

Date: 08 January 2024
Registration identification no: 20039412
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BY EMAIL ONLY

Dear Jo Dowling

NSIP Reference Name / Code: TR020001
User Code: 20039412

Written Questions (ExQ2)

Examining authority's submission deadline 7 with a date of 09 January 2024

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

We have the following responses to the Written Questions that have been directed to us:

Question BCG.2.3 *All Interested Parties* Central Government Policy and Guidance Are you aware of any updates or changes to Government policy or guidance, including emerging policies, such as the National Planning Policy Framework (NPPF), that may come into force before the end of the reporting period that could be relevant to the determination of this application? If yes, what are the likely implications for the application?

Response: On 29 November 2023, the government published the Statutory Instruments for Biodiversity Net Gain, as well as the process for these regulations being laid before parliament: [The Biodiversity Net Gain Statutory Instruments - explained - Land use: policies and framework \(blog.gov.uk\)](#).

This also included new government guidance: [Biodiversity net gain - GOV.UK \(www.gov.uk\)](#), which includes the following:

- the statutory biodiversity metric, critical for calculating the correct biodiversity gain: [Statutory biodiversity metric tools and guides - GOV.UK \(www.gov.uk\)](#)
- the draft biodiversity gain plan template, which will help developers prepare for what they will need to complete during the planning application stages: [Biodiversity gain plan - GOV.UK](#)

www.gov.uk

- the Habitat Management and Monitoring Plan template, which will set out how the improved significant on-site and off-site habitats will be managed for the long term: [Habitat Management and Monitoring Plan Template - JP055 \(naturalengland.org.uk\)](https://naturalengland.org.uk/jp055)
- a package of BNG guidance that sets out further advice for landowners, developers, and Local Planning Authorities around their role and responsibilities in delivering mandatory BNG
- Draft Planning Practice Guidance which covers more of the technical and legal aspects: [Draft biodiversity net gain planning practice guidance - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/draft-biodiversity-net-gain-planning-practice-guidance)

Major developments (Town and Country Planning Association) in England will be required to deliver 10% “Biodiversity Net Gain” from **January 2024 (specific date to be confirmed)**. This is not anticipated to affect this application because the timetable for implementation of mandatory Biodiversity net gain for Nationally Significant Infrastructure Projects remains unchanged and is still planned for late 2025.

Section 245 of the Levelling Up and Regeneration Act replaces the old duty to ‘have regard’ to the statutory purposes of National Parks and AONBs with a revised duty as follows:

“In exercising or performing any functions in relation to, or so as to affect, land in an area of Outstanding Natural Beauty in England, a relevant authority other than a devolved Welsh authority must seek to further the purpose of conserving and enhancing the natural beauty of the Area of Outstanding Natural Beauty”.

The duty comes into effect on the 26th December 2023. After that date it will apply to any land use planning proposal affecting protected landscapes being prepared by a public utility (like National Grid, Highways England or any of the water supply and service companies); and to land use planning decisions made by local planning authorities, Planning Inspectors or the Secretary of State.

I hope this is helpful; we are happy to answer any further questions as required.

Yours sincerely

Alison Collins MCIEEM
West Anglia Area Team