

Winchester Local Plan EIP

Matter 14: Biodiversity and the Natural Environment

Policy NE5 Biodiversity

1. Would the policy serve a clear purpose, avoiding unnecessary repetition of national policy, in accordance with NPPF paragraph 16f?

No comment.

2. Would there be robust local evidence to justify a requirement above 10% BNG?

No. The decision not to go beyond 10% is sound and there is no local evidence for going beyond the 10% minimum required by the Environment Act and the Council should not look to introduce a BNG target above this mandatory requirement. In considering the soundness of this policy it is necessary to take account of paragraph 74-006-20240214 of PPG which states that:

“... plan-makers should not seek a higher percentage than the statutory objective of 10% biodiversity net gain, either on an area-wide basis or for specific allocations for development unless justified. To justify such policies, they will need to be evidenced including as to local need for a higher percentage, local opportunities for a higher percentage and any impacts on viability for development. Consideration will also need to be given to how the policy will be implemented”.

This indicates that it is not a requirement to go beyond the minimum BNG, only that they may where justified. As such a local plan that does not require development to go beyond this minimum cannot be considered to be unsound. It may be permitted to go beyond where there is evidence, but a policy cannot be considered unsound for not setting a higher target. Given that the plan is considered to be sound on submission and can only be amended where it is unsound there is no reason for the 10% to be increased.

In addition, there is still significant uncertainty as to the impact of BNG on the viability of development. While some sites will be able to deliver 10% BNG relatively simply on other sites it will be difficult to deliver on site and potentially require expensive off-site provision. The Council has not yet updated its viability evidence. Alongside other costs it will be necessary to ensure that the cost of delivering BNG is properly assessed. As we set out in our representations the cost of meeting the 10% BNG requirement will vary significantly from site to site and the cost of

offsite credits being underestimated within the viability assessment. Given that a 10% net gain will ensure that all new developments make an improvement to the environment and there are still significant uncertainties as to the cost of delivering even 10% BNG, HBF sees no justification as to why development should deliver more than is required by legislation.

3. Would the policy supporting the text be up to date and accurate in reflecting on the 'current and new Local Plan'?
Would it unnecessarily repeat national policy in relation to the application of the Habitats Regulations?

No comment

4. For the purposes of soundness, would the policy need to provide further clarification on compensatory habitats, recreational disturbance and the requirements for functionally linked land in relation to designated sites?

No comment

5. How has viability been reflected in the policy requirements?

As set out in our representations HBF consider the impact of delivering the 10% BNG to have been underestimated within the viability assessment. The costs in the assessment are based on the DEFRA Impact assessment (IA) which is now over 6 years old with some data based on evidence produced in 2017. The IA in particular underestimates the cost of delivering off-site credit at £11,000 per unit which, as noted in paragraph 12 of our representations, is significantly below the current cost.

6. Would policy NE5i accord with NPPF paragraph 180 in relation to protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils, in a manner commensurate with their statutory status or identified quality in the development plan?

No comment.

7. Would policy NE5iv and vi accord with NPPF paragraph 186 in relation to principles to protect and enhance biodiversity and geodiversity?

No comment.

8. How would the policy interact with strategic policy NE1, which seeks to protect and enhance biodiversity and the natural environment in the District?

No comment.

9. Would the requirements for masterplans to precede any application for development and ensure stakeholder

engagement provide the necessary flexibility to support planned development?

10. Overall, would policy NE5 be clearly written and unambiguous, so it is evident how a decision maker should react to development proposals? In particular, policy NE5iv in relation to requirements for a Construction Environmental Management Plan?

No comment.

11. Would paragraphs 7.45 and 7.49 introduce policy requirements that should appropriately be included within policy?

No comment.

Mark Behrendt

Regional Planning Manager – SE and E