

**Bath & North East Somerset**

**Local Plan (Core Strategy /Placemaking Plan) 2011-2029**

**Partial Update**

**Draft Plan (Reg 19) Consultation**

**August 2021**

**Topic Paper: Biodiversity Net Gain**

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**Bath & North East  
Somerset Council**

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**Improving People's Lives**

## **1. Introduction**

1.1. This Topic Paper explains what Biodiversity Net Gain (BNG) is and how the delivery of BNG is set to become a mandatory part of the planning process. The paper then outlines the context for and purpose of the council's new BNG Policy.

## **2. Biodiversity Net Gain**

2.1 Biodiversity Net Gain (BNG) is the achievement of measurable gains for biodiversity through new development and occurs when a development leaves biodiversity in a better state than before.

### Environment Bill details and process

2.2 The Environment Bill proposes to introduce a 10% mandatory requirement for biodiversity net gain for most types of developments under the Town and Country Planning Act. The legislation will allow these gains to be achieved on-site or off-site, and they can be achieved through habitat creation, and/or enhancement. It is expected that in many instances BNG will be achieved on site in association with new public open space and green infrastructure, including SUDs and other nature based solutions associated with new development. However, in some instances where off-setting high value habitats is required, or where there are significant limitations on-site, off-site BNG can be proposed. Where no local solutions can be found Statutory BNG credits can be purchased.

2.3 The intention is to embed biodiversity enhancement within development and so achieve positive outcomes for both people and biodiversity, and so achieve more sustainable developments.

2.4 Effectively, the Bill and associated secondary legislation will make it unlawful to grant planning permission for most types of development unless it is demonstrated that a measured 10% increase in biodiversity is achieved. DEFRA will define the BNG measurement metrics to be used (currently DEFRA metric 3.0). The metrics are to be used to calculate the pre- and post-development biodiversity values of a development site, (measured in Biodiversity Units), and to demonstrate 10% net gain.

2.5 The metrics uses up to 3 habitat measures as a proxy for a site's biodiversity value. These involve measurements and condition assessments of 1) Habitat area 2) Linear habitats, & 3) Waterways. Development proposals will be required to demonstrate a 10% increase in biodiversity units for each habitat measure of relevance.

2.6 The metrics are designed to incentivise development locations to avoid areas of higher valued habitats, and, for off-site BNG provision, to target areas of strategic significance for biodiversity and nature recovery.

2.7 It is anticipated that householder applications and some brownfield sites will be exempt from BNG requirements.

2.8 To summarise the enactment of the Environment Bill will mean:

- Major and minor planning applications can only be approved where an application demonstrates that a 10% net gain is achieved as calculated using the latest DEFRA Biodiversity Metric,
- Major and Minor Planning applications will need to be supported with an approved net gain plan
- Habitat gains must be secured for at least 30 years via obligations/ conservation covenant
- Habitat gains can be delivered on-site, off-site or via statutory biodiversity credits
- There will be a national register for net gain delivery sites
- The mitigation hierarchy still applies: avoidance, mitigation and compensation for biodiversity loss
- No change of existing legal environmental and wildlife protections

2.9 The Environment Bill is expected to receive royal assent in the autumn of 2021, and to include a 2 year grace period before the legislation would come into effect. In the meantime, many LPAs and developers are already beginning to implement BNG based upon the Environment Bill requirements.

### **3. Policy Context for new Biodiversity Net Gain Policy**

#### National

3.1 The National Planning Policy Framework (NPPF) 2019 sets out that 'Planning policies and decisions should contribute to and enhance the natural and local environment by minimising impacts on, and providing net gains for, biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.

3.2 The NPPF goes on to state plans should:

“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.”

#### Existing Local Plan

3.3 The existing B&NES Place Making Plan Policies for the natural environment seek the minimisation of impacts to protected sites and species, and to features of ecological importance, and, also require enhancements to the natural environment. These existing policies do not explicitly require measurable net gains for biodiversity, and may not in effect achieve no net loss.

## Ecological Emergency

3.4 On declaring an Ecological Emergency in July 2020 the council committed (inter alia) to :

- “Ensure the delivery of biodiversity and environmental enrichment and resist the decline of habitats through planning policy and development management”, and,
- “Through Local Plan Partial Review (2020) consider potential to increase the percentage of biodiversity net gain beyond that required by the new Environment Bill”

3.5 Through the LPPU consultations process and internal review it has been agreed that the LPPU should include a new policy to reflect the emerging requirements of the Environment Bill, and effectively bring forward the delivery of 10% net gain requirements. This will require significant change to, and development of, the development management process, and once established will enable a more rapid move to the delivery of biodiversity enrichment and nature recovery. As set out in the Local Development Scheme the council will be preparing a BNG Supplementary Planning Document to supplement the proposed policy (NE3a) and outlining how BNG will be implemented through the development management process. This SPD will draw from sub-regional work with neighbouring West of England authorities. This approach will also enable the council to be more prepared and ready for the mandatory requirements. It was felt that an increase in BNG above 10% was not appropriate at this stage but that this will be considered as part of the new local plan when the new BNG processes, procedures and outcomes have been tried and tested.

## How BNG fits with existing policies for the natural environment

3.6 The Construction Industry Research & Information Association provide a useful description of the BNG process:

“Enhancing biodiversity is integral to sustainable development, and BNG is an approach to embed and demonstrate biodiversity enhancement within development. It involves first avoiding and then minimising biodiversity loss as far as possible, and, achieving measurable net gains that contribute towards local and strategic biodiversity priorities” (CIRIA, C776a).

3.7 This clarifies a key aspect of the BNG approach which is to first avoid and then minimise biodiversity loss before considering and then calculating BNG values pre and post development. The approach therefore requires continued use of the mitigation hierarchy and existing and updated Natural Environment Policies. The new policy is therefore additional and complimentary, and will not replace existing policies for the natural environment.