

# Biodiversity Net Gain

## Interim Guidance Note - Developers

### Purpose and Structure of the Guidance Note

Through the Environment Act 2021 and emerging secondary legislation, the delivery of Biodiversity Net Gain (BNG) is set to become a mandatory requirement for most types of development in England from November 2023. Locally the Council's new BNG policy (Local Plan Partial Update (LPPU) Policy NE3a) reflects the government's approach for mandatory BNG and is designed to deliver proportionate and well considered biodiversity gains in the interim. Policy NE3a has come into effect and has been increasing in weight in decisions since November 2022. It will be given full statutory weight in decisions made after the LPPU has been adopted

This guidance note is provided to support the implementation of Local Plan Partial Update (LPPU) policy NE3a in the interim phase and reflects our best understanding of developing BNG practice. In due course, and when all secondary legislation is in place, a full BNG supplementary planning document SPD will be produced.

The Council's BNG process and this guidance have been prepared with the governments core targets in mind and seeks to capitalise on the opportunities for delivering multiple benefits for people and wildlife, whilst enabling meaningful nature recovery. Planning policy NE3a is additional and complimentary to existing planning policies for the natural environment.

A simple approach has been adopted and we intend to set out the basics in a clear and logical way:

- **Section 1** provides an introduction and context for BNG in B&NES
- **Section 2** explains the concept BNG setting out the basics and aims to provide enough information to provide a working understanding of how the process is intended to work and what it seeks to achieve
- **Section 3** details type of applications BNG applies to, the information requirements and considerations for on-site gains
- **Section 4** sets out how BNG can be delivered in practice and summarises key rules to adhere to
- **Section 5** lists the steps to take at stages through the planning process
- **Section 6** outlines the expectations of a BNG Management and Monitoring Plan
- **Section 7** provides a statement for when a legal agreement is required
- **Section 8** how your application will be processed
- **Section 9** summarises the decision-making process and how to avoid unnecessary delays
- **Section 10** provides a statement of B&NES Council's commitment to nature recovery

## Contents

<b>Purpose and Structure of the Guidance Note .....</b>	<b>1</b>
<b>1. Introduction.....</b>	<b>4</b>
1.1. What is Biodiversity Net Gain? .....	4
1.2. Delivering Biodiversity Net Gain .....	4
1.3. Government Core Targets for Biodiversity Net Gain .....	5
<b>2. Biodiversity Net Gain Explained .....</b>	<b>6</b>
2.1. The Basics.....	6
2.2. How to apply the Mitigation Hierarchy .....	7
2.3. Habitat Trading and Creation.....	8
2.4. Biodiversity Values .....	9
2.5. Strategic Significance.....	10
2.6. Spatial Multipliers (Spatial Risk) .....	10
2.7. The Metric Toolkits.....	10
2.8. Biodiversity Gains .....	13
2.9. Formal Submission and Decision Making .....	14
2.10. Good Practice Principles for Development (© CIEEM, CIRIA, IEMA, 2016).....	15
Summary.....	16
<b>3. Before you start .....</b>	<b>17</b>
3.1. How BNG applies to different types of application .....	17
3.2. The information needed to support your application .....	18
3.3. The information needed for the metrics .....	19
3.4. How, what, and where to deliver biodiversity gains .....	20
3.5. How BNG applies to sites with no baseline biodiversity value .....	22
<b>4. How to Deliver BNG in Practice.....</b>	<b>22</b>
<b>5. Key Steps .....</b>	<b>23</b>
5.0. Pre-application Stage .....	23
5.1. Planning Application Stage .....	24
5.2. Prior to Development.....	24
<b>6. How to Prepare a BNG Management &amp; Monitoring Plan .....</b>	<b>25</b>
<b>7. The Use of Legal Agreements.....</b>	<b>26</b>
<b>8. How the LPA will process your application .....</b>	<b>26</b>
<b>9. How BNG decisions will be made .....</b>	<b>26</b>
<b>10. Nature Recovery .....</b>	<b>27</b>
<b>Glossary.....</b>	<b>28</b>

<b>Appendix 1.....</b>	
B&NES Local Plan Partial Update Biodiversity Net Gain Policy NE3a .....	29
<b>Appendix 2.....</b>	
Biodiversity Gain Information Checklist.....	31
<b>Appendix 3.....</b>	
Biodiversity Gain Plan Checklist .....	33
<b>Appendix 4.....</b>	
Spatial Risk Category.....	36
<b>Appendix 5.....</b>	
Biodiversity Net Gain Legal Agreement Template .....	38
<b>Appendix 6.....</b>	
Useful Resources.....	40

<b>Figures.....</b>	
1. The Mitigation Hierachy.....	7
2. Decision tree to determine which metric will be relevant to your application .....	12

<b>Tables.....</b>	
1. Good Principles for Development.....	15
2. How BNG applies to different types of application .....	17
3. The information needed for the metrics .....	19
4. Key considerations for on-site gains.....	20
5. BNG Rules for B&NES .....	23

# 1. Introduction

## 1.1. What is Biodiversity Net Gain?

1.1.1. Biodiversity Net Gain (BNG) is defined as the achievement of measurable gains for biodiversity through new development i.e., biodiversity is left in a measurably better state than before development commenced. This approach will result in the extension and improvement of natural habitats as part of a development or project and enables new development to contribute to nature's recovery.

## 1.2. Delivering Biodiversity Net Gain

1.2.1. Locally the Council's new BNG policy (Local Plan Partial Update (LPPU) Policy NE3a) reflects the government's approach for mandatory BNG and is designed to deliver proportionate and well considered biodiversity gains (**refer to Appendix 1 for B&NES Local Plan Partial Update Biodiversity Net Gain Policy NE3a**). The Policy requires Major developments to achieve a minimum of 10% net gain. Minor developments are required to achieve no net loss and appropriate net gain.

1.2.2. It should be noted that Planning Policy NE3a does not replace any existing legislative or policy requirements for the natural environment and is additional and complimentary.

1.2.3. Householder, change of use and permitted development are exempt from the full BNG requirements of policy NE3a, but are encouraged to deliver habitat and species enhancements. Enhancements could include the provision of integrated bird and bat boxes, and/or the use of native and nectar rich species within landscaping schemes. All other planning applications within Bath and North East Somerset (B&NES) will be required to demonstrate and then deliver measurable net gains for biodiversity which must be secured, managed, and monitored.

1.2.4. All planning projects subject to BNG requirements should consider BNG from the very outset, prior to site design, and ideally at site selection stage to help minimise the need for providing replacement habitats.

1.2.5. The mitigation hierarchy is therefore a critical element of the BNG process and should be used to avoid and minimise the impacts of new development through impact avoidance, minimisation, and compensation. The avoidance of ecological impacts will result in less onerous BNG requirements. Please refer to section 2.2 for how to apply the Mitigation Hierarchy.

1.2.6. **Biodiversity Gain Information will need to be submitted with a planning application and a final Biodiversity Gain Plan (see 3.2) must be submitted and approved by the Local Planning Authority (LPA) prior to the commencement of the development.**

### 1.3. Government Core Targets for Biodiversity Net Gain

1.3.1. The government's core targets for BNG are to secure positive outcomes for biodiversity; to improve the process for developers; and to create better places for local communities.

#### Positive outcomes for biodiversity

1.3.2. This approach has been designed to enable the development sector to deliver positive outcomes for nature. Minimising and then offsetting the biodiversity impacts of development, ensuring that measurable and beneficial gains are achieved is integral to this approach. This approach to development incentivises the avoidance of damage and loss of highly valued habitats and aims to result in the creation and improvement of habitats in locations which will deliver the best outcomes for biodiversity.

1.3.3. Within B&NES, the West of England Nature Partnership's Nature Recovery Network (WENP NRN) map will be used to help identify the best locations for habitat gains and by defining areas of Strategic Significance. In the longer term, the WENP NRN may be replaced by or supplemented with West of England Local Nature Recovery Strategy areas of importance.

1.3.4. Biodiversity Net Gain enables the development sector to implement the Lawton Principles for nature recovery by creating bigger, better, and more joined up spaces for nature.

#### Improved process for developers

1.3.5. The consideration of ecological impacts will be subject to additional scrutiny with new statutory requirements. The Government's intention is to achieve an improved process for developers, where expectations, requirements and processes are consistent, auditable, and well understood.

1.3.6. To help achieve this, the Council will clarify its expectations and requirements, provide training for staff, and involved members, consult with developers, and ensure supporting information is easily accessible.

1.3.7. Supporting information that will be made accessible includes:

- UK priority habitat mapping
- Irreplaceable habitat in B&NES – habitat types and known locations
- Areas of Strategic Significance are defined for B&NES as areas falling within:
  - Strategic Nature Recovery Networks
  - Special Areas of Conservation (SAC) juvenile bat sustenance zones
  - Local Nature Recovery Strategy (LNRS) mapping (once completed)
- Details to determine Spatial Risks:
  - LPA administrative area
  - National Character Area

## Better places for local communities

- 1.3.8. New development has the potential to impact and change local communities, especially when development happens at scale and at pace. The COVID-19 pandemic highlighted the importance of access to good green space and the health benefits associated with access to the natural environment. This is becoming increasingly well documented.
- 1.3.9. The process of securing BNG can help deliver much better, more resilient, and well-integrated developments and in turn provide better places for local communities. This is particularly true for larger developments where the mitigation hierarchy is well utilised. The protection and enhancement of biodiversity will support more resilient natural systems that can provide societal benefits such as reduced flooding; improved air and water quality; better soil quality and carbon sequestration.
- 1.3.10. It is essential nonetheless that habitats to be retained, created, or enhanced on-site are compatible with the type of development proposed. In many cases, developments which include green spaces and natural habitat for recreational use will not be able to sustain higher value natural habitats in good condition (see section 2.3 below). On site biodiversity gains and their links with green space provision must therefore be well considered and where significant gains are cited these must be clearly justified and supported with long term management plans.

## 2. Biodiversity Net Gain Explained

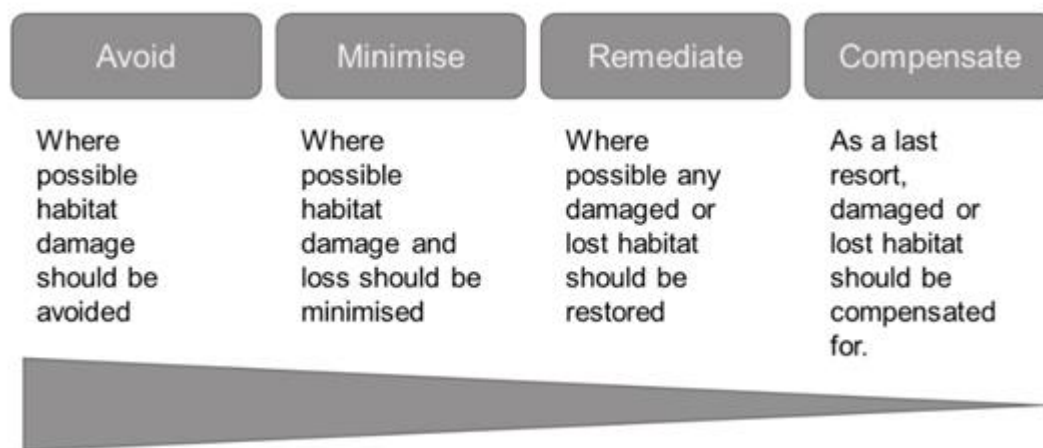
### 2.1. The Basics

- 2.1.1. Once mandated, BNG will be a controlled process designed to ensure that the impacts of a development on biodiversity will be measurably positive and beneficial. The process necessitates a step change of approach to development and is designed to incentivise ecologically sensitive site selection and site design to minimise impacts. The process requires the value of habitat protection and enhancement to be well understood and embraced as a matter of routine and as sound planning practice.
- 2.1.2. The formal approach uses carefully defined measures of habitat quantity and quality to approximate the biodiversity values of development sites (before and after development). All qualifying development must be planned and designed to first avoid and minimise impacts and then achieve a minimum of 10% net gain. The habitats retained and protected on site, and habitat gains proposed must then be secured, managed, and monitored for at least 30 years.
- 2.1.3. The council's BNG policy mirrors the emerging national approach but makes a distinction between the measured gains required for majors and minor developments. Major developments are required to deliver a minimum of 10% net gain. Minor developments must achieve no net loss and an appropriate net gain.

## 2.2. How to apply the Mitigation Hierarchy

2.2.1. Use of the mitigation hierarchy is a critical element of the BNG process and should be used effectively to minimise the gains required by a development.

2.2.2. The hierarchy follows the principles of impact avoidance, minimisation, and compensation. This is one of the 10 nationally recognised good practice principles for BNG, and is also a requirement of B&NES Local Plan Policy NE3. Development resulting in significant harm to biodiversity will not be permitted.



**Figure 1. The Mitigation Hierarchy:** Harm to biodiversity must always first be avoided and minimised. Where avoidance of harm is not possible, mitigation, and as a last resort, compensation must be provided, to at least equivalent ecological value.

2.2.3. Before considering Biodiversity Gains, the potential impacts of the development must be fully considered to ensure losses can be first avoided, minimised, and then compensated for. This will ensure that the development can minimise its BNG requirements, and from the outset, reduce harm to nature and potentially lead to better place making.

2.2.4. An annotated Ecological Mitigation Map should be produced illustrating the mitigation approach proposed. This should show habitats to be protected, enhanced, and created to avoid; minimise and compensate for residual impacts. This will form the basis of the Designed BNG Plan and so will reflect the information to be input into the Metric spreadsheet.

2.2.5. **It should be noted that Biodiversity Net Gain cannot be achieved where a development impacts Irreplaceable Habitat. Such projects would be required to fully compensate for any impacts caused and would be subject to other stringent policy requirements.**

## Irreplaceable Habitats

2.2.6. Development is expected to protect and enhance irreplaceable habitats (within B&NES including (but not confined to) ancient woodlands; ancient and veteran trees; priority grasslands; or SAC bat habitat within juvenile sustenance's zones). Our best understanding of the location of these habitats is shown on the LPPU policy maps.

## Avoidance and Minimisation

2.2.7. When selecting a development site, areas of high ecological value (such as protected wildlife sites, priority habitats, and irreplaceable habitat) should be avoided.

2.2.8. The design of a project should then seek to avoid and minimise the loss and disturbance to valued ecological features on the site. These features include ponds, hedgerows, areas of scrub and woodland, as well as areas of semi-natural grasslands of value to invertebrates, birds and/or mammals. Valued features can be determined from the ecological surveys routinely required to support planning applications.

## Compensation

2.2.9. Where valued ecological features are lost or diminished compensatory measures should be provided through replacing habitats or by enhancing habitats on site to compensate for the residual losses. At this point, the additional measures required to achieve biodiversity gains can be properly considered.

2.2.10. **Biodiversity Net Gain off-setting is not to be used to compensate for the loss of habitats of high ecological value, such as irreplaceable habitats and statutory protected wildlife sites.**

## 2.3. Habitat Trading and Creation

2.3.1. The biodiversity metric tool calculates the 'distinctiveness' value of a habitat. Habitat trading down where pre-development habitats of higher distinctiveness would be replaced by lower value habitats post-development is not permitted. Habitat trading up to habitats of greater value (distinctiveness) may be acceptable where appropriate to the site, its location, and its future use.

2.3.2. For on-site gains, the creation or restoration of high distinctiveness habitats is unlikely to be acceptable as part of public open space due to the risks and uncertainties of habitat establishment and long-term management. Similarly, on-site proposals involving more than one level of improved habitat condition are unlikely to be acceptable.



2.3.3. Where irreplaceable or statutory protected habitat (such as SSSI habitat) are affected, biodiversity gains cannot be claimed and the BNG process is not appropriate. In such cases, policy NE3 will apply, and bespoke approaches to impact mitigation and compensation must be discussed and agreed with the LPA.

## 2.4. Biodiversity Values

2.4.1. For BNG to work, impacts and gains to biodiversity must be measurable. Biodiversity must therefore be valued and quantified in a systematic way.

The government have developed specific metrics that will become the statutory methods to calculate a site's biodiversity value pre- and post-development. The metrics combine habitat extent with specific measures of habitat value to approximate a site biodiversity value.

2.4.2. It is important to note that three habitat categories are recognised and must be valued separately. These are: area-based habitats such as woodland and grasslands; linear habitats such as hedgerows and trees lines, and riverine habitats such as streams and rivers. This is needed to address the different ways habitat extent is measured for these different types of habitats. The BNG metrics are used to calculate the total biodiversity units for each habitat category present, and the required gain must be achieved for each.

### Baseline Biodiversity Values

2.4.3. The pre-development or baseline biodiversity values of a site are calculated using a simple formula that combines habitat extent and three measures of habitat value: habitat distinctiveness, habitat condition and strategic significance. These measures calculate a proxy value of biodiversity measured in Biodiversity Units (BUs).

$$\text{Distinctiveness} \times \text{Condition} \times \text{Area (Ha) or length (km)} \times \text{Strategic Significance} \\ = \text{Baseline Biodiversity Units}$$

### Post-development Biodiversity Values

2.4.4. The post-development biodiversity values of a site are calculated in a similar way but with additional measures related to the risks associated with habitat replacement or enhancement. These additional measures are related to the technical difficulty, and temporal and spatial risks, of the habitat creation or enhancement proposed.

$$\text{Distinctiveness} \times \text{Condition} \times \text{Area (Ha) or length (km)} \times \text{Strategic Significance} \times \\ \text{Difficulty} \times \text{Time to Condition} \times \text{Spatial Risk} = \text{Biodiversity Units}$$

## 2.5. Strategic Significance

2.5.1. This is a score based on whether the location of the development or the habitats present/created have been identified as significant for nature. This is used to incentivise the avoidance of development within areas of high significance for nature, or, to incentivise the off set of impacts to areas of high significance for nature.

2.5.2. Scores should be given to each individual habitat rather than in a blanket fashion on a site wide basis, as significance will vary with habitats affected or proposed.

### High strategic significance

(location is identified within a local plan, strategy, or policy for nature recovery)

2.5.3. Any suitable habitats within the areas identified within the WENP Strategic Nature Recovery Networks for waterways, woodlands, or grasslands.

2.5.4. Any habitats which support or could support horseshoe bat Sustainment Zones.

### Medium strategic significance

(location is ecologically desirable but is not identified in a formal plan or strategy for nature recovery)

2.5.5. Habitats which clearly contribute to the ecological functionality within a landscape e.g., buffering priority habitats, providing connectivity, supporting, or providing bat flight lines. Justification must be given in the comments section of the Metric.

### Low strategic significance

2.5.6. Not in any of the areas listed above. Justification for scores must be given in the comments section of the Metric.

## 2.6. Spatial Multipliers (Spatial Risk)

2.6.1. Off-set proposals outside of the Local Planning Authority or relevant National Character Area are discouraged by the application of a negative spatial risk multiplier, to ensure off-sets are provided in the vicinity of the development. The Biodiversity Metric Spatial Risk Categories and Local Planning Authority (LPA) Area and National Character Area (NCA) Map are provided in **Appendix 4 (Spatial Risk)**.

## 2.7. The Metric Toolkits

2.7.1. The formal BNG process requires use of specific calculation metrics provided by DEFRA and using the formulae outlined above to value biodiversity and to calculate gains and losses. DEFRA have developed and will maintain two standard metrics which are freely available from the Natural England website. These toolkits are to be used for all eligible planning applications as appropriate (See **Figure 2**).

- 2.7.2. The metric toolkits are supported by significant technical information and guidance and have been subject to significant testing and peer review. They are generally considered to be effective tools for the purpose of quantifying and categorising biodiversity losses and gains from development.
- 2.7.3. The toolkits provide rule-based systems to guide how habitat loss should be replaced to achieve genuine benefits for nature and are designed to disincentivise the loss and damage to highly valued habitats.
- 2.7.4. The calculation metrics are designed to incentivise impact mitigation and so minimise the need for compensatory gains, and to deliver off-site gains which have the most strategic benefit for nature recovery. As such they include the “strategic significance” and “spatial risk” multipliers.

### The Defra Metrics

- 2.7.5. The basic calculations are the same for both metrics and they both use the measures of habitat value described above to determine proxy biodiversity values for each habitat parcel or feature present. The values assigned for each habitat measure are set within the metrics and minimal data entry is required.

#### Defra Metric 3.1.

- 2.7.6. The main metric, currently version 3.1, is to be used for all Major applications and whenever off-site habitat gains are calculated. The metric is quite complex and requires input from a suitably qualified ecologist.

#### Small Sites Metric

- 2.7.7. The second metric, called the Small Sites Metric, is intended for most Minor applications. This is a simplified version of the main metric and is designed to be completed by a competent person (such as a land agent or architect). It can be used for minor applications where no UK priority habitat (other than hedgerow and arable margin habitat) occurs and where the site is less than 5000sqm. In circumstances where the use of the Small Sites Metric is appropriate, it might still prove advantageous to engage a professional ecologist.
- 2.7.8. The Small Sites Metric is appropriate for most minor applications, however, there are some circumstances where minors must use the main metric. Please refer to **Figure 2** to determine whether the use of the Small Sites Metric is appropriate.

The development is:

- a) A residential development: where the number of dwellings to be provided is between one and nine inclusive, on a site having an area of less than one hectare
- b) A residential development: where the number of dwellings to be provided is not known and there is a site area of less than 0.5 hectares
- c) Other development type: where the site area is less than 0.5 hectares or 5000 square metres.

**Do any of the above apply?**

YES

NO

Is there priority habitat within the development area (excluding hedgerows and arable margins)?

YES

NO

Is there any habitat creation or enhancement outside the site area?

YES

NO

**Small Site Biodiversity Metric (SSM)**

The SSM is very similar to the main Biodiversity Metric for larger development, but it simplifies the process.

The SSM and the associated biodiversity assessment needs to be undertaken by a competent person for the habitats involved (which may be the project managers and architects on many sites). The competent person is defined as someone who is confident in identifying habitats present on the site before the development AND identifying the management requirements for habitats which will be created or enhanced within the landscape design.

**Metric 3.1 or latest equivalent**

Larger developments should be scored using the Metric 3.1 or latest equivalent and will require the services of a suitably qualified ecologist.

It is considered appropriate in the following instances: the site is above the size threshold, there is priority habitat present (excluding hedgerows and arable margins), or the development includes the assessment of off-site habitat enhancement or creation).

**Figure 2. Decision tree to determine which metric will be relevant to your application**

## 2.8. Biodiversity Gains

- 2.8.1. Once development impacts have been thoroughly mitigated, gains must be planned such that a minimum of 10% gain is achieved for each habitat category affected (area based; linear; riverine) for major applications and an appropriate net gain is achieved for minors.
- 2.8.2. Biodiversity gains can be achieved through new habitat creation, habitat enhancement and /or habitat restoration, and can be achieved on-site, off-site or through a combination of both approaches. Each approach will generate habitats that may require long term management. All approved off-site gain habitat, and all significant on-site gain habitat must be supported by long term management and monitoring plans. The details will be kept on a public register of gain sites. Significant habitats are those with a habitat distinctiveness defined by the metrics as moderate or above.
- 2.8.3. The balance of on-site/off-site provision will be guided by the ecological interests and sensitivities of the site prior to development, and the use of the site after development. The management requirements for some habitat outcomes may be incompatible with site occupation and use (e.g., public access and dog walking is not compatible with stock grazing and hay making required for some grassland habitats).

### On-site Habitat Gains

- 2.8.4. All on-site habitat retention, and on-site creation, enhancement, or restoration of significant habitat, i.e., those habitats classified as being of moderate distinctiveness or above must be maintained in perpetuity through a secured management plan. Usually this will be required to cover the establishment phase and long-term management phase of at least 30 years.
- 2.8.5. In many cases, the gains required for a development will be readily achieved within the development site and can help to deliver high quality placemaking and green spaces where people can have better access to nature. The policy approach for biodiversity net gain is to seek on-site BNG delivery as a priority before allowing off-site provision. However, on-site provision of habitat gains with public access will usually only be appropriate where low-moderate quality habitats are affected.
- 2.8.6. A development may be impacting reasonably moderate to good quality habitat and/or be too constrained for suitable on-site gains. In these circumstances, the gains required should be delivered off-site to support more strategic and viable measures for nature's recovery.

### Off-site Habitat Gains

- 2.8.7. Off-site gains (also called off-sets) can be located on a developer's own land held adjacent to the site or elsewhere; can be secured on land held by a third party or can be secured through a commercial BNG supplier or broker.

- 2.8.8. Best practice is to achieve the gains as close to the site of loss as practicable and where ecologically appropriate. In some cases, more distant off-set locations may be preferable, particularly at locations of strategic significance where habitat gains may achieve greater ecological value than if located elsewhere. Spatial risk factors can come into play, which can reduce the gains generated from an off-set site. However, these risk factors are defined by large spatial areas related to the LPA administrative area and National Character Areas which are extensive (see Appendix 4).
- 2.8.9. Where off-site habitat gains (of any habitat distinctiveness) are proposed these must be maintained in perpetuity through an appropriate management and monitoring plan which must be secured through a legal agreement. Typically, such plans will be expected to cover at least 30 years.
- 2.8.10. Within B&NES, off-site gains located within the Strategic Nature Recovery Network and/or within Local Nature Recovery Priority Areas would be considered strategically significant, and so would score more Biodiversity Units than other off-site areas.

#### No on-site or off-site opportunities

- 2.8.11. Where there is no prospect of a development achieving the net gain required either on site or off-site, the Council will aim to support developers by providing a tariff-based off-set system where gains would be delivered on Council-owned land or through an external partner. This option is aimed primarily at small site developers and details are set out in the Planning Obligations SPD.

#### Multiple benefits and additional gains

- 2.8.12. In some instances, the habitat gains required can be planned to help deliver other policy requirements associated with species impact mitigation and green infrastructure provision. In such circumstances the additionality of gains must be clarified, justified and appropriate. Care is needed when combining public open space with the delivery of biodiversity gains to ensure the recreational function of the open space is compatible with the establishment and long-term management of the gains proposed.

### 2.9. Formal Submission and Decision Making

- 2.9.1. The planning and approval of Biodiversity Net Gain is a strictly controlled and systematic process. Once mandated it is likely to require all qualifying applications to submit a defined set of Biodiversity Gain Information at the planning application stage. This will guide and support the decision-making process. Then following approval and prior to commencement of any works a full Biodiversity Gain Plan must be approved.
- 2.9.2. The council support this approach and, in the interim will require core Biodiversity Gain Information to be submitted with all qualifying planning applications at application stage and will require that a full Biodiversity Gain Plan is approved prior to commencement. The details of these requirements are set out in section 4 below.

2.9.3. The planning authority will approve the local Biodiversity Gain Plan once satisfied that:

1. The mitigation hierarchy has been used appropriately and reasonably to avoid and minimise ecological impacts on site
2. the biodiversity gain plan and completed biodiversity metrics show a measurable net gain of a minimum of 10% across all unit types (area-based, and where relevant, linear, and riverine habitats) for majors, and the agreed gain for minors
3. the information, including pre-development and post-development biodiversity values, presented in the biodiversity gain plan is complete, including compliance with good practice principles
4. any claimed gains (both on-site and off-site) are appropriately secured and allocated, including the point in the development process that these gains are to be delivered and a proportionate description of how enhancements will be managed and monitored

## 2.10. Good Practice Principles for Development (© CIEEM, CIRIA, IEMA, 2016)

2.10.1. To guide the achievement of Biodiversity Net Gain CIRIA; CIEEM and IEMA have jointly produced good practice principles which the government and the council endorse. All qualifying planning applications should clarify how the principles have been applied. [Biodiversity Net Gain – Principles and Guidance for UK Construction and Developments \(hyperlinks\)](#).

<b>Table 1. Good Principles for Development (© CIEEM, CIRIA, IEMA, 2016): A summary of the ten principles.</b>	
<b>Principle Number</b>	<b>Good Practice Principle for Development</b>
1	Apply the Mitigation Hierarchy
2	Avoid losing biodiversity that cannot be offset by gains elsewhere
3	Be inclusive and equitable
4	Address risks
5	Make a measurable Net Gain contribution
6	Achieve the best outcomes for biodiversity
7	Be additional
8	Create a Net Gain legacy
9	Optimise sustainability
10	Be transparent

## Summary

- BNG requires new development to deliver more or better habitat than was present prior to the development, this must be measured using specific metrics, and amount to a minimum of 10% habitat gain for major applications and appropriate net gain for minor applications.
- The gains proposed must follow from a clear strategy of assessing, avoiding and then minimising ecological impacts (through use of mitigation hierarchy)
- The habitat gains proposed can be achieved on site or off-site, through a combination of both measures, and as a last resort, through the Council's off-set tariff system
- The habitat gains must be calculated using the appropriate DEFRA metric- currently Metric 3.1 for Major applications, and the Small Sites Metric for most Minor applications
- The metrics use a habitat-based approach to assess an area's value to wildlife and uses specific habitat measures to calculate a biodiversity value.
- Three distinct habitat forms must be treated separately where they occur, and a minimum of 10% gain achieved for each – area-based habitats such as woodlands and grasslands; linear habitats such hedgerows and lines of trees; and riverine habitat such as rivers and streams
- The gains proposed must be realistic and appropriate, they may need to be additional to other site requirements (e.g., if compensatory habitat required for great crested newts this shouldn't count towards net gain).
- On-site gains must be well designed to achieve genuine wildlife benefits compatible with, and beneficial to site users and sustainable places
- All substantive gains must be secured, managed, and monitored, for at least 30 years (including all off-site gains).
- All gain sites will be shown on a publicly accessible register



### 3. Before you start

#### 3.1. How BNG applies to different types of application

3.1.1. Householder, Change of Use and Permitted Development will be exempt from the formal BNG requirements (see Table 2). Habitat and species enhancements are nonetheless required for such applications in line with policy NE3 and D5. These enhancements must be proportionate to the scale and location of development. It should be evidenced how they will support nature’s recovery.

**Table 2: How BNG applies to different types of application.** The table presents the formal requirements for BNG.

Application Type	Requirement 1	Requirement 2
Permitted development	Exempt from 10% net gain	Encourage deliver proportionate species and/or habitat enhancements
Householder applications	Exempt from 10% net gain	Encourage deliver proportionate species and/or habitat enhancements
Change of use	Exempt from 10% net gain	Applicants should be aware that any subsequent planning application will have to comply with BNG requirements
Minor applications	Measurable and appropriate net gain sought using Small Sites Metric*	<ul style="list-style-type: none"> <li>• Biodiversity Gain Information required at submission of application</li> <li>• Biodiversity Gain Plan to be approved prior to commencement</li> </ul>
Major applications	Minimum of 10% net gain required using main metric (3.1 or latest update)	<ul style="list-style-type: none"> <li>• Biodiversity Gain Information required at application stage</li> <li>• Biodiversity Gain Plan to be approved prior to commencement</li> </ul>
Outline applications	Measurable and appropriate net gain sought for Minor application and minimum of 10% required for Major applications	<ul style="list-style-type: none"> <li>• Biodiversity Gain Information required at application stage</li> <li>• Biodiversity Gain proposals secured by appropriate condition/legal clause to secure mitigation and BNG policy compliant proposal</li> </ul>
Reserved matters	Measurable and appropriate net gain sought for Minor application and minimum of 10% required for Major applications	<ul style="list-style-type: none"> <li>• Biodiversity Gain Information required at application stage</li> <li>• Biodiversity Gain Plan to be approved prior to commencement</li> </ul>
Retrospective applications (after 30 January 2020)	Measurable and appropriate net gain sought for Minor	Available information will be used to determine the biodiversity value

	application and minimum of 10% required for Major applications	of the site prior to unauthorised activities having been undertaken. Appropriate levels of habitat compensation and BNG will be required and must be provided within a reasonable timeframe of any retrospective permission being granted.
--	--	--

\*If a UK priority habitat is present on site (other than hedgerow or arable habitats) Main Metric 3.1 or latest equivalent should be used. For any off-site gain calculations Main Metric 3.1 or the latest equivalent should also be used.

### 3.2. The information needed to support your application

#### Biodiversity Gain Information

3.2.1. All qualifying applications are required to submit a defined set of Biodiversity Gain Information at the planning application stage. This must fulfil minimum requirements and may include further information towards a complete Biodiversity Gain Plan should such information be available.

3.2.2. The Biodiversity Gain information must cover the following:

1. The pre-development biodiversity value of the site as calculated using the relevant DEFRA metric (**provided Excel format**) . For the main metric this should be assessed using the DEFRA condition sheets. Any habitats damaged or destroyed post 30<sup>th</sup> Jan 2020 will need to be included within the calculations based on their former condition;
2. the project design steps taken to avoid and minimise adverse biodiversity impacts (**provided in text document**);
3. the proposed approach to enhancing biodiversity on-site (**provided in text document**);
4. any proposed off-site biodiversity enhancements (including the use of credits) that have been planned or arranged for the development (**provided in text document**);
5. a working assessment of the expected Biodiversity Net Gain (**provided in text document**);
6. the completed metric spreadsheets used to calculate the pre-development biodiversity value and to approximate the post development value (**provided Excel format**);
7. habitat condition sheet assessment with justifications (**provided in text document**);
8. maps of baseline habitats, an annotated Ecological Mitigation Map and illustrative post-development habitat proposals including retained and proposed new features (**required as separate document with imagery produced using GIS software**).

3.2.3. **The Local Planning Authority will expect Biodiversity Gain Information to include a report, completed metric spreadsheet and GIS imagery. Please refer to Appendix 2 for a Biodiversity Gain Information Checklist that you can use to ensure you cover the points listed above within your submission.**

## Biodiversity Gain Plan

3.2.4. The Biodiversity Gain Plan is referred to in the Environment Act 2021 and must be agreed prior to commencement. Planning applications subject to BNG will be required to submit a biodiversity gain plan for planning authority approval. The Act sets out that the biodiversity gain plan should cover:

1. How adverse impacts on habitats have been minimised;
2. the pre-development biodiversity value of the onsite habitat;
3. the post-development biodiversity value of the onsite habitat;
4. the biodiversity value of any offsite habitat provided in relation to the development;
5. any statutory biodiversity credits purchased; plus
6. any further requirements as set out in secondary legislation

3.2.5. Prior to the mandatory requirements and in order to demonstrate compliance to Policy NE3a the LPA will expect Biodiversity Gain Plans to include points 1-4 above, and in addition:

7. The [10 Good Practice Principles \(hyperlinks\)](#) set out in table 1 should be demonstrated;
8. completed metric spreadsheets used to calculate the pre-development and post development biodiversity values;
9. maps of baseline habitats, and post-development habitat proposals including retained and proposed new features (usually required in GIS format);
10. completed DEFRA condition sheets to accompany the main metric; and
11. a 30-year management and monitoring plan (with contingency approach)

3.2.6. **The Local Planning Authority will expect Biodiversity Gain Plans to include a report, completed metric spreadsheet and GIS imagery. Please refer to Appendix 3 for a Biodiversity Gain Plan Checklist that you can use to ensure you cover the points listed above within your Gain Plan.**

### 3.3. The information needed for the metrics

Please refer to the national Metric User Guide for more comprehensive guidance and top tips.

To download and use the metrics please refer to guidance on [The Biodiversity Metric 3.1, Natural England \(hyperlinks\)](#).

<b>Table 3. The information needed for the metrics:</b>	
<b>Metric 3.1</b>	<b>Small Sites Metric</b>
○ The types of habitat - on-site (and off-site when applicable);	○ The types of habitat – on-site (and off-site when applicable);

**Table 3. The information needed for the metrics:**

<ul style="list-style-type: none"> <li>○ the size of each habitat parcel in hectares – or for linear or riverine features in kilometres;</li> <li>○ the condition of each habitat parcel or feature as determined using DEFRA condition sheets;</li> <li>○ whether the habitat feature affected are in locations identified as local nature priorities and so would trigger Strategic Significance; and</li> <li>○ whether any off-site gains would trigger Spatial penalties (Spatial Risk)</li> </ul>	<ul style="list-style-type: none"> <li>○ the size of each habitat parcel in hectares - or for linear or riverine features, in kilometres;</li> <li>○ whether the habitat features affected are in locations identified as local nature priorities and so would trigger Strategic Significance; and</li> <li>○ whether any off-site gains would trigger Spatial penalties.</li> </ul>
---	--

### 3.4. How, what, and where to deliver biodiversity gains

#### On site gains

3.4.1. The habitat type, distinctiveness and condition proposed for on-site gains must be appropriate and realistic. Proposing unachievable habitats will not be accepted and could cause delays to planning decisions. Habitat gains should be planned and designed to maximise ecological and societal benefits. They will be dependent upon a number of site-specific issues. Key considerations are set out in the table below.

**Table 4. Key considerations for on-site gains**

<b>Consideration</b>	<b>Explanation</b>
<b>Context of habitat lost</b>	Gains should be mindful of the local context of the habitat types lost – was the habitat typical for the location or more unusual – was it locally valuable
<b>Retained features &amp; key species interests</b>	Gains should be compatible and complimentary to any habitats retained, and support their resilience (e.g., flower rich buffers to new hedgerows)
<b>Habitat trading</b>	Trading down in habitat type (i.e., distinctiveness) is not acceptable. Replacement habitats should be like for like, or ideally, like for better.  Low distinctiveness habitats can be replaced by any higher distinctiveness habitats that are ecologically suited to the site.  Medium distinctiveness habitats should be replaced with similar habitats in better condition, or with higher distinctiveness habitats suited to the site and location
<b>Site use &amp; green space requirements</b>	The choice and condition of habitats proposed must be realistic to the location and future site use. Where habitat gains are

	proposed on site as part of, or alongside green space requirements with public access, the habitat type and planned condition must be appropriate to that use, and associated management options. The development of high-quality grassland habitats will rarely be compatible with public access.
<b>Local habitat connectivity &amp; Strategic significance</b>	Habitats retained or created should seek to support local habitat connectivity and areas of strategic significance by making new or enhanced habitat links
<b>Multi-functionality</b>	Habitat gains should be planned from the outset as an integral part of the green infrastructure requirements for the site. Where appropriate new habitats should be multi-functional providing flood relief, water quality improvements, carbon sequestration etc.  Where multifunctionality reduces the wildlife value of the habitat, this must be taken into account when planning habitat distinctiveness and condition (e.g., public access and dog walking is not compatible with the establishment and long-term management of flower-rich meadows).
<b>Size</b>	The cost and operational logistics of maintaining small areas of habitat may be higher and more difficult than for larger unconstrained locations.
<b>Urban impacts</b>	Urban impacts will all effect habitat condition (e.g., disturbance, nutrient enrichment from dog fouling, predation by cats, lighting, vandalism, fires, and noise).
<b>Management requirements</b>	Practicalities such as landform, grazing, access, water and cutting regimes will influence the type and condition of habitats that can be achieved.
<b>Long-term maintenance</b>	For the majority of on-site BNG consider relatively simple, robust habitats that will be resilient to low-maintenance schedules, climate change and public access.

## Current Off-site BNG options for development within B&NES

### 3.4.2. Current off-site BNG options for development with B&NES include:

1. The developer provides the required habitat compensation/BNG.
2. The developer finds a landowner/occupier (with control of the land for at least 30 years) and pays them to provide the required habitat enhancement and management.
3. The developer uses a facilitator/broker to find a landowner/occupier. The role of the facilitator/broker is likely to vary depending on what services the developer chooses
4. The developer pays a contribution to an existing B&NES or West of England BNG improvement project if any available. This may be done directly or through a facilitator / broker.
5. For minor impacts the developer may be able to purchase units through the council's BNG tariff scheme if this is offered by the LPA.
6. As an absolute last resort, the developer may, in the future, be able to buy habitat units from the national biodiversity credits scheme. Justification as to why Options 1- 5 are not possible must be

provided and agreed with the LPA. **The national scheme will only be available for mandatory BNG and not until late 2023.**

4. In all cases the habitat creation, management and monitoring should be overseen by a professional ecologist and secured through a legal agreement between the developer, LPA, and landowner/occupier or, in some cases, the facilitator/broker.
5. Spatial penalties will not apply for off-set sites unless the off-set site is located outside of the National Character Area and/or the LPA area in which the development site and habitat impacts are located. These are large areas as shown in Appendix 4.

### 3.5. How BNG applies to sites with no baseline biodiversity value

- 3.5.1. If a site has a baseline biodiversity unit value of zero (e.g., recently derelict office block and carpark with no landscaping) it will be at the discretion of the LPA to agree an appropriate number of biodiversity units to be delivered for the site in question. This will be decided on a site-by-site basis. Early discussion with the LPA is therefore recommended.

## 4. How to Deliver BNG in Practice

### 4.0.1. Six key things are required for development projects:

1. Early consideration of biodiversity issues within any development project
2. Implementation of the 10 BNG Good Practice Principles (some overlap with 3)
3. Implementation of the mitigation hierarchy
4. Use of the appropriate DEFRA BNG Metric and toolkit
5. Realistic approach to habitat measures proposed in terms of habitat quality and condition for all retained; created, enhanced, or restored habitats.
6. Realistic approach to long term habitat management and monitoring

- 4.0.2. In practical terms, the approach requires specific Biodiversity Gain Information as part of any qualifying planning application at the stage of application submission, and the subsequent submission of a full Biodiversity Gain Plan for approval prior to the commencement of any development.

- 4.0.3. Table 5 summarises key elements to adhere to when planning for BNG.

<b>Table 5. BNG Rules for B&amp;NES</b>		
<b>BNG Rule</b>	<b>Requirement</b>	<b>Justification</b>
<b>Irreplaceable habitat</b>	Loss of irreplaceable habitat cannot be off set through habitat replacement due to the time and difficulty of establishing similar quality habitat.  Measures to achieve BNG gains through the restorative management or enhancement of irreplaceable habitat may be considered.	DEFRA Guidance & Metric Wildlife and Countryside Act 1981 Local Plan Partial Update Policy NE3
<b>Habitat trading</b>	Habitat trading down, where replacement habitats are less distinctive, is not acceptable	DEFRA guidance & Metric
<b>On site gains through enhanced condition</b>	Unless clearly justified and agreed with the B&NES ecologist an on-site uplift in condition of more than 1 level would not be accepted (i.e., poor to moderate is acceptable but not poor to good)	Emerging best practice and SPDs
<b>On site gains through enhanced distinctiveness</b>	Unless clearly justified and agreed with the B&NES ecologist an on-site uplift in distinctiveness of more than one level would not be acceptable (i.e. low to moderate would be acceptable, but not low to high). The creation or retention of high distinctiveness habitats (other than arable margins or hedgerows) within areas of public open space and subject to public access would not be acceptable	Emerging best practice and SPDs
<b>On site gains to be controlled by a management plan</b>	On-site gains that are not included as part of a management plan cannot form part of the proposed gains.	Environment Act 2021 In the absence of a management plan there is no assurance the habitat will endure for 30yrs.

## 5. Key Steps

### 5.0. Pre-application Stage

5.0.1. Key steps during the pre-application stage include:

1. Clarifying the type of application you will be making and understanding the associated BNG requirements
2. Choosing your site wisely to avoid habitats and habitat features of high value
3. Reviewing BNG data to check potential issues (Priority Habitat; Irreplaceable Habitat; BNG sites)

4. Undertaking routine Ecological Impact Assessments through site surveys proportionate to the type of application being made. When the main BNG metric is to be used ensure the site surveys record habitat condition through use of the DEFRA condition sheets.
5. Applying the mitigation hierarchy and designing your development to minimise habitat loss and disturbance.
6. Mapping and recording baseline features that could be retained, protected, and enhanced. Using the appropriate BNG metric to assess baseline biodiversity values of your application site

**5.0.2. Ideally seek Pre-app advice from the Local Planning Authority to clarify the approach to BNG and agree the options and requirements for your application.**

### 5.1. Planning Application Stage

5.1.1. Biodiversity Gain Information should be prepared and submitted during the planning application stage. Key steps include:

1. Considering and using the 10 BNG Principles
2. Mapping the baseline habitats and features present and using the right metric to calculate the pre-development biodiversity baseline
3. Applying the mitigation hierarchy to minimise site losses through good site design
4. Setting out the proposed approach to on-site biodiversity gains (retention, replacement, and enhancement)
5. Mapping the on-site post-development habitats and features retained, created, or enhanced and using the metric to calculate the post-development biodiversity values of the site
6. Using the metric to determine the habitat gains achieved on-site and to calculate the need for additional off-site gains
7. Setting out the approach to deliver any off-site gains required

### 5.2. Prior to Development

5.2.1. A full Biodiversity Gain Plan should be prepared and submitted at this stage for pre-commencement approval. A Biodiversity Gain Plan condition may be included as a condition of planning approval if sufficient information isn't provided with the application. This should set out and include:

1. How the 10 Good Practice Principles have been applied and how adverse impacts on habitats have been minimised
2. The pre-development biodiversity value of the onsite habitat
3. The post-development biodiversity value of the onsite habitat
4. The biodiversity value of any offsite habitat provided in relation to the development
5. Completed metric spreadsheets used to calculate baseline and post development biodiversity values for on-site and any off-site habitats
6. Maps of baseline habitats, and post-development habitat proposals including retained and proposed new features (usually required in GIS format)
7. Any further requirements as set out in secondary legislation



## 6. How to Prepare a BNG Management & Monitoring Plan

- 6.0.1. The BNG Management and Monitoring Plan must be fit purpose. In most cases, it must set out the management and monitoring required over a minimum of 30 years to achieve and check the delivery of the approved BNG proposals.
- 6.0.2. The monitoring details should be clearly set out to enable specific management targets to be clearly identified and monitored to meet agreed objectives. The proposed timeline for target habitat condition agreed should be identified with guidance of what to look for and check. The plan should also set out the process for agreeing any remediation or amendments to management prescriptions if monitoring indicates that agreed targets are not on track or will not be met.
- 6.0.3. Reference to the Natural England Habitat Condition sheets should be made when designing the management and monitoring plans. These should detail the precise methods that will be used to achieve the agreed habitat types and condition.
- 6.0.4. The use of pesticides or weedkiller; disposing of grass cuttings / arisings in “compost” heaps on-site or in hedgerows (or other on-site waste disposal); routinely cutting ivy where there is no specific arboricultural justification are considered detrimental to achieving the BNG objective and should not be carried out. Where there is a requirement to undertake any potentially damaging actions, a justification should be provided within the BNG Management and Monitoring Plan.
- 6.0.5. **There will typically be two stages of management to detail for each habitat type to be retained, enhanced, restored, or created.**

### Stage 1

- 6.0.6. The establishment/restoration phase must be described with all establishment phase or restoration phase management prescriptions set out. This should include details of management tasks, methods, their frequency, duration, and timing. The BNG Management & Monitoring Plan should also detail whether specialist tools / machinery / personnel and expertise are required for implementation.

### Stage 2

- 6.0.7. The longer-term routine management measures required to achieve and then sustain the target condition must be set out. This should include details of management tasks, methods, their frequency, duration and timing. The BNG Management & Monitoring Plan should also detail whether specialist tools / machinery / personnel and expertise are required.

## 7. The Use of Legal Agreements

- 7.0.1. It is anticipated that most applications that trigger BNG requirements and which retain, create, enhance, or restore habitats of medium distinctiveness or above will require use of a legal agreement or unilateral undertaking to secure the management and monitoring plan.
- 7.0.2. The council will work to minimise the costs and time implications of this by preparing generic agreement templates that can be adapted for individual applications.

## 8. How the LPA will process your application

- 8.0.1. When you submit your application, it will be checked to determine if the right information is included and whether the minimum biodiversity gain percentage required is provided in the BNG Metric headline result. This will help to ensure any unnecessary delays are avoided.
- 8.0.2. The application will be registered and if valid passed onto a Case officer who review the application in terms of its policy compliance. The Council's ecologists will be consulted on applications requiring BNG to review and check the BNG proposals and any ecological sensitives at the site. The Council's ecologists will assess the schemes compliance with all Natural Environment Policies (including the BNG requirements).
- 8.0.3. If the application is acceptable on policy grounds it will be approved subject to a pre-commencement condition which will require the submission and approval of a Biodiversity Net Gain Plan as detailed in section 5.3 above. No development can be started unless the Biodiversity Gain Plan is approved in writing by the LPA.

## 9. How BNG decisions will be made

- 9.0.1. The BNG decision making process should proceed without problems or difficulties when the mitigation hierarchy is used well, good information is used to plan and design a development, and when adequate Biodiversity Gain Information is submitted with an application. There should be agreement about the habitat type, quantity, and condition on site prior to development, and what is to be created, retained, and enhanced, and how much gain will be achieved on site and off. In such cases, the BNG approach should be straight forward and there should be confidence that the final BNG Plan will be approved.
- 9.0.2. However, it is possible that BNG proposals are not found to be adequate or satisfactory. This would mean a BNG plan could not be approved and would cause delays to any development starting on site. This may occur because the initial site design and planning failed to minimise or avoid impacts, or if the metrics are not properly used, or if claims about habitat creation or enhancement are unrealistic or undeliverable. Conflicts with other elements of the scheme may also mean a BNG Plan could not be approved. In most cases such issues could be identified early in the planning process through the use of the Council's pre-application process.

9.0.3. **To help avoid such situations the council is considering the development of a discretionary BNG advice service.**

## 10. Nature Recovery

10.0.1. The council is committed to support and promote Nature Recovery across B&NES and, where appropriate will encourage off-site BNG provision to contribute to Strategic Nature Recovery Projects as they emerge through the development of WoE and B&NES Local Nature Recovery Action Plans.

## Glossary

<b>Appropriate Net Gain</b>	Appropriate net gain means that that no net loss and a measurable gain is achieved. This must be reasonable for the type and scale of application and be readily justified based upon the quality and status of the habitats impacted. The figures will be agreed through the planning process.
<b>Biodiversity Gain Information</b>	All qualifying applications are required to submit a defined set of Biodiversity Gain Information at the planning application stage. This must fulfil minimum requirements and may include further information towards a complete Biodiversity Gain Plan should such information be available. Biodiversity Gain Information can help aid decision-making by providing planning authorities, and consultees, with an understanding of how proposed development intends to meet the biodiversity gain objective. The biodiversity gain information would usually form part of a Biodiversity Gain Plan.
<b>Biodiversity Gain Plan</b>	The purpose of the Biodiversity Gain Plan is to enable the developer to demonstrate their biodiversity net gain and allow the planning authority to check whether the proposals meet the biodiversity gain objective. The Biodiversity Gain Information would usually form part of a Biodiversity Gain Plan. A Biodiversity Gain Plan must be approved prior to the commencement of any works on site. It is at the Applicant's discretion whether to provide this at the submission of an application.
<b>Major Development</b>	A major development is any application that involves mineral extraction; waste development; the provision of 10 dwellings or more; a site area of over 0.5 hectare and the number of dwellings is not known; a floorspace of over 1,000sqm or a site area of one hectare.
<b>Minor Development</b>	A minor development is anything smaller than the criteria for major developments. For example: the number of dwellings is between one and nine; the floorspace is less than 1,000sqm or the site area less than one hectare; gypsy and traveller sites - up to nine pitches
<b>Small Sites Metric</b>	The Small Sites Metric (SSM) is a simplified version of the Biodiversity Metric. This has been designed for use on small development sites providing there is no priority habitat (other than hedgerow or arable margins) present on site. Metric 3.1 or latest equivalent should be used to calculate losses and gains off-site.

# Appendix 1

B&NES Local Plan Partial Update Biodiversity Net Gain Policy NE3a

## **Policy NE3a Biodiversity Net Gain**

**Development will only be permitted for major developments where a Biodiversity Net Gain of a minimum 10% is demonstrated and secured in perpetuity (at least 30 years) subject to the following requirements:**

- a) The latest DEFRA metric or agreed equivalent is used to quantify the biodiversity value of the site pre-development, post-development after application of the mitigation hierarchy and for any off-site areas proposed for habitat creation or enhancement both pre- and post development.
- b) That the assessment be undertaken by a suitably qualified and/or experience ecologist and is submitted together with baseline and proposed habitat mapping in a digital format with the application.
- c) A management plan will be required, detailing how the post development biodiversity values of the site and any supporting off-site provision will be secured, managed, and monitored in perpetuity.
- d) Any off-site habitats created or enhanced are well located to maximise opportunities for local nature recovery.

**For minor developments, development will only be permitted where no net loss and appropriate net gain of biodiversity is secured using the latest DEFRA Small Sites metric or agreed equivalent.**

**Opportunities to secure Biodiversity Net Gain on householder developments and exempted brownfield sites will be supported.**

## Appendix 2

### Biodiversity Gain Information Checklist

The Biodiversity Gain (BNG) Information Checklist relates to the Local Plan Partial Update (LPPU) BNG policy NE3a. It is intended to guide the registration of planning applications and to ensure the right information is secured.

### Biodiversity Gain Information Checklist

The Local Planning Authority will expect Biodiversity Gain Information to include a report, completed metric spreadsheet and GIS imagery.

<b>Requirement</b>	<b>Information Required</b>	<b>Document</b>	<b>Explanation</b>	<b>Has this been submitted?</b>
1	<b>Pre-development Biodiversity Value</b>	Report	Pre-development biodiversity value of the site as calculated using the relevant DEFRA metric  Any habitats damaged or destroyed post 30th Jan 2020 will need to be included within the calculations based on their former condition	Yes or no
2	<b>Project Design Steps to Avoid and Minimise Impacts</b>	Report	Project design steps taken to avoid and minimise adverse biodiversity impacts	Yes or no
3	<b>Approach To Enhancing Biodiversity On-Site</b>	Report	Approach to enhancing biodiversity on-site	Yes or no
4	<b>Off-site Biodiversity Enhancements</b>	Report	Any proposed off-site biodiversity enhancements (including the use of credits) that have been planned or arranged for the development	Yes or no
5	<b>Working Assessment of The Expected Biodiversity Net Gain</b>	Report	Working assessment of the expected Biodiversity Net Gain	Yes or no
6	<b>Habitat Condition Sheets</b>	Report	Habitat condition sheet assessment with justifications	Yes or no
7	<b>Metric Spreadsheets</b>	Excel Spreadsheet	Completed metric spreadsheets used to calculate the pre-development biodiversity value and the post development value	Yes or no
8	<b>GIS Imagery</b>	GIS Imagery / Maps	Maps of baseline habitats, an annotated Ecological Mitigation Map and illustrative post-development habitat proposals including retained and proposed new features (required as separate document with imagery produced using GIS software).	Yes or no



## Appendix 3

### Biodiversity Gain Plan Checklist

This Biodiversity Gain Plan Checklist relates to the Local Plan Partial Update (LPPU) BNG policy NE3a.

Biodiversity Gain Information is required at the submission of an application as this will guide and support the decision-making process. The information should be used to inform the Biodiversity Gain Plan. Please refer to **Appendix 3** of the BNG Reference Guide for a Biodiversity Gain Information Checklist.

To demonstrate compliance with Policy NE3a, the Local Planning Authority will expect Biodiversity Gain Plans to include a report, completed metric spreadsheet and GIS imagery.

### Biodiversity Gain Plan Checklist

The Local Planning Authority will expect Biodiversity Gain Plans to include a report, completed metric spreadsheet and GIS imagery.

<b>Requirement</b>	<b>Information Required</b>	<b>Document</b>	<b>Explanation</b>	<b>Has this been submitted?</b>
1	<b>Pre-development Biodiversity Value</b>	Report	Pre-development biodiversity value of the site as calculated using the relevant DEFRA metric  Any habitats damaged or destroyed post 30th Jan 2020 will need to be included within the calculations based on their former condition	Yes or no
2	<b>Project Design Steps to Avoid and Minimise Impacts</b>	Report	Project design steps taken to avoid and minimise adverse biodiversity impacts	Yes or no
3	<b>Approach To Enhancing Biodiversity On-Site</b>	Report	Approach to enhancing biodiversity on-site	Yes or no
4	<b>Post-development Biodiversity Value (site)</b>	Report	Post-development biodiversity value of the site as calculated using the relevant DEFRA metric.	Yes or no
5	<b>Off-site Biodiversity Enhancements</b>	Report	Any proposed off-site biodiversity enhancements (including the use of credits) that have been planned or arranged for the development	Yes or no
6	<b>Post-development Biodiversity Value (off-site)</b>	Report	The biodiversity value of any offsite habitat provided in relation to the development	Yes or no
7	<b>Working Assessment of The Expected Biodiversity Net Gain</b>	Report	Working assessment of the expected Biodiversity Net Gain	Yes or no

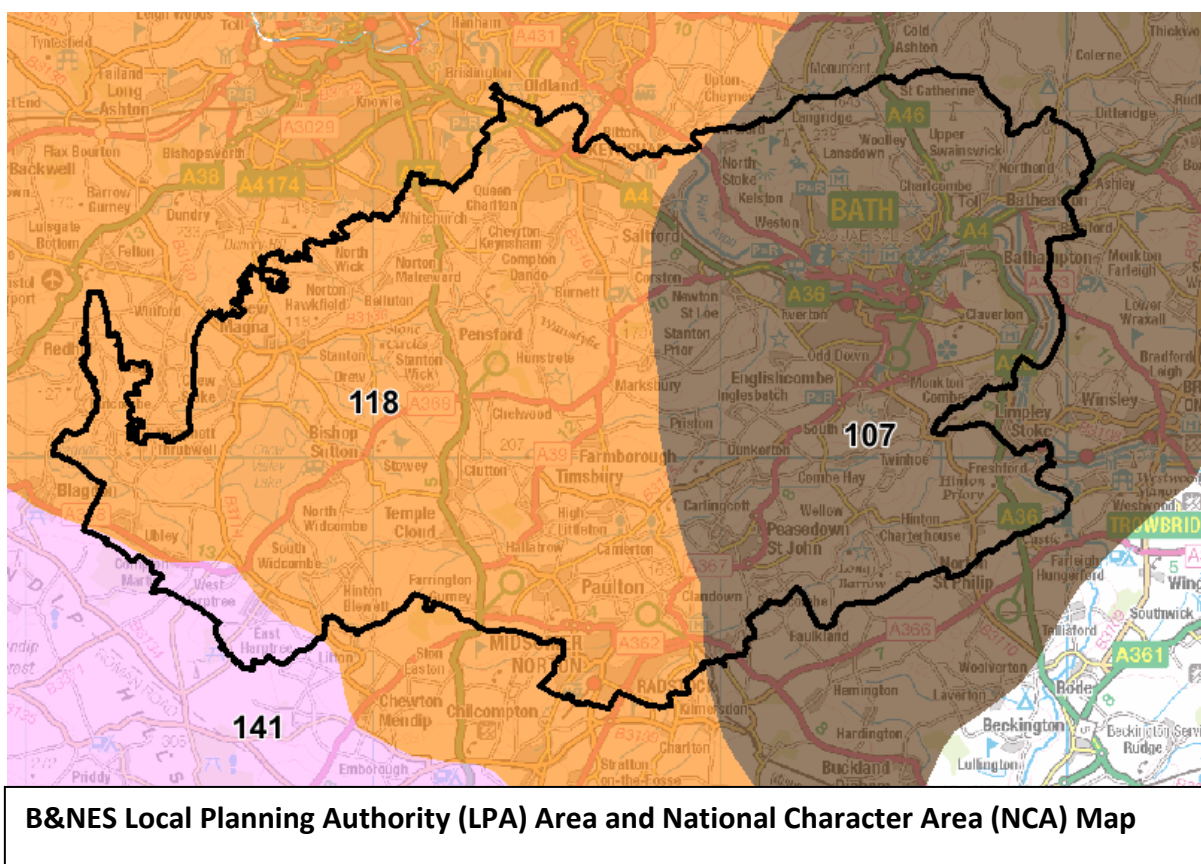
8	<b>Timeframe</b>	Report	Details concerning the point in the development process that gains (both on-site and off-site) are to be delivered	Yes or no
9	<b>Habitat Condition Sheets</b>	Report	Habitat condition sheet assessment with justifications	Yes or no
10	<b>Evidence</b>	Report	Evidence that claimed gains have been secured and allocated (both on-site and off-site) and that the 10 Good Practice principles (© CIEEM, CIRIA, IEMA, 2016) (as set out in Section 2 of the Interim Guidance Note) have been satisfied	Yes or no
11	<b>Metric Spreadsheets</b>	Excel Spreadsheet	Completed metric spreadsheets used to calculate the pre-development biodiversity value and the post development value	Yes or no
12	<b>GIS Imagery</b>	GIS Imagery / Maps	Maps of baseline habitats, an annotated Ecological Mitigation Map and illustrative post-development habitat proposals including retained and proposed new features (required as separate document with imagery produced using GIS software).	Yes or no

# Appendix 4

Spatial Risk Category

## Spatial Risk

Where a project proposes offsite habitat creation or enhancement, the biodiversity metric requires a 'spatial risk' category to be entered relating to the location of the offset site in relation to the development.



**B&NES Local Planning Authority (LPA) Area and National Character Area (NCA) Map**

[National Character Areas \(hyperlinks\)](#) within B&NES LPA:

- 107 – Cotswolds
- 118 Bristol, Avon Valleys, and Ridges
- 141 – Mendip Hills

The biodiversity metric disincentives locating off-sets outside of the Local Planning Authority (LPA) area and National Character Area (NCA) on the impact site with a negative multiplier reducing the number of BNG Units an off-set provides.

Biodiversity Metric Spatial Risk Categories:

<b>Risk Category</b>	<b>Multiplier</b>
Compensation inside LPA or NCA, or deemed to be sufficiently local, to site of biodiversity loss	1
Compensation outside LPA or NCA of impact site but in neighbouring LPA or NCA	0.75
Compensation outside LPA or NCA of impact site and beyond neighbouring LPA or NCA	0.5

# Appendix 5

Biodiversity Net Gain Legal Agreement Template

To follow

# Appendix 6

Useful Resources



## Useful Resources

[Guidance, Biodiversity metric: calculate the biodiversity net gain of a project or development \(hyperlinks\)](#) - When and how to use the biodiversity metric to assess the value of a project or development to wildlife.

[Biodiversity Net Gain – Principles and Guidance for UK Construction and Developments \(hyperlinks\)](#)

West of England Biodiversity Net Gain Guidance – Awaiting Publication

[Biodiversity Net Gain FAQs - Frequently Asked Questions \(hyperlinks\)](#)