

## **Natural Burial Ground (NBG) & Hub Biodiversity net gain reports to accompany change of use applications.**

The CIC has received confirmation from a local planner who is assisting the CIC, that the requirement for a 10% biodiversity net gain (BNG) will apply to the NBG (and by extension to the Hub) change of use as the type and scale of the application does not meet the exemption criteria.

BNG is a requirement of the BNG Environment Act 2021 which requires any development to provide a 10% biodiversity net gain on completion of the development using the biodiversity metrics and formulas developed by the Department of the Environment, Transport and the Regions. It came fully into effect in April 2024.

I have no experience of this requirement or what is involved in providing the necessary reports other than it has to be provided by a 'competent person'. It seems fairly straightforward for simple developments such as the proposed new sports pavilion. However, for other non-standard developments, of which a change of use is one, it is likely to be potentially more complicated. It should be noted that whilst this is all new ground to developers it is also new to Rother District Council Planning who will no doubt rely on reports from 'competent persons' with a track record.

This will therefore in my view require the appointment of a specialist consultant to provide the necessary reports. Before appointing such a consultant following the provision of at least three quotes, the NPC and the CIC need to agree the extent of the site with respect to the NBG for which a change of use is to be applied for.

### **Natural Burial Ground**

It seems to me that there are three options.

#### **Option 1. Change of use to sui generis (cemetery) for NBG for Field 7.**

The change of use will apply to Field 7 only and the continued use of the NCS orchard and nuttery, together with the community produce garden, will rely on the assumption that these uses can be considered as agricultural and therefore do not require a change of use from the existing former Blue Cross sui generis use. This has not been tested with RDC or confirmed.

The necessary 10% BNG may be achieved by repurposing the field as meadow from the monoculture paddock grassland. If this is not enough, additional gain will have to be found on the adjoining fields.

As the whole field would not be needed for the NBG on day one, it would still be possible to use the remaining part of the meadow for low intensity grazing of sheep and cattle without the need for a change of use.

#### **Option 2. Change of use to sui generis for NBG for field 7 and retrospective consent for change of use to community use F2 for Field 8 (NCS orchard and nuttery) and Field 9 (community produce garden, CPG).**

The planning fee for a change of use is a fixed amount and does not appear to relate to site area as below:

*Other Changes of Use of a building or land £578.*

With respect to the NBG report, my initial search for quotes for the new sports pavilion application has identified one consultant A, who have a maximum fee as below.

*Our pricing is inclusive of VAT and includes unlimited revisions. For a site under 5000 sqm the price is £495 and rises £100 per 1000 sqm after up to £995.*

This is however an online consultancy and the individual nature of the NBG application may prove difficult to fully describe online. There is a consultant based in Robertsbridge, not that much more expensive than Consultant A with respect to the new sports pavilion application. It may be better to have someone with whom a person-to-person discussion can be had on site. It may be sensible to approach them setting out the options and seeking an initial quote.

As the application for fields 8 & 9 would be retrospective, we may be able to use the change to meadow, orchard and nuttury on Field 8 as part of the 10% BNG as well as the use of Field 9 for the CPG. However, this might be considered retrospective and not acceptable as they might be looking for future gain rather than existing gain already achieved. It may well be easier to discuss and confirm the options with a local consultant face to face.

If a change of use is granted for these three fields, it does not mean that low-intensity grazing of sheep and cattle cannot take place as this is an agricultural use and no change of use would be required. However, this does **NOT** apply to the use of the Field 7 by horses which would require a change of use from sui generis (cemetery) to F2c.

**Option 3. As option 2 but with the addition of Field 6 for community use**

If, for planning reasons and to overcome residents' objections, it proves necessary to provide a natural planted screen within Field 6, this would help to meet the 10% BNG for the whole application.

**The Hub**

As the change of use will just be for the buildings and the small area at the rear, it is unlikely that the 10% BNG can be achieved at the Hub. NPC/CIC will therefore need to find it elsewhere on the SFF estate. This would potentially be possible within the NBG most likely with the additional fields and this needs to be factored in when deciding on the option to be adopted with respect to the NBG change of use.

It might be sensible to put in change of use applications for the burial ground and Hub at the same time, so that the BNG needed for the Hub can be linked into what is being proposed for the burial ground.

*Julian Lockett  
3 September 2024*