

Agenda

Cabinet

Date: **Thursday 18 April 2024**

Time: **2.00 pm**

Place: **Council Chamber**

For any further information please contact:

Democratic Services

committees@gedling.gov.uk

0115 901 3906

Cabinet

Membership

Chair Councillor John Clarke
Vice-Chair Councillor Michael Payne

Councillor David Ellis
Councillor Kathryn Fox
Councillor Jenny Hollingsworth
Councillor Viv McCrossen
Councillor Marje Paling
Councillor Lynda Pearson
Councillor Henry Wheeler

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Responsibility of committee:

Cabinet is the meeting of all executive members. The Executive will carry out all of the local authority's functions which are not the responsibility of any other part of the local authority, whether by law or under the Constitution. Cabinet Portfolios are detailed within Section 6, Part 9 of the Council's Constitution.

AGENDA

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- 1 **Apologies for absence**
- 2 **To approve, as a correct record, the minutes of the meeting held on 28 March 2024** 5 - 7
- 3 **Declaration of interests**
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- 5 **Community Asset transfer of Wollaton Avenue Community Centre** 17 - 52
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- 6 **Interim Planning Policy Statement: Biodiversity Net Gain** 53 - 113
Report of the Planning Policy Manager
- 7 **Any other items the Chair considers urgent**

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MINUTES CABINET

Thursday 28 March 2024

Councillor John Clarke (Chair)

Councillor David Ellis	Councillor Marje Paling
Councillor Kathryn Fox	Councillor Lynda Pearson
Councillor Jenny Hollingsworth	Councillor Henry Wheeler
Councillor Viv McCrossen	

Absent: Councillor Michael Payne

Officers in Attendance: T Adams, M Hill, C McCleary, F Whyley

82 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor Payne.

83 TO APPROVE, AS A CORRECT RECORD, THE MINUTES OF THE MEETING HELD ON 21 FEBRUARY 2024

RESOLVED:

That the minutes of the above meeting, having been circulated, be approved as a correct record.

84 DECLARATION OF INTERESTS

None.

85 FORWARD PLAN

Consideration was given to a report of the Democratic Services Manager, which had been circulated prior to the meeting, detailing the Executive's draft Forward Plan for the next six month period.

RESOLVED:

To note the report.

86 GEDLING PLAN - PERFORMANCE INDICATORS 2024-25

The Chief Executive presented a report, which had been circulated in advance of the meeting, seeking approval of the performance indicators and targets against which progress of the Gedling Plan will be measured in 2024/25.

RESOLVED:

To approve the performance indicators and targets for 2024/25, as set out in Appendix 1 of the report.

87 REVIEW OF LOCAL DEVELOPMENT SCHEME

The Planning Policy Manager presented a report, which had been circulated in advance of the meeting, seeking approval of the revised Local Development Scheme.

RESOLVED:

To approve the revised Local Development Scheme appended to the report as Appendix A and agree that it shall come into effect on 1st April 2024.

88 CORPORATE PEER CHALLENGE REVIEW

The Chief Executive presented a report, which had been circulated in advance of the meeting, seeking approval of the Corporate Peer Challenge Progress Review Report and a new Corporate Peer Challenge Action Plan.

RESOLVED to:

- 1) Note the Corporate Peer Challenge Progress Review Report; and
- 2) Approve the new Corporate Peer Challenge Action Plan.

89 EQUALITIES AND DIVERSITY POLICY

The Interim Corporate Director presented a report, which had been circulated in advance of the meeting, seeking approval of the Council's Equality, Diversity and Inclusion Policy 2024-27 and updating Members on the responses to consultation on the policy and future work plans in respect of equality and diversity.

RESOLVED to:

- 1) Approve the Equality, Diversity and Inclusion Policy 2024-27; and
- 2) Note the consultation responses and future workplan in relation to equality and diversity.

90 RISK MANAGEMENT STRATEGY AND FRAMEWORK

The Interim Corporate Director presented a report, which had been circulated in advance of the meeting, seeking approval of a new Risk

Management Framework which includes a policy, strategy, risk appetite statement and risk management toolkit.

RESOLVED:

To adopt the Risk Management Framework at Appendix 1 to the report including the risk appetite statement which sets the Council's overall risk appetite as moderate.

91

DIGITAL DATA AND TECHNOLOGY STRATEGY

The Interim Corporate Director presented a report, which had been circulated in advance of the meeting, seeking approval of the Digital, Data and Technology Strategy which will drive improvement in the way the Council delivers its services and create more efficient ways of working.

RESOLVED:

To adopt the Digital, Data and Technology Strategy at Appendix 1 to the report.

92

ANY OTHER ITEMS THE CHAIR CONSIDERS URGENT

None.

The meeting finished at 2.40 pm

Signed by Chair:

Date:

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Report to Cabinet

Subject: Forward Plan

Date: 18 April 2024

Author: Democratic Services Manager

Wards Affected

All

Purpose

To present the Executive's draft Forward Plan for the next six-month period.

Key Decision

This is not a key decision.

Recommendation(s)

THAT:

Cabinet notes the contents of the draft Forward Plan making comments where appropriate.

1 Background

- 1.1 The Council is required by law to give notice of key decisions that are scheduled to be taken by the Executive.
- 1.2 A key decision is one which is financially significant, in terms of spending or savings, for the service or function concerned (more than £500,000), or which will have a significant impact on communities, in two or more wards in the Borough.
- 1.3 In the interests of effective coordination and public transparency, the plan includes any item that is likely to require an Executive decision of the Council, Cabinet or Cabinet Member (whether a key decision or not). The Forward Plan covers the following six months and must be

updated on a rolling monthly basis. All items have been discussed and approved by the Senior Leadership Team.

2 Proposal

- 2.1 The Forward Plan is ultimately the responsibility of the Leader and Cabinet as it contains Executive business due for decision. The Plan is therefore presented at this meeting to give Cabinet the opportunity to discuss, amend or delete any item that is listed.

3 Alternative Options

- 3.1 Cabinet could decide not agree with any of the items are suggested for inclusion in the plan. This would then be referred back to the Senior Leadership Team.
- 3.2 Cabinet could decide to move the date for consideration of any item.

4 Financial Implications

- 4.1 There are no financial implications directly arising from this report.

5 Legal Implications

- 5.1 There are no legal implications directly arising from this report.

6 Equalities Implications

- 6.1 There are no equalities implications arising from this report.

7 Carbon Reduction/Environmental Sustainability Implications

- 7.1 There are no carbon reduction/sustainability implications arising from this report.

8 Appendices

- 8.1 Appendix 1 – Forward Plan

9 Background Papers

- 9.1 None identified

10 Reasons for Recommendations

- 10.1 To promote the items that are due for decision by Gedling Borough Council's Executive over the following six-month period.

Statutory Officer approval

Approved by:

Chief Financial Officer

Date:

10/04/2024

Approved by:

Monitoring Officer

10/04/2024

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Gedling 
Borough Council **FORWARD PLAN**
FOR THE PERIOD 1 MAY 2024 TO 31 AUGUST 2024

This Forward Plan sets out the details of the key and non-key decisions which the Executive Cabinet expect to take during the next six months.

The current members of the Executive Cabinet are:

Councillor John Clarke – Leader of the Council

Councillor Michael Payne – Deputy Leader and Portfolio Holder for Corporate Resources and Performance

Councillor David Ellis – Portfolio Holder for Public Protection

Councillor Kathryn Fox – Portfolio Holder for Life Chances and Vulnerability

Councillor Jenny Hollingsworth – Portfolio Holder for Sustainable Growth and Economy

13 Councillor Marje Paling – Portfolio Holder for Environmental Services (Operations)

Councillor Lynda Pearson – Portfolio Holder for Communities and Place

Councillor Viv McCrossen – Portfolio Holder for Climate Change and Natural Habitat

Councillor Henry Wheeler – Portfolio Holder for Lifestyles, Health and Wellbeing.

Anyone wishing to make representations about any of the matters listed below may do so by contacting the relevant officer listed against each key decision, within the time period indicated.

Description of the decision	Date decision is expected to be taken and who will take the decision?	Responsible Officer	Documents to be considered by the decision maker	Cabinet Portfolio	Open / Exempt (and reason if the decision is to be taken in private) Is this a Key Decision?
Community Asset transfer of Wollaton Avenue Community Centre To give members an update on the community asset transfer of Wollaton Avenue Community Centre.	18 Apr 2024 Cabinet	Lance Juby, Head of Communities and Leisure	Officer Report	Portfolio Holder for Lifestyles, Health and Wellbeing	Open No
Interim Planning Policy Statement: Biodiversity Net Gain To approve an interim planning policy statement on biodiversity net gain.	18 Apr 2024 Cabinet	Jo Gray, Planning Policy Manager	Officer Report	Portfolio Holder for Sustainable Growth and Economy	Open Yes
Budget Outturn and Budget Carry Forwards 2023/24 This report presents the Budget Outturn and Budget Carry Forwards for the financial year 2023/24.	23 May 2024 Cabinet	Tina Adams, Financial Services Manager	Officer Report	Portfolio Holder for Corporate Resources and Performance	Open Yes
Annual Treasury Activity Report To inform Members of the outturn in respect of the 2023/24 Prudential Code Indicators, and to advise Members of the outturn on treasury activity, both as required by the Council's Treasury Management Strategy.	23 May 2024 Cabinet	Tina Adams, Financial Services Manager	Officer Report	Portfolio Holder for Corporate Resources and Performance	Open Yes
Strategic Review - Community Facilities To adopt the further strategic work undertaken as part of the Strategic Outcomes Planning Model.	23 May 2024 Cabinet	Lance Juby, Head of Communities and Leisure	Officer Report	Portfolio Holder for Lifestyles, Health and Wellbeing	Open Yes
Flexible Use of Capital Receipts Strategy 2024/25 This report sets out the strategy to use the flexible use of capital receipts direction to support the Council's Transformation Programme including funding of the Digital, Data & Technology Strategy which was approved at Budget Council on 6th March 2024.	23 May 2024 Cabinet 25 Jul 2024 Council	Tina Adams, Financial Services Manager	Officer Report	Portfolio Holder for Corporate Resources and Performance	Open Yes

Description of the decision	Date decision is expected to be taken and who will take the decision?	Responsible Officer	Documents to be considered by the decision maker	Cabinet Portfolio	Public / Exempt (and reason if the decision is to be taken in private) Is this a key decision?
Quarter 4 (year-end) performance information To update members on the quarter 4 (year-end) performance information.	6 Jun 2024 Cabinet	David Archer, Head of Human Resources Performance and Service Planning	Officer Report	Leader of the Council	Open No

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Report to Cabinet

Subject: Community Asset Transfer of Wollaton Avenue Community Centre to Gedling Play Forum.

Date: 18th April 2024

Author: Community Partnerships Manager, Community Relations Team

Wards Affected

All

Purpose

To obtain Cabinet approval for the community asset transfer of Wollaton Avenue Community Centre from Gedling Borough Council to Gedling Play Forum, by way of a 99 year full repairing lease.

Key Decision

This is a key decision.

Recommendation(s)

THAT:

- 1) In accordance with the Community Asset Transfer Policy, Cabinet agrees to the transfer of Wollaton Avenue Community Centre from Gedling Borough Council to Gedling Play Forum by way of a 99 year full repairing lease under a 'peppercorn rent' arrangement; and
- 2) Authorises the Chief Executive to approve the terms of the lease.

1 Background

1.1 Gedling Borough Council Community Asset Transfer (CAT) Policy

Cabinet adopted a Community Asset Transfer Policy in October 2015. The

aims of the policy are:

- To identify the process and tools that will enable the successful delivery of a future asset transfer programme.
- To recognise the capacity needs of local groups wishing to take on local authority assets.
- To ensure a thorough risk assessment of asset transfer is undertaken.
- To define the legal form a transfer agreement would take.

The Gedling Community Asset Transfer (CAT) Development programme

- 1.2 In developing the Council's CAT Policy, the Community Relations Team worked alongside a selection of local community organisations in support of their pursuit of community asset transfer. One of these groups was Gedling Play Forum, who have held a recurrent short/medium term lease with the Council for over 20 years, which includes full repairing and maintenance responsibilities for Wollaton Avenue Community Centre.

Gedling Play Forum Community Asset Transfer Submission

- 1.3 In accordance with the Asset Transfer Policy, organisations wishing to take on more responsibility for a community facility must engage in consultation with relevant stakeholders, ensure that the required statutory policies and public liability insurances are in place and demonstrate a robust business plan for ongoing management of the facility. These details need to be provided to the Council by way of a formal Community Asset Transfer submission.
- 1.4 A submission was received from Gedling Play Forum in March 2022. In consideration of this a Portfolio Holder for Corporate Resources and Performance decision gave approval for the Council to publish a formal public consultation on the proposal in December 2022.

The consultation was launched on 27th January 2023 and ended on 24th February 2023. There was one response to the consultation that was supportive of the proposal for Community Asset Transfer. This can be viewed at **Appendix A**. Concurrent with the consultation period, officers undertook an assessment of the proposal. The assessment incorporated the following elements:

- i. Viability of the building for Community Asset Transfer
- ii. Equalities Impact of the proposal
- iii. Review of the Gedling Play Forum submission to identify:
 - Robustness of financial planning to ensure ongoing maintenance

costs can be met.

- Future service delivery plans from the site – are they in line with the Council's Aims?
- Resilience of the organisation to take on further responsibility for managing the asset and to ensure ongoing safety of the general public when accessing the facility.

- 1.5 In accordance with the Community Asset Transfer Policy, consideration has been given to the appropriate rental value of the lease. Section 123 of the Local Government Act 1972 gives the Council the power to dispose of land in a manner it wishes but stipulates it may not do so for a consideration less than best that can be reasonably obtained. The General Disposal Consent (England) 2003 enables the Council to dispose of land at less than best consideration that can reasonably be obtained in certain circumstances.

Subject to lease negotiation and the establishment of an agreed Transition Plan, a peppercorn rent will be agreed for Wollaton Avenue Community Centre following assessment of Gedling Play Forum's business plan.

The business plan sets out the intention to provide:

- a creative resource centre and scrapstore
- family play activities at community events
- activities and workshops for organisations
- Group support: including access to the scrap-store and office services, drop in area and general support, signposting groups and individuals to further help and support
- volunteering opportunities
- a meeting space for partnership meetings and groups in need.

It is therefore deemed the following circumstances apply in accordance with the General Disposal Consent (England) 2003:

- The asset transfer will contribute to the promotion and improvement of economic and social well-being of residents within the wider local area.

- 1.6 Any subsequent lease agreement is subject to the successful completion of necessary facilities, legal and financial investigations and the delivery of an agreed transition plan for the community asset transfer.

An operational transition plan has been agreed by Council officers and Gedling Play Forum to ensure the smooth transfer of the building. This covers key themes such as the transfer of health and safety responsibilities, contractor liaison, operational and maintenance procedures and post transfer support offered by Gedling Borough Council Property and Community Relations Services.

The Council's Legal, Finance and Property Services have investigated the robustness of the Gedling Play Forum Business Plan. Officers have also examined all relevant land issues, building and site covenants and current maintenance responsibilities, and the transfer of these have been agreed with Gedling Play Forum within the Draft Heads of Terms following a period of negotiation.

Draft Heads of Terms: Appendix B
Operational Transition Plan: Appendix C

1.7 Negotiating the terms of the lease

Officers have been negotiating the terms for the new lease agreement with Gedling Play Forum and a Head of Terms has been agreed in principle by both parties.

2 Proposal

2.1 It is proposed that:

- In accordance with the Community Asset Transfer Policy, Cabinet agrees to the transfer of Wollaton Avenue Community Centre from the Council to Gedling Play Forum by way of a 99 year, full repairing lease under a 'peppercorn rent arrangement'.
- The Chief Executive be authorised to approve the terms of the lease.

3 Alternative Options

- 3.1 An alternative option is not to agree to the transfer of the Community Centre and maintain the current arrangements. However, Gedling Play Forum have been managing the site through a full repairing and maintenance lease for 20 years. This proposal seeks to maintain that principle but offer the organisation greater security of tenure with a long-term lease. This will enable the Play Forum as registered charity to access external funding opportunities for building improvements that usually require a minimum lease duration of seven years as an eligibility

criteria. This therefore offers added value potential for innovation and growth of services to the community, particularly as local authorities are not eligible for certain external funding opportunities.

- 3.2 A further alternative is to consider the site for disposal.

Wollaton Avenue Community Centre is in a prime location in an area of substantial community need. Retention of the centres' use as a community hub and creative resource for children, schools and wider family support organisations supports Council aims to develop and address the health, wellbeing and community resilience of that area.

- 3.3 Another option would be to effect community asset transfer of the Wollaton Avenue Community Centre by freehold transfer, under different lease arrangements, or by entering into a licence.

This option would potentially restrict the ability of the new management organisation to access grant funding and to pursue other opportunities for sustainability and growth.

It should be noted that Wollaton Avenue Community Centre is adjacent to the former Sherwood E-Act Academy site which may be subject to proposals for future housing development. Agreeing to community asset transfer of the centre will remove the Council's option to dispose of this land.

4 Financial Implications

- 4.1 The external Community Ownership and Management of Assets funds previously received from the Cabinet Office in 2015/16 enabled the Council to meet the additional costs of commissioning surveys and consultancy support to allow organisations going forward with community asset transfer to undertake necessary organisational development, create business plans and to appoint independent legal and technical advice. Gedling Play Forum has benefitted from this.

- 4.2 During the pre - transfer stages of the Community Asset Transfer transition plan, additional costs in the region of £2,738 were incurred in 2023/2024. Following a site assessment, these costs were deemed essential to ensure viability of the asset for transfer, and to support the transition of management from the Council to Gedling Play Forum.

The responsibility for further repairs will be transferred to Gedling Play Forum therefore there will be no further repair costs associated with the site.

- 4.3 Subject to successful completion of the community asset transfer, the proposed budget savings for the Wollaton Avenue Community Centre will

be minimal, around £1,120 per annum for legionella testing and Property Insurance. This is due to the existing lease held by Gedling Play Forum, which includes maintenance responsibility.

- 4.4 There are no staffing implications associated with this proposal, as the Gedling Play Forum has held caretaking responsibilities under successive medium / short term lease arrangements for over 20 years.
- 4.5 This transfer has been assessed in accordance with the Subsidy Control Act 2022 and legal advice has been sought due to the unclear guidance. The advice given is:

‘The Subsidy Control (Gross Cash Amount and Gross Cash Equivalent) Regulations 2022 provide that for a subsidy which is made other than as a grant, the gross cash equivalent amount is to be determined by reference to the value of the benefit conferred by the subsidy on an enterprise, taking into account the difference between (a) the terms on which the subsidy is given, and (b) the terms on which financial assistance of the same kind might reasonably have been expected to have been available on the market to the enterprise” (Regulation 4(2)).’

Therefore, the value of the subsidy has been calculated at £891,000, this is on the basis that the annual rental would be £9,000 per annum over the duration of the 99 year lease.

5 Legal Implications

- 5.1 Section 123 of the Local Government Act 1972 gives the Council the power to dispose of land in a manner it wishes but stipulates it may not do so for a consideration less than best that can be reasonably obtained. The General Disposal Consent (England) 2003 enables the Council to dispose of land at less than best consideration that can reasonably be obtained in certain circumstances. A community asset transfer would align with the legislation.
- 5.2 The successful Community Asset Transfer will be subject to a negotiation process and the agreement of a new, 99-year lease, setting out the rights and responsibilities of the Council and those of the Gedling Play Forum.
- 5.3 The proposed Community Asset Transfer of Wollaton Avenue Community Centre has been assessed in accordance with the Subsidy Control Act 2022. Gedling Play Forum are to receive a subsidy of £891,000.00 which has been calculated by the calculating the annual rent of £9,000.00 multiplied by the term of the lease which is 99 years. This value far exceeds the Minimal Financial Assistance (MFA) threshold and therefore a Principles Assessment is necessary before the subsidy can be lawfully

administered.

- 5.4 A principles assessment has been undertaken in accordance with the Subsidy Control Act 2022 and it is deemed to meet the criteria. As such the subsidy can lawfully be administered. The Principles Assessment is located at **Appendix D**.

6 Equalities Implications

- 6.1 An Equality Impact Assessment has been completed in respect of the proposal, attached at **Appendix E**.
- 6.2 Transfer of the facility will have a positive impact on the Council's Equality and Diversity Policy, by maximising use of the asset to extend the reach of much needed family support and diversionary activities for disadvantaged children and young people, diverse communities, vulnerable adults and older people.
- 6.3 In its Business Plan and other Community Asset Transfer submission documents, the Gedling Play Forum has demonstrated that it has robust policies and practices and strong partnership networks in place that will underpin and strengthen the values of equality and diversity in their use of the facility going forward.

7 Carbon Reduction/Environmental Sustainability Implications

- 7.1 A Climate Impact Assessment has been completed in respect of this proposal, attached at **Appendix F**.

This proposal will have a positive impact on the Council's Carbon Management Strategy by supporting the growth in use of recycled materials and raised community awareness of environmental sustainability good practice.

- 7.2 Gedling Play Forum has demonstrated the intention to utilise and implement sustainable energy strategies in their Community Asset Transfer Submission and Business Plan, both in the delivery of activities and in future developments to the facility.

Successful Asset Transfer will enable Gedling Play Forum to access external Capital and Revenue funding available to voluntary and community sector organisations for environmentally sustainable developments to the site.

8 Appendices

- 8.1 Appendix A: Consultation feedback

Appendix B: Draft Heads of Terms

Appendix C: Draft Community Asset Transfer Transition Plan

Appendix D: Principles Assessment

Appendix E: Equality Impact Assessment

Appendix F: Climate Impact Assessment

9 Background Papers

9.1 Community Asset Transfer Policy

10 Reasons for Recommendations

10.1 To enable the effective Community Asset Transfer of Wollaton Avenue Community Centre to Gedling Play Forum by way of a 99 year Lease arrangement.

10.2 To maximise the growth of craft and play services to children, families, people with disabilities, older people, schools and voluntary and community sector organisations.

Statutory Officer approval

Approved by: Scott Anderson

Date: 03/04/24

On behalf of the Chief Financial Officer

Approved by: Natalie Osei

Date: 08/04/24

On behalf of the Monitoring Officer

NOTICE OF COMMUNITY ASSET TRANSFER REQUEST:

**Wollaton Avenue Community Centre
Wollaton Avenue,
Gedling,
Nottingham.
NG4 4HX**

In accordance with the Councils Community Asset Transfer Policy, notice is hereby given that **Gedling Play Forum** has submitted an application to Gedling Borough Council to enter into a long term lease in respect of the above facility.

This submission represents the proposed transfer of management and operational responsibility for the facility from Gedling Borough Council to the applicant organisation. The application states that the premises would continue to be used for community benefit, with the following activities being proposed at the site following its transfer:

- Provision of a creative resources centre with scrap-store
- Provision of family play activities at community events
- Provision of activities and workshops for organisations
- Group support: including access to the scrap-store and office services, drop in area and general support, signposting groups and individuals to further help and support
- Provision of volunteering opportunities
- Availability of a meeting space for partnership meetings and groups in need

Any comments on the proposal should be forwarded to Lance Juby, Head of Communities and Leisure, **by 5.00pm on Friday 24th February 2023** either by email at: lance.juby@gedling.gov.uk or by post to:

**Lance Juby
Head of Communities and Leisure**

Response received: Councillor Andrew Ellwood, Phoenix Ward

Dear Lance,

Just a quick email to confirm that as a ward member for Phoenix Ward, I would support in principle the proposed Community Asset Transfer of Wollaton Avenue Community Centre to Gedling Play Forum. The transfer in a sense formalises the current situation with regard to the building so it seems to be useful to both the Council and the Play Forum in providing a level of certainty going forward.

As a ward member I appreciate the work that the Play Forum does both in the Gedling Borough community as a whole as well as more locally in the Phoenix Ward area. I wish the Play Forum well for the future.

It would be useful at a later date to be kept informed of the progress of the Community Asset Transfer and also be provided with some details of the terms of the transfer such as the length of the lease and what the responsibilities of the Council and the Play Forum will be with regard to the building.

Kind regards

Andrew
Phoenix Ward councillor

P.S. I have copied Cllr Towsey-Hinton into this email for information as the other ward member for Phoenix Ward.

**HEADS OF TERMS
WOLLATON AVENUE COMMUNITY CENTRE
SUBJECT TO CONTRACT AND APPROVAL**

Date: January 2024

Property	Wollaton Avenue Community Centre, as shown edged red on the attached plan – Plan to follow.
Landlord	Gedling Borough Council Civic Centre Arnot Hill Park Arnold, Nottingham NG5 6LU
Tenant	Gedling Play Forum, Company Number 06538537 and Charity Number 1123602. Tel: 0115 956 0673 Email: admin@gedlingplayforum.org FAO: Anne Crosbie
Landlord's Solicitor	In-house: Legal Services Gedling Borough Council
Tenant's Solicitor	Shoosmiths LLP Tel: 0370085541 Email: ella.ward@shoosmiths.com FAO: Ella Ward
Landlord's Agent	Property Services Gedling Borough Council Tel: 0115 901 3892 Email: emma.wimble@gedling.gov.uk FAO: Emma Wimble
Tenant's Agent	N/A
Use	The Centre will be used to continue to provide: <ul style="list-style-type: none"> • A creative resource centre and scrapstore; • Family play activities at community events; • Activities and workshops for organisations; • Group support: including access to the scrap-store and office services, drop in area and general support, signposting groups and individuals to further help and support. • Volunteering opportunities • A meeting space for partnership meetings and groups in need

	Political meetings and discussions are prohibited on the premises.
Tenure	Leasehold
Lease & Term	99 years from legal completion
Repairs	<p>The Tenant is to be responsible for all internal and external repairs at the premises and will put and keep the premises in a good a tenable condition provided that the Tenant shall not be required to put the premises in any better condition than evidenced by the building report provided by the Landlord. (The Landlord will provide the survey that has been commissioned. If the Tenant requires an additional survey they can obtain one at their own cost.)</p> <p>Tenant is to repair the premises on notice from the Landlord and commence the repairs within 3 months of notification with completion taking place within a reasonable time period. If the Tenant fails to carry out the repair the Landlord has the right to enter onto the premises and carry out the repair with the expenses reasonably incurred by the Landlord being repaid by the Tenant on demand.</p> <p>If the Tenant does not carry out the repairs or does not compensate the Landlord for any repairs that it has carried out then the Landlord has the right to forfeit the Lease.</p>
Car Park lighting	As the lighting for the car park is controlled from the Centre via external flood-lighting fixed to the building, the tenant will be responsible for the maintenance and repair of lighting in the car park.
General compliance with H&S	Legionella asbestos and fire regulations in particular will be complied with together will all other compliance matters.
Boundaries	The Tenant will be responsible for any fencing or any boundary demarcation, to be maintained to a suitable level of repair in line with building repair obligations.
Car Park Maintenance	<p>The car park is shared with Phoenix Farm Community Church via an informal arrangement. The informal joint use arrangement provides both the Community Centre and Phoenix Farm Methodist Church the ability to park on their respective neighbour's car park, without the need for serving notice on one another. These car parking arrangements are informal, and the Council cannot guarantee that this informal agreement will persist into the future. The Council currently has no reason to believe that the church will change these arrangements.</p> <p>Ownership of land comprising the car park is split between GBC and the Community Church. As such, the tenant would be expected to maintain the carpark falling on the Landlord's land and take reasonable steps to facilitate continued</p>

	cooperation with the Community Church to ensure ongoing and satisfactory maintenance of the car park as a whole.
Landlord's Periodic Inspections	The Landlord will be able to periodically inspect the condition of the property. If the Landlord deems it necessary that any part of the building should be surveyed because it suspects that remedial works may be required then such a survey will be carried out by an appropriately qualified expert. If the survey is carried out by an external provider, then the Tenant will be responsible for the costs associated with this survey.
Alterations	The Tenant will have the right to carry out alterations to the Property with consent of the Landlord not to be unreasonably withheld. Internal non-structural alterations may be carried out without Landlords consent but must be compliant with planning, building and all other regulations
Insurance	The Landlord will be responsible for insuring the premises and will be able to recharge this amount to the Tenant.
Rent	£1 (One Pound) Per Annum (If demanded) Exclusive of VAT and rates
Rent Commencement Date	Legal Completion
VAT	The property is not VAT elected.
Alienation	The Tenant will be able to assign the lease subject to prior approval of the landlord. Assignment only to be granted where prospective assignee considered by the Landlord as a suitable community interest group, charity, or not-for-profit organisation acting to the benefit of the local community.
Landlord & Tenant Act	The lease will be drawn with the protection of the Landlord and Tenant Act 1954.
Costs	Each party to bear their own costs.
Conditions	Subject to: 1. Subject to Contract 2. Subject to Approval by both parties

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Appendix C. Wollaton Avenue Community Centre Operational Transition Plan

(Proposed Cabinet decision 18th April 2024)

Status Key:

Red – missed target; Amber – on target; Green – Complete

Abbreviations				
CAT: Community Asset Transfer		BSCO: Building Services and Compliance Officer		
GBC: Gedling Borough Council		GPF: Gedling Play Forum		
BP: Business Plan		VCS: Voluntary and Community Sector		
SIC: Strength in Community				
Pre - Transfer Actions				
Action	Who	To Do	To Do Status	Overall Action Status
Viability of Asset for Transfer assessment actions completed	Property Services/ Legal Services	<ul style="list-style-type: none"> Asset of Community Value – No Restrictions on land/building? Yes – asset must be retained for community use Equalities Impact Assessment – completed. Agreement of post CAT Insurance arrangements – retained by GBC Visual site assessment – completed – see BSCO Report Fire, Health and Safety inspection - completed – see BSCO Report inc. remedial updates from GPF 		
		<p>Outstanding maintenance issues to be addressed:</p> <p>Toilets heater repair – pending pre-repair clearance of Gents toilet area. Requirement emailed to GPF 13/02/2022 – Remedial works completed Spring/Summer 2023.</p>		
Assessment of GPF Submission and CAT Proposal	CAT regular assessment meetings: <ul style="list-style-type: none"> Communities & Leisure Property 	<p>Meeting dates:</p> <p>18/01/2023 – Refresh CAT policy and process, updated documents requested from GPF – Insurance, Accounts</p> <p>25/01/2023 – Viability of Asset for Transfer actions raised</p> <p>07/02/2023 – Review of visual site audit, 1st stage review of GPF Submission</p>		

	<ul style="list-style-type: none"> • Legal • Finance 	<p>17/02/2023 – 2nd stage review of GPF submission, Site Visit/Fire, Health and Safety Report</p> <p>22/05/2023 - Cabinet timeline revised</p> <p>28/06/2023 Cabinet timeline revised – 5 year financial maintenance forecast, amendments to GPF BP required from GPF</p> <p>01/11/2023 – GPF amendments to BP and 5 year financial maintenance forecast reviewed and approved – Next step: progress Draft Heads of Terms, Cabinet timeline revised to Jan or Feb 2024.</p> <p>Consider Subsidy Control Act – Minimal Financial Assistance</p> <p>Feb 2023 – External rental valuation required and commissioned by Property Services</p> <p>Rental Valuation quoted at £9,000 per annum</p>		
Agree Heads of Term and new lease Page 32	Property Services/ Legal Gedling Play Forum Solicitor	Agreed in principle by email 25/01/2024		
		Cabinet Decision timeline revised to 28th March 2024		
		Cabinet Decision timeline revised to 18th April 2024		
		New lease signed		
During and Post - Transfer Actions				
Food Hygiene Advice regarding kitchen	Property Services/Public Protection	Share details of GBC Environmental Health Officers with GPF.		
Health and safety responsibilities handover/development	Property Services	Explore training options - GBC Health and Safety Officer.		
		Consider health and safety training options through other means (i.e. VCS training offers, GBC Strength In Community grant funding to GPF)		

		SIC Grant pledge of £5,000 – pending launch of SIC Fund Dec 2023 – Application form pending as at 25/01/2024 Application received Feb 2024 Grant Award paid March 2024		
		GPF Chair and Officer completed GBC commissioned legionella management training 2 nd June 2023. Payment to be made on receipt of Grant Award as above		
		Updated Asbestos, Legionella and Fire Risk Assessments to GPF if relevant		
		Fire log documents email to GPF if relevant		
On-site induction	Property Services, GPF	Onsite meeting - date tbc		
		Undertake any Legionella work outstanding		
		Send any other site management information to GPF as raised at onsite meeting		
		Any relevant Contractors contact details passed to GPF		
Transfer of billing arrangements to GPF	Property Services	Liaise with GPF to arrange utility charging to be transferred if relevant – electricity, gas, water.		
		Business rates responsibility and application for discretionary relief if relevant		
Consider the transfer or not of any GBC owned equipment on-site	Property Services	Review Inventory and identify any equipment for disposal to GPF.		
		Disposal information report to Portfolio Holder if needed.		
		Discuss options with GPF for equipment to be transferred to other sites if not required if relevant		
Ongoing vigilance regarding safe storage arrangements for GPF craft resources	GBC Property/GPF	Regular GBC inspections Advice		
Safeguarding	Property/ Communities	GPF to develop and share with GBC own procedures for dealing with safeguarding of user groups and families.		
		Explore Safeguarding, Health and Safety and First Aid Training Needs of GPF Volunteers and Staff		

		Options for VCS Safeguarding Training to be explored and shared with GPF		
Post Transfer Support	Property Services/ Communities Team	Agree contact for on-going dialogue regarding lease and any further resilience support		

Subsidy Control Act 2023 Minimal Financial Assistance (MFA)

Principles Assessment

Step 1

Policy objective (Principle A) Requirements

Identify and describe the existence and significance of the market failure or the inequality (or both) that is causing a problem.

Identify and explain what you are trying to achieve in relation to that market failure or inequality (the policy objective).

1. GBC Community Asset Transfer Policy objective

The GBC Community Asset Transfer Policy sets out a framework for the Council to follow when it considers the transfer of its buildings or land to different forms of community ownership. It will ensure the Council can work in a consistent manner when embarking on community asset transfer.

The purpose of the Policy is to enable the Council to assess applications for community asset transfer against clear criteria that ensures any transfer meets Council objectives and is in the best interests of the community.

2. National and Local Context

The Quirk Review in 2007 'Making Assets Work – Community Management and Ownership of Public Assets', recommended that community asset transfer can work if both its risks and benefits are made clear. It also highlighted the transfer process itself can offer greater access to funding and greater use of community facilities.

The Localism Act in 2011 directed a shift in power from government to communities, individuals and Councils. The Act's aim of keeping community assets in public use provides an opportunity for local groups, organisations or parishes to nominate 'assets of community value' to be included on a list managed by the local authority. The objective being communities are greater informed of the opportunities for managing or owning public assets and are given the appropriate time to prepare any bids for ownership.

There is a growing trend that community asset transfer is now happening in response to the requirement of local government to reduce its budgets. The pace of reducing budgets can place additional challenge for managing the transfer of assets to voluntary organisations.

Gedling Borough Council has a record of transferring the management of certain facilities over to the community. This has included licensing playing fields and

pavilions to local community sports clubs and leasing community centres and other space to community organisations and associations.

Previously there has been no clear policy for the Council to follow when undertaking this transfer, so licences and leases have often been negotiated and agreed in a reactive and ad-hoc manner. The Council Plan highlights the theme of “Place” as being key to meeting the Borough Council’s vision of Gedling being “the best place to live and work and the best Council around.” The objective to promote and encourage pride and participation in the local area sits within this theme.

By providing an opportunity for local communities to participate through the management and ownership of community assets the Council can further meet this objective. This might also enable budget efficiencies for the Council.

Aim of the Policy

- To identify the process and tools that will enable the successful delivery of a future asset transfer programme.
- To recognise the capacity needs of local groups wishing to take on local authority assets.
- To ensure a thorough risk assessment of asset transfer is undertaken.
- To define the legal form a transfer agreement would take.

3. Proposal for achievement in relation to the market failure

In considering the proposal to transfer Wollaton Avenue Community Centre to Gedling Play Forum by way of a 99 year, full repairing lease at peppercorn rent, the aim is to enable the group to access large scale capital and revenue grants to improve and maintain the building, maximise environmental sustainability of its footprint and increase capacity for long term craft, play and scrap store services to vulnerable local families, VCS Groups, individuals, schools and other family support organisations from the asset.

The organisation currently holds a short term, rolling full repairing lease that significantly limits their access to development grants and subsequent capacity for service growth. Large scale funding bodies require long term full repairing leases in place when considering awards for capital development of facilities.

Gedling Play Forum Business Plan

Extract: Market Analysis

As part of the Gedling Play Forum’s Community Asset Submission, a Business Case has been presented by the organisation that identifies the following operating environment:

'The Gedling Play Forum is operating in a challenging environment. In the last 6 months another two of the county's Play Forums have closed. We have been able to incorporate a large proportion of the stock and equipment from Broxtowe Play Forum, which has put us in a position of adding the hire of play equipment to our income streams. These closures are a sobering reminder of the challenges we face, but they are also a rallying call and inspiration for GPF to continue, determined to serve the needs of communities in Gedling Borough to access play.

Challenges facing small charities like us are multifaceted, not just financial but also resources such as suppliers, volunteers, staff and an appropriate building. These are just some of the underlying factors we have noted in the closure of other play forums.

Pressures on council funding has meant that services have necessarily been cut back. This has reduced core grants and increased the competition for the funds available. GPF was successful in securing a 4-year grant from the County LCF in 2022, this will go toward our core costs.

Despite this we are looking forward to a more positive and sustainable future. We have improved our efficiency in terms of running costs and seen a year-on-year increase in our membership. With the closure of county-based play worker banks and Play Forums, we have opportunities to deliver services across a wider area, bringing a potential new income stream. If granted, a new SLA with GBC would ensure the delivery of play opportunities across the Borough meaning that new income streams can be directed to general funds.'

Extract: Rationale for Community Asset Transfer Submission

'We have applied for a new longer lease, if given this will enable us to apply for grants to improve our building and saving further on running costs. We have had quotes and structural surveys for the much-needed improvements that will make our building greener, smarter and far cheaper to run.

In the past 5 years GPF has had to reduce some of its offer in order to focus on core services: delivering play activities, running a craft shop and scrap store. This has enabled us to widen our membership offer to more groups and families. We recognise that our membership base is changing and now covers a much wider age range: a real cradle to grave spread now.

As we have come out of the restrictions brought in during the pandemic, we have recognised the changing market conditions. Where we have previously had to stop training and support activities the need for these to be reintroduced is evident. At present we are overly reliant on a core team of volunteers and our two part-time staff members. We need to build our volunteer base and look to invest in additional staff to strengthen our resilience. We also need to re-evaluate how we deliver our core offer; training offers a sustainable way forward here.

In the current market conditions, we need to remain adaptable so that we can respond quickly: just like we did during the pandemic. When lockdowns meant we couldn't deliver play events we developed "play days in a bag".

We need to be realistic. Our ultimate beneficiaries – the children and young people – and the organisations that we serve will not be able to pay for our services at sufficient rates to cover the full costs of GPF. Subsidy through grants and donations is essential. It is extremely unlikely that any statutory funder will have the means to significantly increase their funding. Over reliance on short term grant funding from other sources, is also no more than a short-term fix and has been the downfall of other scrap stores.

In the long term, there must be a sustainable mix of public subsidy, fee income from events and services provided, and shorter-term fundraising of grants and donations, all matched by controlled and carefully managed expenditure. Whilst our current mix of trustees, committee members and staff have the experience to carefully monitor and grow our finances and services at a sustainable level, we can strengthen the skill-set by bringing on board Trustees with fundraising and marketing skills in particular.'

Extract: Building

'We have applied for a new longer lease (99years) from GBC, if given this will enable us to apply for grants to improve our building and save on running costs. We will need to update quotes and structural surveys for the much-needed improvements that will make our building greener, smarter and cheaper to run. Discussions with potential funders show that acquiring funding for these further improvements are possible. We have experience in obtaining funding for improvements. Since receiving our first lease on Wollaton Avenue Community Centre we have successfully obtained grants from various sources to replace single glazed windows and doors with energy efficient double glazed, replace worn out storage heaters with modern cost-effective units, replace some of the flooring, outdoor improvements include replacing and adding lights with cost effective led units, a ramp and wildflower beds. More improvements are urgently needed, some will save running costs, one project idea (working with local residents and groups) will improve the outside space/s and local play opportunities.

The main space/room is taken up with the scrap store, with a modest amount of seating/table space at the back of the hall. In addition, there is an area used as a craft shop, office, kitchen, toilets and a reception. We have recently reorganised the craft shop and scrap store to improve the 'shopping experience' for members.

Despite the facility being relatively modern (1987) it is not well insulated, and the open plan table space does not make the space warm in cooler weather. As a result, it is not a warm or attractive space to do training or activities for much of year, although the recent addition of two infrared heaters above this area has vastly

improved the environment. If it is decided to start delivering training opportunities, there will need to be further investment in energy insulation products and probably a reconfiguration of the space to provide a contained classroom space; or training is delivered off-site at additional cost.

In terms of income generated and demand for products there could be a rationalisation of the scrap store space to allow more flexible space to be created which would meet future income needs. However, we are mindful that with other local scrap stores closing the demand for scrap store membership is increasing. We offer a unique service to local organisations and families. Scrap stores are space hungry, leaving no real hireable space within the main room. We have reconfigured the office to create a small meeting/training area which could be hired out; we would need to add keypad locks to the doors leading into the scrap store if this option was taken.

There could be opportunities to sublet space to other charities or organisations, subject to the asset transfer agreement conditions. In addition, there is easy potential to ensure the scrap store and shop are secure when Play Forum are not using the space. Initial search suggests that 3 desks and parking spaces could generate £6-7k pa not including utilities.'

4. Community Asset Transfer Policy: Assessment of CAT Submission

In accordance with the Council's Community Asset Transfer Policy, over the preceding year a team of Council officers from Property, Finance, Legal and Communities Teams conducted a 'viability for transfer' assessment of the building and a comprehensive assessment of the proposal. The business case and evidence provided by Gedling Play Forum has been accepted and the proposal for Community asset Transfer to that organisation is recommended.

It is deemed that the market failure in this case fits under:

4.1 Market Inequalities

Gedling Play Forum is potentially the only remaining VCS Family Craft, Play and Scrap store in existence in the County of Nottinghamshire. The service is in high demand and producing demonstrable benefit to vulnerable cohorts, and is utilised by essential health and other public sector partners to enhance services, however its position in the market is challenged due to years of austerity impacting the Public and Voluntary sector.

4.2 Appropriateness: Consideration of alternatives to subsidy

Regulation (compelling economic actors or others to take action to remedy the market failure or inequality)

Statutory Children and Families Service offers do not extend to the provision of neighbourhood-based family activity resource centres. Nottinghamshire County Council Childrens Centres in Gedling are all member organisations of and working in partnership with Gedling Play Forum to complement the statutory support offer in the Borough.

Evidence of the cessation of wider family craft, play and scrap store provision strongly indicates an economic inequality that would be addressed by the Community Asset Transfer proposal in this case.

4.3 Direct provision of the good or service by the public authority (you)

Gedling Borough Council does not have the statutory responsibility, capacity, skills nor financial resources to deliver the service directly, alternatively making an annual Grant Award of £5,000 to Gedling Play Forum to deliver play and craft activities as part of the Council's Annual Events Programme.

4.4 The public authority (you) offering a loan or equity investment on commercial terms

Gedling BC does not have the resources to provide a loan or equity investment to enable Gedling Play Forum to purchase the facility at market value.

Other alternatives such as Charity Banks require greater collateral as surety to facilitate a loan or mortgage than is held by Gedling Play Forum at the present time.

Recent example: A Community Hub in the Borough recently secured a mortgage from a Charity Bank to purchase a building adjacent to their own, for the purpose of extending and relocating their Youth Facility and develop Children and Families services.

In this case, the organisation, a Charity and Company Ltd by Guarantee, had fundraised, purchased the site for their current facility, built, owned and delivered services from a fit for purpose, multifunctional facility for over 20 years, with concomitant income streams, reserves and capacity for sub - letting.

Gedling Play Forum, whilst providing a range of beneficial services and enjoying a range of service partnerships, high membership levels and increasing demand, would present a higher risk to a Charity Bank and cost of any mortgage would be out of reach for Gedling Play Forum at this juncture.

Step 2

Baseline no-subsidy scenario (principles C and D)

Requirements: Describe how the situation you are trying to remedy (the market failure or inequality) is likely to evolve if you do not intervene, both over the short and longer term.

In assessing the proposal for Community Asset Transfer of Wollaton Avenue Community Centre to Gedling Play Forum, the Council has considered alternatives, including the option of no subsidy.

5. Alternative Options

An alternative option is not to agree to the transfer of the Community Centre and maintain the current arrangements. However, Gedling play Forum have been managing the site through a full repairing and maintenance lease for 20 years. This proposal seeks to maintain that principle but offer the organisation greater security of tenure with a long-term lease.

This will enable the Play Forum as a registered charity to access external funding opportunities for building improvements that usually require a minimum lease duration of seven years as an eligibility criteria.

This proposal therefore offers added value and potential for innovation and growth of services to the community, particularly as local authorities are not eligible for many external funding opportunities, that are however available to VCS organisations.

A further alternative is to consider the site for disposal.

Wollaton Avenue Community Centre is in a prime location in an area of substantial community need. Retention of the centres' use as a community hub and creative resource for children, schools and wider family support organisations supports Council aims to develop and address the health, wellbeing and community resilience of that area.

Another option would be to effect community asset transfer of the Wollaton Avenue Community Centre by freehold transfer, under different lease arrangements, or by the Council entering into a licence with the organisation.

This option would potentially restrict the ability of the new management organisation to access grant funding and to pursue other opportunities for sustainability and growth.

5.1 Requirements

Based on the evidence provided, without the transfer, there is a continued likelihood of resilience issues for the Gedling Play Forum and over dependence on short term Council grants, with no guarantee of sustainability, and ultimately a risk over time of significant reduction or closure of the service.

The Council has therefore concluded that there are no appropriate alternatives to subsidy that would allow the Council to meet its Community Asset Transfer Policy objective.

Step 3

Proportionality and minimising distortion (principles B and F) Requirements.

Consider and record how you will give the beneficiary (or each beneficiary of a scheme) the right amount of subsidy to achieve your policy objective and to minimise the risks of excessive distortions of competition.

Use eligibility criteria or design features to help achieve this.

6. Proposal to offer Community Asset Transfer of Wollaton Avenue Community Centre to Gedling Play Forum in the form of a Subsidy

6.1 The nature of the instrument

In accordance with the Community Asset Transfer Policy, consideration has been given to the appropriate rental value of the lease. Section 123 of the Local Government Act 1972 gives the Council the power to dispose of land in a manner it wishes but stipulates it may not do so for a consideration less than best that can be reasonably obtained. The General Disposal Consent (England) 2003 enables the Council to dispose of land at less than best consideration that can reasonably be obtained in certain circumstances.

6.2 Size of the subsidy

The proposed Community Asset Transfer of Wollaton Avenue Community Centre has been assessed in accordance with the Subsidy Control Act 2022. Gedling Play Forum are to receive a subsidy of £891,000.00 which has been calculated by the calculating of the annual rent of £9,000.00 multiplied by the term of the lease which is 99 years.

6.3 Timespan over which the subsidy is given

The successful Community Asset Transfer will be subject to a negotiation process and the agreement of a new, 99-year lease, setting out the rights and responsibilities of the Council and those of the Gedling Play Forum.

6.4 Nature of the costs covered

Subject to lease negotiation and the establishment of an agreed Transition Plan, a peppercorn rent will be agreed for Wollaton Avenue Community Centre following assessment of Gedling Play Forum's business plan.

6.5 Performance criteria

The plan sets out the intention to provide:

- a creative resource centre and scrapstore;
- family play activities at community events;
- activities and workshops for organisations;

- Group support: including access to the scrap-store and office services, drop in area and general support, signposting groups and individuals to further help and support.
- volunteering opportunities
- a meeting space for partnership meetings and groups in need

It is therefore deemed the following circumstances apply in accordance with the General Disposal Consent (England) 2003:

- The asset transfer will contribute to the promotion and improvement of economic and social well-being of residents within the wider local area.

6.6 Monitoring and evaluation

The new lease agreement will include monitoring and evaluation requirements in accordance with the organisation's plans to maintain and improve the asset, and to grow services for the socio-economic benefit of the local area and wider beneficiaries across Gedling Borough.

This is further supported by the Council's Annual Grant Agreement with Gedling Play Forum for the delivery of family craft and play activities at the Council's events, and also at community enabled events, delivered annually across Gedling Borough.

Step 4

Balancing test (principle G) Requirements

Consider and record the anticipated negative effects of the subsidy, including in particular any negative effects on competition and investment within the UK, and international trade and investment.

7. Balancing Test

7.1 Assessment of negative effects

As evidenced in the Market Analysis at Step 1, Gedling Play Forum is now one of the only facilities now providing affordable, developmental family craft and play services in the County of Nottinghamshire, and the closure of others has been symptomatic of a market inequality which we aim to mitigate in this proposal. Many of the play organisations that have ceased have willingly donated their play resources to Gedling Play Forum to sustain family craft and play services.

There is no evidence that implementation of the proposed subsidy will negatively impact market competitors, nor beneficiaries, however due attention must be given to the ongoing sustainability of the Gedling Play Forum in a market where many other Play organisations have ceased to operate, and demand exceeds supply across Nottinghamshire.

Compare these anticipated harms against the expected benefits of the subsidy (as they relate to the specified public policy objective). Do the anticipated benefits of the subsidy outweigh the negative effects?

7.2 Assessment of mitigating/positive effects

In considering this subsidy to the Gedling Play Forum, the assessment team reviewed the growth plans of the organisation and noted that considerable restructure, reorganisation, **S**trength, **W**eakness, **O**pportunities and **T**hreats and cost/benefit analysis had been undertaken. Gedling Play Forum had approached experts and maximised resources provided via the Council's Community Asset Transfer programme 2015 – 18 to and their business plan demonstrates agility and clear focus, specifically:

- the intention to utilise partnership approaches
- recent reconfiguring of the scrap store to increase footfall, accessibility and income
- establishing resilience and expertise within the management team
- researching and exploring large scale External Funding opportunities
- developing a 5 - year financial maintenance plan for the facility.

It was agreed that, with the implementation of a robust Transition Plan and ongoing monitoring and evaluation, the anticipated benefits of the subsidy outweigh any risk of negative impacts.

Appendix E: Equality Impact Assessment



Name of project, policy, function, service or proposal being assessed:	Proposal for Community Asset Transfer of Wollaton Avenue Community Centre to the Gedling Play Forum (GPF)				
The main objective of (please insert the name of accessed document stated above):	The objective of the above proposal is to enable GPF to build the resilience of their service to Gedling Families and family support organisations in and around the Borough, maximise income generation for their services, and to secure the ongoing maintenance and development of the Wollaton Avenue facility for community benefit.				
<p>What impact will the Community Asset Transfer of Wollaton Avenue Community Centre have on the following groups? Please note that you should consider both external and internal impact:</p> <ul style="list-style-type: none"> External (e.g. stakeholders, residents, local businesses etc.) Internal (staff) 					
Please use only 'Yes' where applicable		Negative	Positive	Neutral	Comments
<u>Gender</u>	External		x		
	Internal		x		
<u>Gender Reassignment</u>	External		x		
	Internal				
<u>Age</u>	External		x		
	Internal		x		

<u>Marriage and civil partnership</u>	External		x		
	Internal		x		
<u>Disability</u>	External		x		The proposed CAT organisation has a strong track record in providing voluntary opportunities and services to this target group. The Centre is accessible / DDA Compliant
	Internal		x		
<u>Race & Ethnicity</u>	External		x		
	Internal		x		
<u>Sexual Orientation</u>	External		x		
	Internal		x		
<u>Religion or Belief (or no Belief)</u>	External		x		
	Internal		x		
<u>Pregnancy & Maternity</u>	External				
	Internal		x		

					partnership with Childrens Centres and is Breast Feeding Friendly
Other Groups (e.g. any other vulnerable groups, rural isolation, deprived areas, low income staff etc.) Please state the group/s: _____ _____	External		x		Noted that the GPF EO Policy aims, objectives and plans reflect a targeted approach to vulnerable families and children, and a general principle of inclusivity.
	Internal		x		

Is there is any evidence of a high disproportionate adverse or positive impact on any groups?		Yes	Of particular benefit to women, older people, young people and diverse communities, however the facility serves and is accessible to all.
Is there an opportunity to mitigate or alleviate any such impacts?		N/A	Not relevant, as the disproportionate target groups reflect and are in line with the services provided, i.e. family craft and play, scrap store
Are there any gaps in information available (e.g. evidence) so that a complete assessment of different impacts is not possible?		No	
In response to the information provided above please provide a set of proposed action including any consultation that is going to be carried out:			
Planned Actions	Timeframe	Success Measure	Responsible Officer

Statutory Consultation on the Community Asset Transfer proposal	6 weeks formal consultation closed Friday 24 th Feb 2023	1 response in total received, which was positive, and which specifically remarked on the value added to grass roots communities by the services currently provided from the facility by the proposed CAT organisation	Jane Ansell Community Partnerships Manager Lance Juby Head of Service, Communities and Leisure

Authorisation and Review

Completing Officer	Jane Ansell, Community Partnerships Manager
Authorising Head of Service/Director	Lance Juby, Head of Communities and Leisure
Date	06/03/2024
Review date (if applicable)	

Appendix F Climate Impact Assessment



Name of project, policy, function, service or proposal being assessed:	Proposal for Community Asset Transfer of Wollaton Avenue Community Centre to the Gedling Play Forum (GPF)			
The main objective of (please insert the name of accessed document stated above):	The objective of the above proposal is to enable GPF to build the resilience of their service to Gedling Families and family support organisations in and around the Borough, maximise income generation for their services, and to secure the ongoing maintenance and development of the Wollaton Avenue facility for community and environmental benefit.			
What impact will the Community Asset Transfer of Wollaton Avenue Community Centre have on the following. Please read guidance before completing.				
Category	Negative	Positive	No impact/ Negligible change	Mitigation/ Comments
Behaviour & Culture Change		Yes		The building will continue to operate as a scrap store with a target audience including children and families, schools, Childrens Centres, playgroups, community/VCS organisations. Also receiving donations of surplus goods from

				commercial partners for re-use. The green ethos of Gedling Play Forum fosters a culture of Climate Change awareness, promoting the value of donating and reusing materials, offering practical tips, ideas, guidance and sharing environmental sustainability good practice to the public, at events and in the media.
Built Environment		Yes		The Gedling Play Forum CAT Business Plan sets out the intention to access external funding for Environmental Sustainability improvements to the centre, with many having already been implemented by GPF under the current lease.
Transport		Yes		GPF utilises a minibus and van to transport volunteers and materials to events, minimising individual car usage and reducing their carbon footprint. Centre users are encouraged to maximise public transport walking and cycling

				options when accessing the facilities.
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Energy, Natural Resources & Climate Change		Yes		Boiler and Hot Water Heating facilities in toilet areas have recently been upgraded to more sustainable, low energy use alternatives as part of the proposed CAT transition plan.
Waste Reduction & Recycling		Yes		GPF proactively recycles all materials and deals responsibly with / minimises waste in the delivery of activities. Actively promotes green initiatives to service users and partner organisations.
Blue-Green Infrastructure/Biodiversity		Yes		GPF has an ambition to explore options such as a green roof and already engages in habitat preservation and support for wild birds in the areas surrounding the building.
Procurement & Purchasing		Yes		GPF prioritises environmental sustainability in the procurement of donations and

				commissioning of improvements to the facility.
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In response to the information provided above please provide if there is any proposed action including any consultation that is going to be carried out

Planned Actions	Timeframe	Potential Outcome	Responsible Officer
Maximise promotion and partnership engagement connections in relation Gedling Play Forum and Wollaton Avenue CC Scrap store as a flagship green initiative.	2024 - 2028	Positive perception in the media, influential comms to the general public, growth of recycling and other green good practice.	Jane Ansell/ Sim Duhra

Authorisation and Review

Completing Officer	Jane Ansell, Community Partnerships Manager
Authorising Head of Service/Director	Lance Juby, Head of Communities and Leisure
Date	06/03/2024
Review date (if applicable)	



Report to Cabinet

Subject: Gedling Borough Council Guidance Biodiversity Net Gain

Date: 18 April 2024

Author: Head of Development and Place

Wards Affected

All

Purpose

To approve the responses to the comments made during the consultation on the draft Biodiversity Net Gain document and seek approval of the attached Gedling Borough Council Guidance on Biodiversity Net Gain.

Key Decision

This is a Key Decision as it is likely to have a significant effect on communities living or working in an area comprising of two or more wards.

Recommendation(s)

THAT Cabinet

- 1) Approve the draft responses to the comments made during the consultation on the draft Biodiversity Net Gain document set out in Appendix 1; and
- 2) Approve the Gedling Borough Council Guidance on Biodiversity Net Gain attached as Appendix 2 to this report.

1 Background

- 1.1 The Environment Act 2021 amends the Town and Country Planning Act to require that a minimum mandatory 10% biodiversity net gain (BNG) must be sought on all "qualifying" developments. The provisions of the Environment Act 2021 to secure mandatory biodiversity net gain from qualifying developments came into force on 12th February 2024 for large

sites and for small sites will come into force on 2nd April 2024. BNG is an approach to development that aims to leave the natural environment in a 'measurably better state' than it was beforehand.

- 1.2 This Guidance seeks to add further detail to the requirements of the Environment Act 2021 in relation to achieving biodiversity net gain (BNG) from the development of land. Secondary Legislation in the form of Regulations on Biodiversity Net Gain has been published by Government and these are reflected in the Guidance. In order to bring Guidance in quickly a non-statutory consultation document was prepared and, whilst not required to be subject to consultation, it was felt it would be beneficial to seek views of key stakeholders. A consultation document was prepared called 'Interim Planning Policy Guidance (IPPS) on Biodiversity Net Gain'. Following the consultation, it is proposed to redraft the document and retitle it as Guidance, for reasons set out elsewhere in this report.
- 1.3 The Portfolio Holder for Sustainable Growth and Economy agreed on the 2nd of January 2024 that the IPPS would be subject to a period of public consultation lasting for four weeks for interested parties to make representations. The consultation exercise was held between 9th January 2024 and 6th of February 2024. Nineteen consultees made a substantial number of representations which are considered in this report. A presentation was also given to the Gedling Borough Developer Forum at its meeting on 18th January 2024 which led to considerable discussion.

Results of the Consultation exercise

- 1.4 The comments received as a result of the consultation exercise are set out in **Appendix 1** together with a draft response. A number of comments were of a supportive nature. The main issues raised are:
 - Arguments for and against raising the target to 20% BNG from a minimum of 10% set out in national legislation;
 - Concerns and questions about the status of the IPPS in terms of its weight in decision making;
 - Unnecessarily repeats Government legislation and needs editing down;
 - The guidance cannot be used to formulate new policy which should be in the development plan. In this context, the focus should be on the emerging Greater Nottingham Strategic Plan which will have a BNG policy.

- Suggestions about local issues which could be covered;
- Concerns about lack of control over the location of compensatory BNG which ought to be as close as possible to the development site;
- Points made about urbanised areas missing out if compensatory BNG is provided in the more rural parts of the Borough;
- Proposals to include sites as priority locations for compensatory BNG other than those named in the IPPS to include, for example, the River Trent and its tributaries in the vicinity of Colwick;
- Concerns about the use of open space / playing fields as a location for BNG and potential conflicts that may arise;
- Specific responses about detailed wording including the overarching principles including whether they are consistent with the legislation;
- The need to avoid risks to aviation from BNG provision within the RAF Syerston safeguarding zone that partly covers the Borough;
- Views about the need for carrying out an early review of the IPPS; and
- Sufficient resources needing to be in place to ensure BNG Plans are adequately assessed as part of the planning application process.

Content of the Guidance

- 1.5 The consultation document has been substantially revised as a result of the comments submitted and is attached as **Appendix 2**. More specifically it has been renamed as Guidance and its purpose clarified, which is to support the implementation of national policy on BNG. The revised Guidance clearly states it will seek to implement the national target of securing a minimum 10% BNG from qualifying development. The Guidance includes reference to an early review as good practice emerges and also in anticipation of the adoption of the Local Nature Recovery Strategy (LNRS) led by Nottinghamshire County Council. In relation to comments by consultees about the location of offsetting compensatory BNG, the LNRS once adopted will provide guidance on habitats and priority locations for offsetting to achieve local benefits for people and nature. In the meantime, the Guidance includes reference to local strategies such as the Gedling Biodiversity Opportunity Mapping for

identifying strategic sites for BNG and also refers to on-going work in progressing a Local Land Bank for BNG in cooperation with partners.

- 1.6 In relation to the points made about the Greater Nottingham Strategic Plan, the Plan is being prepared as a priority and will include a BNG policy and a target for BNG to be applied from its adoption. Further policy detail and consideration of whether a higher target might be appropriate may be provided in a future Part 2 Local Plan / supplementary planning document.
- 1.7 BNG is a new requirement of the planning system and the 10% minimum national target is non-negotiable. BNG must be provided onsite or, if this is not achievable in whole or in part, offsite compensation must be provided; failing sufficient provision onsite and offsite compensation then as a last resort there is a system of national biodiversity credits available.
- 1.8 BNG is to be secured through a standard planning condition automatically applied to all planning permissions, which requires the submission of a Biodiversity Net Gain Plan for approval at the discharge of conditions stage following the granting of planning permission (the standard planning application form requires the developer to state whether the condition for BNG should apply or not if the proposal is exempt). Although the submission of the Biodiversity Net Gain Plan is a pre-commencement condition attached to the planning permission, the regulations set out certain minimum requirements for information on BNG to be submitted with planning applications and it may be appropriate for local planning authorities to ask for further information in order to assist the consideration of biodiversity net gain as part of the determination of the planning application. The Guidance is therefore intended to assist developers through the BNG planning process and covers:
 - Measuring net gain;
 - Use of DEFRA metric;
 - “Significant” onsite BNG
 - Information required to support a planning application;
 - Biodiversity Mapping
 - The approach to securing BNG and its future maintenance; and
 - Monitoring.
- 1.9 The metric referred to above is a standard spreadsheet used to measure BNG on site prior to development by measuring three types of habitat features present, namely area based habitat such as semi improved

grassland in square metres; linear features including hedgerows and water courses in metres of length. The metric is then used to predict the level of BNG post development through an iterative design process to achieve the required minimum 10% BNG target. The use of the metric is mandatory for major sites. A small sites metric is also available for use on a voluntary basis. There are some exemptions, including sites where existing BNG is below certain thresholds. There are also safeguards against the deliberate degradation of the site prior to the submission of the planning application and accompanying metric calculations.

- 1.10 The Guidance sets out a process for developers to follow in terms of formulating BNG into the design of the development at an early stage; the use of the statutory BNG metric and the use of the British Standard for designing and implementing BNG. The Guidance also sets out the information needed in order to support planning applications. The Guidance also covers the securing of BNG through conditions and where a Section 106 planning obligation is likely to be needed; procedures for the monitoring BNG to be undertaken by the Council and application of monitoring fees.

“Significant” on site BNG

- 1.11 “Significant” BNG on site is defined as on-site habitat enhancement which contribute significantly to the development’s BNG relative to the BNG before development. In this case “significant” BNG must be subject to a section 106 agreement or conservation covenant requiring 30 years maintenance. The guidance clarifies that private gardens would not be considered as “significant” as there is no control over future management and they cannot be subject to Section 106 agreements. Regulations set out a BNG hierarchy that must be followed which prioritises on site enhancement / creation before offsite options are considered in compensation. The application of the BNG hierarchy and subsequent balance between onsite provision and offsite BNG compensation should be considered as part of the determination of the planning application and the Guidance sets out a sequential approach to guide developers and decision making.

Offsite BNG Provision

- 1.12 Whilst the priority is for on site BNG, there are likely to be sites where the required amount of BNG cannot be met either wholly or in part on site, in which case compensatory BNG must be provided off site. This

could be on other land owned or controlled by the developer or through the purchase of BNG units from a third-party provider.

- 1.13 BNG is a new mandatory requirement and inevitably will take time to bed in. The Environment Act is designed to stimulate a market for compensatory sites. However, it is acknowledged that the onus is on the developer to secure such compensatory sites. The intention is to adopt planning policies through the preparation of the Greater Nottingham Strategic Plan which together with a new Part 2 Local Plan / supplementary planning document on BNG would provide more control over the location of offsetting compensatory BNG. Work led by Nottinghamshire County Council towards the preparation of the Local Nature Recovery Strategy and on developing a local land bank with partners is also in train and will be a key input for a review of the Guidance and/or new local plan policy. Consequentially the Guidance cannot specify locational guidance for offsite BNG nor identify specific sites. However, the Guidance refers to the on-going work with partners in terms of identifying a local landbank of suitable BNG sites and further information is to be placed on the Council's website when available.

2 Proposal

- 2.1 It is proposed that Cabinet approves the Guidance on Biodiversity Net Gain appended to this report.

3 Alternative Options

- 3.1 The only alternative is not to prepare any guidance and rely on national policy. However, it is considered that this option is not appropriate given the need to provide more detailed guidance to provide certainty for developers on on-site and off-site biodiversity net gain.

4 Financial Implications

- 4.1 No financial implications. Cost of officer time drafting the Guidance is met from existing budgets and a DEFRA grant award.

5 Legal Implications

- 5.1 The Town and Country Planning Act 1990 requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan for Gedling Borough Council comprises the Aligned Core Strategies Local Plan Part 1 which was adopted on 10th September 2014 and the Local Planning Document Part 2 Local Plan which was adopted on 18th July 2018. The Environment Act 2021 postdates the Development Plan and will apply national mandatory BNG requirements to major

development from February 2024 and to small sites from April 2024. It is open to the Council to prepare guidance within the policy context provided by the Environment Act, national planning policy and guidance.

- 5.2 The Guidance will form part of the Council's planning policy guidance documents and be a material planning consideration when determining planning applications.
- 5.3 Section 40 of the Natural Environment and Rural Communities Act 2006 (as amended) places a duty on public authorities to consider what action it can take to further the biodiversity gain objective. Section 40A requires the public authority to report on a summary of the actions carried out including monitoring of biodiversity gain plans required as a condition of planning permission.

6 Equalities Implications

- 6.1 The equality impacts arising from the introduction of BNG as required under national policy has been assessed by Central Government and it is not necessary to repeat this exercise for those aspects of national policy that is being delivered locally through Gedling Borough Council's Guidance on Biodiversity Net Gain. However, it is considered that BNG policy would be inclusive of all groups.

7 Carbon Reduction/Environmental Sustainability Implications

- 7.1 The Guidance is seeking to implement national policy on achieving a net gain in biodiversity locally to ensure that the approach to development aims to leave the natural environment in a 'measurably better state' than it was beforehand. Achieving net gain 'locally' also contributes towards 'nature conservation priorities' at local, regional and national levels and performs an important role that biodiversity has to play in climate change mitigation, adaptation and resilience and ability to meet global and local climate change ambitions which will, in turn, protect biodiversity.

8 Climate Impact Assessment

- 8.1 The Council has taken the ambitious path of becoming net zero by 2030 and the impact of the publication of the Guidance on Biodiversity Net Gain has been considered through the Climate Impact Assessment appended to this report at **Appendix 3**. The assessment shows that the Guidance implementing national policy on BNG would have a positive impact in addressing climate change issues.

9 Appendices

9.1 **Appendix 1:** Gedling Borough Council Interim Planning Policy Statement: Results of Consultation.

Appendix 2 – Guidance on Biodiversity Net Gain, May 2024.

Appendix 3 – Climate Impact Assessment

10 Background Papers

10.1 None

11 Reasons for Recommendations

11.1 To approve Gedling Borough Council’s responses to the consultation on BNG and to approve the Guidance on Biodiversity Net Gain.

Statutory Officer approval

Approved by:

Date:

On behalf of the Chief Financial Officer

Approved by:

Date:

On behalf of the Monitoring Officer

Appendix 1

BNG Consultation Comments and Response

Consultee	Comment / response
Burton Joyce Parish Council	In favour in principle for this policy.
	Response Support welcomed.
Burton Joyce Parish Council	Policy Statement lacks a clear definition and places too much emphasis on the goodwill of developers. Enforcement provisions also seem to be inadequate, with the lack of mandatory process, such as inspection and assessment.
	Response In light of comments made by consultees, the document is to be amended to avoid repeating national policy and legislation on BNG. It is also clarified that its purpose is to implement national policy and achieve the national target of increasing BNG through development by a minimum of 10%. BNG will be subject to monitoring and enforcement in a similar manner to any other development – Appendix 4 provides details.
Colwick Parish Council	Welcomes progress and BNG. Supportive of the BNG Mitigation Hierarchy (principle 1). Should strongly prioritise sites that are in close proximity as possible to the site where habitat is being lost.
	Response Support noted. The mitigation hierarchy is integral to the Environment Act which the Guidance is seeking to implement and the Guidance includes a section on the BNG Hierarchy.
Colwick Parish Council	Would like to see habitat quality and connectivity improve around tributaries and rivers in the surrounding area and contribute to climate change adaptation for Colwick by utilising nature-based solutions to flooding.
	Response Noted.
Colwick Parish Council	Concern that challenges to finding compensatory sites as a result of development in urbanised areas being in areas that already abundant with green space.

Consultee	Comment / response
	<p>Response</p> <p>Noted. The Guidance seeks to implement national legislation which prioritises on site habitat protection, enhancement and creation followed by offsite compensation.</p> <p>However, for off-site compensatory BNG, the onus is on the developer to secure a suitable site. GBC is working with partners to identify a potential landbank of local sites for BNG offsetting.</p>
Colwick Parish Council	<p>Policy 6 Interim Priority Locations for offsite BNG lists existing Country Parks etc the parish Council would like to see increasing connectivity between a range of small and large habitats. Propose land immediately adjacent to the River Trent and its tributaries which they consider underutilised and consideration should be given to this area as a priority location for BNG.</p>
	<p>Response</p> <p>In light of comments made by consultees, Policy 6 has been deleted as it is accepted that under the Environment Act, the onus is on the developer to identify suitable offsetting sites. Guidance on the location of offset sites for BNG is a matter which can be considered through a future review of the Local Plan.</p> <p>The Council is working in partnership to explore the potential of a local landbank for BNG compensatory sites. This will include a call for sites so that individuals, business and organisations can put forward potential sites.</p>
Colwick Parish Council	<p>The IPPS should be regularly reviewed to ensure its effectiveness in supporting meaningful improvements to habitats.</p>
	<p>Response</p> <p>It is intended to hold an early review of the Guidance to take on board emerging good practice and the preparation of the Local Nature Recovery Strategy. In the medium longer term, it is the intention to replace the Guidance with BNG policies in adopted Local Plans.</p>
Colwick Parish Council	<p>Sufficient officer resource should be dedicated to the rigorous assessment of applications.</p>
	<p>Response</p> <p>Noted. A budget has been agreed by the Council to establish a full time ecology officer post to provide additional support.</p>

Consultee	Comment / response
Colwick Parish Council	Thorough community and stakeholder engagement is needed as part of the planning process. All decision making in relation to BNG should be transparent.
	Response Planning applications including those qualifying for BNG will be subject to the same procedures for consultation, publicity and decision making as usual.
Colwick Parish Council	Encourages GBC to go above the 10% up to 20% possibly as an incremental increase over time.
	Response The more aspirational target for BNG of 20% is a matter for consideration in the emerging Greater Nottingham Strategic Plan which will set a local target for the Plan Area to be applied from its adoption. In the meantime, the Guidance will implement the 10% minimum net gain target set out in the Environment Act nationally.
Derbyshire County Council and Derby City Council	No officer comments.
	Response Noted.
Councillor Elwood	Biodiversity Mapping - Whilst not wanting to criticise the work done with this mapping exercise it is disappointing that there are so few sites within the urban areas of Gedling that are shown on the Opportunity Maps that could be available for improved biodiversity.
	Response Noted.
Councillor Elwood	<u>Section 57</u> (page 22) - As this section states, there is a risk that such dual use could impact adversely on the Public Open Space's primary purpose – that is to provide recreational enjoyment for residents in a new development. Clearly any improved biodiversity on a development site should not be achieved at the expense of the usefulness of the Public Open Space.
	Response Agree. The issue would be considered carefully as part of the planning application process. It is possible to provide BNG as part of open space, however, the provision of open space

Consultee	Comment / response
	would need to comply with the Councils existing policy on Open Space provision. Conversely, significant BNG on site would need to be accompanied by a habitat monitoring and management plan in order to ensure that BNG is delivered, managed appropriately and include actions to rectify problems should they occur.
Councillor Elwood	The Interim Planning Policy Statement refers to the value of hedgerows in providing biodiversity at various sections in the document. It might perhaps be helpful to have a specific section on how hedgerows can best be protected when new developments occur as hedgerows currently have limited protection in planning law and are often under threat.
	<p>Response</p> <p>Noted. It is not felt necessary to have a specific section on hedgerows within the Guidance given its prime purpose is to implement the Environment Act and use of the statutory metric. However, BNG habitat types include hedgerows which feature in the metric and their protection / enhancement / creation as part of a Biodiversity Gain Plan must be secured and maintained for 30 years. Where BNG is secured by condition / S 106 agreements, it will also be subject to monitoring and enforcement procedures. Whilst garden land can contribute to BNG the metric output scores recognise that its future management cannot be guaranteed given the land is owned by private individuals. Consequently, garden land for the purpose of the Guidance would not be counted as “significant” on site BNG and would not be subject to conditions / S106 or monitoring.</p>
Environment Agency	Page 5 paragraph 1 - mandatory net gain date confirmed as the 12 th of February.
	<p>Response</p> <p>Agree – change document to refer to 12th February 2024.</p>
Environment Agency	<p>Page 16, paragraph 35</p> <p>It may be worth specifying that if the condition of the site immediately prior to degradation cannot be confirmed, the baseline can be taken from January 2020</p>
	<p>Response</p> <p>Agree – change document.</p>
Environment Agency	<p>Page 22, para 58</p> <p>In the fifth sentence the document states <i>“Interim Policy 5 sets out key criteria for selecting sites for off-setting within Gedling Borough.”</i></p> <p>This should be updated and refer to Interim Policy 6 instead.</p>

Consultee	Comment / response
	<p>Response</p> <p>In light of the response of other consultees this policy is to be deleted.</p>
Friends of the Hobbucks	No comments.
	<p>Response</p> <p>Noted.</p>
Gedling Conservation Trust	The IPPS is lengthy and difficult to follow and more concise publication should be produced. However, the Trust supports its objectives.
	<p>Response</p> <p>Noted. The document has been edited down to remove repetition of national policy and to be more concise.</p>
Historic England.	<p>No specific comments on the document.</p> <p>Request that where opportunities arise in the natural environment for conservation and enhancement that the historic environment is also considered; through recognising heritage as a component of landscape/ seeking opportunities to better reveal/ enhance heritage assets and their setting. Through the provision of Biodiversity Net Gain there may be opportunities to conserve or enhance the significance of the historic environment, heritage assets and their settings and we would urge the Council to consider these opportunities.</p>
	<p>Response</p> <p>Noted.</p>
Housebuilders Federation	IPPs will be in need of instant review once the final guidance is published and may be further refined once BNG is working in practice.
	<p>Response</p> <p>The document has now been reviewed in light of comments made in response to the consultation and the most recent Government guidance. It is planned to have an early review of the Guidance.</p>
Housebuilders Federation	Should not repeat or conflict with national policy and national guidance the Council should instead refer and signpost to this national guidance. This means the IPPS should be considerably shortened.
	Agree – to avoid repetition of national policy and guidance and to sign post to national policy as appropriate. Proposed changes also include editing and shortening the document.

Consultee	Comment / response
Housebuilders Federation	In addition to referring and signposting to national policy and guidance the IPPS should set out any Gedling (or Nottinghamshire) specific issues in relation to mandatory BNG.
	Response Agree.
Housebuilders Federation	The mandatory requirement is 10% BNG any reference to any other figure is confusing and inappropriate.
	Response It is clarified that the Guidance is seeking to implement the 10% minimum national target.
Housebuilders Federation	HBF suggest the following are covered: Pre-application advice Validation issues Advice on when S106 is needed and when one is not. How “significant” BNG is determined. Advice on on-site BNG. Advice on off-site BNG including reference to the LNRS. Advice on when statutory credits can be used.
	Response Changes have been made and it is considered the above matters are covered.
Housebuilders Federation	The IPPS needs to be much clearer about the mitigation hierarchy and the BNG hierarchy which prioritises on site BNG delivery.
	Response Agreed. The document has been edited to improve clarity see paragraph 41.
Housebuilders Federation	There is no need to add a contingency as this is built into the metric.
	Response Agreed this is built into the metric.
Housebuilders Federation	Welcome more guidance on validation and what information is required to be submitted for an application and for it to be valid.
	Response Noted.
Housebuilders Federation	It would be helpful for the IPPS to provide guidance on what information is required to show they have fully explored on site BNG and evidence needed to support a decision to move down the hierarchy.
	Response

Consultee	Comment / response
	The Guidance now sets out a sequential approach in relation to on-site BNG followed by offsite BNG and lastly statutory credits (Guidance Note 2) and information which may be included within the Statement on How the Biodiversity Gain Hierarchy has been applied is in the following text at paragraph 44.
Housebuilders Federation	There is no need for the management and monitoring of off site BNG to be secured through the planning application process.
	Response Agreed where this is provided by a third party on a registered BNG site. Offsite provision on the developers own land may need to be secured through a Section 106.
Housebuilders Federation	Additional advice could usefully be provided about LNRSs.
	Response Agree- more information has been included on LNRSs and local strategies and plans / strategies that may be used to identify sites of strategic significance in advance of the publication of the final LNRS.
Ministry of Defence, Defence Infrastructure Organisation, Safeguarding Department	Designated statutory safeguarded zones associated with RAF Syerston extend over the Gedling Borough Council area. These safeguarding zones are designed to preserve operational capability by ensuring that development that might result in the creation of attractant environments for large and flocking bird species hazardous to aviation are subject to consultation.
	Response Agree to include wording as advised in new paragraph 32.
National Highways (formerly Highways England)	National Highways has considered the contents on this consultation and have no comments to make.
	Response Noted.
Natural England	Paragraph 1 needs updating that mandatory BNG will be launched on 12 th February 2024.
	Response Agree to include commencement date of 12 th February 2024 in the Introduction.
Natural England	Pleased to note that the BNG statement prepared by Nottinghamshire Councils in partnership with the

Consultee	Comment / response
	Nottinghamshire Wildlife Trust and Natural England has been referenced and used to help with the preparation of the IPPS
	Response Noted. The reference to this work is retained.
Natural England	The Defra metric will become known as the Statutory Biodiversity Metric. Other references to the metric would also need to show this update.
	Response Noted agree change to refer to the Statutory Biodiversity Metric throughout the document.
Natural England	You may want to reference Natural England's Green Infrastructure Framework: Principles & Standards (2023) Green Infrastructure Home (naturalengland.org.uk) in this section. The Framework provides a valuable resource for both local authorities and developers including a mapping tool and Design Guide.
	Response Agreed. Reference to this publication is included in the "Relevant strategies, national section".
Natural England	We are pleased to note that the Nottinghamshire Local Nature Recovery Strategy has been mentioned within this paragraph and throughout the document.
	Response Noted.
Nottinghamshire County Council as Local Lead Flood Risk Authority (LLFA)	The document lists drainage and water management principles on page 29. Whilst reference to SUDS is included, a stronger emphasis on above ground SUDS could be made to ensure that wider habitat creation benefits are realised. As LLFA, a preference to above ground SUDS is given within our assessment of applications.
	Response Noted. The section is an extract from the Nottinghamshire BNG Framework. However, new paragraph 39 is included within the Guidance reflecting the advice of the LLFA.
Nottinghamshire County Council as LLFA	The document could also highlight maintenance requirements which are sensitive to the environment whilst ensuring that SUDS features perform as originally designed.
	Response Noted. The section is an extract from the Nottinghamshire BNG Framework. However, new paragraph 39 is included within the Guidance reflecting the advice of the LLFA.

Consultee	Comment / response
Nottinghamshire County Council as LLFA	Using words such as “consider” in the Drainage and water management section may not be appropriate. The LLFA may oppose the movement/modification of a watercourse. Therefore stating that there is a preference for soft engineering would be more appropriate.
	Response Noted. The section is an extract from the Nottinghamshire BNG Framework. However, new paragraph 39 is included within the Guidance reflecting the advice of the LLFA.
Nottinghamshire Wildlife Trust	Support principles 1 - 11
	Response Noted. As the Guidance has been amended to emphasise its purpose is to support national policy it is not necessary to repeat these principles in the redrafted document. The emerging Greater Nottingham Strategic Plan will include a policy on BNG.
Nottinghamshire Wildlife Trust	Policy 1 – reword to state: In accordance with national legislation, development proposals must demonstrate a minimum of 10% biodiversity net gain.
	Response Policy 1 is to be deleted as a response to concerns raised by consultees. However, the Guidance is clear that it is intended to support the national target of a minimum 10% BNG gain.
Nottinghamshire Wildlife Trust	Paragraph 27 - We would like to see this IPPS emphasise the aspiration for at least 20% BNG as agreed with the wording in the county Framework. Through the framework, all the LPAs clearly show they will aim for this, which is of course subject to viability caveats anyway, as explained at IPPS para 27. There is a piece of work currently underway by the Greater Nottingham Planning Partnership to gather the evidence for all the Greater Nottingham LPAs to be able to justify the 20% figure if tested at Examination in Public, so we think GBC can confidently aim for 20%, rather than 10% minimum, in its interim guidance.
	Response The Guidance has been revised to reflect the national policy on BNG which sets out a 10% minimum target for BNG. The more aspirational target is a matter for the emerging Greater Nottingham Strategic Plan which will include a BNG policy and

Consultee	Comment / response
	a target for BNG to be applied from its adoption and further policy detail may be provided in a future Part 2 Local Plan / supplementary planning document. In the meantime, the Guidance will implement the 10% minimum BNG target set out in the Environment Act nationally.
Nottinghamshire Wildlife Trust	Paragraph 37 - The LPA will advise when it may be appropriate to contact these other bodies". Reason: The process is still in development, so it might be that one of bodies listed may have more (or less) of a role in future.
	Response Agree, the Guidance has been changed to refer developers to the Council's pre-application advice service.
Nottinghamshire Wildlife Trust	Principle 1. Apply the Mitigation Hierarchy This principle, perhaps together with all other references to the Mitigation Hierarchy throughout the document, we think would benefit from further clarification that it is Biodiversity gain hierarchy, not the NPPF mitigation hierarchy.
	Response Agree to clarify that the BNG Mitigation Hierarchy is distinct from the NPPF mitigation hierarchy in new paragraph 41.
Nottinghamshire Wildlife Trust	Interim Policy 4: Approaches to securing BNG In relation to species, "Developers should consider the direct and indirect impact on rare and endangered species", we suggest that a reference to considering impact on protected species is also relevant here,
	Response Agree add reference to potential impact on protected species in the text box below titled Guidance Note 3: Approaches to securing BNG.
Nottinghamshire Wildlife Trust	Support Interim Policy 5
	Response In response to concerns raised by consultees Policies 5 and 6 are deleted.
Nottinghamshire Wildlife Trust	Paragraph 53 - site visits – suggest officer of the Council.
	Response Change to planning / ecological officers in new paragraph 55.
Nottinghamshire Wildlife Trust	Paragraph 56 – NWT would object to gardens being included as BNG as long-term management cannot be enforced.
	Response

Consultee	Comment / response
	Agreed. The Guidance has been amended to state that gardens would not be considered as significant BNG and not subject to monitoring see new paragraph 37.
Nottinghamshire Wildlife Trust	Paragraph 57 – agree and await DEFRA guidance on BNG within open space.
	Response Noted.
Nottinghamshire Wildlife Trust	We note that Policy 5 is mainly focused on the principal that developments which impact on designated sites are avoided. However, the second part does include a criterion that it is ‘desirable’ to provide complimentary BNG habitat types adjacent to designated sites. We think that para 58 should signpost to Policy 6 and you could consider moving the second part of Policy 5 to Policy 6.
	Response In response to concerns raised by consultees Policies 5 and 6 are deleted. However, Guidance Note 3 “Approaches to securing BNG” includes a bullet point relating to sites abutting a designated mature conservation site encouraging developers to enhance and create habitat types for which the adjoining site has been designated.
Nottinghamshire Wildlife Trust	Paragraph 58 - recommend this statement is amended to clarify that it includes Local Nature Reserves (LNRs), Country Parks (CPs) and Local Wildlife Sites (LWLS. Reason: it may be assumed only Sites of Special Scientific Interest (SSSIs) are considered, of which there are very few in Gedling. It is also worth bearing in mind that the resource of designated sites is limited, so only a proportion of BNG delivery could ever be on such sites. We would also recommend that habitat creation should be focused on low ecological value habitat both on CPs/ LNRs but also, importantly, elsewhere in Gedling, especially on farmland.
	Response Noted. The paragraph has been deleted and reference included to working with partners to identify potential sites for BNG offsetting – Nottinghamshire BNG landbank paragraphs 56 – 59.
Nottinghamshire Wildlife Trust	Appendix there is 1 SSSI not mentioned. Plants, bird and mammals “ <i>National Biodiversity Network (NTN)</i> ” -this should be (NBN).

Consultee	Comment / response
	<p>We think the number of observed species is down to recorder effort more than actual distribution of animals. Therefore, we query the value of including this measure and recommend it is removed.</p>
	<p>Response</p> <p>The SSSI is included in Appendix 1 in the section Designated sites.</p> <p>Appendix 1 the section - Plants Birds, mammals has been removed.</p>
Sport England	<p>Sport England would wish to ensure that the delivery of Biodiversity Net Gain does not have unintended consequences for the use of playing fields. For example, through the provision of biodiversity net gain in a location which prejudices the use of a playing field. It is noted that at least one of the priority locations for offsite BNG, Burnstump Country Park, includes a cricket pitch.</p> <p>It is suggested that the Interim Planning Policy Statement (IPPS) makes clear that provision of biodiversity net gain on playing fields is not encouraged. Where there is no choice but to provide net gain on a playing field or other sports facility, the IPPS should make it clear that any net gain needs to meet the requirements of the NPPF and our Playing Fields Policy.</p>
	<p>Response</p> <p>Agree – include reference:</p> <p>that provision of biodiversity net gain on playing fields is not encouraged paragraph 38.</p>
Strata	<p>Introduction – needs updating following confirmation that BNG is mandatory on large sites from 12th February 2024.</p>
	<p>Response</p> <p>Agree.</p>
Strata	<p>Concur with the proposed areas of guidance listed in paragraph 8.</p>
	<p>Response</p> <p>Noted.</p>
Strata	<p>Principle 3 refers to being equitable and inclusive in terms of providing BNG. States that it is important for developers to seek to achieve net gain in partnership with other stakeholders where possible and engage early on in the design of new developments. We therefore feel that a relevant consultee is</p>

Consultee	Comment / response
	clearly stated, within which developers can contact to engage with early on.
	<p>Response</p> <p>The Council is not in a position at present to recommend a particular consultee. The general contact details for nature organisations is provided in the Guidance within the Glossary.</p>
Strata	It would be important for the Nottinghamshire Local Nature Recovery Strategy (LNRS) to identify sites where BNG could be delivered to support developers, where BNG cannot be delivered on site.
	<p>Response</p> <p>Noted. It is understood that this is the intention.</p>
Strata	Principle 4 'Address Risks' is vague and does not comply with national policy/guidance in so far as we are aware. We do not support this approach but regardless, this section is not helpful as it does not say what contingency should be added. We feel the DEFRA metric, which has evolved significantly over the last few years, as well as the qualified ecologists which use the metric, should be accurate enough to negate the need for a contingency.
	<p>Response</p> <p>Agree the Metric does factor in contingency and the Guidance makes it clear that the statutory Metric should be used.</p> <p>The principles are reproduced from the Nottinghamshire Common Framework on Biodiversity Net Gain. As the Guidance has been amended to emphasise its purpose is to support national policy it is not necessary to repeat these principles in the redrafted document. The emerging Greater Nottingham Strategic Plan will include a policy on BNG.</p>
Strata	Principle 5 – this refers to developments creating 'additionality'. It is not clear what this means in practice.
	<p>Response</p> <p>The principles are reproduced from the Nottinghamshire Common Framework on Biodiversity Net Gain. As the Guidance has been amended to emphasise its purpose is to support national policy it is not necessary to repeat these principles in the redrafted document. The emerging Greater Nottingham Strategic Plan will include a policy on BNG.</p>
Strata	Principle 7 – 'Be Additional'. This feels like a repetition of Principle 5 but yet it is not clear what this looks like in practice.
	Response

Consultee	Comment / response
	The principles are reproduced from the Nottinghamshire Common Framework on Biodiversity Net Gain. As the Guidance has been amended to emphasise its purpose is to support national policy it is not necessary to repeat these principles in the redrafted document. The emerging Greater Nottingham Strategic Plan will include a policy on BNG.
Strata	Principle 8 – ‘Create a Net Gain Legacy’. Again, it is not clear what this means and the 30 year management of BNG imposed by legislation already ensures this.
	<p>Response</p> <p>The principles are reproduced from the Nottinghamshire Common Framework on Biodiversity Net Gain. As the Guidance has been amended to emphasise its purpose is to support national policy it is not necessary to repeat these principles in the redrafted document. The emerging Greater Nottingham Strategic Plan will include a policy on BNG.</p>
Strata	Paragraph 35 - ‘there may be some cases where adjacent or nearby habitats such as LWS could be impacted upon both directly and indirectly and these will need to be included in the survey’. This does not comply with the legislation. The impact on nearby/adjacent wildlife sites should be assessed as part of an ecological survey and ecological impact assessment, and not included in the BNG survey as this will artificially inflate the baseline of the site.
	<p>Response</p> <p>Agreed delete reference to adjacent habitats and refer to within the red line see paragraph 30.</p>
Strata	Overall, the SPD is lengthy and should be simplified.
	<p>Response</p> <p>The IPPS is to be changed to Guidance and will be subject to editing and shortening.</p>
Taylor Wimpey and Rockspring Barwood Gamston	The IPPS is not soundly based and not necessary to progress interim policy at this time. Should focus on continuing to engage with GNP councils to produce the new strategic plan and prepare a programme and timeline for part 2 local plan.
	<p>Response</p> <p>GBC attaches high priority to progressing the Greater Nottingham Strategic Plan with its partners. This strategic plan will include a BNG policy and a target for BNG to be applied from its adoption and further policy detail may be provided in a future Part 2 Local Plan / supplementary planning document.</p>

Consultee	Comment / response
Taylor Wimpey and Rockspring Barwood Gamston	Questions whether there is a need for the IPPS given national legislation and guidance.
	Response The Guidance has been edited to avoid unnecessary repetition of national policy and to clarify its purpose is to support national policy and add local detail.
Taylor Wimpey and Rockspring Barwood Gamston	Cannot support local plan policies which predate mandatory BNG. There are significant conflicts between ACS Policy 17 and LPD 18 and the approach in the IPPS.
	Response The Guidance has been edited to avoid unnecessary repetition of national policy and to clarify its purpose is to support national policy and add local detail.
Taylor Wimpey and Rockspring Barwood Gamston	Strongly raise concerns regarding the soundness of introducing interim policy that would not be tested at examination. It is not referred to in the LDS or SCI and cannot replace for example ACS Policy 17 and LPD Policy 18.
	The document has been changed and edited to clarify it is guidance with its purpose being to support national policy.
Taylor Wimpey and Rockspring Barwood Gamston	Acknowledge that relevant authorities in the GNP are looking to set a higher target than the 10% and 20% is mentioned in the consultation document but this is a matter for the GNSP.
	Response Agreed.
Taylor Wimpey and Rockspring Barwood Gamston	Interim Policies 1 – 6 cannot set new development plan policy and use of the term planning policy and interim policy can give rise to confusion. It is not necessary to repeat national legislation. There is uncertainty over the purpose and status of the interim policy.
	Response The Guidance has been edited to avoid unnecessary repetition of national policy and to clarify its purpose is Guidance to support national policy and add local detail.
Turley on Behalf of Bellway Homes,	Repeating national requirements at a local level is considered unnecessary. Would anticipate this is a matter for the new GNSP. The IPPS is not needed.

Consultee	Comment / response
Persimmon and Northern Trust	
	<p>Response</p> <p>The document has been changed and edited to avoid repeating national policy and to clarify it is guidance with its purpose being to support national policy.</p>
Turley on Behalf of Bellway Homes, Persimmon and Northern Trust	<p>Paragraph 27 “LPAs will endeavour to pursue a higher target to seeking 20% BNG but may need to consider some local factors informed by evidence and viability”.</p> <p>Seeking to double the contributions required by the Environment Act (2021) will have a significant impact on the viability and deliverability of development across Greater Nottingham and cannot be justified without a robust evidence base to assess the implications of such a requirement and to ensure compliance with CIL legislation in terms of being reasonable and proportionate when a financial contribution is sought. Table 8 of the User Guide for the BNG Statutory Metric identifies “spatial risk multipliers”, which show that a lower score is assigned for sites for BNG located further from a proposed development site, penalising development and requiring more BNG to be provided. This point would threaten cross boundary delivery of BNG and deliverability of development. Overall, therefore, it is considered that this should be deleted from the interim policy.</p>
	<p>The Guidance makes it clear its purpose is to seek a minimum of 10% BNG.</p> <p>The Greater Nottingham Strategic Plan now in preparation will include a BNG policy and a target for BNG to be applied from its adoption and further policy detail may be provided in a future Part 2 Local Plan / supplementary planning document.</p>
Turley on Behalf of Bellway Homes, Persimmon and Northern Trust	<p>On the basis of the initial technical work undertaken in support of the Land at Oxtan Road, Calverton, there are no constraints to the development of the site which could not be mitigated and managed. The illustrative framework plan submitted with representations made to the GNSP Preferred Approach consultation in February 2023 establishes that the site is capable of accommodating circa 650 dwellings and up to 9.5 hectares of Public Open Space (POS). Increasing minimum requirements could threaten the delivery of strategic sites such as Oxtan Road, which has previously been removed from the Green Belt and safeguarded for future growth by the adopted Gedling Local Plan Part 2 and made Calverton Neighbourhood Plan.</p>
	Response

Consultee	Comment / response
	The Guidance makes it clear its purpose is to seek a minimum of 10% BNG.
Turley on Behalf of Bellway Homes, Persimmon and Northern Trust	Policy 6 sets out several criteria for locating offsite BNG including locating BNG in the “best location to maximise BNG”. This is considered to be a very vague requirement and would lead to uncertainty for the applicant/decision maker.
	Response Policy 6 has been deleted.
Woodland Trust	The Borough’s tree canopy cover is 15 per cent, which contrasts to an average of 38 per cent across the EU. Therefore, we believe that woodland creation should be a major priority for the BNG IPPS.
	Response Noted. However, this is more of a strategic matter for the emerging Local Nature Recovery Strategy process to consider. The type of BNG will be determined through the use of the statutory metric and adherence to the trading rules contained within the metric although enhanced tree planting is likely to feature.
Woodland Trust	The maximum possible proportion of new trees should be native, and UK and Ireland Sourced and Grown (UKISG).
	Response Agree as a matter of principle that use should be made of native species wherever possible. This point is set out in the supporting text to Local Planning Document Policy 18: protecting and Enhancing Biodiversity at paragraph 7.2.19 of this document which states that wherever possible measures to deliver biodiversity enhancement should be incorporated into development including: <ul style="list-style-type: none"> • the use of native species of trees and shrubs and wildflower seed in landscaping proposals
Woodland Trust	In particular, irreplaceable habitats, including ancient and veteran trees, must be protected from loss and damage.
	Response It is stressed that BNG does not change existing protection for irreplaceable habitats including ancient and veteran trees.
Woodland Trust	Give weight to the relevant LNRS, as it is refined, which should identify ancient woodland sites. The LNRS should give strong weight for development site allocation. Once a site has

Consultee	Comment / response
	<p>been allocated it is more likely to get planning permission so it is important to embed ecological criteria in the plan. LNRSs should be used to inform priority locations for the provision of green infrastructure.</p>
	<p>Response</p> <p>The document refers to the Local Nature Recovery Strategy and affords it relevant status. This LNRS is now in preparation led by Nottinghamshire County Council, The Guidance states that when available the LNRS will inform a future review of the IPPS.</p> <p>For clarification the Greater Nottingham Strategic Plan and future Part 2 Local Plan allocate sites. Ecological criteria is used as part of the site selection progress.</p>
Woodland Trust	<p>For veteran trees, the BNG IPPS should encourage them to be recorded on the Ancient Tree Inventory and to consider locations where it might be suitable to place a Tree Preservation Order on any ancient, veteran or notable trees</p>
	<p>Response</p> <p>The IPPS is not a site-specific document and Tree Preservation Orders are dealt with through a separate process.</p>
Woodland Trust	<p>For non-ancient and veteran trees, adopt the Bristol Tree Replacement Standard¹ with respect to felling.</p>
	<p>Response</p> <p>This is a detailed matter for the Development Management process.</p>
Woodland Trust	<p>The BNG IPPS should require development projects to deliver 20 per cent BNG.</p>
	<p>Response</p> <p>The more aspirational target for BNG of 20% is a matter for consideration in the emerging Greater Nottingham Strategic Plan which will set a local target for the Plan Area to be applied from its adoption.</p>
Woodland Trust	<p>The BNG IPPS should require BNG units to be maintained for a minimum of 50 years, not just the 30 set out in the Environment Act.</p>

¹ <https://bristoltreeforum.files.wordpress.com/2020/03/bristol-tree-replacement-standard-btrs.pdf>

Consultee	Comment / response
	<p>Response</p> <p>The Guidance seeks to implement the Environment Act and it cannot therefore go beyond the 30-year timeframe specified in the Act.</p>
Woodland Trust	<p>The BNG IPPS should set standards for high quality green infrastructure including accessibility standards such as no one being more than 300 m from the nearest green space and Woodland Trust Access to Woodland standard which aspires that everyone should have access to a small wood of at least 2 ha. within 500 m of home.</p>
	<p>Response</p> <p>It is not appropriate, for the Guidance to set standards for Green Infrastructure as this would be beyond its remit. However, the Greater Nottingham Strategic Plan now in preparation will set out Blue and Green Infrastructure priorities. This new strategic plan is informed by the Greater Nottingham Blue and Green Infrastructure Strategy (2021) which forms part of its evidence base. This evidence is based on an audit of blue and green infrastructure, needs and opportunities including consideration of evidence on the accessibility to green infrastructure. The new strategy will support a strategic network of blue and green infrastructure for protection, enhancement and new habitat creation.</p>
Woodland Trust	<p>A strong tree retention standard requiring a tree survey during initial site investigations.</p>
Woodland Trust	<p>Response</p> <p>This is more a matter for the development management process which require tree surveys to be undertaken where appropriate.</p>

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Appendix 2
Gedling Borough Council
Biodiversity Net Gain Guidance
April 2024



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Introduction

Purpose

1. This Guidance seeks to complement the Environment Act 2021 in relation to achieving Biodiversity Net Gain (BNG) from the development of land. Secondary Legislation in the form of Regulations on Biodiversity Net Gain have been published by Government and these are reflected in the Guidance. The provisions of the Environment Act 2021 to secure mandatory biodiversity net gain from qualifying developments came into force in February 2024 for major sites and in April 2024 for small sites.
2. The Guidance seeks to implement the mandatory requirement for qualifying developments to achieve a minimum of 10% increase in biodiversity post development in comparison with the pre-development position. Currently the adopted Local Plan comprises Part 1 - Aligned Core Strategy for Gedling Borough and Part 2 – Local Planning Document for Gedling Borough, where relevant policies seek to protect and enhance biodiversity and seek biodiversity enhancements in new development where possible. However, existing policies do not set specific targets and this Guidance confirms that the Council will seek to achieve the 10% BNG national minimum target. Government guidance is available here:

[Biodiversity net gain - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/biodiversity-net-gain)

3. The purpose of this Guidance is to provide developers with more certainty particularly in relation to the development management process for the consideration of BNG as part of development proposals, the information needed in support of planning applications and for securing BNG in the long term.
4. In terms of future policy direction, the Greater Nottingham Strategic Plan now in preparation will include a BNG policy and a target for BNG to be applied from its adoption and further policy detail may be provided in a future Part 2 Local Plan / supplementary planning document. Gedling Borough Council is actively working with partners to ensure BNG is provided locally and to maximum benefit for local residents and the environment. This includes participation in the development of a common framework by Nottinghamshire Councils in partnership with the Nottinghamshire Wildlife Trust, supported by Natural England. This common framework seeks to ensure a consistent and coordinated approach to biodiversity net gain across Nottinghamshire in future.
5. In the meantime, this Guidance document reflects the national mandatory requirements at the time of writing and may need to be read together with any new guidance issued by Government since its adoption. This Guidance is likely to be subject to early review.

What is biodiversity net gain?

6. BNG is an approach to development that aims to leave the natural environment in a 'measurably better state' than it was beforehand. BNG seeks to deliver 'measurable' improvements for biodiversity by creating or enhancing habitats in association with development. BNG can be achieved solely on-site, solely off-site or through a combination of on-site and off-site measures. The term relates only to habitats, with protected/priority species and designated sites being covered by other legislation/policy requirements.

Current state of biodiversity in the UK, Nottinghamshire and Gedling Borough

7. The UK generally, Nottinghamshire and Gedling Borough have each seen a decline in species and habitats. Nottinghamshire has witnessed the extinction and / or substantial contraction in the population size and range of many species. For instance, since 1970, 41% of species have declined and since 2009, 37% of species are now less widespread. Remaining habitats are often small and fragmented, with less than 2% of the county's habitats legally protected, 85% of heathland lost since 1920, and only around 250ha of calcareous grassland surviving.
8. This decline of wildlife and habitats results from many factors including agricultural management, urbanisation, pollution, hydrological change, woodland management and invasive non-native species. Climate change is also resulting in widespread changes in the abundance and distribution of wildlife. A profile of the condition of biodiversity in Gedling Borough is set out in **Appendix 1**.

Proposed guidance areas to be covered

9. The Guidance covers:
 - Measuring net gain;
 - Use of statutory DEFRA metric;
 - "Significant" on-site BNG;
 - Strategic Significance categories;
 - Information required to support a planning application;
 - The Approach to securing BNG and its future maintenance; and
 - Monitoring.

Policy context, national and local

10. The Environment Act 2021 (“the Act”) amends the Town and Country Planning Act 1990 (as amended) to require that a minimum mandatory 10% biodiversity net gain must be sought on all “qualifying” sites. This is to ensure that new developments enhance biodiversity and create new green spaces for local communities to enjoy. Regulations prescribe the types of “qualifying” developments. Development that is exempt from providing the mandatory BNG include:
 - Development which is de de-minimis, does not impact a priority habitat and impacts on the habitat of an area below a threshold of 25 sq. m or 5m for linear habitats such as hedgerows;
 - Householder development;
 - Self-build and custom build development (subject to conditions);
 - Development granted permission by a development order under section 59 of the Town and Country Planning Act 1990 (as amended) including permitted development rights;
 - Development of a biodiversity gain site (where habitats are being enhanced for wildlife); and
 - The high speed rail transport network.
11. The Regulations are available here:

[The Biodiversity Gain Requirements \(Exemptions\) Regulations 2024 \(legislation.gov.uk\)](https://www.legislation.gov.uk)
12. The Act introduces the concept of a National Nature Recovery Network (NNRN) and the development of Local Nature Recovery Strategies (LNRS) across England. Nottinghamshire County Council is the lead authority for the preparation of the Local Nature Recovery strategy in partnership with other organisations including Borough and District Councils. Work has commenced on the preparation of the LNRS, including evidence gathering, and this Guidance is likely to require early revision once the LNRS reaches a more advanced stage.
13. The requirement for BNG does not apply to statutory designated sites or irreplaceable habitats. These are now defined in the Regulations and include ancient woodland and ancient and veteran trees amongst other habitats. The requirement for BNG does not over-ride the legal protections that are afforded to these sites through various legislation including:
 - Natural Environment and Rural Communities Act (NERC 2006); and
 - Conservation of Habitats and Species Regulations 2017 (as amended).
14. Section 40 NERC (2006) Act inserted by Section 102 of the Environment Act 2021 came into force in January 2023, imposing a duty on local authorities to

consider what action they may take to further the biodiversity objective which is to be reported on a regular basis. The preparation of this Guidance seeks to fulfil this duty.

The National Planning Policy Framework (NPPF) 2023

15. In addition to setting out the overall objective of the planning system to achieve sustainable development, key sections of the NPPF on biodiversity are:
 - section 8: promoting healthy and safe communities;
 - section 14: meeting the challenge of climate change, flooding and coastal change; and
 - section 15: conserving and enhancing the natural environment.
16. Section 15 paragraph 180 sets out the overall aims of planning policy in relation to the natural and local environment including the protection and enhancing of valued local landscapes, sites of biodiversity or geological value commensurate with their statutory status or identified quality in the local plan. Paragraph 180 d) specifically refers to minimising impacts on and providing net gains for biodiversity including by establishing coherent ecological networks that are more resilient. Paragraph 185 provides specific advice on habitats and biodiversity. Paragraph 185 b) states that development plans should 'identify and pursue opportunities for securing measurable net gains for biodiversity'.
17. Importantly, the new mandatory requirement for BNG does not change existing legal protections for protected sites and species and NPPF paragraph 186 sets out that local planning authorities should refuse permission if significant harm to biodiversity cannot be avoided or properly mitigated or, as a last resort compensated for.

[,National Planning Policy Framework - Guidance - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/national-planning-policy-framework-guidance)

The Planning Practice Guidance (PPG)

18. The National Planning Practice Guidance (PPG) sets out amongst other matters:
 - How biodiversity net gain is applied through the planning process (Paragraph: 002 Reference ID: 74-002-20240214).
19. The guidance also sets out the mitigation hierarchy (Paragraph: 008 Reference ID: 74-008-20240214).

[Biodiversity net gain - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/biodiversity-net-gain)

Relevant strategies, national

UK A Green Future: Our 25-Year Plan

20. The 25 Year Environment Plan (25 YEP) sets out government action to help the natural world regain and retain good health and the approach to maintaining and enhancing the natural environment over a 25 year period from 2018. The Natural England Green Infrastructure framework: Principles & Standards (2023) is intended to complement the 25 Year Environment Plan and provides a valuable resource for local authorities and developers and is available here:

[Green Infrastructure Home \(naturalengland.org.uk\)](https://naturalengland.org.uk)

UK 30 x 30 target

21. The UK 30 x 30 target is a global initiative that has been endorsed by the UK Government. It seeks to conserve at least 30% of the world's lands, freshwater and oceans by 2030. The UK Government committed to the protection of at least 30% of the UK for nature, in Nottinghamshire this equates to 64,800 ha.

Nottinghamshire Local Biodiversity Action Plan (NLBAP)

22. The Nottinghamshire local biodiversity action plan (NLBAP) seeks to focus resources to conserve and enhance biodiversity through local partnerships. It is part of a national approach to biodiversity and identifies important species and habitats in the County, giving each one an action plan to aid their conservation.
23. The NLBAP assesses the current ecological situation and identifies the main threats to species and habitats. It sets targets for their conservation and restoration and outlines the required actions necessary to protect these elements of our environment. The NLBAP identifies the diverse range of habitats and species that exist across Nottinghamshire generally, including in Gedling Borough. The NLBAP provides a useful reference for developers seeking to identify some of the main biodiversity issues.

Biodiversity Opportunity Mapping

24. The Nottinghamshire Biodiversity Opportunity Mapping Project includes a Biodiversity Opportunities Map for Gedling Borough (2021). This work was undertaken to support Gedling Borough Council in carrying out its services and functions to benefit biodiversity where relevant and also to underpin the work of the Nottinghamshire Biodiversity Action Group and implementation of the Local Biodiversity Action Plan. The Biodiversity Opportunities Map for Gedling Borough is available from the link below:

[Nature conservation and geological sites - Gedling Borough Council](#)

25. A key aim is to underpin the preparation of the Nottinghamshire Local Nature Recovery Strategy which is under preparation. The Biodiversity Opportunity Map identifies priority habitats within Gedling Borough.

Nottinghamshire Local Nature Recovery Strategy

26. Established under the Environment Act 2021, Local Nature Recovery Strategies are spatial strategies that seek to establish priorities and map proposals for specific actions to drive nature's recovery and provide wider environmental benefits. In addition to setting out priority actions for habitat creation, they may also be used to identify potential sites for biodiversity offsetting.

Guidance

27. Applicants are expected to demonstrate how their proposals meet the requirements set out in the legislation. The use of the latest statutory Biodiversity Metric to measure net gain is required through Government legislation and guidance. This measures biodiversity both pre-development and post development and uses habitat as a proxy for wider biodiversity value (adjusted depending on the condition and location of the habitat). Biodiversity units are calculated for the specific project or development based on criteria such as habitat distinctiveness, condition and extent. The Metric includes three separate calculations in a standard spreadsheet for area-based habitats, linear hedgerows and water courses.
28. The Metric scores biodiversity for both the pre-development and post-development phase with the difference being a net loss or net gain. It follows that an iterative process is required to reformulate the scheme layout and design to achieve the necessary 10% BNG to be required on site or where this is not possible off site. It is advised that the assessment is carried out by a suitably qualified ecologist or competent person in accordance with the Metric and survey work based on current best practice standards at the time. Appointing an ecological consultant early on in the process is advised as achieving biodiversity net gain should be integral to the whole development, from the pre-application phase to the submission of the planning application.
29. At the outset it is necessary to survey the site in order to understand the type and value of biodiversity being affected by the development proposal. This is dependent on the location of the site within the ecological network and the type, area and quality of ecological assets that are present, as determined by using the latest statutory Biodiversity Metric. Site surveys and assessments of habitats and species should be carried out at the appropriate times of the year, using best practice methodologies in line with the latest standards.
30. The site survey should cover the whole of the development boundary (within the red line). If it is suspected that the baseline value of the site has been affected negatively prior to assessment, the Council will require an assessment of the site based on the condition of the site immediately prior to its degradation in accordance with the Act (which also sets a default date of January 2020). This assessment may be based on aerial photos and historic information. The objective would be to deliver a minimum of a 10% net gain.
31. The latest statutory Biodiversity Metric tool (or subsequent versions) published by Natural England and DEFRA is the prescribed tool for measuring BNG. Natural England has published a user guide containing the key principles and rules in applying the metric. These principles and rules should be used by prospective developers and will be used by the council in considering

development proposals. Guidance by Natural England on the latest biodiversity Metric is available here:

[Statutory biodiversity metric tools and guides - GOV.UK \(www.gov.uk\)](http://www.gov.uk)

Guidance Note 1: Process for measuring net gain from pre-application stage to submission of Biodiversity Gain Plan

- At the outset use a suitably qualified ecologist to survey the site and prepare the BNG Plan, metric spreadsheets and Habitat Management and Monitoring Gain Plan
- Conform with the process specified in the latest Natural England / DEFRA user guidance for Biodiversity Net Gain.
- Use the British Standard for designing and implementing Biodiversity Net Gain – BS8683 and guidance offered through the Construction Industry Research and Information Association (CIRIA) Biodiversity Net Gain: good practice principles for development C776a.
- Take an iterative approach that seeks to optimise delivery of BNG at all stages of the design process including application, development and post development.
- Submit the biodiversity calculations for validation, including full versions of the biodiversity metric spreadsheet along with other information required in support of the planning application (see **Appendix 2**).
- The BNG Plan to be submitted following the granting of conditional planning permission should set out key stages including:
 - Calculation of the baseline Biodiversity Unit Score (pre-development)
 - Design net gains as required for development proposals
 - Calculate the Predicted Biodiversity Unit Score (post development)
 - Formulate a construction and post construction Environmental Management Plan
- The BNG Plan should set out the process followed including how the assets were identified, how design has integrated net gain into the development; and how the mitigation hierarchy has been applied.
- Formulate a Habitat Management and Monitoring Gain Plan that sets out how the net gains are to be provided and monitored in the long term.

32. It should be noted that designated statutory safeguarded zones associated with RAF Syerston extend over the Gedling Borough Council area. These safeguarding zones are designed to preserve operational capability by ensuring that development that might result in the creation of attractant environments for large and flocking bird species hazardous to aviation are subject to consultation. Regulations require local planning authorities to consult the Civil Aviation Authority (CAA), the Secretary of State for Defence,

or the aerodrome operator, where development being proposed is located within consultation areas specified on a safeguarding map of an Officially Safeguarded Aerodrome.

Strategic Significance

33. In advance of the Nottinghamshire and Nottingham LNRS being published, reference is made to the Statutory Biodiversity Metric Guidance and, specifically, Table 8 Biodiversity metric strategic significance categories where an LNRS has not yet been published. In line with Table 8, Gedling Borough Council regards sites as strategically significant and benefit from the “Formally identified in a local strategy” (High category) multiplier in the statutory biodiversity metric as development sites / locations for offsetting that are within or immediately adjacent to:

- Designated priority sites including SSSIs, Local Wildlife Sites and Local Nature Reserves;
- Listed Green and Blue Infrastructure sites, identified in the Greater Nottingham Blue and Green Infrastructure Strategy (2022), which have biodiversity value; and
- Focal Areas identified within the Gedling Borough Biodiversity Opportunities Map (2021) (and within the Greater Nottingham Blue and Green Infrastructure Strategy January 2022).

34. This is an interim approach until the LNRS is sufficiently advanced and ultimately approved and the above list will be kept under review in light of the emerging LNRS and joint working across Nottinghamshire on BNG implementation.

“Significant” on site BNG

35. Government guidance describes “significant” on-site enhancements as areas of habitat enhancement which contribute significantly to the development’s BNG relative to the biodiversity value before development. The guidance goes on to state that what counts as significant enhancement will vary depending upon the scale of development and existing habitat, but helpfully the guidance indicates that these would normally be:

- Habitats of medium or higher distinctiveness in the biodiversity metric;
- Habitats of low distinctiveness which create a large number of biodiversity units relative to the biodiversity value of the site before development;
- Habitat creation or enhancement where distinctiveness is increased relative to the distinctiveness of the habitat before development;

- Areas of habitat recreation or enhancement which are significant in area relative to the size of the development; or
 - Enhancements to habitat condition, for example from poor or moderate to good.
36. As stated above, much depends on the scale of the development and existing habitat. However, it is more likely that larger sites are in a position to deliver significant BNG on site whereas smaller site may not be able to. Gedling Borough Council will be guided by the above criteria on a case-by-case basis. It is recommended that a professional ecologist is engaged very early on in the process and that early pre-application discussions with the Council take place to consider the opportunity for significant BNG on site and any balance between on and off site BNG.
37. Gedling Borough Council would advise that gardens, have the same biodiversity value irrespective of how they are managed and so the area of garden within the statutory biodiversity metric calculation will deliver the projected biodiversity value irrespective of how they are managed and therefore would not be regarded as significant on site BNG as there is no point in monitoring these habitats.
38. For sites where there is a requirement for amenity space (10% of the site area for sites of 0.4 ha and above), it is feasible to provide some or all of the BNG requirement within the area of public amenity space. However, this must be additional to the prime purpose and use of this space, e.g. for recreation / amenity, bearing in mind its prime use for public enjoyment is likely to affect its future condition for BNG and this factor is taken into account in the statutory Metric scoring. The Council would also need to be satisfied that the amenity space and BNG is designed and managed to achieve its dual purpose if this approach is taken. The provision of BNG on playing fields is not encouraged and is likely to be unacceptable. Guidance on open space provision is set out in Gedling Borough Councils Open Space provision for New Housing Development Supplementary Planning Guidance which is being updated.
39. BNG could also be integrated with Sustainable Drainage Systems where the emphasis is placed on achieving above ground SuDs that would seek to achieve habitat creation. Maintenance requirements which are sensitive to the environment whilst ensuring that SuDs features function as designed will also be needed. In relation to existing water courses and incorporation of BNG, it is likely that movement/modification of the water course would be opposed and there is a preference for soft engineering solutions.
40. Prospective developers should communicate BNG activities in a transparent and timely manner that can be understood by all stakeholders. The information required in support of planning applications is set out in **Appendix**

2. Gedling Borough Council operates a pre-application planning advice service. Details of this service is on the Council's website as well as information on Planning Policy and the Natural Environment:

[Planning and building control - Gedling Borough Council](#)

BNG gain hierarchy

41. The Biodiversity gain hierarchy is distinct from the NPPF mitigation hierarchy as set out in the NPPF paragraph 186 (a) which sets out principles in relation to the impact of development on biodiversity. The biodiversity gain hierarchy is set out in the Biodiversity Gain (Town and Country Planning) (Modification and Amendments) (England) Regulations 2024 at regulation 19. A key principle of BNG is to 'avoid' adverse impacts on-site and if this cannot be avoided to take action in the following priority order:
- If adverse effects cannot be avoided mitigating those effects;
 - If those effects cannot be mitigated, habitat enhancement of onsite habitat;
 - So far as there cannot be enhancement, creation of new onsite habitat;
 - So far as there cannot be creation the availability of registered offsite credits; and
 - So far as offsite habitat enhancement cannot be secured purchasing statutory biodiversity credits.
42. As set out above, the priority for habitat enhancement and creation is on site. Where a developer cannot achieve BNG wholly or partly on site, then the developer can secure the unit shortfall by securing a bespoke site for BNG or from appropriate sites on the local net gain habitat market from other landowners. If a residual shortfall remains, then the Act provides for the Secretary of State to set up a system of national biodiversity credits that will be invested in habitat creation. This scheme allows the government to sell biodiversity credits to developers if required where onsite and off-site provision locally cannot be achieved but as a last resort. The price of national biodiversity credits is set higher than prices for equivalent biodiversity units on the market.
43. Where impacts on biodiversity are unavoidable, the hierarchy indicates that these should be minimised and addressed on-site. If there are impacts that cannot be mitigated through BNG on or off-site, then the development should be refused. Each development proposal should include a clear reasoned statement on how the mitigation hierarchy has been applied. Consideration of how the BNG mitigation hierarchy has been applied will include the following sequential approach:

Guidance Note 2: Consideration of the BNG Hierarchy

Biodiversity net gain should follow the BNG Hierarchy and be delivered:

- On site in the first instance;
- Off site where it can be demonstrated that after following the BNG mitigation hierarchy, all reasonable opportunities to achieve net gains on site have been exhausted; and
- If it is robustly justified that on site and off site BNG provision is insufficient, then statutory credits may be considered as a last resort.

44. Information required as part of the planning application includes a statement of how the BNG Hierarchy has been applied and should contain the following information:

- Information on opportunities / constraints / barriers to maximising BNG on site;
- Methods / approach used to apply the BNG mitigation hierarchy showing the steps taken in a sequential manner to fully explore on site BNG with appropriate justification; and
- Any changes to the design and layout of the scheme (preferably illustrated with maps and diagrams) as a consequence of using the statutory metric and an iterative approach to maximising BNG on site.

45. Impacts on irreplaceable biodiversity in all but exceptional circumstances should be avoided – these impacts cannot be offset by BNG and require a bespoke approach. Irreplaceable habitats are defined in the Regulations including for example, ancient woodland and ancient and veteran trees. The Regulations prescribe that the loss of irreplaceable biodiversity should be considered separately and adequately compensated for. This should be on a like for like basis or on a like to better basis. The requirement for 10% net gain is an additional requirement and the information provided should account for this separately. The local planning authority must be satisfied that, as a minimum, the mitigation or compensation plan meets requirements in relevant policy and guidance, and decisions on planning applications should be made in line with the NPPF.

46. It is important to note that existing levels of protection afforded to protected species and legally designated sites such as Sites of Special Scientific Interest, Local Nature Reserves and Local Wildlife Sites are not changed by the requirement for BNG and the relevant parts of the NPPF, ACS Policy 18 and ACS Policy 19 will continue to apply. Statutory obligations and other policy protections will still need to be satisfied for these, requiring separate mitigation or compensation.

Ways to achieve Biodiversity Net Gain.

47. Guidance on incorporating biodiversity into developments is set out in the Biodiversity Net Gain Framework for Nottinghamshire and Nottingham which is included as **Appendix 3**. Examples of habitat types that could be deliverable include, but are not restricted to:

- Semi natural broadleaved woodland;
- Ponds;
- Scrub;
- Hedgerows;
- Semi improved grasslands;
- Parkland and scattered native trees; and
- Orchards.

48. In all cases, the delivery of BNG onsite should seek to contribute towards design quality and a sense of place. A holistic approach to BNG should align with achieving good design in terms of high-quality streets, open spaces, Green Infrastructure and soft landscaping. Gedling Borough Council is preparing a borough wide Design Code which will be adopted as a Supplementary Planning Document.

Guidance Note 3: Approaches to securing BNG

- Qualifying developments should seek to incorporate BNG consistent with the principles of securing a high-quality design and sense of place. Developers should consider how BNG could deliver other benefits relating to peoples' wellbeing and to address climate change.
- Developers should:
 - Seek to replace habitats being lost with the same or similar habitat where possible and practical.
 - Consider providing a higher value habitat (as defined in the Biodiversity Metric) which would not be out of place or compromised by their location.
 - Where it is not possible to pursue a like for like replacement, developers are encouraged to consider on site BNG features that are locally suitable and result in an uplift in BNG value
 - Where a development site is to provide significant on site BNG and it adjoins a designated nature conservation site, developers are encouraged to enhance and create the habitat types for which the adjoining site has been designated.
- Developers should consider the direct and indirect impact on rare and endangered species and potential impact on protected species in the Borough

Designated sites

49. The adopted Local Plan sets out the policy approach for development which may impact on designated sites (see ACS Policy 17 and LPD Policy 18). Designated sites have a higher level of protection and the application of BNG policies on such sites is applied differently. The fundamental principle is that designated sites are avoided. Adverse impacts on 'irreplaceable habitats' such as ancient woodland and veteran trees resulting in the loss, deterioration and/or fragmentation of habitats should also be avoided.

How BNG will be secured?

50. All planning applications for development (including outline and detailed applications) should include a net gain assessment using the most up to date statutory metric as part of the submission. In most cases, Gedling Borough Council will apply a condition and/or section 106 agreement to ensure conformity with the agreed Biodiversity Gain Plan and Metric spreadsheets. More specifically:

- A Section 106 agreement will be required for offsite BNG which the developer is providing on another site.
- A Section 106 agreement may be required if there are significant onsite enhancements.

51. BNG units purchased from an already registered BNG site (habitat bank) will not need a S106 connection to the planning application as the units will already have a legal agreement in place. Proof of purchase of registered local units or BNG credits must be provided in the Biodiversity Gain Plan at discharge of conditions stage. For phased developments, an overall Biodiversity Net Gain Plan must be submitted with the outline planning application. A phased Biodiversity Net Gain Plan for each phase must be submitted to and approved by the Council before the development of that phase can be begun.

Future Maintenance of BNG

52. The Environment Act requires that BNG is secured for a minimum of 30 years. Management and monitoring arrangements are to be:

- legally binding.
- adequately funded.
- informed by regular proportionate monitoring.

53. The financial contributions required in order to deliver and subsequently maintain BNG will be secured through a Section 106 agreement. The amount of contribution will be dependent on the scale and nature of development. For both on-site and off-site BNG on land controlled by the developer, a monitoring fee will also be required which would be additional to the costs of

providing the BNG to cover the Council's costs for monitoring the delivery of BNG (see paragraph 55 below for more detail).

54. The legislation and guidance seek to secure BNG for a minimum period of 30 years. In order to secure ongoing monitoring, the Council will require submission of ecological reports at agreed intervals in order to evidence maintenance of the habitats that have been secured as part of the BNG. In all circumstances, a legal agreement between the council and developer will be drawn up requiring that the actions of the Biodiversity Net Gain Plan are undertaken and ensuring that the responsibility of undertaking the Biodiversity Net Gain Plan is to be passed on to any subsequent landowner.

Monitoring fees

55. Whilst the developer is responsible for delivering the actual habitat, responsibility for monitoring its delivery rests with the local planning authority and specific and proportionate monitoring requirements as part of planning conditions or legal agreements will be used to secure BNG. Typically, this is likely to be a series of progress reports on BNG delivery to be submitted to the Council at agreed intervals for review and audit and may necessitate the Council's planning/ecological officers to undertake site visits. Gedling Borough Council already has a policy on Monitoring Fees for Section 106 Agreements and it is proposed to base the cost of monitoring BNG on this established policy. See **Appendix 4** for more detail.

Nottinghamshire BNG landbank

56. Nottinghamshire County Council is the responsible body for preparing the LNRS, which is anticipated to be published in 2024/25. When available, the LNRS will inform a future review of this Guidance. This strategy is likely to identify potential locations and priorities for offsetting biodiversity.
57. The general principle, as set out in the Nottinghamshire BNG Framework, is that offsite biodiversity units should be located close to the development site and this principle is likely to be enshrined in the forthcoming LNRS. The preference is for onsite provision of BNG, however, in certain cases it may be appropriate or necessary to provide off site BNG and developers are encouraged to locate off site BNG as close to the development site as possible. In this context, the Metric incentivises offsite provision close to the development through the application of the spatial multiplier.
58. The potential of a development site to provide BNG is very much dependent on its individual site characteristics and, to a degree, site size. Although small sites can deliver the required BNG it is likely to be more challenging,

especially on very small sites, for example housing sites with capacity for only a few dwellings. Gedling Borough Council is working with partners to establish a data base of potential sites for local offsetting projects. More information will be placed on the Council's website when available.

Appendix 1: Condition of biodiversity in Gedling Borough

Condition of Biodiversity in Gedling Borough

The Natural History Museum has assessed the UK is one of the most nature deprived countries in the world (NHM, 2020).

Biodiversity has declined in the East Midlands... to the lowest level for any English region (Regional Spatial Strategy for the East Midlands RSS8) (NE, 2009).

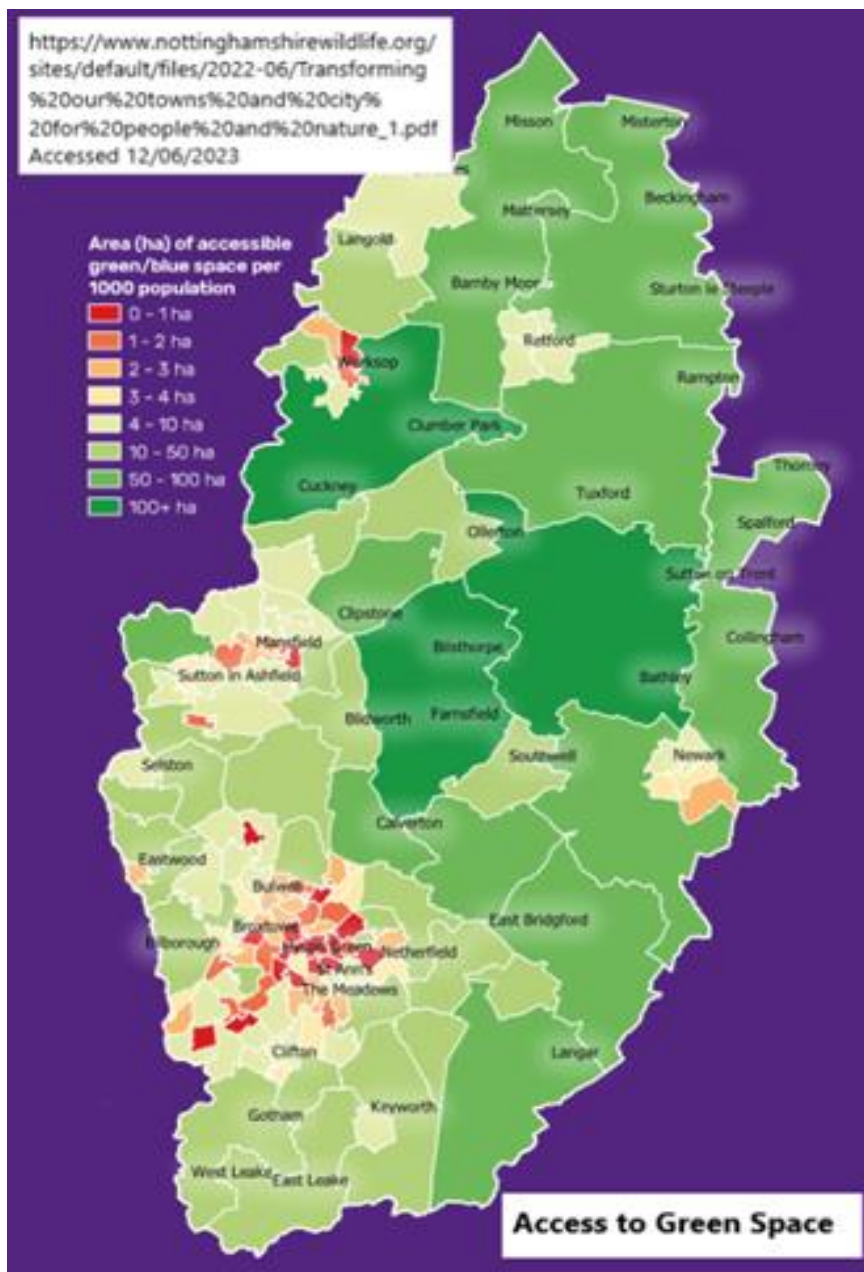
Designated Sites

In the UK (as at 31 March 2022) there are 2.594 million ha of land designated as 'protected areas' including Special Sites of Scientific Interest (SSSI), Marine Conservation Zones (MCZ), Nature Conservation Marine Protected Areas (NCMPA), National Nature Reserves (NNR), Ramsar Sites (protected wetland sites), Special Areas of Conservation (SAC) and Special Protection Areas (SPA), covering 10.6% of the UK (JNCC, 2023). In Gedling, there is one (in 2023) Site of Special Scientific Interest (SSSI) and no other 'protected areas', this covers 38.7 ha or 0.003 % of Gedling Borough. The majority of this site (81%) is in favourable condition with the remainder being in unfavourable condition.

Locally designated nature conservation and geological sites include Local Nature Reserves, Local Wildlife Sites and Local Geological Sites. Together this totals 1,449 ha covering 12% of Gedling Borough. There are 78 Local Wildlife Sites in Gedling Borough amounting to 1250 ha covering 10% of Gedling Borough slightly higher than the Nottinghamshire average (8.59% with Ashfield District having the highest coverage at 17.25%) although only approximately 30% of these LWSs were under a positive management regime (Authority Monitoring Report 2019 - figures for 2018/19). In addition, there are five Local Geological Sites.

Access to nature

Natural England has carried out an assessment of access to nature across England. NWT published the following map in its document 'Transforming our towns and city for people & nature' (NWT, 2022), using this data:



The red hues indicate the areas within Nottinghamshire that have the least access to green/blue space. This shows that the Nottingham City area has the worst access to green space in Nottinghamshire, but this is closely followed by the urban parts of Broxtowe, Gedling and Rushcliffe.

Environmental Inequalities & Risk Scorecard

The Environment Agency in 2022 produced Environmental Scorecards for Nottinghamshire. The Gedling Environmental Inequalities section of the scorecard, provides a matrix of environmental inequality indicators; for Plants and Animals, which considers the percentage of the authority's area covered by local or national nature conservation designations and Gedling scores 174 (the higher the score the worst the result), which is slightly better than the average across Nottinghamshire of 209 with the best score (Ashfield) being 152 (EA, 2022). The Environmental score card also assesses the proportion of woodland, public parks gardens, play space,

playing fields, allotments and community growing space in “large” urban areas and this indicates that Gedling has the worst score of all Nottinghamshire Districts – 310 compared to the Nottinghamshire average of 180.

Gedling Biodiversity Opportunity Mapping (BOM)

The BOM maps indicate that Gedling Borough is a particularly important area for its biodiversity and that this part of Nottinghamshire supports a diverse range of habitat types.

Woodland

Opportunities for woodland are widespread across Gedling Borough. The BOM identifies that the greatest concentrations of existing woodland are in the northern part of the Borough. In the south of the borough, the existing woodland resource is much less widespread and greatly fragmented.

Heathland and Acid Grassland

Acid grassland and heathland habitat are limited to the northern half of Gedling Borough due to the influence of the underlying geology (Sherwood Sandstone). As a result, all the opportunities for this important broad habitat type are restricted to the north of Gedling Borough with clusters of opportunities identified around Bestwood, Calverton, Newstead and Ravenshead.

Other Grassland

Grassland opportunities tend to be spread across Gedling Borough. This reflects the fragmented nature of the existing grassland resource. There are clusters of existing grassland habitat that are present in the River Leen catchment and in areas surrounding Lambley and Burton Joyce. These offer opportunities to maintain and reconnect this resource.

Wetland

The wetland opportunities identified in the Gedling BOM are associated with the main river catchments within the district. These include the short section of the River Trent (between Gunthorpe and Netherfield), the River Leen (including the Daybrook), Cocker Beck, Dover Beck, Rainworth Water and the Ouse Dyke.

Nottinghamshire Local Biodiversity Action Plan

The Nottinghamshire Local Biodiversity Action Plan document contains Habitat Action Plans for types of priority woodland, grassland, wetland and farmland habitat. Priorities for individual districts are also included in this document. For Gedling Borough, priorities include:

- Lowland neutral grassland;
- Mixed Ash-dominated woodland;
- Oak-Birch woodland;
- Lowland dry acid grassland;

- Lowland calcareous grassland;
- Open mosaic habitat;
- Reedbeds; and
- Rivers and streams.

Appendix 2: Information required in support of a planning application

Type of report	Detail Required
Statement	<p>A statement as to whether the applicant believes that planning permission, if granted, would be subject to the standard biodiversity condition.</p> <p>Where the applicant believes that planning permission, if granted, would not be subject to the standard biodiversity condition, the reasons for this.</p> <p>A statement as to whether the biodiversity of the site is lower than it otherwise should have been due to degradation of the site.</p>
<p>Biodiversity Net Gain Information required in support of a planning application.</p> <p>(May form part of the Ecological Appraisal or Ecological Impact Assessment).</p>	<p>Information provided should:</p> <ul style="list-style-type: none"> ○ Be based on a survey. ○ Establish the base line position on site including the area of each habitat and length of each linear feature present within the application site. ○ Identify the habitat type and condition. ○ Demonstrate the baseline value of the site (prior to development) and the post development value using the statutory biodiversity metric. <p>The written information should set out how the mitigation hierarchy has been applied.</p> <p>Clear scaled maps will be required showing precisely where the Biodiversity Unit scores occur for both the baseline and post-development scenarios.</p> <p>Submit the Biodiversity calculations for validation including full versions of the statutory Biodiversity Metric spreadsheets.</p> <p>A description of any irreplaceable habitat as defined in the Biodiversity Gain Requirements (irreplaceable habitat) Regulations 2024 is present on site at the relevant date.</p> <p>Optional Draft Biodiversity Net Gain Plan Draft Heads of Terms for S106 if required.</p>

Appendix 3 – incorporating biodiversity into developments (Extract from the Nottinghamshire Biodiversity Framework)

The following are simple measures which can be used to design biodiversity into developments (noting that not all of these can be delivered through BNG).

Planting and Landscaping

- Design landscaping with biodiversity in mind
- Use native species of seasonal value and importance to local wildlife in planting schemes
- Create rough grassland areas as wildlife corridors with appropriate mowing regimes
- Plant nature depleted open spaces with native grass and wildflower mixes
- Encourage allotment creation with hedgerows, fruit tree avenues, beetle banks and other wildlife corridors
- Create environmental features in parks and open spaces, including copses, ponds, ditches, rough areas and dead wood piles
- Where appropriate and safe to do so, provide some standing dead wood or lying dead wood.
- Maximise tree canopy cover with the aim of covering no less than 20% of the developed area
- Link site to a network of green corridors within the locality and seek to complement the Nature Recovery Network by delivering habitats that can provide connectivity and function
- Provide wildflower meadows, grass-cut mazes or verges that are appropriate in a semi-urban context.
- Consider the potential for planting new community orchards using local varieties of apple, pear and plum

Drainage and Water Management

- Include reedbed and willow filtration systems within sustainable drainage systems (SuDS).
- Provide soft-edged drainage ditches in place of underground pipes where possible.
- Provide rough grass and scrub as habitats for amphibians when in their terrestrial phase.
- Where there are natural streams or rivers adjoining the development retain rough riparian grassland or sandy banks with some overhanging trees to encourage kingfishers, sand martins, water voles and otters.
- Consider soft engineering options instead of canalising watercourses.
- Consider building a sand martin wall in a relatively undisturbed area.

Habitat Creation

- Incorporate green walls by providing wildlife-friendly climbing plants on unused walls and boundary fences as nesting habitat for birds, bat roosts and for invertebrates.
- Install hibernacula, insect hotels, hedgehog shelters and corridors, habitat piles / compost heaps.

- Consider the use of green or 'living' roofs that feature local native vegetation.

Habitat Enhancement

- Provide integral house 'bricks' for swifts and bats, or integral nest boxes and ledges for barn owls.
- Encourage the use of durable bat boxes, house sparrow boxes, house martin/swallow nests etc.

Appendix 4 Monitoring Fees

Monitoring Area	Monitoring activity	Quantity of monitoring (triggers)	Monitoring Fee
BNG	Review report submitted by developer/landowner and check for compliance. This will be done in perpetuity which is 30 years.	Review of monitoring reports at completion of development then at 2, 5, 10, 20 and 30 years after completion date. Site visits as part of review of submitted reports at completion of development then at 2, 5, 10, 20 and 30 years after completion date.	In accordance with GBC S106 and Unilateral Undertaking Monitoring Fee Policy Statement. Indexing will be applied to all fees.

Note

The monitoring charge per trigger is based on Gedling Borough's current Monitoring Fee Policy which will be subject to change annually on 1st April each year and will be indexed against the RPI Index.

The number of triggers typically reports at completion date then years 2, 5, 10, 20 and 30 years after completion date but this may vary depending upon the characteristics of the site in question and would be agreed as part of the planning obligation.

Glossary

Avoidance – measures taken to avoid creating impacts from the start, for example, by changing the location of the development or development activities within the site to avoid the habitats present.

Biodiversity Credits - a system of national biodiversity credits that will be invested in habitat creation. This scheme allows the government to sell biodiversity credits to developers if required where onsite and off-site provision locally cannot be achieved but as a last resort.

Biodiversity Net Gain (BNG) - A way to contribute to the recovery of nature while developing land. It will ensure that habitat for wildlife is in a better state than it was before development.

Biodiversity Metric – A biodiversity accounting tool that used for the purposes of calculating Biodiversity Net Gain. At the time of publication, the current version of the Metric is version 4.0, but all references to the Metric relate to the latest version of the published Metric. The Biodiversity metric measures habitat in terms of Biodiversity Units which is the number of BNG units to be provided on site or nearby off site as compensation.

Biodiversity offset – compensatory habitat outside the development boundary (red line)

Biodiversity Units – see Biodiversity Metric above.

Condition - A measure of the habitat against its ecological optimum state. Condition is a way of measuring variation in the quality of patches of the same habitat type.

Conservation Covenants – A new type of voluntary but legally binding agreement enabled through the Environment Act (2021). They are designed to secure the long-term conservation of the natural or heritage features of the land covered by the agreement.

DEFRA – the Department for Environment, Food and Rural Affairs

Ecological Network – An ecological network comprises a series of ecological sites which collectively contain the diversity and area of habitat that are needed to support species, and which have ecological connections between them facilitating the movement of species.

Habitat creation - The removal or the loss of the present habitat in the action of creating the new one or creating habitat where none was previously present (including bare ground).

Local Biodiversity Action Plan (LBAP) – the Nottinghamshire LBAP is a framework for the conservation and recovery of nature, comprising of Species Action Plans and Habitat Action Plans.

Local Wildlife Site (LWS) – a site of local importance for the conservation of biodiversity. LWSs receive no legal protection but are given some degree of protection through the planning system. They are of substantive value for the conservation of biodiversity, and are home to rare and scarce species, or represent the best surviving examples of habitats that were once widespread. Previously known as Sites of Importance for Nature Conservation (SINCs).

Marine Conservation Zone – an area that protects a range of nationally important, rare or threatened habitats and species in the marine environment.

Mitigation hierarchy – a framework used to avoid, mitigate against or compensate for impacts on biodiversity, and embedded in the National Planning Policy Framework.

Nature Recovery Network (NRN) – a commitment in the government’s 25 Year Environment Plan and enacted by the Environment Act (2021), the NRN will be a national network of wildlife-rich places which will be expanded, improved and connected across cities, towns, countryside and coast.

National Planning Policy Framework (NPPF) - a national statement of planning policy in England, which includes policy on biodiversity (and geological conservation)

Natural England – government’s adviser for the natural environment in England

Nottinghamshire Biological and Geological Records Centre (NBGRC) – Nottinghamshire’s local records centre, which administers the LWS/LGS system in the county.

[Biological Recording in Nottinghamshire – Nottinghamshire Biodiversity Action Group \(nottsbaq.org.uk\)](http://nottsbaq.org.uk)

Nottinghamshire County Council – ecological advice general contact details:

[Contact us | Nottinghamshire County Council](#)

Nottinghamshire Wildlife Trust - Nottinghamshire Wildlife Trust is the county's leading conservation charity run by local people for the benefit of local wildlife, with nature reserves across the county.

[Homepage | Nottinghamshire Wildlife Trust](#)

Site of Special Scientific Interest (SSSI) – nationally important and legally protected sites that represent the finest sites for wildlife and natural features in Britain, supporting characteristic, rare and endangered species and habitat.

Special Areas of Conservation (SACs) are protected areas in the UK designated under the Conservation of Habitats and Species Regulations 2017

Special Protection Areas - A Special Protection Area (SPA) is the land classified under Directive 79/409 on the Conservation of Wild Birds.

Appendix 3



Climate Impact Assessment

Name of project, policy, function, service or proposal being assessed:	Gedling Borough Guidance on Biodiversity Net Gain			
The main objective of (Gedling Borough interim Planning Policy Statement on Biodiversity net gain):	This Guidance seeks to add further detail to the requirements of the Environment Act 2021 in relation to achieving biodiversity net gain (BNG) from the development of land.			
What impact will this (Gedling Borough Interim Planning Policy Statement on BNG) have on the following:				
Category	Negative	Positive	No impact/ Negligible change	Mitigation/ Comments
		Positive impact		The Guidance seeks to implement national legislation to achieve

Behaviour & Culture Change				a minimum of a 10% increase in biodiversity. The Guidance is aimed principally to support developers to make BNG compliant planning applications. It intends to ensure BNG is considered at the outset of the planning application process and be an integral part of the design process. Developers are also advised to consider the wider role of BNG in terms of adaptation and climate change.
Built Environment		Positive impact		The Guidance will seek a minimum 10% biodiversity net gain which will enhance the quality and experience of living in the built environment.

Transport			No impact	Potentially result in BNG being provided as Blue or Green infrastructure in areas currently deficient which may reduce the need for people to travel to Blue or Green Infrastructure that is further away. However, direct effects are considered broadly neutral.
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Energy, Natural Resources & Climate Change		Positive impact.		<p>BNG is specifically designed to achieve a net increase in biodiversity through the protection, enhancement and creation of new habitat which will have a positive effect on natural resources.</p> <p>BNG in the form of new green infrastructure providing habitat can contribute towards mitigating climate change through absorbing carbon. It can also be provided as part of mitigation measures such as SuDs and the creation of natural systems to mitigate against flooding.</p>
Waste Reduction & Recycling			No impact	Broadly neutral.
Blue-Green Infrastructure/Biodiversity		Positive impact		BNG is designed to achieve a net gain in

				biodiversity which must be measurable. BNG can be provided as part of Blue Green Infrastructure and assist in connecting existing blue and green infrastructure networks.
Procurement & Purchasing			No impact	

In response to the information provided above please provide if there is any proposed action including any consultation that is going to be carried out

Planned Actions	Timeframe	Potential Outcome	Responsible Officer
Guidance has been subject to consultation.	January / February 2024	Changes arising from consultation and approval as Guidance.	Planning Policy Manager

Authorisation and Review

Completing Officer Authorising Head of Service/Director Date Review date (if applicable)	Graeme Foster, Principal Planning Officer
	Mike Avery, Head of Development and Place

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