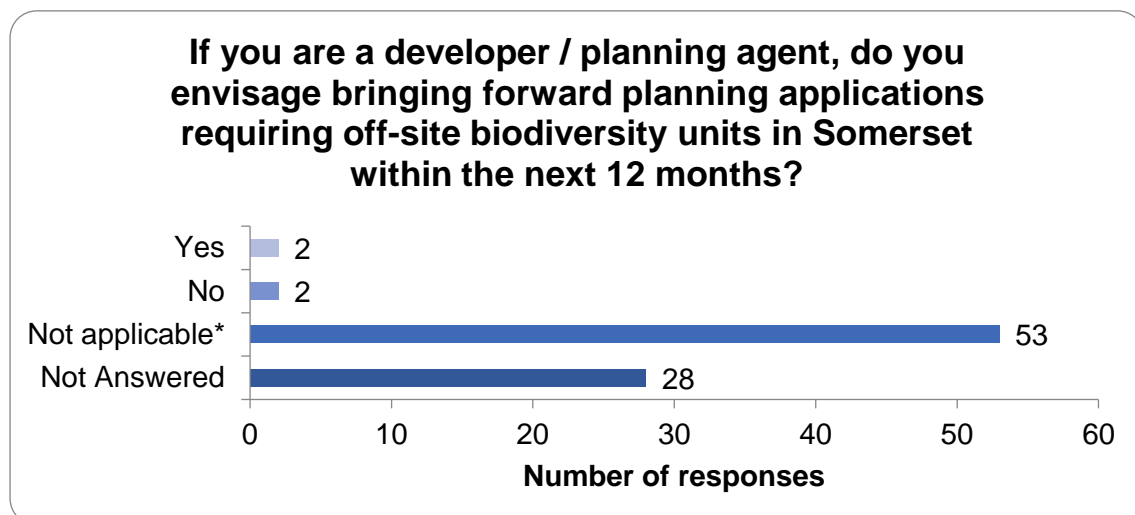
Respondents showed support for the local sequential approach, with a positive sentiment of 58%, though there was a negative sentiment of 23%. However, the majority of negative sentiment towards the approach would appear to be in relation to concern about reliance upon off-site solutions or statutory credits being allowed at all, and the scope these have for missing the primary point of BNG to leave the environment in a measurably better state than it was beforehand, and effectively becoming a means of “greenwashing”. As these are allowed in the legislation, this is beyond the scope of how the Council can influence things locally, though it does highlight a desire to maximise the local value of BNG in delivery.

As above, a sizeable number of people felt the definitions / issue was complicated and difficult to understand. This, again, highlights the need for an easier to digest, non-technical summary of the approach.

A number of specific comments, identified under the ‘key comments’ bullet points above, raise important points about the on-site/ off-site/ credits balance, and near-site solutions. These points are responded to more fully in the “You said, we did” section of this report.

### **Off-site delivery mechanisms in Somerset**

Q – If you are a developer / planning agent, do you envisage bringing forward planning applications requiring off-site biodiversity units in Somerset within the next 12 months?



Respondents who were not a developer / planning agent were asked to select “Not applicable”.

Of the 85 respondents to the consultation, 57 people answered this question directly. Of these only 4 respondents were not selecting “not applicable”, with 2 of these saying “yes” they were envisaging bringing forward planning applications requiring off-site biodiversity units within Somerset in the next 12 months, with the other 2 saying “no” they were not.

Of the 4 respondents, 2 were planning agents, 1 was a developer and the fourth was a member of the public (and so should really have selected “not applicable”).

None of the emailed responses gave a clear answer to the question and so none of them contributed to the quantitative elements above, and instead were all recorded as “not answered”.

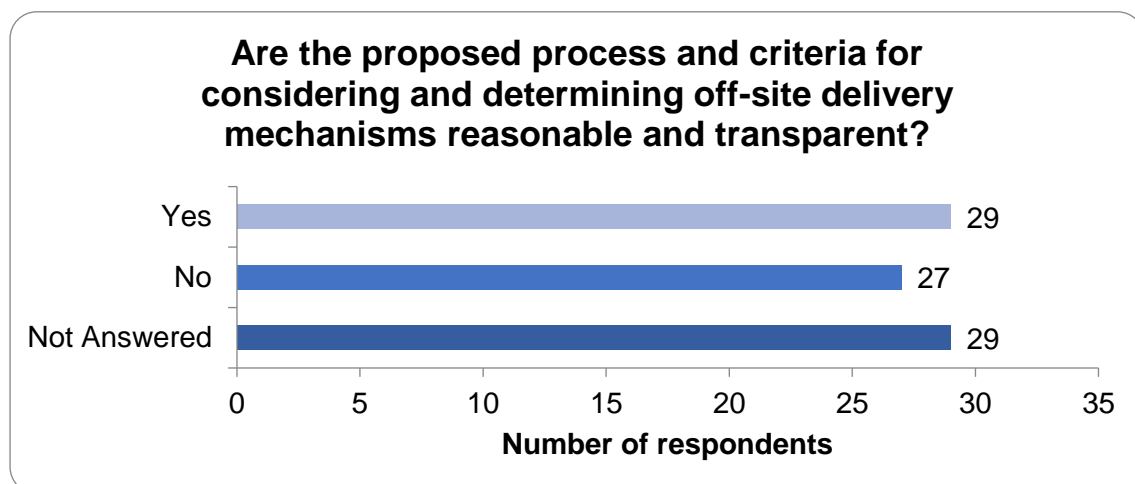
Respondents answering “yes” to this question were then given an opportunity to set out if known, broadly how many biodiversity units they were expecting to require via an off-site solution. A total of 5 respondents made comments in response, though 2 respondents made comments which did not seem to be related to the question. Key comments focused around:

- Smaller rural developments will struggle to deliver on-site, and if they have to will result in less efficient site layouts and subsequently more development sites being needed
- Not sure how many units needed

#### Demand for off-site solutions in Somerset – conclusions

Given the poor response to the consultation by the development industry, the responses to this question are fairly inconclusive. This is likely because the industry was waiting for the Government to publish the Regulations and national guidance before they were able to really engage in the topic and the question of off-site demand in particular.

#### Q – Are the proposed process and criteria for considering and determining off-site delivery mechanisms reasonable and transparent?





Of the 85 respondents to the consultation, 56 people answered this question directly. Of the 56 direct responses to the question, 52% said that “yes”, the proposed process and criteria were reasonable and transparent, with the other 48% saying “no” they were not.

Some of the emailed responses gave a clear answer to the question and so contributed to the “yes” or “no” quantitative elements above, others were less explicit and so were recorded as “not answered”.

A total of 35 respondents made comments in relation to this question. Key comments focused around:

- Off-site undermines the purpose and lets developers off the hook;
- Need to ensure habitat target quality is achieved;
- Need to ensure delivery and enforce;
- Hard for general public to understand;
- Is this really deliverable?;
- Need clarity on costs per unit;
- Could communities suggest sites?;
- Compensation must be like for like habitats;
- Timing of off-site delivery is important;
- What if a developer chooses a site that hasn't been via the call for sites?;
- If selling excess on-site units, do they have to be over 10 unit minimum in call for sites?

Comments raised a range of other points as well. The full range of groupings are as follows:

- Climate change considerations need to figure more in decision making – 1
- Community suggestions for sites (could they?) – 2
- Costly – 2
- Developers outmanoeuvre cash-strapped council – 1
- Ensure delivery / enforcement – 6
- Ensuring habitat target quality is achieved – 6
- Establish partnership with trusted partner – 1
- Facilitate stacking of nutrient neutrality and BNG – 1
- Habitat banks should be priority – 1
- Habitat compensation must be like for like habitats – 2
- Hard for general public to understand – 5
- Is it really deliverable? – 4
- Map sites to avoid double-counting – 1
- More exacting rules needed for developments departing from Local Plan – 1
- Need clarity on cost per unit – 3
- Need clarify on liabilities for off-site – 1
- Off-site should deliver more than 10% - 1
- Off-site undermines purpose and lets developers off the hook – 8
- Prioritising off-site solutions (through proximity to ecological network) – 1
- Regulation of off-site market (how will this be done?) – 1

- Routes to an overarching S106 (what if a developer wants part of what could be achieved but the site hasn't gone through the call for sites?) – 1
- S106 BNG moneys must be ring-fenced – 1
- Selling excess on-site units (what if not over 10 unit minimum for call for sites?) – 1
- Sounds difficult to incentivise landowners – 1
- Surveys required for off-site land – 1
- Timing of off-site delivery – 3
- Use documents by trusted partners to add value to off site evaluations – 2
- Use in-house ecologists – 1
- Use of Council land (should explore) – 1
- Use of nature conservation body land – 1
- What if unsuccessful (in applying to call for sites)? – 1

#### Process and criteria for considering off-site delivery mechanisms – conclusions

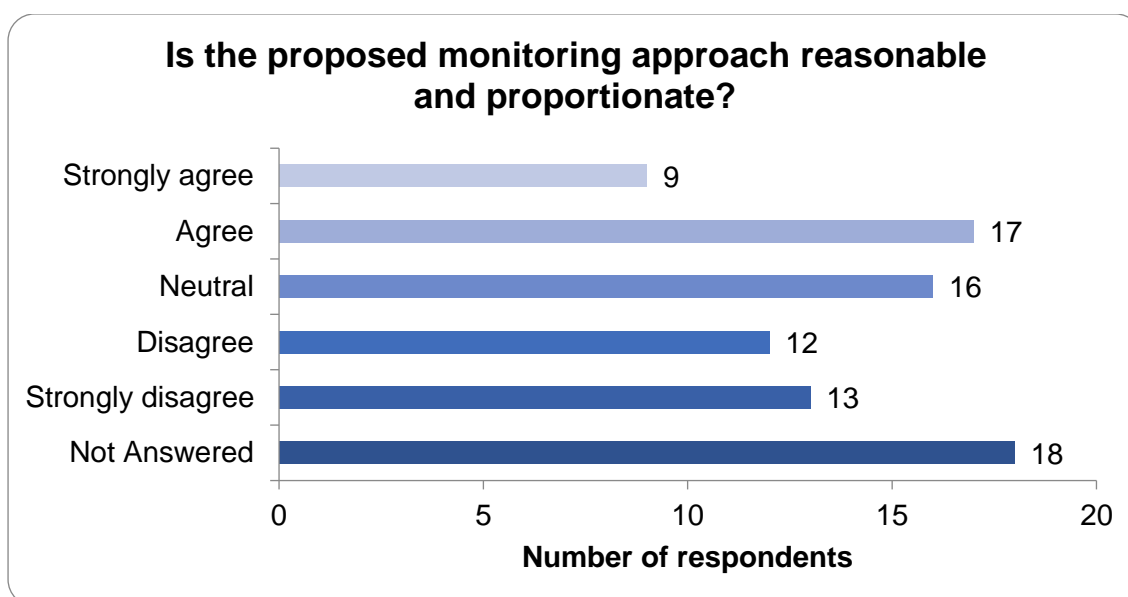
Respondents were split relatively evenly between those feeling the proposed process and criteria were reasonable and transparent, and those who felt they were not. As with responses to the sequential approach, above, a fair amount of the negative sentiment around this, seems to stem from a distrust / dislike for off-site solutions, over on-site.

Again, a sizeable number of people felt the guidance and issue were complicated and difficult to understand. This, again, highlights the need for an easier to digest, non-technical summary of the approach.

A number of specific comments, identified under the 'key comments' bullet points above, raise important points about community involvement, other routes to securing off-site solutions, selling of excess units, deliverability and enforcement. These points are responded to more fully in the "You said, we did" section of this report.

## Monitoring BNG

Q - Is the proposed monitoring approach reasonable and proportionate?



Of the 85 respondents to the consultation, 67 people answered this question directly. Of the 67 direct responses to the question, 13% strongly agreed, 25% agreed, 24% were neutral, 18% disagreed, and 19% strongly disagreed. This equates to a 39% positive sentiment in responses.

Two of the emailed responses gave a clear answer to the question and so contributed to the quantitative elements above, others were not and so were recorded as “not answered”.

A total of 42 respondents made comments in relation to this question. Key comments focused around:

- Regular monitoring and potential enforcement are essential, won't work without it;
- Monitoring needs proper funding (e.g. developers pay via S106, use PPAs, consider using bonds, investment from Government, cover full 30+ years);
- Council has lack of resources and teeth to implement failing to enforce conditions already);
- Penalties required for non-compliance;
- Long term concerns (original developer no longer exists, management companies, leaseholders, homeowners);
- Developer self-monitoring a conflict of interest;
- Involve local people as eyes and ears;
- Ensure monitoring fees set reasonably;
- Competent person needs to be appropriately defined.

Comments raised a range of other points as well. The full range of groupings are as follows:

- Greenwashing – 2
- Climate change considerations need to figure more in decision making – 1
- Contingency (need it) – 1
- Definition of competent person (accreditation not a requirement nationally, specific to target species and habitat, need to know competency before appointment) – 2
- Disproportionate – 2
- Enforcement required – 21
- won't work without it
- needs resourcing
- self-regulations means enforcement more likely
- needs to be timely
- Factors for setting monitoring fees (size the only relevant factor, consider flat fee) – 1
- Funding monitoring (and enforcement, admin) responsibilities – 7
- Developers should fund Council monitoring and enforcement
- Consider use of PPAs
- Consider use of a bond, or an insurance policy to be lifted only after 5 years
- Needs massive investment from Government (poor history)
- Need assurances that obligations will be financed long term even if original developers no longer exist.
- Needs to be sufficient to cover all costs for 30+ years
- Set aside some funds for enforcement costs
- Secure costs via S106
- Hard for general public to understand – 4
- Increased cost to developers – 1
- Involve local people in monitoring site BNG progress (be the Council's eyes and ears) – 3
- Lack of resources to implement (inc. failing to enforce conditions at the moment) – 9
- Long term monitoring and expectations considerations - 6
- Indication of time periods for monitoring and maintenance by type and performance would be helpful
- In time add successful examples from Somerset
- What if original developer no longer exists?
- Long-term responsibility of remote management companies, leaseholders, homeowners an issue.
- Add monitoring of continued management
- Monitoring intervals – 2
- Are ecologists expected to suggest monitoring requirements for approval based on habitats present or will LPA specify?
- Identify frequency/duration range for reports
- Penalties required for non-compliance – 8
- Regular monitoring of all sites essential – 6
- Responsibility for developers/landowners to monitor a conflict of interest – 6
- Review against secondary legislation – 1

- Self-build (unreasonable expectations to place on self-builders) – 1
- Transparent reporting, including public access – 2
- What teeth will LPA have with breaches – 3
- Will impact housing delivery – 2

Monitoring approach – conclusions

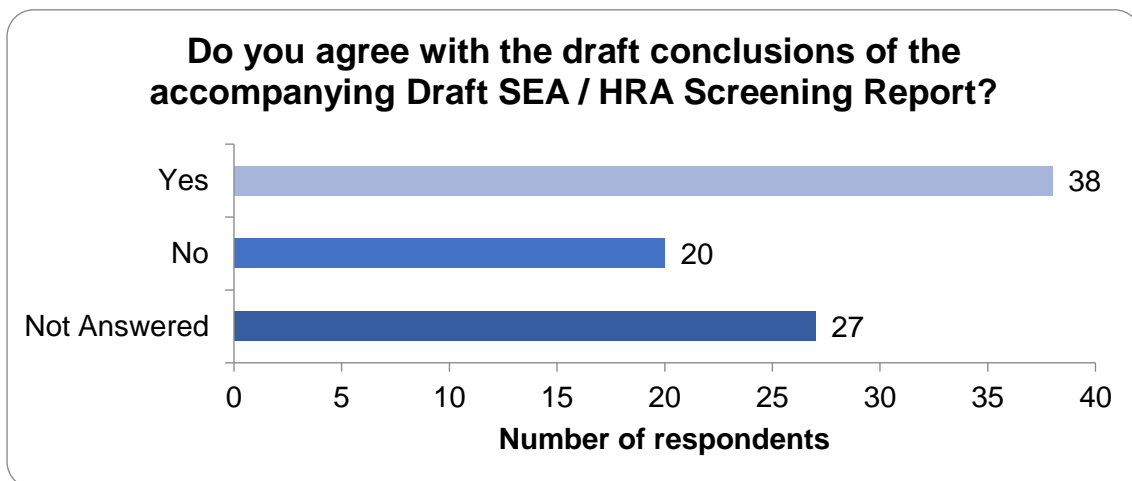
Respondents were split relatively evenly between those feeling the proposed approach was reasonable and proportionate, and those who felt it was not, with a positive sentiment of just 39% and a negative sentiment of 37%. The majority of concern from the public and nature conservation bodies was around the importance of monitoring and having a genuine threat of enforcement where breaches occur versus a perceived reputation and image of the Council as not having the teeth, resources or inclination to enforce. Some raised issues which fell beyond the scope of Council influence including issues with the wider national approach around developer/provider monitoring. The development industry and supporting businesses were keen to emphasise the importance of setting reasonable and justified monitoring fees and the definition of a ‘competent person’.

Again, a sizeable number of people felt the guidance and issue were complicated and difficult to understand. This, again, highlights the need for an easier to digest, non-technical summary of the approach.

A number of specific comments, identified under the ‘key comments’ bullet points above, raise important points about funding, resourcing, consequences of breaches, long-term issues, conflicts of interest, community involvement and definitions. These points are responded to more fully in the “You said, we did” section of this report.

**SEA/HRA Screening**

Q – Do you agree with the draft conclusions of the accompanying Draft SEA / HRA Screening Report?



Of the 85 respondents to the consultation, 58 people answered this question directly. Of the 58 direct responses to the question, 66% said that “yes”, they agreed with the draft conclusions, with the other 34% saying “no” they did not.

Some of the emailed responses gave a clear answer to the question and so contributed to the “yes” or “no” quantitative elements above, others were less explicit and so were recorded as “not answered”.

A total of 27 respondents made comments in relation to this question. Key comments focused around:

- Hard for general public to understand;
- Agree with conclusions (3x statutory bodies);
- Environmental screening process not resulting in necessary action for individual applications;
- Significant weight should be given to views of statutory bodies.

Comments raised a range of other points as well. The full range of groupings are as follows:

- Agree with conclusions – 3
- Concerns in ability to implement – 1
- Costly – 1
- Environmental regulations need to be revised – 2
- Environmental screening process not resulting in necessary action for individual applications – 2
- Hard for general public to understand – 7
- Missing references/ inclusion of statutory AONB documents and management plans – 1
- No comment – 62
- Not sure – 1
- Public should have access? – 1
- Significant weight should be given to (views of) statutory bodies – 2
- These should be standard procedures in evaluating any development – 1
- Too little, too late – 1
- Too many unknowns politically and financially – 1

#### SEA/HRA Screening – conclusions

Respondents generally supported the draft conclusions of the SEA/HRA Screening Report. Where they did not, it seems to have been primarily due to a misunderstanding of the purpose and scope of the SEA and HRA processes in plan-making. Importantly, the three statutory consultation bodies for SEA purposes, and the one for HRA purposes supported the draft conclusions.

# Summary of informal comments

In addition to the consultation survey, comments were received through less formal channels including events and social media.

## Events

The comments and questions received from the consultation events are broadly summarised in the table below:

Event	Summary of comments
City, Town and Parish Clerks Working Group – 1 <sup>st</sup> November 2023	<ul style="list-style-type: none"> <li>No comments were made or questions asked.</li> </ul>
Agents Forum – 10 <sup>th</sup> November 2023	<ul style="list-style-type: none"> <li>Off site credits... how much £££ are we looking at?</li> <li>If a current Planning Application is being considered by the LPA prior to BNG being enacted, but has not been determined at enactment date, will the applicant/agent then need to address BNG before approval can be granted?</li> <li>Do agents first contact the Planning Officers or go directly to Somerset Ecology Services?</li> <li>Is the monitoring fee annual or one-off?</li> <li>Will the council create a UU agreement for BNG (offsite) – or are the council expecting all applicants to go through protracted legals to secure s.106 agreements?</li> <li>Please stop using acronyms as not all listeners are fully aware of what many acronyms refer to.</li> <li>If an offset site isn't ready for the call for sites process in Jan, when will be the next opportunity to engage with the council re a S106. i.e. will there be set windows for entering into discussions or will there remain an open on-going window.</li> <li>Are there any threshold r.e. size/nature of planning applications before BNG is required to be addressed.</li> <li>For sites providing BNG credits only and not subject to planning, who is going to verify that the calculated credits are calculated correctly?</li> <li>Will you publish a BNG FAQ live document like you did with nutrient neutrality, if you haven't already?</li> <li>Please could you explain how the Six BNG Priorities will be linked with the baseline score (and future Net Gain) with the DEFRA Metric?</li> <li>Will a planning proposal be exempt from BNG if it supersedes a previous prior approval for the same principle?</li> <li>Will BNG sites that are already implemented Nutrient sites have to be enhanced from their nutrient only state to qualify for BNG Credits?</li> <li>Will BNG be triggered when applying for Reserved Matters?</li> </ul>

	<ul style="list-style-type: none"> <li>• Has anyone discussed with RSPB, NE or SWT about if they can actually staff/partner on these sites?</li> <li>• This kind of local guidance is exactly what the Home Builders Federation has been calling for and is needed. However, we still don't have the Government guidance or regulations to know how consistent the content and approach is with them. Might the Council consider extending the consultation if these are published during it?</li> </ul>
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Most of the questions included in the above table were responded to during the events. However, they identify genuine questions and places where additional information could be provided to assist understanding in implementation. As such, the questions and matters raised above will be considered further in compiling a Frequently Asked Questions document for publication.

### Social media

Social media impressions and engagements are summarised below:

Platform	Impressions	Engagement
Facebook	4507	30
Twitter	3084	43
LinkedIn	1091	52
Instagram	456	14

Despite a total of 139 'engagements', only 3 actual comments were received via social media platforms:

Yesterday the park where I walk my dog was cleared of all brush, bushes and some trees. I was shocked to see this once woodland area now bare! There is now no shelter or habitat for the wildlife that used to be in abundance. The bushes that were once full of birds feeding on the berries have gone! I dread to think what has happened to the hedgehogs and other small creatures. Everything was hacked down and put through the massive shredder! I've enjoyed this park in all its glory for many years and now it's desolate. How is this helping biodiversity?! 😞

We have loads of Hedgehogs, Badgers Foxes and Bat's in our garden from the farm next door that we feed every night so you have to stop the housing development at Parsonage Farm in Watchet.??? 😞😞😞😞😞

About flippin' time. Too many developments displacing wildlife.

## You said, we did

The comments received through the consultation have directly informed development of the final Guidance Note proposed for adoption. Officers have considered all comments made and applied professional judgement in identifying key comments and whether or not they merit changes. In some cases, this has resulted



in specific changes, in others it has resulted in a shift of emphasis. However, not every comment was deemed to require a change to be made.

The table below details the key comments raised and the officer response. In some cases, the response has been to make changes to the document, in others the response provides written justification, but no change is deemed to be necessary. Comments are organised by the relevant section of the Guidance Note.

Key comment theme	Officer response
<u>General</u>	
Hard for general public to understand / complicated	BNG is a complex aspect of development planning. By its nature it is technical and requires a reasonable amount of understanding of the subject matter to be able to comprehend the detail of some aspects. The target audience of the Guidance Note is predominantly the development industry and supporting organisations as well as prospective off-site providers, rather than the general public. Although planning applicants, many of whom are the general public, will need to understand sufficiently about the topic and whether or not their application is BNG liable. That being the case, it is important that a non-technical and accessible summary is available. Officers have now provided this as a standalone document, along with an FAQ document.
Costly	BNG will place additional costs on development over and above the cost of bringing forward development before its implementation. However, the requirement has been in the offing for a long time (Natural England's first version of the Metric was published in 2012 along with the first mention in the NPPF, plus the Environment Bill was first introduced to Parliament in January 2020, and the implementation date has been pushed back). As such, an expectation to deliver at least 10% BNG and a broad understanding of the costs that might be involved in this has been the case for some time. The key aspects of the process are determined at a national level, with the Guidance Note simply setting out how those aspects will be considered locally alongside existing adopted policy. The Local Guidance adds no additional cost to developers. The Guidance emphasises the importance of pre-application discussion re BNG and building BNG proposals into scheme design from the outset in order to reduce costs, minimise potential viability impacts and reduce the likelihood of issues during planning.

<p>The document should be updated to align with newly published regulations and national guidance, and then reconsulted upon</p>	<p>The BNG Regulations were published during the final week of the consultation period. This was expected, but given the numerous delays that had occurred in publication of the regulations and national guidance the Council felt it important to proceed with consultation. The draft Guidance Note was informed by knowledge and understanding of the direction of travel for BNG based on published information at that point in time as well as engagement with industry experts and other local authorities. This being the case, the draft Guidance Note was expected to be broadly reflective of the final direction of BNG as would appear in the regulations and national guidance. Officers considered that if, once published there was a significant gap between the Council's proposals and the national position, then consultation may need to be extended. However, once reviewed during the final week of the consultation, it was felt that this was not the case, and the Guidance Note would only need to be tweaked in places to ensure alignment. As such, an extension of the consultation and/or reconsultation were not considered to be necessary. The updated, final Guidance Note is consistent with the regulations and national guidance. It provides guidance on how certain aspects will be considered / work in a Somerset context, but works with the national system and is not incongruous with it. The greatest deviation is around local validation requirements, which do go beyond those set out in the regulations. However, the Planning Practice Guidance allows for this where reasonable, justified and set out in a local validation checklist. The Guidance Note provides the justification for this and the validation requirements are to be adopted as an addendum to adopted validation checklists.</p>
<p>Need acronyms defined</p>	<p>A list of acronyms used in the Guidance Note has been provided in Appendix 5 of the document.</p>
<p>Levy a local tariff instead</p>	<p>With the advent of national mandatory BNG, local tariff-style approaches (where a sum is collected from developments and pooled by the Council to spend on strategic projects) is no longer permissible. Furthermore, there are no local adopted planning policies which would allow such an approach in Somerset.</p>

<p>Should require a higher % for development in National Landscapes</p>	<p>The Planning Practice Guidance acknowledges that LPAs are able to develop their own local planning policies regarding BNG as long as they complement and are not inconsistent with the national BNG framework. This can include a requirement to go beyond 10% where justified. However, there are no such adopted policies in Somerset at present and as such this approach is not permissible. Going forward, the new local plan could theoretically consider such an approach, but this would need to be weighed with other considerations and justified, and the local plan is not sufficiently progressed at this stage.</p>
<p>Definition of irreplaceable habitat should be extended to include calcareous and floodplain grasslands and (due to North Somerset &amp; Mendip Bats SAC), grazed grasslands within SAC consultation zones (at least zones A&amp;B)</p>	<p>The list of irreplaceable habitat for BNG purposes is set out nationally via the Biodiversity Gain Requirements (Irreplaceable Habitat) Regulations 2024. It is understood that DEFRA intends to launch public consultation on the definition and list of irreplaceable habitats in the second half of 2024 and this may potentially lead to changes. Development of the Somerset Local Nature Recovery Strategy (LNRS) will consider further the importance and relevance of local habitats in the Somerset context.</p>
<p><u>Planning processes</u></p>	
<p>Definition of 'competent person'</p>	<p>National guidance on use of the statutory Metric states that the Metric should be completed by a 'competent person'. An LPA may reject a submitted Metric if they do not believe they have been provided by a 'competent person'. There is no national guidance on what may constitute a 'competent person'. The draft Guidance Note suggested that the Council would define this locally as being someone holding a CIEEM accreditation / accredited ecologist. Based on feedback that this may prove unworkable and overly constraining, the final Guidance Note has amended the local definition to a member of CIEEM or other reputable membership body for ecology professionals (e.g. ALGE, MRSB).</p>
<p>Resourcing concerns</p>	<p>Many respondents raised concerns that the Council will struggle to resource assessment of BNG proposals and subsequent monitoring and enforcement activities. Resourcing is an ongoing issue nationally in local authority planning and ecology services, and this is reflected locally. The Government has provided BNG preparation grant funding and is expected to provide further new burdens funding to assist with the implementation</p>

	<p>stage. The Council is exploring opportunities to retain and where possible strengthen its officer resources to deal with BNG with these grants in mind, but also an eye on the future sustainability of funding such roles. Training is being provide to all teams and IT systems have been upgraded to assist with the efficient processing of proposals. The monitoring and enforcement aspects of BNG are slightly different to some aspects of planning in that BNG is a statutory requirement, and the Council intends to charge monitoring fees which can be ring-fenced for this purpose. The Guidance Note sets out how it will use its resources prudently and recover costs associated with the non-statutory function of enabling off-site solutions in Somerset.</p>
Should apply to more types of development	<p>The types of development liable for BNG are set out nationally through a combination of the Environment Act 202 and Town and Country Planning Act 1990 with the development types exempted from the requirement set out in the Biodiversity Gain Requirements (Exemptions) Regulations 2024. The Council does not have the power to make BNG apply to other types of development explicitly exempted by the regulations. Development outside of the Town and Country Planning Act regime (for instance Nationally Strategic Infrastructure Projects (Planning Act 2008) or works progressed under the Highways Act 1980 are not caught by the regulations and are not development for the purposes of LPA planning decisions as such local planning policy cannot require BNG in these cases.</p>
Climate considerations need to figure more in decision making	<p>The Guidance Note makes clear the linkages between BNG delivery and responding to the climate emergency. Principle 5 of the Somerset BNG Principles in particular deals with this aspect alongside the general holistic approach which is set out throughout the Guidance Note. Wider climate considerations associated with planning decision making are beyond the scope of this guidance, though the Council has a range of adopted planning policies and guidance notes relating to this topic.</p>
Don't go beyond policy / national requirements	<p>The final Guidance Note is consistent with the regulations and national guidance. It provides guidance on how certain aspects will be considered / work in a Somerset context, but</p>

	<p>works with the national system and is not incongruous with it. The greatest deviation is around local validation requirements, which do go beyond those set out in the regulations. However, the Planning Practice Guidance allows for this where reasonable, justified and set out in a local validation checklist. The Guidance Note provides the justification for this and the validation requirements are to be adopted as an addendum to adopted validation checklists. The Planning Practice Guidance acknowledges that LPAs are able to develop their own local planning policies regarding BNG as long as they complement and are not inconsistent with the national BNG framework. This can include a requirement to go beyond 10% where justified. However, there are no such adopted policies in Somerset at present and as such this approach is not permissible. Going forward, the new local plan could theoretically consider such an approach, but this would need to be weighed with other considerations and justified, and the local plan is not sufficiently progressed at this stage.</p>
No ecologist on the Quality Review Panel (QRP)	<p>The Somerset QRP has a range of panel experts from different disciplines available to it. Whilst there is not currently an ecologist on the QRP, there are panellists who have landscape, biodiversity and sustainability expertise and experience of relevance. The Council will explore whether a dedicated ecologist on the panel would be preferable or necessary going forward.</p>
Include what happens if contraventions or diversion from plans in flow chart	<p>The flow chart in Appendix 3 has been updated to ensure alignment with the rest of the updated guidance note and now includes loops covering situations where concerns are raised with the proposed approach set out in the BNG Statement and Metric during consideration of the planning application, and where the Biodiversity Gain Plan fails to be in broad accordance with the submitted BNG Statement. A further references is made to the role of the LPA in investigating potential breaches identified by Somerset Ecology Services (SES) and if necessary taking enforcement action.</p>
The Somerset Species Habitat Evaluation Procedure (SHEP) should be reviewed and subject to own consultation before adoption	<p>Somerset Councils have used a Habitat Evaluation Procedure (HEP) for many years to assess the value of habitats for and potential impacts upon protected species as well as identifying the quantum of habitat replacement that may be necessary to mitigate these impacts. SES</p>

	<p>is in the process of updating and improving this tool and re-branding it as the Somerset Species Habitat Evaluation Procedure (SHEP) to work alongside the Biodiversity Metric to ensure that the 'Favourable Conservation Status' of local populations of important species are not adversely affected. The Council will consider what the appropriate level of consultation should be to support finalisation and adoption of this updated procedure, bearing in mind its technical rather than policy nature.</p>
<p><i>Validation requirements</i></p>	
<p>Questioning need and ability to submit GIS data</p>	<p>GIS data showing the same information as provided on submitted plans and drawings was being requested by the Council at validation so as to aid assessment of proposals against other held data including species and habitat data, constraints and opportunities data, improve measurement accuracy and importantly track, monitor and report on BNG proposals and subsequent delivery in line with the statutory duties placed on the Council by the NERC Act 2006 (as amended by the Environment Act 2021). However, some applicants and agents will struggle to produce and submit GIS data at the point of application. As such, the BNG validation requirements have been pegged back to remove the requirement to submit GIS data at validation. Instead, this will be required as part of any S106 Agreement securing significant on-site or off-site gains.</p>
<p>Too onerous / bureaucratic</p>	<p>The Council's validation requirements go beyond the minimum statutory requirements. However, the Planning Practice Guidance allows for this where reasonable, justified and set out in a local validation checklist. The Guidance Note provides the justification for this and the validation requirements are to be adopted as an addendum to adopted validation checklists. Whilst the validation requirements go beyond the statutory minimum, the information requested is all considered necessary to understand broadly whether the general condition is capable of being successfully discharged, ensure that significant on-site gains are able to be secured via any S106 associated with the site and any potential use of off-site units or statutory credits is sufficiently justified and the potential viability impacts of this</p>

	are considered alongside other aspects of the development proposal and its ability to achieve sustainable development in the round.
Increased costs on developers and impact upon housing delivery	See response under 'Costly' comment, above.
Can the BNG Statement be part of the Ecological Impact Assessment or does it need to be a standalone document?	The BNG Statement should be a standalone document and contain the core information required nationally by Article 7 of The Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended by the Biodiversity Gain (T&CP)(Modification and Amendments)(England) Regs 2024) relating to the biodiversity gain condition, and also the information required locally to aid consideration and determination of planning applications in relation to BNG.
It shouldn't be mandatory for small sites to use the Small Sites Metric, can use full one.	The draft Guidance Note inadvertently suggested that any small site development would have to use the Small Sites Metric. However, this is incorrect. Small sites have the option to use the Small Sites Metric (a streamlined version of the main Biodiversity Metric), but they can use the main Metric if they wish. If a small development site sits within Priority Habitat Protected under Section 41 of the NERC Act 2006; protected sites; and/or European Protected Species site within the site, then the Site will not qualify under the 'Small Site Metric' characterization and instead the full Biodiversity Metric should be used. Small sites must also use the full Biodiversity Metric if they are reliant upon use of any off-site gains.
Ensure consistency with national guidance and justify where additional information is required.	See response under 'Too onerous / bureaucratic' comment, above.
<i>Securing BNG from development sites</i>	
How will general NPPF gains be secured?	The Guidance Note has been updated to make improved reference to how general NPPF gains will be secured. This confirms at para 8.14 that such gains should be on-site only, may be demonstrated more generally through the Ecological Impact Assessment or through the Habitat Evaluation Procedure where required for other purposes anyway (i.e. not necessarily through the statutory Metric) and may be secured via planning condition as part of any general on-site Landscape and Ecological Management Plan.

<p>What is the definition of 'significant' on-site enhancement?</p>	<p>The Government has set out in the <a href="#">DEFRA Guidance</a> that 'significant' on-site enhancements are areas of habitat enhancement which contribute significantly to the proposed development's BNG relative to the biodiversity value before development. It suggests that exactly what counts as significant will vary depending on the scale of development and existing habitat, though sets out what may normally be considered 'significant'. As such, it is for the applicant to justify what on-site enhancements should be considered 'significant', what should not, and why.</p>
<p>Is S106 required for off-site when habitat bank is already secured by its own S106?</p>	<p>The draft Guidance Note suggested that developments proposing to rely on off-site BNG (whether in part or in whole) would need to secure this through a S106 legal agreement associated with the development being permitted. The national guidance has since confirmed that this will not generally be necessary as the off-site solution being relied upon will generally have already been legally secured separately to the development, and the national biodiversity gain sites register will provide the necessary link between the development site and the units being purchased, and the developer will simply need to demonstrate proof that these units have been purchased from a nationally registered site alongside submission of their Biodiversity Gain Plan. This being the case, development S106 legal agreements will not generally be required to secure the off-site element of BNG. The exception to this will be where a bespoke off-site solution is being sought and promoted via the planning application, and as such the off-site solution has not already been legally secured. In this circumstance, there may or may not need to be secured via the development S106.</p>
<p>Enhancements should be secured beyond 30 years</p>	<p>The Environment Act 2021 and subsequent BNG regulations are clear that BNG which needs to be legally secured must be secured for a minimum of 30 years. There are no adopted local planning policies requiring BNG to be secured for any longer than this. There is therefore no statutory or policy basis for securing BNG beyond the minimum of 30 years. However, the Guidance Note has been updated to explain that where significant on-site gains are part of a multi-functional provision, and are also required and relied upon for wider ecological mitigation or</p>



	<p>compensation or they contribute towards other policy requirements such as open space, amenity, landscaping, SuDS, nutrient mitigation, HRA compensation/mitigation etc., then the management and maintenance of such on-site areas will be secured beyond the statutory BNG 30 year period. Where on-site land is secured for BNG purposes alone (i.e. it is not multi-functional and required for other purposes as suggested above), then the applicant will still need to set out broadly what the plan for that land will be at the end of the 30 year period.</p>
BNG should all be on-site	<p>The Environment Act 2021 and subsequent BNG regulations are clear that BNG can be delivered on-site, off-site via statutory credits, or through a combination of the above. The national Biodiversity Gain Hierarchy sets an on-site first approach, placing statutory credits as a last resort. Together with the Council's sequential approach as set out in the Guidance Note, clear justification is required for progression from on-site, to off-site, to credits. There is no legal or policy basis for the LPA to limit BNG proposals to on-site only.</p>
Funding management of sites (need to clearly state that this will be secured from developers).	<p>The Habitat Management and Monitoring Plan (HMMP) for any significant on-site or off-site enhancements will be required to clearly set out how the gains will be managed, maintained and monitored. This includes providing an overview of how funding has been secured to deliver the HMMP. It is the developer (or, depending on the nature of specific agreements and contracts associated, their nominated management company, or off-site provider's) responsibility to fund the delivery, management, maintenance and monitoring of any significant on-site or off-site gains being claimed.</p>
Levelling Up & Regeneration Act intention to replace S106 (what's the contingency?)	<p>The proposals for replacement of the S106 regime with the Infrastructure Levy as set out in the Levelling Up &amp; Regeneration Act 2023 are long term and not immediate. The Government has suggested that this will be phased in over a ten year period. Longer-term, the assumption would be that conservation covenants play a larger role in the securing of BNG as S106 agreements are phased out.</p>
Liability for maintaining third party BNG sites (and who pays the monitoring fee related to this?)	<p>Third party BNG sites (off-site solutions), any associated HMMP and monitoring fee will be secured with those with a legal interest in the land. This may be via S106 legal agreement or</p>

	conservation covenant. Liability for any associated obligations (including the payment of the monitoring fee) will lie with those signatories to that agreement.
<b><i>Somerset BNG Principles</i></b>	
Should go beyond requiring proposals to “be informed by” / “respond to” the principles	The BNG Guidance Note is not able to set new planning policy in itself (this must be done via Development Plan Documents, which are subject to a formal examination process). Instead, the purpose of the Guidance Note is to clarify how the national mandatory BNG requirement aligns and works alongside adopted plans, policies, guidance and other material considerations. The Somerset BNG Principles are key to this. So, whilst it is not possible for the Guidance Note to <i>require</i> compliance with the six BNG principles, other adopted planning policies may in some cases require this. The intention is to adopt the Guidance Note as a material planning consideration. Planning decisions should be made in accordance with the development plan unless material considerations indicate otherwise.
Principles will hamper / reduce opportunities for development	The Principles are an interpretation of how the Lawton Principles, adopted plans, policies, strategies, guidance and wider good practice interact with BNG. Delivering against the Principles will respond directly to a range of other adopted planning policies and associated guidance and improve the prospect of delivering sustainable development.
<p>Suggestions re Principle 1:</p> <ul style="list-style-type: none"> <li>• Greater emphasis needed on avoiding degradation</li> <li>• Link with justification on mitigating climate change</li> <li>• Retain existing trees, shrubs and hedges</li> </ul>	Principle 1 already references the need to avoid protected, irreplaceable and priority habitat. This is further necessary via the national Biodiversity Gain Hierarchy. Unauthorised degradation of sites is dealt with via regulations and national guidance. Linkage with climate change is dealt with in Principle 5. Retention of trees is already dealt with in the Principle.
<p>Suggestions re Principle 2:</p> <ul style="list-style-type: none"> <li>• Engage specialists for management of high distinctiveness on-site BNG</li> <li>• Remove phrases like “wherever possible”</li> <li>• Retention and connectivity need greater weight.</li> <li>• Need to condition on-site measures to prevent</li> </ul>	Engagement of specialists for high distinctiveness habitats has been incorporated into Principle 6. It is important to retain some degree of flexibility within some aspects of the guidance to recognise the importance of a balanced and pragmatic approach to delivering BNG as part of a wider sustainable development. Principle 2 is already about retention and connectivity. The guidance has been updated to make a clear definition between those elements which can contribute as

<p>occupiers removing/changing</p>	<p>‘significant’ on-site enhancements, those which can contribute to BNG but would not be considered ‘significant’ and those which are not able to count at all (species-based features). Only measures which contribute to significant on-site enhancements can and will be legally secured.</p>
<p>Suggestions re Principle 3:</p> <ul style="list-style-type: none"> <li>• Greater emphasis on distinctive character of protected landscapes and value of alignment with National Landscape (AONB) Management Plans etc.</li> <li>• Prevent unsuitable lighting of landscape and wildlife;</li> <li>• Remove phrases like “otherwise endeavour to”;</li> <li>• Involve conservation and archaeology advisors</li> </ul>	<p>Principle 3 has been updated to enhance linkages with National Landscape (AONB) Management Plans and Nature Recovery Plans and the role these can play in guiding BNG proposals. Lighting impacts are already mentioned. “Otherwise endeavour” has been amended to “otherwise, where appropriate”. Conservation and archaeology advisors will be engaged on applications and pre-application discussions as appropriate and will contribute to consideration at this point.</p>
<p>Suggestions re Principle 5:</p> <ul style="list-style-type: none"> <li>• Plan for long term adaptation to inevitable climate change;</li> <li>• Plan for blue infrastructure on a catchment-wide basis;</li> <li>• Natural filtration should be an instruction and linked with points on SUDS;</li> <li>• Pay attention to hard surfaces to stop excess run offs / protect water courses from nitrates/phosphorates;</li> <li>• Promote resilience, sustainability and wellbeing in the community;</li> <li>• Ensure most appropriate infrastructure for the area is incorporated and maintained</li> </ul>	<p>Principle 5 has been amended to improve reference to adaptation, carbon footprint of proposals and interaction with wider climate considerations such as active travel. A catchment-wide approach is now referenced. The point about natural filtration has been addressed, and this now helps respond to the call for stopping excess runoffs to protect water courses. Health and wellbeing relationships are already included within Principle 4, which has been further strengthened. Maintenance is key to deliverability and dealt with in Principle 6.</p>
<p>Suggestions for Principle 6:</p> <ul style="list-style-type: none"> <li>• Future iterations should be informed by failed proposals;</li> <li>• Work with wildlife groups to educate on wildlife friendly management;</li> <li>• Use SMART targets;</li> <li>• Encourage connectivity through developments;</li> <li>• ‘Relatively simple, robust and low maintenance habitats’ risks homogenous</li> </ul>	<p>Principle 6 has been updated to include reference to ensuring future iterations are informed by failed proposals, promote for developers to provide guidance to new residents of schemes re wildlife friendly practice, and use of SMART targets. Reference to relatively simple, robust and low maintenance habitats is retained as this is a not unreasonable way of ensuring habitats on development sites are reasonable and deliverable, however, “in keeping with the locality” has also been added to this as this will further assist in the successful implementation. “Other neutral</p>

<p>habitats – ‘In keeping with the locality’ better?;</p> <ul style="list-style-type: none"> <li>• ‘Other neutral grassland’ very vague, wide range of habitats not necessarily beneficial to pollinators;</li> <li>• Support more imaginative projects even if slightly unrealistic;</li> <li>• Reference to gardens not being able to be relied upon is not consistent with national guidance – they can be counted</li> </ul>	<p>grassland” is a habitat type in the statutory Metric and not something that the Council’s Guidance Note can influence. The purpose of Principle 6 is to ensure that proposals are deliverable. If projects are “slightly unrealistic” then this undermines that purpose and the ability of schemes to achieve and the Council to discharge its duties regarding the general biodiversity gain objective. Reference to gardens has been updated to align with national guidance – they can be counted but their condition and distinctiveness scores for are heavily restricted to reflect the variability in ways that such spaces will be managed by future residents and that long-term management, maintenance and monitoring of these habitats is not feasible. This also references encouragement for continued/improved connectivity through development sites.</p>
<p>Other suggested principles:</p> <ul style="list-style-type: none"> <li>• Carbon footprint considerations</li> <li>• Consider all nature and species, not just those protected</li> <li>• Consider impact on surrounding biodiversity / respond to local species records.</li> <li>• Consider habitat condition alongside extent.</li> <li>• Consider light pollution</li> <li>• Avoid plastic grass</li> <li>• Minimum outdoor space standards</li> <li>• Refer to pre-app and other permissions / licences from other bodies</li> <li>• Wellbeing linked to loss of nature</li> </ul>	<p>Carbon footprint considerations have been added to the guidance under Principle 5. BNG uses habitat as a proxy for all biodiversity, not just protected species. Principle 1 has been expanded to ensure that it refers to BNG proposals responding to species and habitat recommendations identified by ecology / wildlife surveys, Habitat Evaluation Procedure and ecological impact assessments. The Metric considers habitat condition as well as extent. Light pollution is already identified as a consideration under Principles 1 and 3. Avoidance of artificial grass has been explicitly referenced alongside other considerations in Principle 6. Minimum outdoor space standards would need to be identified and required by a development plan policy. The Council currently has no planning policies identifying or requiring these but the new local plan could potentially consider a policy along these lines if deemed appropriate. Principle 6 has been updated to refer to the need for and relationship of proposals with permissions and licences from other bodies. Wellbeing is already identified as an important consideration in relation to Principle 4 in particular.</p>
<p><u>Strategic significance</u></p>	
<p>Careful about how treat ‘white space’ between priority areas</p>	<p>Space between any locations identified by the National Habitat Networks (NHN) mapping or Somerset Ecological Network Report mapping is not automatically of “low” significance. Proposals anywhere in Somerset may potentially achieve</p>

	<p>“medium” through contributing to the ecological functionality within the landscape, or “high” if the y would support or could support recovery of priority species or protected sites. Habitat enhancements in any location in any situation will still provide some benefit. The purpose of the strategic significance score is to help incentivise delivery in places which can deliver greatest strategic benefit to local nature recovery. The Local Nature Recovery Strategy (LNRS) will consider further how different location within Somerset are described and defined in relation to local nature recovery.</p>
Use the LNRS to focus	<p>In time the LNRS will provide the primary means of defining strategic significance in Somerset. However, this is not yet ready and so an interim approach is provided within the Guidance Note in the meantime.</p>
Language used open to interpretation	<p>An element of flexibility is needed in the definition of strategic significance. This allows for reasonably pragmatic consideration of proposals. Proposers will need to reasonably justify their application of strategic significance scoring.</p>
NHN data not reliable enough	<p>NHN data is identified as an interim proxy for identifying areas and interventions which may deliver greatest strategic benefit to nature recovery. At present, until such time as the LNRS has progressed, alongside use of the Somerset Ecological Networks Report, this constitutes the best published evidence to support strategic nature recovery across Somerset as a whole with an eye on cross-border alignment.</p>
Use National Landscape Management Plans / Nature Recovery Plans / NE Peat Map to supplement	<p>The strategic significance chapter has been updated to refer to National Landscape Management Plans and Nature Recovery Plans (amongst others) as having potential to assist in understanding the most appropriate solutions in a specific location. The NE Peat Map has a specific purpose and better alternative exist in relation to nature recovery as a whole.</p>
Avoid suggesting competition between strands of sustainability	<p>The policy context chapter makes clear reference to the importance of taking a holistic approach as a means of delivering sustainability in the round and also delivering upon the Council Plan. Whilst BNG alone will deliver clear environmental benefits, and indirectly and cumulatively likely some economic and social benefits also, a more holistic and integrated approach where BNG</p>

	proposals actively aim to improve their direct contribution to economic and social considerations as well is more favourable. This is not to suggest competition between the strands of sustainability, as delivery against all three is the only way to deliver true sustainability.
Careful not to dilute purpose of BNG by trying to align with too many other objectives	Concern was raised that too much focus on ensuring a holistic approach and multi-functionality could lead to a dilution of the core purpose to deliver a net gain in biodiversity and contribute towards nature recovery. Text has been added to chapter 6 to state that delivering on multiple benefits and objectives will not be possible or appropriate in all cases, and achieving BNG will remain the primary objective. However, where possible and appropriate, these wider objectives and multi-functionality should be considered and explored.
Include Neighbourhood Plan policies also (in Appendix 1)	'Made' Neighbourhood Plan policies are part of the development plan and hold weight in the same way as policies of the adopted local plans for Somerset. There are a large number of Neighbourhood Plans currently in production. Continually updating the appendix with reference to these plans and policies is likely to be resource intensive and may result in gaps when 'made' policies have not been captured in updated guidance. As such, the appendix continues to refer to the importance of reviewing appropriate Neighbourhood Plan policies and that these are no less important than other policies of the adopted development plan.
<i>Sequential approach</i>	
Should be on-site or near-site only	The Environment Act 2021, and the BNG regulations allow for the BNG requirement to be met through on-site enhancements, off-site enhancements or purchase of statutory credits, or a combination of these. There is no legal or policy basis for the LPA to restrict the delivery of BNG only to on-site or near-site solutions. However, the Biodiversity Gain Hierarchy and Somerset's sequential approach both set out an on-site first approach, with the latter having been adapted post-consultation to reference a preference for off-site solutions to be closer to the development site – though this cannot be insisted upon.
Consider within Somerset related National Park or	The sequential approach refers to "off-site, outside of Somerset but physically connected to

National Landscapes before other out of County solutions	Somerset's ecological network" ahead of land within adjacent authorities more generally. Land within Exmoor National Park or any of the National Landscapes (AONBs) which span the county's borders would likely fall into this category.
Result in isolated pockets off-site unless link ecological networks	The Guidance Note aims to promote contribution towards nature recovery in Somerset via the local strategic significance definition.
<i>Off-site delivery mechanisms</i>	
Off-site undermines the purpose and lets developers off the hook	See response under 'Should be on-site or near-site only' comment, above.
Need clarity on costs per unit	Paragraph 9.10 of the Guidance Not sets out what is known about potential costs of off-site units. Estimates range from £20k-£35k per unit, though the market will determine this, and pricing will differ from provider to provider depending on their business model.
Could communities suggest sites?	The detail of the proposed 'call for sites' is yet to be determined, including whether this allows for communities to suggest sites or not. There are pros and cons with allowing this. On one hand it provides the public with the opportunity to identify opportunities and what matters to them locally and be engaged in local nature recovery. On the other hand it may encourage and incentivise undeliverable proposals to come forward where the landowner is not aware or on board with the idea.
Compensation must be like for like habitats.	The regulations and national guidance including guidance on use of the statutory Metric set out the relationship between on-site habitats to be lost and what needs to be provided in compensation. The Metric user guide includes a series of 'trading rules' which must be adhered to for the Metric to be considered acceptable. This, along with the Metric principles stipulate that area-based units lost must be replaced by area-based units, similarly for hedgerow and watercourse units, with no trading between the three unit types. Units must be replaced by units of the same or higher band of distinctiveness. However, this does not mean the replacement habitat necessarily needs to be exactly the same as that lost.
Timing of off-site delivery is important	National guidance states that off-site habitat creation, enhancement and management work should start within 12 months of allocation to a

	specific development. This is reiterated in the Guidance Note.
What if a developer chooses a site that hasn't been via the call for sites?	It is reasonable to expect that in some cases developers may propose to use an off-site solution of their own (e.g. on land in their ownership or in the same ownership as the application site, or on land they have other options on for instance) which may not have been submitted via the 'call for sites'. The LPA will not be in a position to refuse use of such a site, so long as it is adequately justified including in relation to the wider Guidance Note. However, such proposals will be assessed along similar lines to those submitted to the 'call for sites'. Such sites will then be secured via the S106 for the development as a bespoke solution just for that development. The Guidance Note has been updated at paragraph 9.41 in relation to this.
If selling excess on-site units, do they have to be over 10 unit minimum in call for sites?	Where a developer proposes on-site BNG which exceeds its statutory requirement of at least 10%, they may wish to sell these excess units. The Guidance Note explains the process envisaged in this circumstance. Generally, these will be secured via the development S106 legal agreement. Where this is not the case (i.e. the excess units are not secured for future sale, for whatever reason) then the developer would need to secure the site by submitting it to the 'call for sites', by working with another specific development proposal to provide them with a bespoke solution for their planning application, or entering a conservation covenant with a Responsible Body. Where submitted to the 'call for sites', the site would need to achieve the minimum threshold of at least 10 units to be considered. This helps to protect the Council's resources and work towards greater ability to deliver on strategic nature recovery in Somerset.
Map sites to avoid double-counting	Off-site solutions must be legally secured by either S106 legal agreement or conservation covenant and then registered with the national biodiversity gain site register (a prerequisite for selling units to developers). The national site register will avoid double-counting of units by registering specific units to specific developments as they are purchased. Locally, the BNG validation requirements include submission of GIS data. This will allow the recording of spatial data on the location of proposed significant on-site and off-site



	solutions, which can then be updated at the point of agreeing the Biodiversity Gain Plan.
How will the off-site market be regulated?	The Council plays no part in the regulation of the off-site market. Off-site solutions must be registered on the national biodiversity gain sites register before units can be sold. Natural England will be administering this register. See also response under 'Need clarity on costs per unit', above.
The Council should explore use of its own land for off-site solutions	The Council is actively exploring how it can utilise its own land in this regard. Further information can be found in the report to the Planning and Transport Policy Sub-Committee recommending adoption of the Guidance Note.
<u><i>Monitoring and Enforcement</i></u>	
How will breaches be enforced if in another county?	The Council will monitor and where necessary enforce compliance with conditions and legal agreements to which it is party. At this stage (as the Council is not a 'responsible body' for the purpose of signing conservation covenants), this means it will only be responsible for monitoring and where necessary enforcing compliance with conditions and S106 agreements within Somerset. Where a developer relies upon an off-site solution outside of Somerset, it will need to be legally secured with another body (either S106 with the Council within which it is located) or conservation covenant with a suitable responsible body). Whichever of these is party to the legal agreement will be responsible for monitoring and where necessary enforcing compliance with such agreements. This is clarified in updates to the Guidance Note.
Monitoring needs proper funding (e.g. developers pay via S106, use Planning Performance Agreements (PPAs), consider using bonds, investment from Government, cover full 30+ years)	The Guidance Note sets out that the LPA will include monitoring fees to cover the full term of the agreement/HMMP as part of any S106 to secure significant on-site or any off-site solution. Furthermore, it refers to use of PPAs particularly for larger and more complex sites and the relevance of this to considering BNG through the planning process, though this will not extend to monitoring stages which will be governed by S106 agreements. At this stage it is not envisaged that the use of bonds will be required or efficient for the purposes of BNG, though this may be reviewed as the system is implemented. The Government is providing initial new burdens funding to local authorities to assist in the implementation of new

	duties associated with BNG, though the securing of monitoring fees via S106 will be critical to the ongoing sustainability of this.
Council has lack of resources and teeth to implement, it is failing to enforce conditions already	Securing of monitoring fees will be critical to the Council's ability to monitor and where necessary enforce compliance with legal agreements it is party to. These fees will be ring-fenced for this purpose and help to ensure that the Council is able to resource and take appropriate actions. This sets the monitoring and enforcement apart from conditions (where such fees cannot be secured) or historic S106 agreements (where such fees were generally not secured). Furthermore, the legal status of the BNG requirement (as opposed to local/national policy makes BNG more enforceable than some issues.
Penalties required for non-compliance	The LPA has a range of planning enforcement powers available to it and will consider taking enforcement action as may be necessary, in the public interest. Depending on the situation, this may include requiring remedial action to address any failings. Enforcement matters and potential for remedial action will be covered within any associated S106 legal agreement securing the significant on-site / off-site gains in question. The Guidance Note has been updated to reflect this.
Long term concerns (original developer no longer exists, management companies, leaseholders, homeowners)	The Council proposes to use S106 legal agreements to secure significant on-site BNG. S106 agreements run with the land and successors in title. The Biodiversity Gain Plan and HMMP for a site will detail the responsibilities of different parties in managing and maintaining the BNG for the minimum 30 year period together with contingency arrangements. Regular monitoring will identify any potential risks along the way. Homeowners are unlikely to ever become liable for breach of BNG obligations as private gardens (whilst counting towards BNG totals in a limited capacity) cannot count towards 'significant' on-site BNG and as such are not legally secured via S106.
Developer self-monitoring a conflict of interest	S106 legal agreements will obligate developers to monitor and submit monitoring reports in relation to delivery of the relevant BNG as set out in the agreed Biodiversity Gain Plan and associated HMMP. The LPA is required to monitor for non-compliance with such obligations, and also has a role to play in monitoring such reports to ensure they are accurate and where necessary,

	appropriate measures are proposed to keep the BNG delivery on-track. The Council will undertake spot monitoring on occasion to supplement this. Such an arrangement is standard practice and is consistent with the regulations.
Involve local people as eyes and ears	Local communities will have an interest in the progress of BNG proposals against agreed plans and may alert the Council to potential breaches (as they may with any potential or suspected planning breach). Such claims will be investigated as necessary.
Ensure monitoring fees set reasonably	Monitoring fees will be set at a rate so as to recover the costs involved against a set of fair assumptions. There are a range of methods which could be used to identify how that fee should be calculated, but the Guidance Note sets out a reasonable approach to guide calculation of these fees on a case by case basis, depending on the amount of time it will take to undertake the monitoring. This will be influenced by a range of different factors as set out in the Guidance Note. The Guidance Note has been updated to state that any monitoring fees charged will be fairly and reasonably related to Council resourcing of the activity.
Are ecologists expected to suggest monitoring requirements for approval based on habitats present or will LPA specify?	The Guidance Note has been updated to explain that competent persons producing the Biodiversity Gain Plan, Habitat Management and Monitoring Plan and completing the Metric for a development should propose appropriate monitoring arrangements and reporting intervals based on their professional opinion, the habitats present/proposed and in consideration of the above factors. The Council will review monitoring proposals and advise if any amendments should be made.
<i>SEA/HRA Screening</i>	
Environmental screening process not resulting in necessary action for individual applications	The purpose of Strategic Environmental Assessment and Habitat Regulations Assessment screening of plans and programmes is to identify potential for significant effects on the environment and for likely significant negative effects upon protected European sites respectively. Similar assessments are made at a project scale to determine whether Environmental Impact Assessment or Appropriate Assessment are required in relation to a specific application.

Missing references/ inclusion of statutory AONB documents and management plans.	Reference to National Landscape (AONB) plans has been added to Table 2 (g).
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The table above captures a number of changes made in response to comments received. However other changes were also made in response to the publication of the Regulations and national guidance.



## **Planning and Transport Policy Sub-Committee**

Decision Date: 14 February 2024

Key Decision: no

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### **Somerset Development Plan Biannual Update Report – February 2024**

Executive Member(s): Councillor Ros Wyke, Lead Member for Economy, Planning and Assets

Local Member(s) and Division: n/a

Lead Officer: Alison Blom-Cooper, Head of Planning

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### **Summary / Background**

1. At the Executive committee meeting on 4 October 2023, the Local Development Scheme was approved. This sets out the timetable for the production of the Somerset Local Plan, and the Minerals and Waste Plan reviews. The Planning and Transport Policy Sub-Committee of the Executive was established at that same meeting to oversee and monitor progress against the Local Development Scheme.
2. At the first meeting of the Planning and Transport Policy Executive Sub-Committee on 19 December 2023, the committee agreed that a report on the progress of the Local Plan would be brought to this meeting. A biannual report frequency is recommended.

### **Recommendations**

3. That the Sub-Committee of the Executive notes the report.

## Local Plan progress

4. Table 1 sets out the key milestones for the Local Plan as published in the Local Development Scheme<sup>1</sup>.

Table 1: Local Plan Milestones (Local Development Scheme Oct 2023)

Milestones	Dates
Commence project planning and evidence gathering	Apr 2023
Early engagement with internal and external stakeholders and further evidence gathering	Apr 2024 - Feb 2025
Regulation 18 consultation on Draft Plan	Apr 2025 - Jun 2025
Regulation 19 publication	Oct 2026
Submission for Independent Examination	Mar 2027
Inspector's Report	Feb 2028
Adoption	March 2028

5. The elements of the production that have been completed since April 2023 are:
- (i) Approval of the Local Development Scheme on 4 October 2023;
  - (ii) Adoption of the Statement of Community Involvement on 4 October 2023;
  - (iii) Establishment of the Plan-It Newsletter to inform local residents and businesses and to improve engagement. The 3<sup>rd</sup> Edition was published in December 2023;
  - (iv) Submitted a bid to the Government's PropTech fund to support the use of digital tools in the Council's Plan-Making;
  - (v) Briefs for the first phase of evidence gathering are either drafted or in preparation and we have received authorisation from the Contract and Procurement Control Board to go out to tender on those contracts. Other Council teams will be involved in the commissioning where the subject matter inter-relates. The early commissions will be:
    - a. Gypsy and Traveller Accommodation Assessment
    - b. Strategic Flood Risk Assessment Level 1
    - c. Open Space, Built Sports and Playing Pitch Assessment

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<sup>1</sup> [Local Development Scheme \(https://www.somerset.gov.uk/planning-buildings-and-land/local-development-scheme/\)](https://www.somerset.gov.uk/planning-buildings-and-land/local-development-scheme/)

- d. Landscape Character Assessment
  - e. Local Housing Needs Assessment
  - f. Economic Development Needs Assessment and Functional Economic Market Areas
- (vi) Early work/scoping has begun on internally produced evidence base:
- a. Sustainability Appraisal Scoping Report
  - b. Role and Function of Settlements
  - c. Town Centre Health Checks
  - d. Custom and Self Build
6. The next steps are not as advanced as hoped at this stage primarily due to the Mendip Local Plan Site Allocations Review which has taken significant staff resources. The anticipated next steps are:
- (i) Complete any outstanding briefs for external contracts for the first phase of evidence gathering listed in paragraph 5(v) [Jan-Feb 2024]
  - (ii) Progress internally produced work/scoping in paragraph 5(vi) [Jan-May 2024]
  - (iii) Commence Spatial Portrait, visioning work (vision, issues and objectives) and early member engagement including links and alignment with the emerging Local Transport Plan [Jan-Jun 2024]
  - (iv) Commence Duty to Cooperate discussions [Apr 2024]
  - (v) Progress a Call for Sites for housing and employment sites [May 2024]

### **Minerals and Waste Plan Reviews**

7. Somerset Council are undertaking initial assessments of both the adopted Minerals Plan and Waste Core Strategy to understand which policies may be out of date for the purposes of decision making or where circumstances may have changed and whether the policies in the plan continue to be effective in addressing the specific local issues that are identified the plan. This in turn will enable Somerset Council to decide whether, and to what extent, an update of the policies is required.

Table 2: Minerals and Waste Plan Review timetables (Local Development Scheme Oct 2023)

Stage	Minerals Plan Review	Waste Plan Review
Commencement	Jul 2023	Nov 2023
Complete initial assessment of policies	Dec 2023	Feb 2024
Somerset Council to decide whether the adopted Plan remains effective or whether to formally update (in full or part) the Plan.	Early 2024	April 2024

8. The Minerals Plan review has commenced. It is anticipated that the work will be complete and a decision made by early 2024 as timetabled.
9. The Waste Plan review has commenced and the Waste Need Assessment (WNA) is complete. This is the first part of the picture of our future need and will guide the next stages of the review. This review uses the PAS Toolkit and follows the same Part 1 and Part 2 process, as for other Local Plan Reviews.

### **Links to Council Plan and Medium-Term Financial Plan**

10. The Local Plan aligns with the Council Plan 2023-27 vision and priorities, in particular the priority for *A Greener, More Sustainable Somerset*. Furthermore, the production of the Local Plan is consistent with the emerging Council Business Plan and reflects the Council's Climate Emergency Strategy. The Local Plan is one of a suite of strategic documents the Council will need to produce that support and complement each other. Using the vision and priorities set out in the Council Plan provides a starting point for developing agreed goals and ambitions in partnership with the community, businesses and the environment at the centre.
11. The Minerals and Waste Plans align with the Council Plan 2023-27 vision and priorities, in particular the priority for *A Greener, More Sustainable Somerset* and *A Flourishing and Resilient Somerset*. The production of a Waste Plan will support the circular economy in Somerset and reduce our impact on the environment. Planning for the supply of aggregates through the Minerals Plan is critical for the economy of Somerset.

### **Financial and Risk Implications**

12. Note that the Local Plan timetable has slipped during 23/24 and as a result there will be underspend in 23/24. However, this base budget provision will be needed in future years as the timetable catches up.



### **Legal Implications**

13. There are no legal implications of the recommendation to note this report.

### **HR Implications**

14. There are no legal implications of the recommendation to note this report.

### **Other Implications:**

### **Equalities Implications**

15. There are no equalities implications of the recommendation to note this report.

### **Community Safety Implications**

16. There are no community safety implications of the recommendation to note this report.

### **Climate Change and Sustainability Implications**

17. There are no climate change and sustainability implications of the recommendation to note this report.

### **Health and Safety Implications**

18. There are no health and safety implications of the recommendation to note this report.

### **Health and Wellbeing Implications**

19. There are no health and wellbeing implications of the recommendation to note this report.

### **Social Value**

20. There are no social value implications of the recommendation to note this report.

### **Scrutiny comments / recommendations:**

21. The proposed decision has not been considered by a Scrutiny Committee.

**Background Papers**

22. None

**Appendices**

23. None