

# Developer Forum

## 12 August 2022

Adam Hill  
Chief Executive Officer



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# Introduction

- Adam Hill – New Chief Executive of MDC
- Role and key interest areas
- MDC's aspirations - high quality / green development
- MDC's desire to engage constructively with the development industry



# Formal notices

- Fire drill
- Photographs and audio recording of the meeting
- Mobile phones
- Timings



# Developer Forum purpose

- Purpose of the forum is to:
  - help improve the delivery and quality of development schemes
  - create open and transparent channels of communication between developers / MDC
  - seek interest from developers in the Growth Delivery Group (GDG)
  - provide attendees with regular planning updates
- Eighth forum since launch four years ago
- Theme today is 'Environment and infrastructure'
- Handover



# Speakers:

- David Thompson – Mansfield District Council – **Planning and Regeneration update**
- Adam Boucher – Severn Trent Water Ltd – **Mansfield Green Recovery Programme**
- Paul Tebbitt – Mansfield District Council – **Sustainable Drainage Systems: Draft SPD**
- Steve Ball & Penny Carolan – Western Power Distribution – **Overview on the upcoming changes and implications of the code review**
- Mark Speck – Nottinghamshire Wildlife Trust and Paul Tebbitt – Mansfield District Council – **Biodiversity Net Gain**



# Planning and Regeneration Update

David Thompson  
Growth and Regeneration Manager



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# National picture

1. Levelling up Bill (first reading in Parliament in May 2022);
2. Reforms based on speeding up the Local Plan process and 'standardising' the Development Management Process;
3. Councils with an 'up to date' Local Plan will be exempted from the need to demonstrate a 5 year supply of housing land.



# Levelling up Bill – Local Plan

- ‘*Supplementary Plans*’ - a lighter touch route for LPAs wishing to introduce policies relating to specific sites, types of development, and for adopting local design codes.
- Local plans will need to be prepared within a 30-month timeframe and will be expected to be updated at least every five years;
- Requirement to produce area-wide Design Codes.





# Levelling up Bill – Development Management

- Primacy of the Local Plan in decision making – material considerations must ‘strongly’ indicate otherwise for departure;
- Development Management policies to be set at the national level and to apply in all LPA areas;
- More flexibility to amend existing planning permissions - Section 73B, a new route to vary an existing, express, original planning permission when making non-substantial changes, including to the description of development.
- ‘*Street Vote*’ provision. This is intended to “*allow residents to propose development on their street and hold a vote to determine whether it should be given planning permission.*”



# Levelling up Bill – Infrastructure and Enforcement

- Infrastructure Levy (IL) - to be mandatory, set and collected locally after examination. intentions is that IL rates would be a percentage of the final GDV of a scheme or phase of a scheme, above a minimum levy threshold;
- Local authorities are required to prepare Infrastructure Delivery Strategies, identifying a strategy for delivering needed infrastructure and spending the income from the Infrastructure Levy. S106 still used to secure some site specific measures e.g. flood risk mitigation;
- Planning enforcement powers – abolition of the ‘4 year rule’ (application of ‘10 year rule’ to all cases), extension of the duration of temporary stop notices and unlimited fines for noncompliance with breach of condition notices.



# Mansfield context

- Up to date Local Plan and five year housing land supply. Local Plan review programmed for 2025;
- Progress on a number of Supplementary Planning Documents – consulting now on Sustainable Drainage SPD and soon on Affordable Housing and Biodiversity Net Gain SPDs. Soon to adopt Planning Obligations SPD;
- Mansfield town centre masterplan and design code pathfinder.



# GREEN RECOVERY

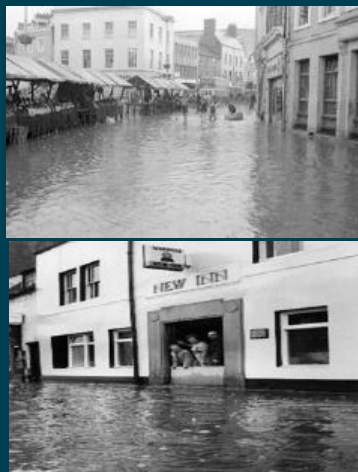
## Mansfield Sustainable Flood Resilience Developer Forum



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Nottinghamshire  
County Council



WONDERFUL ON TAP



# MANSFIELD SUSTAINABLE FLOOD RESILIENCE



- We're investing £76 million in Mansfield on nature-based solutions to protect communities from flooding.
- Working alongside Mansfield District Council and Nottinghamshire County Council.
- Store over 58 million litres of surface water - reducing flood risk for 90,000 people!
- Potential blueprint for how we manage flooding risk in the future.
- Makes Mansfield an even fresher, greener place to live for our customers and communities.

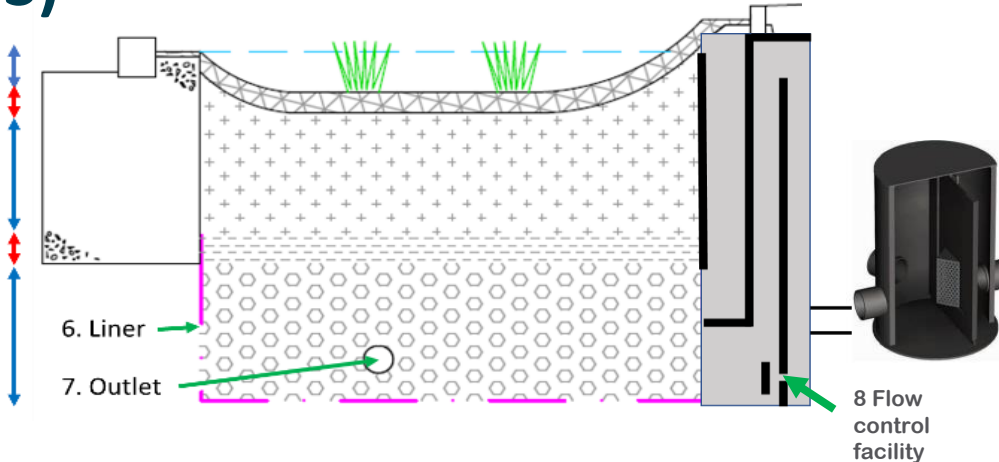
# SuDS (SUSTAINABLE DRAINAGE SYSTEMS)

Nature based template designs to retain surface water, slowing and reducing flow into sewers or back to the ground.



Bio Swale

- 1. Freeboard
- 2. Mulch
- 3. Growing medium
- 4. Filter layer
- 5. Storage layer



Verge Raingarden



Detention Basin



Street Planter



Permeable Paving



# SuDS OVERVIEW

SuDS deliver a wide range of benefits whilst tackling some of our key challenges

## Environmental



- Reduce frequency and magnitude of storm overflow events.
- Accommodates impact of climate change and society
- Helps naturally clean surface water
- Energy and carbon reduction
- Create habitat

## Socio-economic










- Reduced flooding risk for local communities
- Creation of local jobs
- Partnership funding opportunities.
- The green spaces created deliver health & wellbeing benefits
- Town centre cooling

## Application



- Variety so can be flexed to accommodate the local environment
- Interventions are highly scalable, ranging from small planters to large detention basins
- Faster and less disruptive to implement than large scale conventional solutions

PROPOSAL – OWNERSHIP, MAINTENANCE & POWERS


Intervention type		Ownership	Maintenance	Power to lay	Maintained by SvT?
	Permeable paving	Local Authority or Private	Highway Authority or Private	Section 114a of WIA – Drainage systems relieving public sewers unless a sewer.	No
	Verge raingardens	SvT as 'Drainage systems' unless a sewer.	SvT Funded		Yes
	Street planters				
	Planted bioswale				
	Grassed / planted detention basin				
	Bioretention tree pits				
	Rainwater downpipe planters	Landowner	Landowner	Negotiation	No



# OFFERING FOR DEVELOPERS

The basis of the opportunity will be as follows for any development that can achieve end to end application to build by 31<sup>st</sup> March 2025:

- Local Authority, Private & NHH re-developments (Brownfield / Change of use) considered.
- The proposal is in an area where development currently discharges to the foul combined sewerage network
- The proposal delivers enhanced SuDS that satisfy Severn Trent standards and are fed direct from impermeable surfaces (roads, footpath or roofs etc).
- The proposal would result in attenuation that should cater for all rainfall events up to and including the Severn Trent critical storm event, 1 in 10-year with a 240minute duration, enabling the developers 100year +CC% storage to be significantly reduced.



**GET RIVER POSITIVE**

CORE PLEDGES:


**OUR RIVER PLEDGES**

Improving the health of our regions' rivers is a team game. We believe that water companies need to show more leadership. We need to listen, be transparent and set out a credible way forward. And that is why we are committing to Get River Positive: our five step plan to the healthiest rivers in the UK.


Get River Positive is underpinned by five key pledges that pave the way for the restoration and revitalisation of our regions' rivers.



Ensure storm overflows and sewage treatment works do not harm rivers



Create more opportunities for everyone to enjoy our region's rivers



Support others to improve and care for rivers



Enhance our rivers and create new habitats so wildlife can thrive



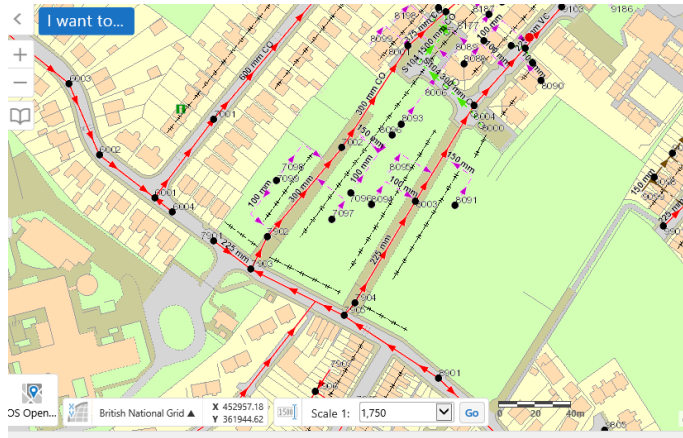
Be open and transparent about our performance and our plans

www.getriverpositive.co.uk

*Note - Greenfield sites will remain unchanged. (ie SuDS Hierarchy applied & a connection to the foul/combined sewer would only be considered, at greenfield run off rate, under rare exceptional circumstances where all other options have been completely exhausted).*

<https://www.stwater.co.uk/get-river-positive/blog/introducing-get-river-positive/>

## DEVELOPER OPPORTUNITY PILOT – RESIDENTIAL POPPY FIELDS – CENTENARY ROAD



- Brownfield site - Recently demolished former terrace properties.
- New 77 council property dwellings under design by MDC.
- MDC to incorporate SvT SuDS into the design with top up funding contribution from SvT.
- The developer's Flood Risk Assessment storage requirement (100 year + CC%) can be significantly reduced by 262.5m<sup>3</sup> with exceedance routes to required FRA storage.
- Land & Interventions (in highway and public open space) to transfer to SvT instead of under section 38 to NCC Highways.

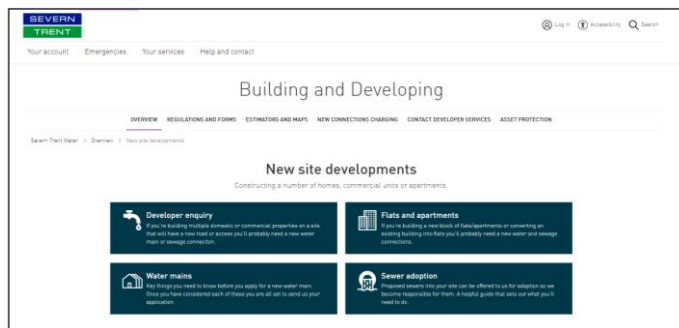


# HOW TO

The process for applying to secure top up funding for enhanced SuDS as part of new development proposals is:

- Seek the informal opinion of Severn Trent water as early as possible in the design process in order to agree whether the proposal is eligible for funding and seeking pre-design advice.
- Submit a written application to Severn Trent seeking funding for SuDS enhancements.
- Severn Trent assesses the initial application and seeks clarification on detailed matters.
- Top up funding is agreed, and contractual process to provide SuDS outlined in planning application.

Applications can be made via Severn Trent's web-site: <https://www.stwater.co.uk/building-and-developing/overview/new-site-developments/>



# Draft Sustainable Drainage Systems (SuDS) Supplementary Planning Document (SPD)

Paul Tebbitt

Interim Planning Policy Team Leader



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# Draft Sustainable Drainage Systems SPD

- Draft SuDS SPD supplements policy CC3 of the MDC Local Plan and consistent with NPPF (167 & 169)
- Seeks to secure measures that reduce and manage surface water to minimise the potential risk of flooding
- SPD also seeks to: Improve biodiversity / Enhance Green Infrastructure / Reduce water pollution / Deliver Public realm improvements and Help to provide resilience & adaptation to climate change
- Identifies 15 specific guidance areas – from applying for ST funding, design, and long term maintenance



# Draft Sustainable Drainage Systems SPD

Some of the main guidance areas that the document deals with are:

- Optimising opportunities for SuDS through the ST programme
- Different types of SuDS that could be considered
- Large & small site SuDS options
- SuDS 'discharge hierarchy'
- Delivering other benefits – public realm / GI / Biodiversity
- Delivery and maintenance of SuDS



# Draft Sustainable Drainage Systems SPD

- 6 week consultation on the draft SPD
- 29 July to 12 September
- Comments sought from environmental bodies, developers and other interested parties
- Changes made following representations
- Statement of consultation produced
- Adoption as Supplementary Planning Document



# Questions



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# Break – until 10.15am



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# Developer Forum

Overview on the upcoming  
changes and implications on the  
Significant Code Review

Penny Carolan  
Connections Strategy Engineer  
and  
Steve Ball 11kV Planner  
12<sup>th</sup> August 2022

# Introduction

## Objectives for today:

- To inform the developer forum about the changes that will go live on 1<sup>st</sup> April 2023 following Ofgem's final determination from the Access Significant Code Review (SCR).

## Why now?

- Make it easier to reinforce the electricity grid for our customers.
- To facilitate net zero and the connections of Low Carbon Technologies (LCTs)
- Transforming the way in which the costs associated with new connections are charged and how access to the network is managed, with the aim of accelerating development of a net zero energy system capable of delivering clean and affordable energy.



# Significant Code Review: Overview

## What is an SCR?

- A significant code review (SCR) is a way in which Ofgem holistically reviews industry codes and speeds up industry reforms and changes.

## What does this SCR cover?

- This SCR covers changes to connection charges (specifically reinforcement) and the definition and choice of access rights to our network.

## What is changing with connection offers?

- Demand - DNO fully funds reinforcement and recovers through DUoS.
- Generation - customer only contributes to reinforcement at the same voltage level as the Point of Connection.

## What is changing with access?

- Where we can't immediately provide the full capacity requested due to reinforcement requirement then we may need to issue a curtailed offer and estimate and cap the actual curtailment. We can't offer curtailed offers to small users/customers. Curtailed offers will have to have an end date as they are a short term solution whilst we reinforce.

# Connection Boundary Reforms

The Ofgem Decision on Access and Forward Looking Charges Significant Code Review sets out different connection charging depths for Demand and Generation Connections, subject to the application of a High Cost Threshold.

## Funding Reinforcement

### **Demand:**

DNO fully funds reinforcement and recovers through DUoS

### **Generation:**

Customer only contributes to reinforcement at the same voltage level as Point of Connection.

## Introduce High Cost Cap for Demand

Demand set at £1,720 per kVA

Determined using quotation information from DNO's

Generation remains at £200 per kW

## Speculative Developments

Clarification that phased developments are not always treated as speculative developments i.e. a phased housing development.

Introduction of a methodology for connections with planned phases or future expansion which would otherwise be deemed speculative.

## ECCR 2017

The Regulations will require revision to remove the requirement for second comers to contribute towards previous reinforcement works.

Ofgem and BEIS are discussing solutions for customer funded reinforcement.

# Access Rights

## Non-Firm Access Arrangements

Introduction of new non-firm (curtailable) access rights for distribution connected users.

### Eligibility:

Where there is a need for reinforcement and a need for curtailment to manage local network constraints

Excludes customer interruptions from faults

Excludes interruptions resulting from the transmission network

## Curtailment Limits

DNO will set the curtailment limit and include this in the connection offer.

The DCUSA needs to define the parameters used to measure curtailment.

If the DNO needs to curtail above the agreed limit, then they must procure this service from the market, where it is economic and efficient to do so.

An 'exceeded curtailment price' will be introduced to cap the unit price of flexibility a DNO must procure in these scenarios.

## End Dates

Non-firm arrangements will have explicit end dates, after which the connection will need to be made firm or non-curtailable.

Exceptions apply where the customer has not requested a firm connection or if they do not wish to fund reinforcement above the HCC.

# Connection boundary reforms

## Distribution Network Connection Charges

- The Decision sets out different connection charging depths for Demand and Generation Connections, subject to the application of a High Cost Threshold.
  - Demand - DNO fully funds reinforcement and recovers through DUoS
  - Generation - customer only contributes to reinforcement at the same voltage level as Point of Connection.

	Extension assets	Reinforcement assets at connection voltage	Reinforcement assets at connection voltage +1
Current arrangements	Connecting customer pays 100%	Connecting customer pays a proportion of the reinforcement costs	Connecting customer pays a proportion of the reinforcement costs
New arrangements (Demand)	Connecting customer pays 100%	Fully funded by the DNO via DUoS	Fully funded by the DNO via DUoS
New arrangements (Generation)	Connecting customer pays 100%	Connecting customer pays a proportion of the reinforcement costs	Fully funded by the DNO via DUoS

# Significant Code Review: Overview

## What does this mean for WPD?

- We'll need to update systems and train those staff planning and delivering new connections. We'll need to monitor curtailment (planned v actual) and we may need to purchase flexibility services.

## What are the implications & opportunities?

- Ofgem has made these changes to facilitate net zero and the connections of LCTs (low carbon technologies). Therefore we expect to see more LCTs & EV charging hubs wanting to connect. We expect to see more mixed sites (storage sites co-locating with demand sites) and some customers on non-firm arrangements may apply for a firm arrangement.
- This is great news for helping the UK hit net zero. It will create more work for WPD whilst positioning us at the heart of the energy transition.
- Subject to Ofgem's draft and final determination of the Business Plan (draft determination due 29/06/22), we'll be able to invest in our network and carry out strategic network reinforcement to facilitate net zero.

## When do the changes go live?

- **1<sup>st</sup> April 2023.**



Thank you.

“Conversations are free  
and we encourage you  
to talk to us early.”



**Nottinghamshire**  
Wildlife Trust

# Biodiversity Net Gain (BNG)

Mark Speck  
Senior Conservation Officer  
Nottinghamshire Wildlife Trust



*Protecting wildlife for the future*



**Nottinghamshire**  
Wildlife Trust

- What is Biodiversity Net Gain (BNG)?
- Why is BNG important?
- How does BNG work?
- Examples of BNG within developments



# What is Biodiversity Net Gain (BNG)?



**Nottinghamshire**  
Wildlife Trust

***“Biodiversity net gain (BNG) is an approach to development, and/or land management, that aims to leave the natural environment in a measurably better state than it was beforehand.”***

**The principle of net gain has been embodied in the NPPF since its initial publication, and was strengthened in the NPPF v. 2021:**

**174.** Planning policies and decisions should contribute to and enhance the natural and local environment by:

(d) minimising impacts on and *providing net gains for biodiversity*, including by establishing coherent ecological networks that are more resilient to current and future pressures;

**179.** To protect and enhance biodiversity and geodiversity, plans should:

(b) promote the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species; and identify and pursue opportunities for *securing measurable net gains for biodiversity*.

**180.** When determining planning applications, local planning authorities should apply the following principles:

(d) ....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*..



*Protecting wildlife for the future*

# What is Biodiversity Net Gain (BNG)?



**Nottinghamshire**  
Wildlife Trust

The 25 Year Environment Plan aims to scale up the country's efforts to restore nature. The Plan contains commitments to:

- Protect biodiversity
- ***Increase the amount of priority habitats and build Nature Recovery Networks***, based on the Lawton principles (bigger, better, more connected).
- The Plan recognises the importance of natural capital to the UK and the need to protect and ***enhance*** that resource.



*Protecting wildlife for the future*



## What is Biodiversity Net Gain (BNG)?



**Nottinghamshire**  
Wildlife Trust

The requirement for BNG has now been embedded in law under the ***Environment Act 2021*** and applies to all developments under the Town & Country Planning Act .

The Environment Act requires:

- 30-year maintenance period for habitats created under BNG - Mandated from winter 2023
- 10% net gain (minimum) - Mandated from winter 2023
- BNG will apply to NSIPS in 2025



*Protecting wildlife for the future*

# Why is BNG important?



**Nottinghamshire**  
Wildlife Trust

Nearly all of our semi-natural habitats are under threat, eg. 97% of hay meadows and over 90% of heathland have been lost in England since 1900.

On average, one plant species has become extinct in the East Midlands every year for the last decade

This means that the current baseline of habitats is extremely low as a starting point to improve upon.



*Protecting wildlife for the future*

## Why is BNG important?



**Nottinghamshire**  
Wildlife Trust

Many of our scarcest species of fauna have declined in the last few decades, for example farmland birds are still declining, despite agri-environment interventions.

Great crested newts are still declining, despite being protected by EU legislation, this is due to habitat degradation.

Even our commonest amphibians, frogs and toads, are also in decline.



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# Why is BNG important?



**Nottinghamshire**  
Wildlife Trust

Larger blocks of habitat are more robust than smaller ones, particularly to conserve populations of fauna, but in the lowlands, there are few large blocks of habitat that remain.

Linked blocks of habitat are also more robust, particularly to the effects of climate change, but have become increasingly fragmented over centuries



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## How does BNG work?



**Nottinghamshire**  
Wildlife Trust

BNG in the planning system has a formal process to:

- **Measure** what biodiversity is present on a proposed development site
- **Predict** what would be lost as a result of the development, and what habitats might be managed better to enhance their value, and/or be created.
- This is undertaken using a Metric that has been developed by NE:

The Metric provides a value for biodiversity in **Units**, which have been standardised, so they can be compared.

A screenshot of the 'The Biodiversity Metric 3.0 - Calculation Tool' web interface. The interface is divided into several sections. At the top, there's a title bar. Below it, a 'Project details' section contains a table with fields for 'Planning authority', 'Project name', 'Applicant', 'Application type', 'Planning application reference', 'Assessor', 'Reviewer', 'Metric version', 'Assessment date', and 'Planning authority reviewer'. To the right of this table are three buttons: 'Instructions', 'Main menu', and 'Results'. Below the 'Project details' section is a 'Cell style conventions' section with a table showing different cell styles and their corresponding colors. To the right of this table are two buttons: 'View all' and 'Reset view'.

Protecting wildlife for the future

## How does BNG work?



**Nottinghamshire**  
Wildlife Trust

The difference between the current value of the biodiversity units on a site and the predicted value, shows whether there will be a loss or gain overall.

If 10% net gain cannot be delivered on the development site, then space for that habitat needs to be found elsewhere. This is called offsetting.

The generally accepted principle is that it should be delivered as close to the point of impact as possible, as this is likely to be the best outcome for nature but is also the most socially equitable outcome.

Where BNG delivery is offset onto land outside the development site boundary, there will usually be the need for a Conservation Covenant to be in place to secure that land.

All BNG sites will go onto a central register, likely to be held by NE or other Government body. This will ensure transparency and reduce the risk of double-counting.



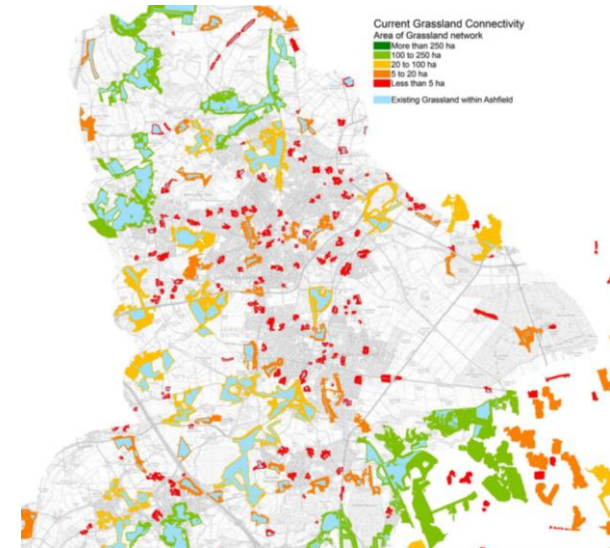
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## How does BNG work?

If the number of Units required for offsetting is very small, they may be better pooled with Units from other schemes to be able to deliver a larger, more viable area of new habitat, or one that it is in a crucial location. In Nottinghamshire we have habitat network strength mapping, which shows where new habitat creation might ***strengthen*** that habitat network.



**Nottinghamshire**  
Wildlife Trust



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## How does BNG work?



- BNG does ***not*** override the protection for designated sites, protected or priority species and irreplaceable or priority habitats set out in the NPPF.
- The Mitigation Hierarchy must still be followed, you can't jump straight to BNG and offsetting!
- Protected species and habitats legislation stays the same - so mitigation habitat may still be required but won't count towards any net gains



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## Net gain - practical measures within developments:







***Making the best of  
smaller or more  
urban spaces:***



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# Biodiversity Net Gain Supplementary Planning Document (SPD)

Paul Tebbitt

Interim Planning Policy Team Leader



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# Biodiversity Net Gain SPD

- BNG SPD supplements policy NE2 of the MDC Local Plan
- Seeks to:
  - assist developers through guidance on biodiversity net gain SPD
  - improve biodiversity / enhance Green Infrastructure / reduce water pollution / deliver public realm improvements, and provide resilience and adaptation to climate change
- Initial draft - 14 specific guidance areas
- Based on 12 principles and consistent with NPPF (para 174)
- MDC intend consulting on a draft – Autumn 2022



# Biodiversity Net Gain SPD – Guidance areas 1

1. Minimum Biodiversity net gain requirements
2. Setting thresholds for development types and use of the metric
3. Process for measuring net gain
4. Evidence required to demonstrate measurable net-gain
5. Application of the BNG hierarchy
6. Approaches to securing BNG
7. Securing BNG in the long term



# Biodiversity Net Gain SPD – Guidance areas 2

8. Designated sites
9. Long term monitoring, maintenance and management of BNG
10. Nature Recovery Network, Local Nature Recovery Strategy and BNG
11. Off-setting and compensatory sites in Mansfield District and Nottinghamshire County
12. UK 30 x 30 target.
13. Use of 'The Environmental Benefits from Nature tool'
14. Biodiversity Net Gain and Green Infrastructure



# Questions



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# Thank you

- Feedback forms – please complete
- GDG Sign-up forms – please complete
- Draft SuDS SPD consultation
- Contact us: [lp@mansfield.gov.uk](mailto:lp@mansfield.gov.uk)



# Have a safe journey



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