



Borough Council of King's Lynn and West Norfolk Local Plan Examination

Additional "Matter 8" Statement – Environment

Response to the Inspectors "Additional Matters, Issues and Questions"

09 April 2024

Introduction

1. This statement is a response from the Borough Council of King's Lynn and West Norfolk Council (BCKLWN) to the following issues and questions raised by the Inspectors relating to Matter 8 of the examination into the King's Lynn and West Norfolk Local Plan relating to Monitoring and Implementation.
2. References used in this statement (e.g.[F10],[D10]) relate to documents held in the examination library as either a submission document or as part of the wider evidence base.

Borough Council of King's Lynn and West Norfolk Responses to Matter 8 Additional Questions

Issue 8: Is the Plan justified, effective and consistent with national policy in respect of its policies and proposals for the environment?

Environmental Assets (Policy LP19)

AQ116. The Regulations required to implement the first phase of Biodiversity Net Gain (BNG) were laid in Parliament on 19 January 2024, which means that BNG will become mandatory for new major developments from Monday 12 February 2024. What are the implications of this, if any, for the soundness of Policy LP19?

The Biodiversity Gain Regulations (2024 Statutory Instruments 45-50: <https://www.legislation.gov.uk/primary+secondary/2024?title=biodiversity>) provide the necessary secondary legislation, allowing implementation of the Environment Act 2021 (with reference to 10% BNG), with effect from 12 February 2024.

As submitted, the Local Plan makes little reference to BNG. However, several changes to Policy LP19 and the supporting text have already been proposed, as follows:

- LP19 (criterion 1) - new reference to BNG [F37, MM 115: [https://www.west-norfolk.gov.uk/download/downloads/id/7618/f37 -
_updated_schedule_of_suggested_main_modifications_january_2023.pdf](https://www.west-norfolk.gov.uk/download/downloads/id/7618/f37_-_updated_schedule_of_suggested_main_modifications_january_2023.pdf)];
- LP19 (criterion 3) - new reference to mitigation hierarchy (avoid, mitigate, compensate) [F37, MM115];
- LP19 (criterion 6) - new reference to BNG, in the context of initiatives and proposals such as Local Nature Recovery Strategies [H47, Q388: <https://www.west->

norfolk.gov.uk/download/downloads/id/7600/bcklwn_response_to_matter_8_environment.pdf

Proposed changes to LP19 therefore specifically reference BNG, in accordance with national policy. The 10% requirement is not specifically referenced in the updated (2023) NPPF, although this does make reference to the need to deliver net gains for biodiversity (paras 180, 185 and 186).

However, there is no such reference to the requirements of the 2021 Environment Act and associated regulations (2024 SIs 45-50), to deliver 10% BNG in LP19, the supporting text or national policy. Instead, detailed directions for how the statutory 10% BNG requirement should be implemented through the planning system is set out in the new national BNG guidance (<https://www.gov.uk/guidance/biodiversity-net-gain>, February 2024).

As LP19 does not make specific reference to the 2021 Environment Act and/ or 10% requirement, this ought to be rectified through further policy modifications and supporting text.

Main Modification(s) to Policy LP19/ supporting text (section 6.5)

[New sub-section following 6.5.4]

Biodiversity Net Gain (BNG)

The 2021 Environment Act has introduced a legal requirement to delivery 10% BNG in association with nearly all new developments. These requirements came into force, with effect from 12 February 2024. The Government (Department for Levelling Up, Housing and Communities) has also produced detailed practice guidance as to how 10% BNG should be delivered (<https://www.gov.uk/guidance/biodiversity-net-gain>).

The 10% requirement is also reflected in LP19 itself, in the interests of clarity and usability. This ecological assessment will inform the Biodiversity Net Gain Statement and the site baseline calculation input within the Statutory Biodiversity Metric, both of which must be submitted at validation. A Habitats Mitigation and Monitoring Plan (HHMP) and Biodiversity Net Gain Plan (BGP) will be required to discharge a Biodiversity Net Gain condition. These documents may be required prior to this to inform decision making process where necessary.

[Revised Policy LP19(1)]

Proposals incorporating nature-based solutions such as natural capital, ~~biodiversity net gain~~ and/ or green infrastructure, to protect and enhance our landscape

character, biodiversity and geodiversity will be encouraged and supported. All developments covered by the 10% Biodiversity Net Gain requirement (Environment Act 2021 and associated regulations) will need to be supported by an ecological assessment that identifies how this can be delivered.