

Biodiversity Net Gain

Reference 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 quick reference note focusses on the requirements of the new Local Plan Partial Update Policy NE3a. It is provided to guide developers in the early stages of the BNG process and to assist decision-making. For full guidance, please refer to the B&NES **Interim Biodiversity Net Gain Guidance Note**, which reflects our best understanding of developing national practice.

Please be advised that the Environment Act (2021) does not change existing legal protections for important habitats and wildlife species, and that planning policy NE3a is additional and complimentary to existing planning policies for the natural environment.

Will my development be exempt from BNG?

Permitted development, householder and change of use applications are exempt from the formal BNG requirements, but habitat and species enhancements are required. These enhancements must be proportionate to the scale and location of development. It should be evidenced how these enhancements will support nature's recovery. Please refer to **Table 1** below.

Table 1. Exemptions: The table presents the developments that are exempt from the formal BNG requirements.		
Permitted Development	Exempt from 10% net gain	Encouraged to deliver proportionate species and/or habitat enhancements (see Policy D5 ¹)
Householder Applications	Exempt from 10% net gain	Encouraged to deliver proportionate species and/or habitat enhancements (see Policy D5 ¹)
Change of Use	Exempt from 10% net gain	Applicants should be aware that any subsequent planning application will have to comply with BNG requirements

¹ Building Design (D5)

Policy D5 is one of several development plan policies that seek to protect and enhance nature in B&NES. D5e relates specifically to building and space design and the requirements for new features for wildlife to be designed into new buildings, gardens, and green spaces.

How does BNG apply to my application?

For all planning applications that are not listed above, there is a requirement to demonstrate and deliver measurable net gains for biodiversity which must be secured, managed, and monitored.

All planning projects other than those exempted should consider BNG requirements from the very on-set, prior to site design, and ideally at site selection stage. Please refer to **Table 2** below. Whilst there is a distinction in the way BNG is to be calculated for majors and minors, the intention is to secure biodiversity net gains from these applications in a consistent and systematic way. For an overview of the process, please refer to **Appendix 1**.

Table 2. How BNG applies to different types of application: The table presents the formal requirements for BNG.		
Minor ²	Measurable and appropriate ³ net gain sought using Small Sites Metric ⁴	Biodiversity Gain Information required at submission of application Biodiversity Gain Plan to be approved prior to commencement
Major ⁴	Minimum of 10% net gain required using main metric (3.1 or latest update)	Biodiversity Gain Information required at application stage Biodiversity Gain Plan to be approved prior to commencement
Outline	Measurable and appropriate ³ net gain sought for Minor application and minimum of 10% required for Major ⁴ applications	Biodiversity Gain Information required at application stage Biodiversity Gain proposals secured by appropriate condition/legal clause to secure mitigation and BNG policy compliant proposal
Reserved Matters	Measurable and appropriate ³ net gain sought for Minor application and 10% required for Major ⁴ applications	Biodiversity Gain Information required at application stage Biodiversity Gain Plan to be approved prior to commencement
Retrospective Applications (after 30 January 2020)	Measurable and appropriate ³ net gain sought for Minor application and 10% required for Major ⁴ applications	Available information will be used to determine the biodiversity value 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.

² 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

³ 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.

⁴ 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.

Which metric should I use?

All major applications should use the main DEFRA metric (currently 3.1). The Small Sites Metric⁵ is appropriate for most minor applications, however, there are some circumstances where minors must use the main metric. Please refer to **Appendix 2** to determine whether the use of the Small Sites Metric is appropriate.

To download and use the metrics please refer to [Natural England The Biodiversity Metric 3.1 \(hyperlinks\)](#) and [Natural England The Small Sites Metric \(hyperlinks\)](#). These resources also offer more comprehensive guidance and top tips.

Priority Habitats

Priority habitats are habitats with a high biodiversity value. In many cases they can be identified using [Defra's MAGIC website \(hyperlinks\)](#) or by contacting the [Local Environmental Record Centre \(hyperlinks\)](#).

What should I submit with my application?

Biodiversity Gain Information

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. This will guide and support the decision-making process. For the Biodiversity Gain Information Checklist, please refer to **Appendix 3**. The Local Planning Authority will expect Biodiversity Gain Information to include a report, completed metric spreadsheet and GIS imagery.

Biodiversity Gain Plan

A full 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. For the Biodiversity Gain Plan Checklist, please refer to **Appendix 4**. The Local Planning Authority will expect Biodiversity Gain Plans to include a report, completed metric spreadsheet and GIS imagery.

The planning authority will only 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;

⁵ 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.

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. and 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.

What steps can I take to reduce delays during the decision-making process?

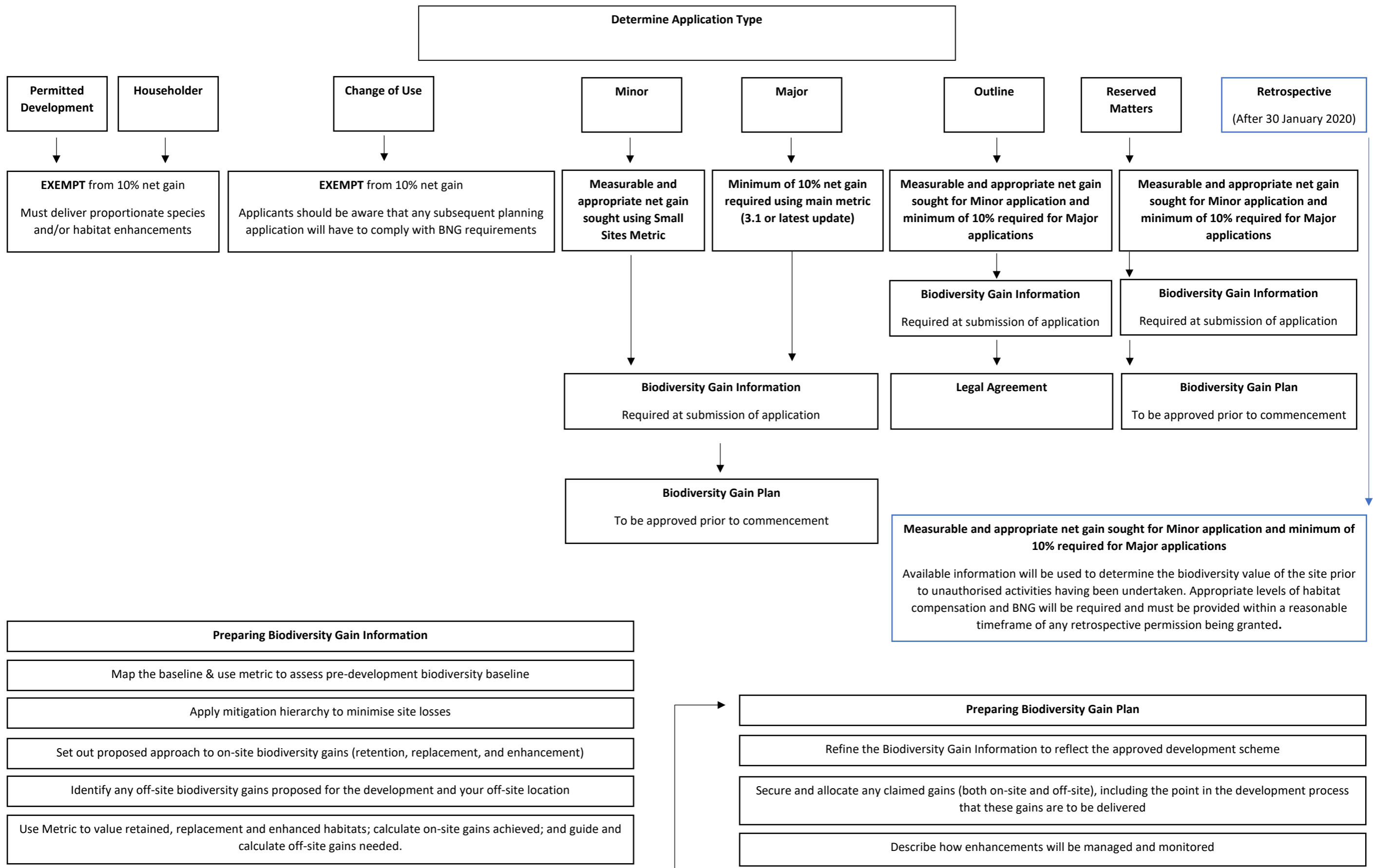
The BNG decision making process should proceed without problems or difficulties when the mitigation hierarchy is used well, good information is used to plan and design a development, and when adequate Biodiversity Gain Information is submitted with an application. There should be agreement about the 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.

Frequently Asked Questions

The Planning Advisory Service have worked with Natural England and Defra to answer the questions they are most frequently asked. [Biodiversity Net Gain FAQs - Frequently Asked Questions \(hyperlinks\)](#).

Appendix 1

An overview of the BNG process



Preparing Biodiversity Gain Information

Map the baseline & use metric to assess pre-development biodiversity baseline

Apply mitigation hierarchy to minimise site losses

Set out proposed approach to on-site biodiversity gains (retention, replacement, and enhancement)

Identify any off-site biodiversity gains proposed for the development and your off-site location

Use Metric to value retained, replacement and enhanced habitats; calculate on-site gains achieved; and guide and calculate off-site gains needed.

Preparing Biodiversity Gain Plan

Refine the Biodiversity Gain Information to reflect the approved development scheme

Secure and allocate any claimed gains (both on-site and off-site), including the point in the development process that these gains are to be delivered

Describe how enhancements will be managed and monitored

Appendix 2

Flow chart to determine which BNG metric to use for minor applications

The main DEFRA metric or the latest equivalent should be used for all Major applications

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

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).

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.

Appendix 3

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.

Requirement	Information Required	Document	Explanation	Has this been submitted?
1	Pre-development Biodiversity Value	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	Project Design Steps to Avoid and Minimise Impacts	Report	Project design steps taken to avoid and minimise adverse biodiversity impacts	Yes or no
3	Approach To Enhancing Biodiversity On-Site	Report	Approach to enhancing biodiversity on-site	Yes or no
4	Off-site Biodiversity Enhancements	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	Working Assessment of The Expected Biodiversity Net Gain	Report	Working assessment of the expected Biodiversity Net Gain	Yes or no
6	Habitat Condition Sheets	Report	Habitat condition sheet assessment with justifications	Yes or no
7	Metric Spreadsheets	Excel Spreadsheet	Completed metric spreadsheets used to calculate the pre-development biodiversity value and the post development value	Yes or no
8	GIS Imagery	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

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.

Requirement	Information Required	Document	Explanation	Has this been submitted?
1	Pre-development Biodiversity Value	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	Project Design Steps to Avoid and Minimise Impacts	Report	Project design steps taken to avoid and minimise adverse biodiversity impacts	Yes or no
3	Approach To Enhancing Biodiversity On-Site	Report	Approach to enhancing biodiversity on-site	Yes or no
4	Post-development Biodiversity Value (site)	Report	Post-development biodiversity value of the site as calculated using the relevant DEFRA metric.	Yes or no
5	Off-site Biodiversity Enhancements	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	Post-development Biodiversity Value (off-site)	Report	The biodiversity value of any offsite habitat provided in relation to the development	Yes or no
7	Working Assessment of The Expected Biodiversity Net Gain	Report	Working assessment of the expected Biodiversity Net Gain	Yes or no
8	Timeframe	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	Habitat Condition Sheets	Report	Habitat condition sheet assessment with justifications	Yes or no
10	Evidence	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	Metric Spreadsheets	Excel Spreadsheet	Completed metric spreadsheets used to calculate the pre-development biodiversity value and the post development value	Yes or no
12	GIS Imagery	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