

**UPDATE FOLLOWING THE PUBLICATION OF A REPORT TO THE PLANNING COMMITTEE
– TUESDAY 16th NOVEMBER 2021**

1. 21/00357/FUL Residential development comprising of 44 dwellings with access from Birch Close; access roads, parking and landscaping at Land to the east of Birch Close and north of Solent Gardens, Freshwater

Nature of Representation

Since the completion of the officer report, the Environment Bill has become law. The Environment Act includes a requirement for environmental net gain, a concept that aims to ensure that developers leave the environment in a measurably better state compared to the pre-development baseline. The requirement is for developers to deliver a 10% increase in biodiversity, known as Biodiversity Net Gain.

In relation to this planning application, it should be noted that it must be determined in accordance with adopted policy guidance and the law. The NPPF refers to net gain and advises that when determining planning applications, opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate.

The planning application was submitted prior to the Environment Act 2021 becoming law. However, it is considered that planning conditions related to the proposed development and the associated legal agreement could include requirements for the development to meet Biodiversity Net Gain. This would be agreed via the condition discharge process, which would require the submission of a biodiversity gain plan, that would need to be undertaken in accordance with Natural England guidance and include a biodiversity metric, which would compare the baseline for the site with the need for 10% Biodiversity Net Gain. This is possible because the site was surveyed by a qualified ecologist in May 2021, with the findings recorded within the ecology survey that supports this planning application.

Biodiversity Net Gain can be delivered in a variety of ways. This can include onsite enhancement of existing habitat, habitat creation or delivery of habitat enhancement in alternative areas, through contributions or works secured via a planning obligation. The Environment Act requires habitats to be secured for a minimum of 30 years, a requirement that would be secured through a planning obligation.

As a result, officers propose that draft condition 18 is updated to include a requirement for Biodiversity Net Gain, as drafted below:

No development shall take place until an Ecological Management Plan (EMP) has been submitted to and approved in writing by the Local Planning Authority. The EMP shall set out measures to protect wildlife during both construction and operational phases of the development, based on the principles of the Preliminary Ecology Appraisal and include detailed ecology surveys that build upon the Appraisal as well

as measures to achieve Biodiversity Net Gain. The EMP shall include the following additional information:

- The methods of construction and works for clearing vegetation on a precautionary basis (by hand or using light machinery to be agreed as part of this condition) to prevent harm to protected species
- Measures to prevent open trenches from infilling with water, to prevent trapping of wildlife
- Details of working methods to prevent harm to protected species recorded through the additional species surveys
- Details of the location and number of bird and bat boxes to be installed at the site
- Methods of ensuring wildlife connectivity throughout the site
- Details of additional planting and habitat creation (in combination with condition 19) to ensure ecological enhancement and Biodiversity Net Gain
- If during any stage of development of the site protected species are identified, an ecologist should be contacted to ensure compliance with wildlife regulations, including periods when works should cease due to nesting and hibernation seasons.

Development shall be carried out in accordance with the approved details.

Reason: To avoid impacts to, and to ensure the favorable conservation status of protected species and habitats, in the interests of the ecological value and visual amenity of the area and to comply with the requirements of policy FNP 12 – Natural Environment of the Freshwater Neighbourhood Plan, policies SP5 (Environment), DM2 (Design Quality for New Development) and DM12 (Landscape, Seascape, Biodiversity and Geodiversity) of the Island Plan Core Strategy, section 15 of the NPPF and the Environment Act 2021. This is a pre commencement condition due to the requirement to protect ecology at all stages of site works.

In addition, officers propose that an additional requirement for Biodiversity Net Gain is added to the heads of terms for the legal agreement, as set out within section 8 of the committee report.

Officer conclusion

For Councillors to note the requirements for Biodiversity Net Gain and the above revised condition and additional requirement for the legal agreement. No change to recommendation.

2. 19/01544/OUT Demolition of workshops and yard; outline for proposed residential development and the means of access at Land to the rear of 162 to 182 Gunville Road, Carisbrooke, Isle of Wight

Nature of Representation

Since the completion of the officer report, the Environment Bill has become law. The Environment Act includes a requirement for environmental net gain, a concept that aims to ensure that developers leave the environment in a measurably better state compared to the pre-development baseline. The requirement is for developers to deliver a 10% increase in biodiversity, known as Biodiversity Net Gain.

In relation to this planning application, it should be noted that it must be determined in accordance with adopted policy guidance and the law. The NPPF refers to net gain and advises that when determining planning applications, opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate.

Biodiversity Net Gain can be delivered in a variety of ways. This can include onsite enhancement of existing habitat, habitat creation or delivery of habitat enhancement in alternative areas, through contributions or works secured via a planning obligation. The Environment Act requires habitats to be secured for a minimum of 30 years, a requirement that would be secured through a planning obligation.

Officer conclusion

The planning application was submitted prior to the Environment Act 2021 becoming law. However, officers are satisfied that, as an outline, sufficient space is available on site to ensure the that required net gain is achieved.

No change to recommendation

Nature of Representation

Newport and Carisbrooke Community Council have clarified that their objection to the application was made nearly two years ago, since which time a new community council has been elected and in its response to the allocation of this site just over a month ago, made the following comment:

"Members were in agreement that this site is an appropriate site for this level of proposed housing, but there needs to be significant highway infrastructure improvements to facilitate for the increase in traffic that is inevitable with the construction of between 150/175 homes."

Officer conclusion

The allocated site is larger than that being considered within this application, accounting for the difference in indicative unit numbers.

No change to recommendation.

Nature of Representation

Since the publication of the report two additional letters of representation have been received objecting to the application. Issues raised can be summarised as follows:

- Removal of pinch point will increase speed
- Road entrance would destroy roman remains
- No provision for children's play area
- Foul drainage is at capacity
- Loss of greenfield area would increase run off speed to Gunville Stream
- What is being done to ensure these won't be second homes or for rental
- Island Roads and Community Council have objected
- No contamination report submitted
- Ecology information is not good enough
- Over-development of village
- No sequential test
- Fumes from congestion
- Need for housing is a misnomer
- Monetary contributions should not play any part in environmental considerations

Officer conclusion

Officers consider that these matters are already considered within the published report

No change to officer recommendation.

Ollie Boulter – Strategic Manager for Planning and Infrastructure Delivery
Sarah Wilkinson – Planning Team Leader
Russell Chick – Planning Team Leader

16/11/2021