BIODIVERSITY NET GAIN

PLANNING ADVISORY NOTE

BLACKBURN with DARWEN BOROUGH COUNCIL

JANUARY 2024

Contents

Acronyms used within this note

AMR	Annual Monitoring Report
BGP	Biodiversity Gain Plan
BHS	Biological Heritage Sites
BM	Biodiversity Metric
BNG	Biodiversity Net Gain
BU	Biodiversity Units
BwD	Blackburn with Darwen
BwDBC	Blackburn with Darwen Borough Council
CC	Conservation Covenant
CCNCS	Climate Change and Natural Capital Study
CIF	Climate Impact Framework
Defra	Department for Food and Rural Affairs
DLUHC	Department for Levelling Up, Housing and Communities
DWS	District Wildlife Sites
EOA	Environmental Opportunity Areas
GI / GBI	Green Infrastructure / Green and Blue Infrastructure (used interchangeably)
HBV	Habitat Banking Vehicle
HMMP	Habitat Management and Monitoring Plan
LEN	Lancashire Ecological Network
LNR	Local Nature Reserve
LNRS	Local Nature Recovery Strategy
LP	Local Plan 2021-2037
LPA	Local Planning Authority
MH	Mitigation Hierarchy
NE	Natural England
NPPF	National Planning and Policy Framework
NRN	Nature Recovery Networks
OSR	Off-sites register
PAN	Planning Advisory Note
PINS	Planning Inspectorate
PPG	Planning Practice Guidance
S106	Section 106 Agreement
Sis	Statutory Instruments
SM	Standard Metric
SMM	Small Sites Metric
SPD	Supplementary Planning Document
SPV	Specialist Delivery Vehicle
SUDS	Sustainable Urban Drainage System
UKHab	Uk Habitat Classification Mapping

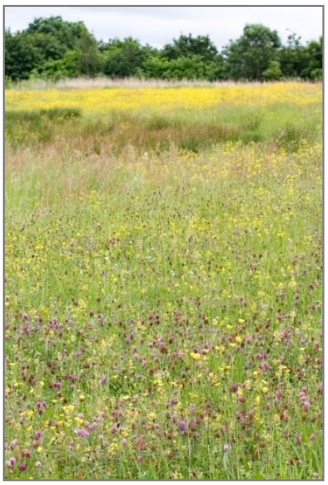
1.0 Executive Summary

What is Biodiversity Net Gain (BNG)?

1.1 Biodiversity is the umbrella term used to describe the variety of living species on earth – including both plant and animal life. All species work together in ecosystems to maintain balance and support life, in fact supporting everything in nature we need to survive. However, the UK is one of the most depleted countries in the world in terms of biodiversity, and this includes impacts which occur as a result of development.

1.2 Biodiversity Net Gain (BNG) works to provide measurable net gains for biodiversity through new development. This will make sure the environment is left in a measurably better stage than before development commenced – and is a significant, but critically necessary, step change in approach. Most new developments will now be required to enhance or create natural habitats to ensure that development contributes to nature's recovery. New developments must consider habitats and provide a minimum of 10% measurable net gain on the pre-development value. All planning applications will need to consider BNG from their very earliest stages, at site selection stages, and in design.

Delivering better places



1.3 The Covid-19 pandemic highlighted the importance of access to good green space and the health benefits associated with access to the natural environment. Securing BNG can also help deliver much better, more resilient and well-integrated developments and in turn provide better places for local communities. 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.

BNG Planning Advisory Note (PAN)

1.4 This note provides guidance on much of BNG requirements. The summary below provides some of the 'key headlines' – details can be found through the document.

1.5 This is a planning advisory note, and, in advising, there is quite a bit of technical guidance. This is needed to align with legal requirements and the Council's duties to nature recovery, the planning system and biodiversity net gain.

1.6 The PAN is designed to help you, bringing together a wide range of information and guidance into one place, to make it as simple to navigate BNG as possible.

Mapping

1.7 In advance of the introduction of the LNRS, BNG is supported by an interactive map showing all areas of 'BNG Strategic significance' – the importance of which is explained in this document. The map should be referred to when preparing metrics.

BNG Summary

- Following the introduction of BNG, **all new development** (unless exempted or de-minimis) **must provide measurable biodiversity net gains of at least 10%** on the pre-development baseline level. All other development should provide some net gain in accordance with national planning policy. (see Chapter 5 & 7)

- Habitat is a proxy for biodiversity; and where there are multiple habitats on site (e.g., land, hedgerows, trees, water) then a 10% gain will be required for each of those separate habitats. They cannot be interchanged, or traded down (in terms of quality or condition). (see Chapter 10)

- BNG does not change existing environmental and wildlife protections. (see Chapter 5)

- All development must follow the mitigation hierarchy (and demonstrate how it has done so). (see Chapter 5)

- Gains are measured using defined metrics. The appropriate metric must be completed by a competent person – usually an ecologist. They must be submitted at i) at the planning application stage, and ii) prior to commencement of the development as part of a Biodiversity Gain Plan (BGP). Submission of a BGP will be a condition of planning approval, and development cannot start until the plan has been submitted to, and discharged by, the Local Planning Authority. (see Chapter 8)

- Net gains must be legally secured through planning condition, and/or legal agreement (typically a Section 106) for a period of 30 years (see Chapter 8)

- Net gains should, preferably, be delivered on the development site, but where this cannot be achieved, gains can be delivered off-site. Off-site habitats will score more favourably in the metrics where they are located in areas of 'strategic significance'. (see Chapter 8 & 9)

- Any off-site habitats are expected to be delivered in the Blackburn with Darwen borough area, not outside of it. The Council want to ensure that the benefits of development are retained in the areas affected by development. (see Chapter 11)

- Developers will be required to provide, manage and monitor habitat delivery (or pay money for a third party to provide it). (see Chapter 9)

- The Council will take enforcement action where BNG is not delivered as approved agreements specify. (see Chapter 8)

- All off-site gains must be recorded on a national register, maintained by Natural England (NE). A fee is charged by NE to apply to the register. (see Chapter 9)

- The Council will make some public land available for off-site BNG, through the sale of biodiversity units. (see Chapter 9 & 15)

- The Council must monitor all BNG delivery and regularly report on it under statutory legal duties. (see Chapter 16)

2.0 Purpose of this Planning Advisory Note

2.1 This Planning Advisory Note (PAN) provides guidance for developers on how biodiversity should be considered within development proposals, in accordance with the requirements of the Environment Act (2021) and associated legislation, National Planning Policy Framework (NPPF) and the Blackburn with Darwen Local Plan (2021-2037).

2.2 The Environment Act requires all new development to deliver a minimum of 10% biodiversity net gain (BNG) from the date of its legal introduction (12 February 2024[1]). That means it must compensate for any habitats to be lost as a result of the development, on a like for like basis, AND then enhance existing or create new habitat to provide 10% gains in biodiversity. This requirement is also set by the Local Plan (2021-2037) for the borough (see Policy CP6: Natural Environment). Full details of the legislation and policy governing and guiding biodiversity net gain can be found in Appendix B.

2.3 This PAN has been produced to explain:

- The importance of biodiversity net gain (BNG)
- The key principles of BNG to be considered through the design of the development
- BNG and the planning application process, including validation requirements, biodiversity statements, biodiversity metrics, planning conditions, legal agreements, biodiversity gain plans, habitat monitoring and management plans
- The spatial hierarchy for BNG – on-site, off-site and national credits – and how they are considered in the biodiversity metrics
- The strategic context for delivering off-site biodiversity net gain within the borough, in advance of the introduction of a Local Nature Recovery Strategy (LNRS)
- BNG monitoring and reporting requirements
- The information that must be submitted with planning applications

2.4 The PAN provides guidance in advance of the Council's Natural Environment SPD and the development of a Lancashire County Council led LNRS.

2.5 BNG is, however, still in its relative infancy, and guidance and best practice will evolve. If you in any doubt as to requirements or approach, please check with us. The PAN draws together and summarises information published by other bodies, like Defra and Natural England, so that it can be presented collectively. Links are provided throughout this document to that guidance, and you should refer to that for further information.

2.6 Links to further relevant guidance can be found within Appendix A.

[1] Mandatory BNG will apply to major applications from 12 February 2024, and, due to transitionary measures, to all other non-exempted (TCPA) development from 2 April 2024.

A note on timings

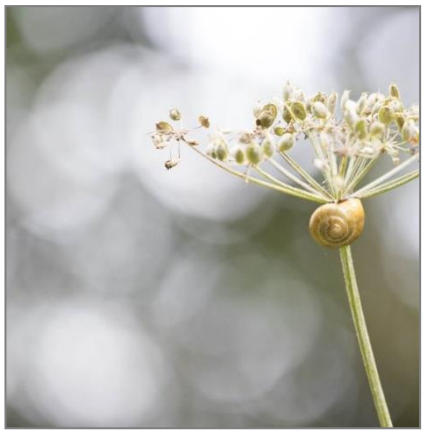
The Council expect to adopt the Local Plan (2021-2037) on the 25 January 2024, from which date it will immediately take effect as the development plan for the borough. All applications, and appeals, that remain undetermined from the adoption date, must be determined against the new development plan, which means all applications will be required to deliver 10% BNG by local policy CP6. The national, mandatory BNG will take effect from 12 February 2024 (for majors, and 2 April 2024 for all other development), and will apply to all applications submitted from that nationally set date. This means there will be a slight overlap in requirements: any applications already submitted to the Council by the date mandatory BNG takes effect, but which are underdetermined, are not liable to deliver BNG under the national legislation, but will be required to do so under local policy**. For the purpose of clarity then, the Council will expect all developments to deliver 10% BNG and evidence this in the same way, through the processes set out through this guidance note, whether the net gains are required by local Policy CP6 or the national requirements.**

3.0 The Importance of Biodiversity Net Gain

The UK is one of the most nature-depleted countries in the world

3.1 Nature is essential to us all in supporting life on earth, and providing benefits through eco-system services. However, the UK State of Nature Report (2023) shows there has been a significant decline in the average abundance of wildlife in the UK since the 1970s. There are multiple factors for the decline in biodiversity, but habitat degradation, climate change and pollution are amongst the most significant causes.

3.2 To date, the general approach has relied on ensuring no net loss to biodiversity by protecting designated sites and priority species from harmful development. Whilst this works to avoid the most severe impacts on biodiversity and wildlife, it works less well to manage the gradual erosion of lower value and more common habitats which benefit a wide range of flora and fauna. Cumulatively, the loss of habitat adds up to significant rates of biodiversity loss. This needs urgent action to address and reverse the trend.



Responding to the biodiversity crisis

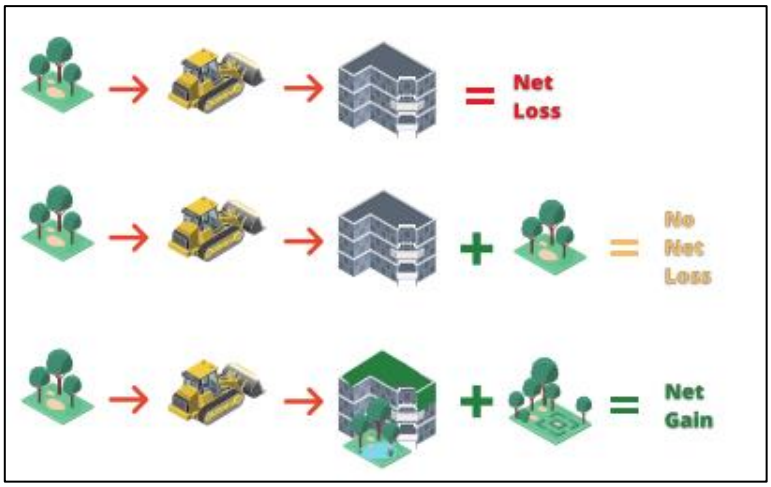
3.3 In response to this crisis, national Government has set out a 25-year Environment Plan, with an ambition “to leave our environment in a better state than we found it”. The interventions it plans to take to improve the environment have since been set out through legislation and guidance, including the statutory Environment Act (2021) and the Government’s Environmental Improvement Plan (EIP) (2023). The Environment Act (2021) introduced a series of mandatory strategies and interventions to begin to address the biodiversity emergency. This includes Biodiversity Net Gain (BNG).

Biodiversity Net Gain

3.4 Biodiversity Net Gain is a mandatory requirement for most new development to deliver a 10% net gain in biodiversity, and uses habitats as a proxy for biodiversity. Any habitats lost through new development must be replaced or compensated for, on a like for like basis, and then a further 10% uplift in biodiversity must be provided. Habitats must be provided at the same condition (quality), or higher, as the habitats that are to be lost. Habitats can be retained, enhanced or created.

3.5 Mandatory BNG will be implemented from 12 February 2024 (unless adopted local planning policy is already in place by that date). Whilst the Council’s Local Plan sets its own requirement for 10% net gain, these national, legal requirements take precedent. Under BNG, developers will be required to deliver measureable improvements to biodiversity by creating or enhancing habitats in association with their development. These improvements will be measured and assessed using a national Defra metric, and habitats will need to be secured for a minimum of 30 years. BNG is preferably to be delivered on the development site, but, where this is not possible, it may be delivered off-site or through a combination of on- and off-site. In exceptional circumstances, developments will be able to pay for credits.

Figure 1: The principle of biodiversity net gain



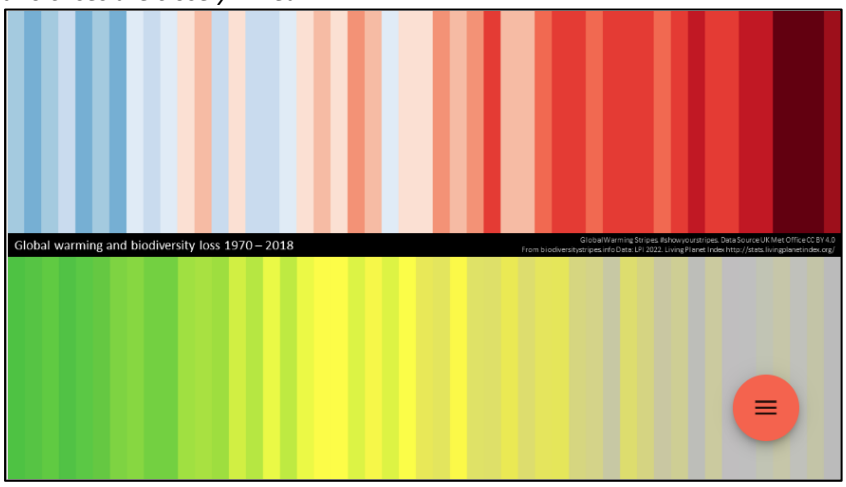
Source: BNG: An Introduction to the Benefits, Natural England (link)

The Twinned Climate Emergency

3.6 The Biodiversity Emergency and Climate Emergency are inextricably linked – effectively, they are two sides of the same coin. Climate change is exacerbating nature's decline, and the loss of wildlife and wild places leaves us ill-equipped to reduce carbon emissions and adapt to change. **One crisis cannot be solved without addressing the other**. Multi-functional improvements are critical to effectively addressing both emergencies. For example, restoring peatland habitat can also help slow the flow of water into river systems to reduce the risk of flooding, whilst planting native trees can help sequester (store) carbon, improve air quality, provide habitat, improve drainage to mitigate flood risk and improve the attractiveness of place with benefits to health and wellbeing.

Figure 2: Global warming and biodiversity loss 1970-2018

The top row shows the increase in global temperatures over time, with the bottom row showing the loss in global biodiversity over the same time period. Biodiversity is declining as temperatures increase, showing the two crises are closely linked.



Source: Miles Richardson / University of Derby: Biodiversitystripes.info

Benefits of biodiversity

3.7 Biodiversity provides a range of environmental, social and economic benefits. Rather than seeing net gain requirements as an extra cost or burden within new development, there are real opportunities to benefit from the natural capital it can bring. Natural capital approaches nature as an asset, or multiple assets, which benefit people. For example, the creation of new areas of habitat on a development site will make the development a more attractive place to live, provide green infrastructure opportunities for its residents and their health, and, as a result of that increased appeal, likely command higher house prices.

3.8 Benefits include:

- Providing habitats for a range of wildlife, including food and shelter
- Supporting pollinators
- Providing flood protection and water management
- Maintaining healthy soil composition
- Improving air quality by absorbing pollutants and producing oxygen
- Providing shading to help reduce urban temperatures
- Providing character and a sense of place
- Providing ‘green spaces’ to support recreation and leisure opportunities
- Supporting access to nature to promote physical and mental health and wellbeing
- Absorbing urban noise
- Providing attractive places that people want to live in
- Providing areas for community
- Reducing incidence of flooding, and associated costs like reduced insurance premiums
- Reducing NHS health costs
- Providing recreational benefits that can generate income

4.0 Key Policy & Legislation

4.1 A variety of (primary and secondary) legislation, policy and guidance has been introduced in respect of biodiversity. A full list can be found in Appendix B. Some of the key documents are:

Environment Act 2021

4.2 The Environment Act amends the Town and Country Planning Act 1990. From February 2024, most new developments will be required to deliver a minimum of 10% net gains in biodiversity, and secure those gains for at least 30 years. These net gains must be measurable and so the Government will set the use of specific biodiversity metrics by which biodiversity gains and losses can be calculated.

Statutory Instruments

4.3 Statutory Instruments (SIs) are drafted by Government to make changes to the law. They are secondary legislation, and all the BNG SIs are referred to as regulations. They work together to deliver the new BNG framework and consist of the following:

- The Biodiversity Gain (Town and Country Planning) (Consequential Amendments) Regulations 2024
- The Biodiversity Gain Site Register (Financial Penalties and Fees) Regulations 2024
- The Biodiversity Gain Site Register Regulations 2024
- The Biodiversity Gain Requirements (Exemptions) Regulations 2024
- The Biodiversity Gain Requirements (Irreplaceable Habitat) Regulations 2024
- The Biodiversity Gain (Town and Country Planning) (Modifications and Amendments) (England) Regulations 2024

National Planning Practice Guidance (PPG)

4.4 The Government have published BNG planning practice guidance, to support the legislation. Additional guidance can also be found through the Defra Understanding BNG webpage. A series of information links are provided below, and throughout this document. The PAN reflects much of the national guidance, on the basis of bringing it together centrally. However, as government information is expected to change over time, national guidance should always be referred to.

- BNG Planning Practice Guidance
- Legal Agreements to secure your biodiversity net gain
- Making on-site biodiversity gains as a developer
- Making off-site biodiversity gains as a developer
- Statutory biodiversity credits
- Statutory credit prices
- Calculate biodiversity using the biodiversity metric
- Meet BNG requirements: steps for developers
- Meet BNG requirements: steps to take for land managers

National Planning Policy Framework (NPPF)

4.5 The NPPF sets national planning policy, which must be considered in the determination of all planning applications (alongside local planning policy). Paragraph 174(d) of the NPPF requires planning policies and decisions to contribute to and enhance the natural and local environment by:

d) minimising impacts on and providing net gains for biodiversity, including establishing coherent ecological networks that are more resilience to current and future pressures.

4.6 Paragraph 179(b) of the NPPF requires plans to:

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

4.7 The National Planning Practice Guidance on the Natural Environment provides further information on biodiversity net gain, including its aims to leave the natural environment in a measurably better state than it was before (paragraph 20), deliver measurable net gains through development (paragraph 22), and the use of a biodiversity metric to measure those gains (paragraph 25).

Blackburn with Darwen Local Plan 2021-2037

4.8 Policy CP6: Natural Environment of the Local Plan guides that:

New development will be required to conserve and enhance biodiversity, geodiversity and landscape features ensuring…

iii. A measurable biodiversity net gain of no less than 10% is achieved which must be evidenced through the latest recognised metric and preferably delivered on site. Where net gain cannot be delivered on-site, local off-site compensatory habitat or financial payments will be required in line with the latest national and local requirements. All proposals should apply the mitigation hierarchy in accordance with the NPPF.

vi. That appropriate and long-term management of new or existing habitats is secured to ensure a network of nature recovery.

4.9 BNG is therefore set in law, and in national and local policy and guidance.

4.10 The Local Plan also contains a series of environmental-based policies, which are relevant to biodiversity net gain, and which form material considerations when the Council consider your application. For example, if you are removing any trees, Policy DM17 requires three trees to be replaced for every one tree to be removed, which can, in turn, support the creation of habitats, mitigate flood risk and mitigate the effects of increasing temperatures by providing shade.

4.11 Key policies which link to biodiversity are:

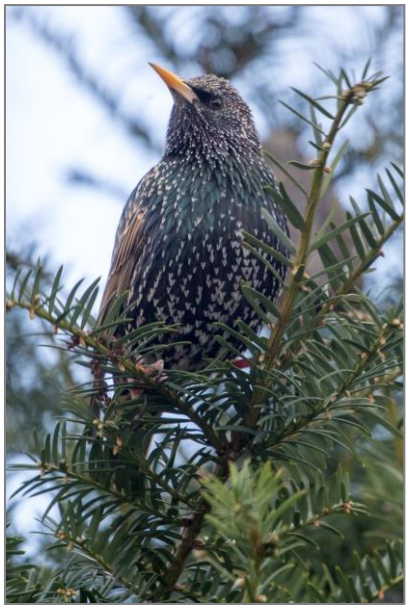
CP5: Climate Change	Requires developments to consider mitigating and climate change – the emergency is inextricably linked with the biodiversity crisis
CP6: The Natural Environment	Requires new development to conserve and enhance biodiversity, including through the delivery of 10% BNG, and the enhancement of habitat and their connectivity
CP11: Infrastructure and Delivery	Sets that BNG and other environmental improvements may be secured by planning contribution
DM13: Flooding and SuDS	Guides the management of water on sites, and promotes sustainable urban drainage systems and natural flood management techniques which can also be designed in as part of BNG provision
DM14: Environmental Opportunity Areas	Introduces environmental opportunity areas as areas highlighted for their specific value in terms of habitats, biodiversity, carbon management and/or flood risk and guides that off-setting schemes from new developments should be directed to these areas, or the wider green and blue infrastructure network.
DM15: Protection and Enhancement of Wildlife Habitats	Protects biodiversity resources from harm by developments and encourages developments to enhance existing habitats and ecological networks whilst minimising disturbance to species.
DM16: Green and Blue Infrastructure	Requires all development to make a positive contribution to the boroughs green and blue infrastructure network.
DM17: Trees and Woodland	Guides the provision and protection of trees and woodland in the borough. Requires the replacement of trees on a 3:1 ratio basis (plant 3 trees for every 1 tree removed). This can count towards BNG.
DM18: Open Space	Requires new development to contribute to the provision of high-quality open space – which can include biodiversity design.
DM27: Design in New Developments	Requires new development to achieve high quality, sustainable design including considering nature. Introduces the ‘building with nature’ accreditation.
DM28: Development affecting watercourses, bodies and catchment land	Sets that development should not reduce water quality of the ecological value of water bodies or environs

5.0 Key Principles of Biodiversity Net Gain

The following are key components of BNG, and outlined in this section:

- BNG does not change existing legal and environmental and wildlife protections
- The mitigation hierarchy must be applied
- Developments must deliver a 10% net gain, calculated using a biodiversity metric
- BNG should be delivered through a Biodiversity Gain Hierarchy (prioritising onsite gains ,then registered off-site gains, then, as a last resort, national credits)
- Habitats must be secured for at least 30 years through specific legal agreements
- Off-site habitat must be recorded on a national register

BNG does not change existing environmental and wildlife protections



5.1 BNG does not change existing legal and policy protections, so development impacts on protected sites and species, like ancient woodlands, and priority species and habitats, need to be considered in relation to habitat loss. A development cannot avoid this requirement by virtue of delivering net gain. BNG just ensures that developments value existing habitat and replace it, or enhance it, with a 10% extra. Generally speaking, the greater the protection and importance of the habitat, the costlier and more difficult it will be to replace. The mitigation hierarchy should be applied in considering the most appropriate locations for development.

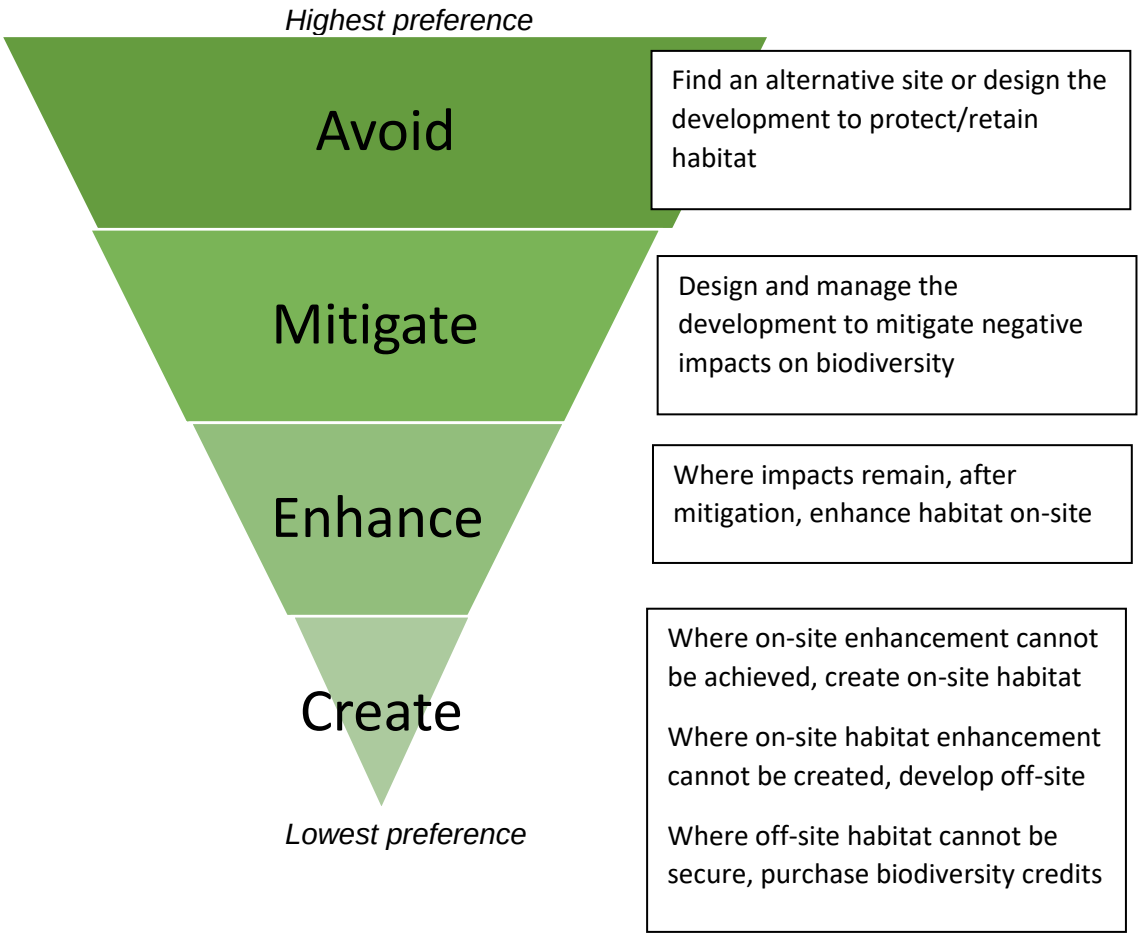
5.2 BNG cannot be achieved where development impacts irreplaceable habitat. Development is expected to protect and enhance irreplaceable habitats including (but not confined to) ancient woodlands, ancient and veteran trees and blanket bog. The list of irreplaceable habitats is expected to broadly mirror the list of examples within the NPPF, but will be confirmed by Government in 2024[2]. Irreplaceable habitats have significant protection already through the NPPF, but BNG will strengthen those protections further. For BNG purposes, the 10% net gain requirement is not applicable to irreplaceable habitats as they are so valuable they cannot be easily recreated. Irreplaceable habitats must be recorded in the metric, but any impacts to them will flag as unacceptable. Speak to us (as the Local Planning Authority (LPA)) at an early stage if any of these habitats are present on the proposed development site. Retention, and enhancements of irreplaceable habitats can be recorded in the metric – any enhancements to irreplaceable habitat can count towards 10% BNG.

[2] Irreplaceable habitats and BNG: what you need to know - Land use: policies and framework (blog.gov.uk)

The Mitigation Hierarchy must be applied (and demonstrated)

5.3 It is important to adopt a 'nature first' approach to avoid causing harm to the existing biodiversity and habitats on site. The mitigation hierarchy is a staged approach in considering the potential harm to biodiversity when designing development. Avoiding negative impacts requires biodiversity to be considered in the early stages of the development – the most effective methods include consulting with ecologists who can access spatial mapping tools and data, undertake relevant metrics and assessments, at appropriate seasonal times, identify additional surveys that may be needed, identify relevant nature recovery and biodiversity strategies and advise of constraints and opportunities at an early stage. Each stage of the hierarchy should be considered in turn, focusing on all possibilities before moving on to the next stage.

5.4 Applicants will be required to demonstrate how they have considered the mitigation hierarchy in their Biodiversity Gain Plans (see Section 8). The Council must also consider the mitigation hierarchy as part of their determination of the Gain Plan. The Environment Act requires 'information about the steps taken or to be taken to minimise the adverse effect of the development on the biodiversity of the onsite habitat and any other habitat" to be included in a biodiversity gain plan, which must be submitted as a condition of planning approval.



5.5 When selecting a development site, areas of high ecological value should be avoided. The design of the project should then seek to avoid and minimise the loss and disturbance to valued ecological features on the site. Valued features can be determined from the ecological surveys required to support the planning application.

5.6 Metric guidance should be referred to when undertaking calculations. Under metric rules, only habitats with a distinctiveness score of 4 or above (high/very high) must be avoided. However, the NPPF and the Local Plan both encourage developments to consider the mitigation hierarchy in the earliest parts of design, and therefore the Council generally expect developments to do so, irrespective of the metric distinctiveness score for individual habitats.

5.7 Where valued ecological features are lost or diminished, compensatory measures should be provided by replacing habitats or by enhancing habitats on site to compensate for the loss. Or, where this cannot be achieved, through the creation or enhancement of off-site habitats. At this point, the additional measures required to provide gains (not just compensate for losses) can be properly considered.

Development must achieve a measurable 10% net gain, calculated using a biodiversity metric

5.8 The Environment Act 2021 species that, from February 2024, all new development granted planning permission in England (with a few exemptions) must achieve a minimum of 10% biodiversity net gain.

5.9 The secondary legislation ((Exemptions) SI) sets out the exemptions that will apply from mandatory BNG. They include:

- Development impacting on habitat areas of below 25sqm, or 5m for linear habitats (de-minimis)
- Householder applications
- Permitted development
- Small scale self-build and custom housebuilding
- Biodiversity gain sites (where habitats are being enhanced for wildlife)

5.10 The ‘de-minimis’ threshold applies to the areas or length of habitat in the development, not its total development footprint. The exemption applies to both major and minor (small) sites. Where a development contains less than 25sqm of non-priority habitat, but more than 5m of linear habitat (or vice versa), the exemption will not be met and the development will be subject to BNG.

5.11 Self-build and custom build development consisting of no more than 9 dwellings, and which is carried out on a site which has an area no larger than 0.5 hectares, and which consists exclusively of dwellings which are self-build or custom-build (as defined in Section 1(A1) of the Self-build and Custom Housebuilding Act 2015), will be exempt from BNG requirements.

5.12 There is a temporary exemption for non-major developments until April 2024. This means that small sites will be required to deliver BNG from April 2024. Small (non-major) sites are defined, through legislation, for the purpose of the BNG exemption as:

(i) For residential: 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, or where the number of dwellings to be provided is not known, a site area of less than 0.5 hectares.

(ii) For non-residential: where the floor space to be created is less than 1,000 square metres OR where the site area is less than one hectare.

Pre-emptive clearance of sites

5.13 Schedule 12 of the Environment Act (2021) deters against site clearance ahead of a planning application by allowing planning authorities to recognise any habitat degradation since 30 January 2020 and to take the earlier habitat state as the baseline for BNG. Where sites have been cleared, or are suspected to have been cleared, in advance of BNG baseline assessments, it will be necessary to make an informed assessment of the condition and distinctiveness of the habitat that would have been present prior to site clearance. In these cases, the condition can be taken to be higher than that which it may have been (i.e., to assume 'good' when it may have been 'poor).

No trading down is allowed

5.14 The minimum 10% requirement should be applied to all area and/or linear unit types found within the development site red line boundary and be applied irrespective of whether the habitat in question was directly or indirectly impacted by the development. Area, hedgerow and river habitat units are considered separately and are not interchangeable – one cannot be addressed by providing for another. There can also be no trading down in habitat distinctiveness – all habitats require re-creation on a like for like basis, or greater. This means that high distinctiveness habitats must create high distinctiveness habitats (it cannot go down), but low distinctiveness habitats can create low, medium or high distinctiveness habitats (can provide the same or better).

Measuring BNG

5.15 In BNG, habitat is a proximity for biodiversity. Features like bird and bat boxes do not provide habitat so do not form part of the calculations. Instead, the metric focuses on habitats species need to forage, breed and complete their life cycles.

5.16 Biodiversity net gains must be calculated by a qualified ecologist, using the latest Defra biodiversity metric. Values are assigned based on:

- Distinctiveness - these are set by the metric, based on ecological evidence
- Condition – based on an ecologists judgement of the condition of the habitat
- Significance – whether the habitat is located in an area of 'strategic significance', which is determined by the LPA through local plans and strategies

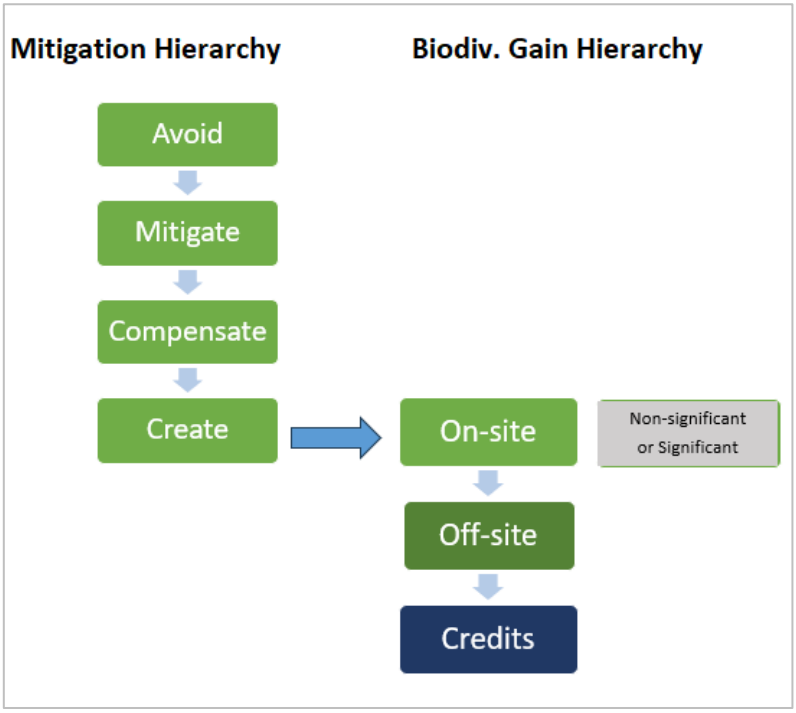
5.17 See Section 10, 11 & 12 for further details

A Biodiversity Gain (Spatial) Hierarchy must be followed

5.18 BNG habitat delivery operates on a spatial hierarchy of preference. Whilst there is a need to deliver strategic biodiversity improvements to support the restoration of functional ecosystems, and often larger-sized sites can help facilitate bigger gains, for example through 'habitat banks', the Government also recognise the value of access to nature for communities through 'on-site' BNG delivery.

5.19 Ideally, habitats should be created or enhanced on the same site as the development (on-site), as the mitigation hierarchy guides.

5.20 Where the delivery of 10% BNG, whether wholly or partly, is not achievable on-site then the delivery of BNG outside of the development site (off-site) must be considered. This should be provided in the locality of the development (see Section 11). However, where the available local opportunities for off-site habitat creation or enhancements are insufficient for developers to meet their net gain requirements, and appropriate evidence of this is provided, off-site delivery outside of their local area will be allowed. Off-site can be delivered through direct works undertaken with the landowner consent, or, more likely, through the purchase of biodiversity units (BUs). Biodiversity Units cover the cost of creating and maintaining the habitat for a 30-year period.



5.21 Only in very limited circumstances should developers look to the national system of biodiversity credits to help provide off-site BNG. These will be priced much higher than local biodiversity units to disincentivise their use.

5.22 The metric incentivises a preference for on-site gains over off-site gains, through a 'spatial risk multiplier' which reduces the biodiversity value of habitats delivered further away from the development.

5.23 Residential gardens can count towards BNG, but the metric scores their value lowly because planting and management cannot be secured in the long-term. These will typically be ‘non-significant’ habitat gains.

5.24 The responsibility to find a suitable location for off-site BNG delivery always lies with the developer. Planning permission cannot be granted where BNG is required, but a minimum of 10% gains are not provided.

5.25 The Council guide against using the best and most versatile (BMV) agricultural land, defined as Grades 1,2 and 3a, for the use of BNG. This is to secure a sufficient supply of agricultural land for the future. However, it may be possible to deliver BNG along the boundaries of agricultural land sites.

Off-site gains must be recorded on a national register

5.26 Off-site BNG can be delivered by securing a bespoke site(s) for net gain, or from appropriate sites on the local net gain habitat market from other landowners. All off-site habitats must be registered on a national register, managed by Natural England, which are then linked to a specific development(s). To register land for off-site BNG, a range of information must be submitted online, alongside payment of a registration fee. Further information can be found in Section 9.

5.27 The Council will also use a local register to record on-site BNG and off-site BNG, for the purposes of its environmental monitoring requirements.

Habitats must be secured for at least 30 years through conditions or legal agreements

Legal agreements

5.28 BNG habitat must be managed for at least 30-years.

5.29 ‘Significant’ on-site BNG must be secured by condition or legal agreement (Section 106 Agreement or Conservation Covenant).

5.30 All off-site BNG must be secured by legal agreement. For off-site BNG, a legal agreement will also be needed to allow the off-site habitat to be recorded on the national register. When securing gain sites, consideration should be given to the funding necessary to cover maintenance (and monitoring) of the site for the duration of the agreement.

5.31 See Section 8 for further details.

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.

• The gains proposed must follow from a clear strategy of assessing, avoiding and then minimising ecological impacts (through use of the mitigation hierarchy)

• The habitat gains proposed can be achieved on site or off-site, through a combination of both measures, or as a very last resort, through the national credit system (via the net gain hierarchy).

• The habitat gains must be calculated using the appropriate Defra metric- a Standard Biodiversity Metric for Major applications, and the Small Sites Metric for most Minor applications

• 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

• 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 off-site gain sites will be recorded on a publicly accessible, national register.

• BNG design should follow the 10 Principles set by CIEEM, and applications are encouraged to set out how these have been considered (see Section 6).

6.0 Design Guidance

Good Practice Principles for Development/ British Standard for BNG

6.1 To guide the delivery of BNG, CIRIA, CIEEEM and IEMA have jointly produced good practice principles which the Government and Council endorse. The key principles can be summarised as:

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

6.2 The BNG good practice principles for development, a practical guide and example case studies, can be found on the CIEEM website at https://cieem.net/biodiversity-net-gain-guidance-published/#:~:text=Biodiversity%20Net%20Gain%20.

6.3 In addition, further guidance can be found through the following sources:

- British Standard *BS8683 (2021): Process for designing and implementing BNG – specification* further builds on and adds to the CIEEM guidance.

- British Standard BS42020 (2013): Biodiversity in planning and development, which sets out the expected standards of ecological input into the planning process, from scoping and pre-application to post-construction monitoring.

- The NHBC Foundation with the RSPB have published a guide on Biodiversity in new housing developments, featuring design guidance to create wildlife friendly communities.

- Natural England's Green Infrastructure Framework – Principles and Standards for England (2023)

- Building with Nature Standards – provides standards and guidance for delivering high quality green infrastructure, which considers nature, and is integrated well as part of new development. Policy CP6 of the Local Plan encourages developers of major schemes to achieve the standard to demonstrate good design.

- Blackburn with Darwen Tree and Woodland Strategy (forthcoming)

Additional design considerations

6.4 When considering BNG, you should think about how it can be used to deliver other benefits, including that to improve health opportunities, or increase resilience to climate change. Such considerations may include:

- Whether soil considerations are suitable for your plans.
- Site and design development to have minimum impact on existing site habitats and identify the greatest opportunities to enhance nature.
- Avoid fragmentation of habitats and retain wildlife corridors.
- Prioritise retaining existing trees and hedgerows, especially older and native species.
- Use native plants, sourced from reputable nurseries or suppliers with plant health management in place, for example, nurseries with Plant Healthy certification.
- Identify and control invasive non-native species (INNS).
- Reduce light impacts on nocturnal wildlife, by keeping lighting levels appropriate and minimal, and seek to reduce light pollution impacts. Motion activated lighting will also help to reduce energy demands and cut carbon emissions.
- Develop a management plan without the use of chemicals such as herbicides, pesticides, fertilizers etc, wherever possible
- Incorporate additional, secondary features, like bird nesting bricks, bee bricks, green roofs and walls, native and wildlife friendly species, swales designed for wildlife, hibernaculum (insect and amphibian) etc.
- Enable more people to have access to good quality green and blue spaces, particularly in more deprived areas where existing opportunities to connect with nature are usually lower
- Where appropriate, design spaces to allow people to come into contact with nature to benefit physical and mental health.
- Consider establishing self-guided nature routes, quiet areas and interpretation boards to help people connect with nature
- Include nature-based play areas for children, as well as seating and social areas in green spaces
- Restrict access and buffer plant areas for habitats/species sensitive to human and pet activities
- Consider how BNG can also help increase climate resilience for wildlife and people – for example, trees can provide shade during heatwaves
- Enhance and create riparian and wetland habitat that can help slow the flow of water. Design wildlife friendly, vegetated SUDS that can capture and slow water flow during excessive rainfall. Green roofs, raingardens, planters, tree pits, swales, ponds, water butts and rainwater harvesting systems can also help. Use permeable surfaces wherever possible.
- Create corridors and refuges to protect species from climate change, e.g. amphibians
- Consider use of systems like gabion walls (where appropriate) for low retaining walls and barriers or seating, which provide further opportunities for insect habitats

- Consider the cost and logistics of maintaining habitat from the outset of your design
- Consider access points for maintenance equipment – e.g. mowers

6.5 You should also take into account the following conditions which could impact on BNG plans:

- Climate
- Topology / geology
- Soils and substrates
- Contaminated land
- Hydrology and drainage
- Flood risk zones
- Landscape character
- Biosecurity
- Invasive plant species

6.6 Further resources are provided in Appendix A..

7.0 BNG and New Development

Types of development BNG will apply to

7.1 From February 2024, **all new development** granted planning permission in England (with a few exemptions) must achieve a minimum of 10% biodiversity net gain. Only a limited number of exemptions will apply, as follows:

- Development impacting on habitat areas of below 25sqm, or
- Development impacting on linear habitat lengths of less than 5 metres[3]
- Permitted development
- Householder applications
- Small scale self-build and custom housebuilding
- Biodiversity gain sites (where habitats are being enhanced for wildlife)

Self-build and custom build development must consist of no more than 9 dwellings, and which is carried out on a site which has an area no larger than 0.5 hectares, and which consists exclusively of dwellings which are self-build or custom-build (as defined in Section 1(A1) of the Self-build and Custom Housebuilding Act 2015), will be exempt from BNG requirements.

7.2 However, to allow for the transition to BNG, small sites will only be required to deliver BNG from April 2024. Small sites (non-major developments) are defined (in legislation), and for the purpose of the BNG exemption as:

(i) For residential: 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, or where the number of dwellings to be provided is not known, a site area of less than 0.5 hectares.

(ii) For non-residential: where the floor space to be created is less than 1,000 square metres OR where the site area is less than one hectare.

7.3 Major developments (i.e. 10 or more dwellings, more than 1000sqm of commercial floorspace (or meeting relevant site area criteria)) will be required to achieve a minimum of 10% BNG from February 2024.

7.4 BNG does not (yet) apply to:

- local development orders
- neighbourhood development orders
- deemed planning permission
- Successful enforcement appeals

[3] *The 'de-minimis' threshold, for the purposes of exemption, applies to the areas or length of habitat in the development, not the total development footprint. This applies to both large and small sites. The exemption is not mutually exclusive - where a development contains less than 25sqm of non-priority habitat, but more than 5m of linear habitat (or vice versa), the exemption will not be met and the development will be subject to BNG.*

Planning Applications

7.5 From the point at which BNG takes effect, BNG will be required for planning applications, including:

- Outline / Reserved Matters
- Full
- Section 73 (that affect the biodiversity value of a previously-approved BNG liable planning approval).

7.6 Permission in Principle (PiPs) are not a formal grant of planning permission and so are not within the scope of BNG. However, the subsequent technical details consent is a grant of planning permission and so will be subject to BNG.

7.7 As part of the transitionary measures, BNG will only be required on reserved matters applications where the outline was granted *after* the introduction of mandatory BNG. BNG will not apply on reserved matters where the outline was granted pre-mandatory BNG, or on S73s where the original planning application was submitted pre-BNG. Further details on both of these are provided below.

Phasing

7.8 For the purposes of BNG, Phased developments relate to a development where there is

a) A grant of outline planning permission where the matters reserved for subsequent approval have the effect of requiring or permitting development to proceed in phases; OR
b) A grant of any kind of planning permission where the grant is subject to conditions having that effect

7.9 Not all outlines will meet this different definition (see the BNG PPG for more details).

7.10 Where developments are phased, an Overall Biodiversity Gain Plan must be submitted to, and approved by, the LPA before any development can begin; and a Phase Biodiversity Gain Plan must be submitted to, and approved by the LPA, before development of a phase can begin. The Overall BGP should clearly set how the minimum 10% gain is expected to be met across the whole development.

7.11 Outline planning permissions are a planning permission, and so will be subject to BNG requirements. The approval of reserved matters are not a formal grant of planning permission (but of the matters reserved from an outline permission) and so are not within the scope of BNG (PPG para 003).

Section 73's

7.12 Where a planning permission granted under S73 does not affect the post development value of the on-site habitat specified in an approved BGP, the earlier plan is regarded as approved for the purpose of the new permission granted under S73. A new BGP is not then required.

7.13 However, if the S73 does affect the post development biodiversity value, then a new BGP must be submitted and approved prior to the commencement of the permission.

7.14 BNG will not apply to Section 73 permissions (made to vary a condition relating to an earlier permission) where the earlier permission was granted, or the application for permission was submitted, prior to the date at which BNG takes effect. This is because permissions granted for applications made before this date are not subject to BNG.

7.15 S73 permissions cannot be used to vary or remove the general biodiversity gain condition.

S73 relates to a planning application made, or planning approval granted, PRIOR to the date at which BNG takes effect	Not in scope for BNG (no BNG required)
S73 relates to a planning application made, or planning approval granted, AFTER the date at which BNG takes effect, AND makes no changes to the post-development biodiversity value	Biodiversity gain condition applies to earlier permission; New BGP not required
S73 relates to a planning application made, or planning approval granted, AFTER the date at which BNG takes effect, AND makes changes to the post-development biodiversity value	Biodiversity gain condition applies to new permission; New BGP required

7.16 BNG will not apply to retrospective planning permissions made under Section 73A.

Calculating measurable net gains

7.17 Biodiversity metrics must be used to calculate the baseline biodiversity value, and the potential biodiversity value (which must be a minimum of 10%). Separate metrics should be used for minor / major developments.

- Biodiversity Standard Metric (BSM) for major-development sites
- Small-Sites Metric (SSM) must be used for small (minor development) sites. This has been designed to be a simpler version of the Biodiversity Metric.

7.18 The SSM cannot be used on sites where:

- habitats not available in the SSM are present
- priority habitats are within the development site (excluding some hedgerows and arable field margins)
- any offsite interventions are required

7.19 In these cases, then the Biodiversity Standard Metric must be used to calculate BNG.

7.20 The mandatory BNG requirement will apply to applications **submitted** after BNG takes effect – for major applications this is from 12 February 2024, and for all other non-exempted development from 2 April 2024.

7.21 Further details on the metrics can be found in Section 10 of this PAN.

Habitat Mapping

7.22 Biodiversity Metrics, Biodiversity Statements, and Biodiversity Gain Plans should be accompanied by UK Hab survey plans, showing the existing habitats. The BGP should also map the proposed habitats post-completion (areas to be retained, enhanced, created).

7.23 Plans should be provided at an appropriate scale and show the habitats and their condition. When submitting the BGP, we may require that GIS files are also submitted so that the data for existing and proposed habitats can be uploaded into our GIS systems for monitoring. Your appointed ecologists should be able to provide this mapping in a standard format.

Sites with no baseline unit value

7.24 Where a development site has been assessed as having zero baseline unit value, they will be exempt from mandatory 10% BNG (as 10% of zero is zero). However, the NPPF, and Local Plan policy, still require developments to deliver a net gain and so it would be expected that some new habitats will be created through the development.

7.25 Ideally, in these cases, the uplift in biodiversity units should be calculated as a numerical unit change, rather than a percentage change.

Habitat degradation

7.26 Schedule 12 of the Environment Act (2021) deters against site clearance ahead of a planning application by allowing planning authorities to recognise any habitat degradation since 30 January 2020[4] and to take the earlier habitat state as the baseline for BNG. Where sites have been cleared in advance of BNG baseline assessments, it will be necessary to make an informed assessment of the condition and distinctiveness of the habitat that would have been present prior to site clearance.

7.27 Baseline assessments should take into account seasonality of habitats, for example, if a grassland site were strimmed or ploughed in July, the planning authority would be able to seek compensation for the habitat as it was in June, rather than the degraded habitat present in July.

[4] 30 January 2020 is the date that the Environment Bill first entered Parliament

7.28 Where the Council suspects that a site has been cleared in advance of BNG baseline assessments, the Council (or its ecologists) will use (historic) aerial imagery and available data sets to establish the likely baseline. The Council will also use a precautionary approach when assigning condition scores – for example, assigning a higher condition score in the absence of any contrary evidence.

Red Boundaries

7.29 It is essential to clearly define the development boundary and any areas to be used for habitat creation or enhancements. A revised metric must be provided where any changes are made, post-submission of the application.

7.30 All habitats within a development site must be included in the metric calculation, whether or not they will be directly affected, and are subject to the 10% BNG requirement.

7.31 On-site habitats are defined as those within the red line boundary. Any habitats falling outside the red-line boundary will be defined as off-site.

7.32 For habitats adjacent to the development red line boundary, and habitats within a blue line (ownership) boundary, appropriate measures to protect those habitats from degradation must be considered and specified in the Biodiversity Gain Plan to ensure that no degradation of these habitats occurs as an impact of development.

What happens to BNG after the 30 years?

7.33 Off-site habitats must be secured, by legal agreement, for a 30-year management period. At the end of that 30-year period, it is hoped that the landowner will see the benefit of keeping the land in BNG, in an alternative nature market (e.g. carbon or biodiversity credits) or other conservation agreement where it works for their business. It is expected that there will be a range of financial incentives to encourage them to keep the land under sympathetic management and contribute to nature recovery. Further details are available from the Defra blog.

7.34 Within BwD, it is expected that off-site land will be retained in perpetuity, given the importance of addressing the biodiversity emergency, and the multi-functional benefits nature can provide.

All development should be providing net gains

7.35 We are in a biodiversity emergency. The national planning policy framework (NPPF) requires all development to create net gains for wildlife, for example, by creating new habitats through landscaping and sustainable urban drainage (SuDS) considerations. Whilst some developments will be exempt from the mandatory 10% gains, all developments should be seeking to encourage the conservation and enhancement of nature. The environment is a key pillar of sustainable development, and can bring with it a multitude of social and economic benefits.

7.36 The Council are committed to encouraging and enhancing biodiversity across the borough. Therefore, in accordance with *Local Plan Policy DM27: Design,* all developments are also expected to consider the enhancement and protection of nature in their design, for example through the provision of bat and bird boxes, hedgehog highways and 'friendly fencing', bug hotels, bee bricks, SuDs/water features, landscaping and general habitat considerations. These features do not formally contribute to BNG calculations as they are not 'habitats', however they do help create 'nature friendly' developments and provide foraging, breeding, nesting/roosting and movement opportunities.

7.37 The 'Homes for people and wildlife' guidance from the Wildlife Trust details how to build housing in nature friendly way.

8.0 BNG and the Planning Application Process

8.1 BNG operates through a 'general biodiversity gain condition' which means all non-exempted planning approvals must deliver a 10% gain as a condition of the planning permission. To make sure that the objective can be met, BNG must be considered throughout all of the different planning stages, as outlined in this section.

8.2 BNG should be considered in the earliest stages of design, and factored into site selection and design. Information must be submitted with the planning application to demonstrate, if planning permission was granted, that the development can deliver, and in some cases must legally secure, 10% gains. And, where approval is granted, information must be submitted, before any development commences, to evidence how the gains will be delivered and to discharge the general condition. Finally, information must be submitted to monitor and report on the delivery of BNG over a 30-year period.

8.3 The Council have prepared a series of **checklists** to help you check you are providing the correct information at the correct stages (Appendix E). These checklists will be available on the Council website and will be updated as and when any information requirements change so that they remain accurate. An indicative process flowchart can also be found in Appendix D. The Councils Local Validation Checklist (LVC) confirms that these BNG checklists will list the relevant information which will be required to enable the Council to validate your application (in relation to biodiversity net gain requirements).

A. Pre-application

8.4 Biodiversity should be considered in the earliest stages of your developments design.

8.5 Key considerations during the pre-application stage, should include:

- Understanding the BNG requirements
- Undertaking biodiversity data to check potential issues / opportunities
- Undertaking Ecological Impact Assessments / metrics
- Establishing an accurate baseline
- Site boundaries and the habitats within them
- Using the mitigation hierarchy in your design, including avoiding high value habitats
- Seeking relevant pre-application advice (e.g. approach, options, requirements)

8.6 To inform BNG in design, you may require ecologists to prepare:

- ***Preliminary ecological appraisal (PEA)*** – also called an Extended Phase 1 Habitat Survey or Phase 1 Ecology Survey. This is the first stage in assessing the ecological value of a site and any features of particular interest or importance. It can be undertaken at any time, but April to September is the optimal time. It usually comprises a 'walk-over' survey of the site, and desk-top assessments.

- ***BNG Feasibility Report –*** used at the pre-application planning stage to outline the feasibility of BNG resulting from the potential development. This can be contained within, or separate to, the PEA. The report should include a baseline habitats plan that links to the biodiversity metric to show baseline conditions and help in designing what is feasible for BNG on-site. Potential impacts on irreplaceable, important, vulnerable,

designated or priority habitats should be highlighted at this stage. Further details can be found in the CIEEM resource BNG Report and Audit Templates.

- ***Ecological constraints and opportunities plan***: the identification of biodiversity constraints and opportunities, and an assessment of likely ecological impacts will be useful when considering the design of a site, throughout its development process

- ***Relevant Biodiversity Metrics:*** To understand existing habitats and on-site / off-site options.

8.7 If you require any pre-application advice in relation to ecology, you should request this at the time you submit for advice. Additional fees may apply where the Council has to consult with their own ecology consultants.

8.8 You will be required to submit a range of biodiversity information with your planning application, including metrics.

B. Submission - Validation requirements

Where you consider the biodiversity gain condition does not apply to a development

8.9 Some developments are exempt from BNG requirements. In these cases, applicants must provide a Statement as part of the planning application that explains why they believe this to be the case – i.e. confirming the exemptions or transitional provisions that apply. Planning application forms will include space for this statement. In some cases, evidence may be needed – for example to show that the existing habitat area falls below de-minimis requirements.

For all applications where the biodiversity gain condition will apply to a development

8.10 Where BNG applies, the following information, set through legislation (and the BNG PPG), must be provided:

- A statement as to whether the applicant believes the planning permission, if granted, would be subject to BNG;
- The pre-development biodiversity value of the onsite habitat on the date of application (or an earlier date), including the completed metric calculation;
- If an applicant wishes to use an earlier date, you must propose an earlier date and explain the reasons for proposing that date;
- A statement confirming whether the biodiversity value of the on-site habitat is lower on the date of application (or an earlier date) due to activities which have degraded the value of the site. In these cases, the value must be taken to be immediately before these activities, and appropriate evidence provided;
- A description of any irreplaceable habitat on the land to which the application relates and that exists on the date of application (or earlier date); and
- A plan, drawn to scale and showing North, showing onsite habitat existing on the date of application (or an earlier date), including any irreplaceable habitat. This must be in UKHab format.

8.11 Further information may also be requested to support the consideration of BNG as part of the planning application. The local validation checklist states applicants should use the BNG PAN Planning Application checklists (Appendix E). These may

be updated as requirements are better understood. They will be published on the Council website (www.blackburn.gov.uk/bng).

8.12 Where the required information is not provided, the application will not be validated.

8.13 Most BNG liable applications will also be required to submit a Climate Impact Framework assessment which asks some questions relating to BNG. This is a separate local validation requirement (and outlined below).

8.14 Where planning obligations are required, good practice will be to submit information to the LPA so the legal agreement can be appropriately drafted. Accompanying information may include draft Biodiversity Gain Plans, draft Habitat Management and Monitoring Plans, off-site habitat details or draft Heads of Terms. This is detailed as this section continues.

Date to calculate on-site pre-development biodiversity value

8.15 The pre-development value of on-site habitat should typically use the date of the application. Earlier dates can be agreed with the LPA. Earlier dates can also be used to reflect degradation of onsite habitats – refer to the BNG PPG for further details.

Metrics

8.16 Full details on metrics and UKHab plans can be found in Section 10. As part of validation checks, the Council will return any metrics which contain errors, including where trading rules are not satisfied. The metric must be supplied, in full (not just the summary page), as an excel document to allow ecologists to check the calculations. It must also be supplied as PDF pages to allow the metric to be published on the Council website.

Plans

8.17 UKHab plans are also required. These are the format required by the metric. Natural England have published a GIS tools user guide, QGIS template and GIS import tool which can be used to input mapped data (from QGIS, a free, open source geographic information system) into the statutory Biodiversity Standard Metric, or small sites metric. It is designed to increase efficiency and provide a standardised methodology so that spatial data is recorded in a suitable format for the metrics. The template is aimed at practioners (ecologists) with an existing working knowledge of QGIS.

8.18 Where QGIS is not used, a 'GIS Data Standard' is available, to assist with producing compatible data. This is provided in a separate GIS data standard tool.

Climate Impact Framework (CIF)

8.19 Biodiversity enhancements relate closely to addressing the climate emergency, and the Council's Local Plan sets a commitment to ensure the mitigation of carbon emissions and resilience to a changing climate are considered as part of new developments (Policy CP5). Subsequently, certain new planning applications will be required to submit a 'Climate Impact Framework' (CIF) assessment to demonstrate how the development has considered mitigating and responding to climate change. The CIF assessment will be a local validation requirement and includes questions on how the development has considered biodiversity. To help support the Council's aims

to achieve carbon neutrality by 2030, developments that can demonstrate they have considered the climate emergency, aside biodiversity net gain, will be afforded positive weight in the planning balance. Developments are encouraged to strive to deliver multi-functional benefits, for example by using trees to sequester carbon, provide habitat, and improve drainage. Further information can be found at www.blackburn.gov.uk/CIF.

C. Determination and Decision-making

8.20 Following validation of your planning application, the Council (and their ecologists) will consider the application. They must be satisfied that the development is capable of delivering a minimum of 10% BNG, either on-site or off-site.

8.21 The Council will consult with their ecologists on all major applications which necessitate BNG and on any other applications where the Biodiversity Standard Metric is used. The Council may consult with their ecologists on the Small Sites Metric, based on an assessment of risk to biodiversity.

8.22 For larger and more complex sites, the Council may also request the development proposal is considered before a Design Panel (in accordance with Local Plan Policy CP8).

8.23 The determination of the Biodiversity Gain Plan is the point at which the Council can confirm whether the development meets the biodiversity gain objective. However, when determining your planning application, we will have to consider more broadly whether the general condition is capable of being successfully discharged. To do this, we will need to consider:

- The balance expected between onsite gains, off-site gains and the use of statutory credits, taking account of the biodiversity hierarchy
- Whether the type and location of any significant on-site enhancements are appropriate, taking into account other policies supporting biodiversity – like local nature recovery strategies and wider objectives
- Any planning conditions which are needed, for example to secure habitat enhancements, maintenance and reporting
- Whether any legal agreements (S106 planning obligations) are needed to secure onsite habitat enhancements or offsite gains

8.24 In some cases, like outline applications where details are reserved matters, the full implications for on-site habitats and on-site gains may not be fully known. In these cases, we will need to consider what subsequent approvals may be necessary to secure on-site gains.

8.25 Applications are therefore expected to include sufficient details, plans, drawings and supporting information, to enable the Council to determine the biodiversity objective is capable of being discharged, should planning permission for the development be granted. We may update the checklists from time-to-time to ensure they detail the most complete information necessary for determination.

Use of Planning Conditions

8.26 The general biodiversity gain condition stipulates all (non-exempted) developments must provide a minimum of 10% biodiversity net gain. A Biodiversity Gain Plan must

be submitted, post approval, to the LPA to demonstrate how this objective will be met. The LPA must receive, and discharge, the condition before any work can begin.

8.27 The PPG (021-022) guides that, for legal reasons, this condition cannot be applied as a typical legal condition of planning permission. Instead, the decision notice must include specific information relating to biodiversity gain, including that every planning permission is deemed to have been granted subject to the general biodiversity condition, and that a biodiversity gain plan must be submitted and approved by the planning authority before any work can commence.

8.28 However, the Council can also impose planning conditions relating to the delivery of BNG. This may include to secure significant on-site habitat enhancements for 30 years, monitoring or reporting arrangements.

8.29 The Council will also use legal agreements to secure BNG in certain circumstances. This includes all off-site and significant on-site BNG. Any requirements for payments towards monitoring BNG habitats must be secured through legal agreement.

Use of Legal Agreements

8.30 ***S106 Agreements*** are a legal agreement between a landowner and a developer, setting out a planning obligation. Planning obligations help make developments acceptable in planning terms. In accordance with relevant regulations, a planning obligation may only constitute a reason for granting planning permission for the development if the obligation is a) necessary to make the development acceptable in planning terms; b) directly related to the development; and c) fairly and reasonably related in scale and kind to the development. As 10% BNG is mandated in law (satisfying (a) and (c)), and directly related to the development (satisfying (b)), the conditions for a S106 will be met.

8.31 ***Conservation Covenants*** are a private voluntary legal agreement between a responsible body and a landowner that establishes land will be used for a conservation purpose. Should the Council progress with conservation covenants, it will need to do so in a registered capacity as a responsible body (requiring formal registration with Natural England). At the time of writing, the Council are not considering becoming a Responsible Body (RB). The Council will publish, on their website, relevant details if it does decide to become a RB.

8.32 Planning obligations will be used to:

- Secure significant on-site gains
- Secure all off-site gains
- Deal with excess net gains which can be used for other developments
- Secure management and monitoring arrangements, including payment for the cost of monitoring significant on-site or off-site gains for the mandatory 30-year period
- Secure compensatory payments should habitats fail to be delivered in accordance with the Biodiversity Gain Plan

Table 1: How BNG must be secured through condition or legal agreement

Type of gains	Method of securing gains
‘Not significant’ On-site gains	General Condition
‘Significant’ On-site gains	General Condition or Legal Agreement

Off-site gains	Legal Agreement

8.33 In accordance with Government guidance,

- on-site gains must be secured for 30 years from the date the development is completed (including all habitat works); and
- off-site gains must be secured for 30 years from the date you finish the habitat enhancements.

You will need to include how long it will take to create or enhance the habitat (e.g. one year) so an accurate end date for the legal agreement can be set.

8.34 Again, in accordance with Government guidance, the S106 will need to include detailed information on:

- the specific land where habitat will be created / enhanced
- the habitat types to be provided / which the fees need to be spent on
- the planned start date and expected completion date of the habitat creation or enhancement
- specific actions to achieve and maintain habitat enhancements (e.g bi-annual cuts)
- who is responsible for creating or enhancing the habitats
- who is responsible for managing and monitoring the habitats (Note that subcontractors cannot be included in the legal agreement, only the landowner, LPA or RB can be responsible. A detailed management and monitoring schedule can be provided in a HMMP)
- the reporting intervals and requirements for monitoring the site over the 30 year period.
- where a commuted sum is to be paid for off-site BNG, the S106 must also specify the contribution due for the delivery, management and monitoring of the site. It will also specify all trigger points for payment and inflationary indexes.
- What actions will be taken if you do not meet your obligations or the habitat enhancement does not go as planned
- How you will make permitted changes or manage disputes

8.35 You are encouraged to raise any issues regarding planning obligations at an early stage of the planning application process. However, it is crucial to understand that BNG is a mandatory legal agreement, and there can be no negotiation over the provision of net gain itself.

8.36 The Council may publish a standard legal agreement template / model / clauses.

8.37 Contribution costs will be calculated based on the total biodiversity unit value for the amount of habitat to be created or enhanced, and the cost of monitoring that habitat(s) for the 30-year mandatory period. Further details may be set out in the Developer Contributions and Affordable Housing SPD. These costs will be on a site–by-site and habitat-by-habitat basis. There are additional costs for preparing the legal agreement.

8.38 You must have a legal agreement for off-site gains, whether you are trying to sell, or buy, off-site gains. You cannot register a site on the national gain register without a signed legal agreement.

8.39 The Council will take enforcement action where planning conditions or legal agreements are not adhered to. See Part E of this section for details.

Registration as a Land Charge

8.40 S106s and Conservation Covenants relating to BNG will be recorded as a land charge.

8.41 As the obligations run for a 30-year period, the Council will need to be notified, in writing, of any changes in land ownership.

D. Discharging the Planning Condition

The Biodiversity Gain Plan

8.42 Section 14 of the Environment Act (2021) requires every planning permission liable for BNG to be granted subject to a condition requiring a Biodiversity Gain Plan (BGP) to be submitted to, and approved by, the local planning authority. On phased sites, development will be conditioned so that a BGP is required prior to commencement of each phase. The BGP contains the information necessary for the LPA to determine if the BNG objective (10%) has been met.

8.43 The Plan must be submitted in writing at least one day after the grant of planning permission and must be approved before any part of the development can commence. A developer may submit a draft plan alongside the planning application for information and to discuss it with the LPA.

8.44 BGP templates are available from Defra's Biodiversity Gain Template and should be used so we receive the required information to determine the BGP.

8.45 The Biodiversity Gain Plan (BGP) must include[5] details on:

- How the mitigation hierarchy has been considered and the steps take to minimise the adverse effect of the development on the biodiversity of the onsite habitat and any other habitat
- The pre-development biodiversity value of the onsite habitat
- The post-development biodiversity value of the onsite habitat
- Any registered off-site biodiversity gain allocated to the development and the biodiversity value of that gain in relation to the development
- Any biodiversity credits purchased for development, and
- Any other matters the secretary of state may specify

8.46 A list of additional information, which must be provided with the BGP, can be found in the BNG PPG (paragraph 032). It includes details of who the BGP has been completed by, effective dates etc.

8.47 You must also provide:

[5] In accordance with paragraph 14(2) of Schedule 7a of the Environment Act 2021

- A completed metric calculation tool
- UKHab plans for both pre-development and post-development habitats, showing the location of onsite habitat, drawn to an identified scale and showing the direction of North. The UKHab plans should include proposed condition information.
- A Habitat Management and Monitoring Plan (HMMP)
- A compensation plan (if impacting irreplaceable habitats)
- Biodiversity gain register reference number (if buying off-site units)
- Proof of purchase (if buying statutory biodiversity credits*)

*These should NOT be purchased until the LPA has confirmed, in writing, it accepts the use of national credits.

8.48 Fees for the discharge of condition will be charged in accordance with the Council's Charging Schedule.

8.49 The Council, as LPA, may only approve the plan[6] if it is satisfied:

- That the pre-development biodiversity value of the onsite habitat is as specified in the BGP
- That the post-development biodiversity value of the onsite habitat is at least the value specified in the plan
- That, where any registered off-site gain is specified in the BGP, that the gain is registered and allocated, and has the value specified in the plan in relation to the development
- That any biodiversity credits specified in the plan as purchased have been purchased
- That the biodiversity gain objective (minimum 10%) is met

In addition, the LPA must also take into account how the biodiversity gain hierarchy will (or has been) be followed.

8.50 As with the discharge of other conditions, we have 8 weeks to approve the BGP. The applicant has the right to appeal the non-determination or refusal of the BGP (which must be made to the Planning Inspectorate).

8.51 The BGP must be approved in writing by the LPA before the development can commence. The application to discharge the BGP condition, and the outcome of the determination, must be published on the Council's online register of planning applications.

8.52 Irreplaceable habitats are considered in the BGP and specific guidance for this applies. See the BNG PPG (paragraph 038, 040-048) for details.

8.53 Once approved, changes cannot be made to a BGP. If you wish to amend a previously approved BGP, before the commencement of development, a new BGP must be submitted for approval.

[6] In accordance with paragraph 15 of Schedule 7a of the Environment Act 2021

8.54 Appendix E contains a series of submission checklists, also available at www.blackburn.gov.uk/BNG, that detail the information you will need to submit, and the format it needs to be in. The Council will require UKHab data of the (pre- and) post-development habitat to be submitted as plans. This may include supplying the data as GIS files so that the data can be uploaded into Council's GIS systems for ongoing monitoring.

Phased developments

8.55 For development permitted in phases, details of all phases may not be known at the time of planning permission (e.g. an outline planning permission where all matters are reserved). For the purposes of biodiversity net gain, a phased development is a development where there is:

(a) a grant of outline planning permission where the reservation of matters for subsequent approval has the effect of requiring or permitting development to proceed in phases; or

(b) a grant of any kind of planning permission, where the grant is subject to conditions (whether requiring the subsequent approval of any matters or otherwise) having that effect.

8.56 For phased developments, the following is required:

- An Overall BGP must be submitted to and approved by the LPA before any development can begin
- A Phased BGP for each phase must be submitted to and approved by the LPA before the development of that phase can begin

8.57 The Overall BGP sets a clear upfront framework of how the 10% gain will be met across the entire development. Each Phase BGP will then set out the phases' contribution to BNG and track progress towards the overall BNG requirement.

8.58 The BNG PPG sets what the Overall BGP (not a S73 permission) (para 051) and Phase BGP (para 053) should include, and what the LPA must be satisfied of in granting each BGP type approval. Appendix E of this PAN contains a checklist of the information required, as specified by the PPG.

'Significant' on-site enhancements

8.59 The applicant should confirm, through the BGP, any 'significant on-site' enhancements. In accordance with Defra guidance, the LPA will count as 'significant' any on-site enhancements that significantly increase the baseline biodiversity value of habitats on the land. This normally involves creating, enhancing and maintaining habitats of:

- Habitats of medium or higher distinctiveness in the metric (for example, managing a meadow areas of biodiversity)
- Habitats of a low distinctiveness which create a large number of biodiversity units relative to the biodiversity value of the site before development

- Habitat creation or enhancement which increases distinctiveness relative to the distinctiveness of the habitat before development
- Areas of habitat creation or enhancement which are significant in area relatively to the size of the development (e.g. creating a large amenity planting area)
- Enhancements of habitat condition (e.g. restoring a woodland to good the condition, or from poor or moderate to good)

8.60 The developer should check with the LPA to see if on-site enhancements are significant. The Council's ecologists will determine whether on-site enhancements are significant in accordance with national guidance. This will be assessed on a site-by-site basis.

8.61 Significant on-site enhancements must be secured by planning condition or legal agreement for 30 years in the same way as off-site gains. We will confirm the most appropriate mechanism at the planning application stage. We may also require legal agreements for wider planning policy reasons, for example, to secure less significant on-site enhancements where they contribute to locally important species or ecological networks.

Non-significant enhancements

8.62 Non-significant enhancements are habitat enhancements that are included in metric calculations but that will not make significant difference to the developments' biodiversity value. Examples may include private gardens or container planting. These enhancements will not normally require maintenance provisions, so a HMMP, legal agreement or 30 –year management plan is not required.

Selling excess significant on-site gains

8.63 If your significant on-site gains are in excess of the 10% BNG, you can count these towards another development's BNG (e.g. if you achieve 20% significant on-site BNG, you can sell the excess above the 10% BNG requirement). To sell excess gain, they should be treated as off-site gains for the development they are counted towards. As, off-site gains, they are then subject to off-site gain requirements, including registration on a national register. You should check with the LPA regarding the details of associated planning obligations.

National Off-site Habitat Register

8.64 Any off-site gains must be registered on the national off-site register before the BGP can be approved by the LPA.

8.65 All off-site BNG must be registered on a national register, maintained by Natural England. To register an off-site BNG site, a series of supporting documents must be submitted to Natural England, including:

- a completed BNG metric,
- written landowner consent,
- a S106 Agreement or Conservation Covenant,
- a habitat management and monitoring plan.

8.66 Natural England charge a fee to process the application for registration. Natural England then have up to 6 weeks to assess the information provided and determine whether to register the site for off-site BNG provision.

8.67 See the Natural England website for full details of the Register and its requirements.

8.68 The off-site habitat must be confirmed as registered by Natural England before the Council can approve the BGP to discharge the pre-commencement condition. As registration requires a signed legal agreement, all legal agreements must therefore be secured prior to determination of the planning application. **It is therefore in your interests to have advanced details of off-site gains, or significant on-site gains, to inform the legal agreement.** This will then allow the registration of the site with Natural England, and, subject to its approval and registration, allow the pre-commencement conditions to be discharged subject to the LPA being satisfied with all other requirements.

8.69 The Council will use the national off-site register to confirm an off-site habitat has been appropriately registered.

Habitat Management and Monitoring Plans (HMMPs)

8.70 A HMMP will also need to be provided to discharge BGP conditions or other BNG related conditions. A HMMP sets out the details for managing and monitoring the habitat types, over the 30-year period, which will be required to secure the net gain result. The 30-year period starts in accordance with the time specified in the planning condition or legal agreement.

8.71 The HMMP must be agreed by the Council as LPA (or by a responsible body if a conservation covenant is being used).

- For significant on-site, a HMMP should be provided alongside the BGP.
- For off-site BNG, a HMMP should be provided alongside the BGP. The HMMP will also be required to register the habitat on the off-site register (to then allow the discharge of the BGP condition to be considered by the LPA).

8.72 Natural England publish a HMMP Template, which should be completed by an ecologist or competent professional. The tool helps provide the necessary information to demonstrate how habitat creation, enhancement, management and monitoring will be undertaken. It can be used for projects of all size and for both on-site and off-site habitats.

8.73 A Small Sites HMMP template is expected to be published for April 2024, which will support a more simplified approach.

8.74 Information for the HMMP will include:

- how you plan to manage off-site gains or significant on-site enhancements
- who is responsible for ongoing management
- when and how you'll monitor habitats
- when and how you'll report monitoring results
- when and how you'll review management proposals
- how you'll restore habitats if the management plan is not working

8.75 For example, if you plan to create 2 hectares of grassland, you will provide information on:

- when and how you'll sow the seed (including the type and quantity of seed mix if using)
- when and how you'll carry out the cuts
- when and how you'll control undesirable species (these should be specified in plan)
- if you'll be grazing (and in what density)
- when and how you'll monitor the grassland and report the results
- when and how you'll review management of the grassland
- how you'll restore the grassland if it fails to reach target condition

8.76 The HMMP should not contain management processes that are detrimental to the BNG objective. For example, the use of pesticides or weedkiller, disposing of grass cuttings / arisings in 'compost' heaps on site on in hedgerows, or routinely cutting ivy where there is no specific arboricultural justification. Where any potentially damaging actions are proposed, a justification should be provided within the HMMP.

8.77 For significant on-site enhancements, arrangements will need to be in place to make it clear who is responsible for the 30-year management. Ownership of the land or responsibility for its management could be passed on from the developer through private contracts, charitable third parties or transference to the local authority – with all relevant agreements.

8.78 Further information on HMMPs can be found in Defra 'creating a HMMP for BNG' guidance and their HMMP blog.

E. Post-construction

Monitoring Reports

8.79 The Environment Act (2021) requires that all significant on-site and all off-site BNG must commit to a minimum 30-year ecological management of the site to ensure that enhanced or created habitats are secured in the long-term. Consequently, regular monitoring reports must be completed and submitted to the Council (or, where relevant, a responsible body). The intervals for these reports will be agreed as part of the planning conditions and/or the legal agreements. The monitoring of the habitat is the responsibility of the developer and should be set within the BGP (and accompanying HMMP).

8.80 Monitoring may include surveys and recording progress in your HMMP.

8.81 Natural England have published monitoring report templates. The templates can be used to help capture progress on delivering the habitat outcomes over the period of BNG reporting, and to inform adaptive habitat management and ongoing management activities to ensure BNG can be delivered.

8.82 All on-site (and off-site) BNG will be recorded by the Council on a local register, allowing the BNG delivery requirements, and monitoring requirements, to be tracked over time.

8.83 In due course, the Council will seek to make the local register available online and update it at regular intervals. This allows the public to identify BNG sites and delivery. The Natural England off-site register will be publicly available.

Enforcement

8.84 The Council (or a responsible body) will take enforcement action against any developer or landowner that:

- fails to deliver its mandatory BNG obligations; or
- fails to manage the land for 30 years as agreed in its Habitat Management Plan; or
- fails to provide monitoring reports at the agreed intervals

9.0 BNG Spatial Hierarchy (On-Site or Off-site?)

On-site BNG

Preference for on-site BNG

9.1 The biodiversity net gain hierarchy guides that BNG should always be provided on the same site as the development. “On-site” is defined as being within the red edged boundary of the development site. This seeks to ensure that biodiversity is delivered in close conjunction with new development, directly benefitting the immediate area impacted by the development, creating ecological networks and preventing the creation of sterile development sites.

9.2 It is expected that on-site delivery will be easier for sites that have an existing low baseline biodiversity unit (BU) score. However, sites that have an existing high score may find it more difficult to deliver on-site and need to look to off-site, or a combination of on- and off-site. Alternatively, there may be cases where it is better to deliver off-site than on-site (for example, where the ‘bigger, better, more joined up’ principles can be met) (see Appendix C).

9.3 In addition, the balance of on-site/off-site provision will also be guided by the ecological interest and sensitivities of the site prior to development, and the use of the site after development. The management requires 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).

9.4 All on-site habitats (whether retained, created, enhanced, restored) must be maintained in perpetuity through a secured management plan. This will be required to cover the establishment and long-term management for a minimum of 30 years. This may be secured by condition or, where BNG is considered ‘significant’, legal agreement (S106 agreement or Conservation Covenant).

Local register

9.5 The Council will maintain a Local Register of on-site habitats, created or enhanced through BNG. This information will be sought from Biodiversity Gain Plans, and be used to i) track information about biodiversity delivery and ii) support the monitoring and reporting of BNG delivery.

Sale of excess units

9.6 Where developments propose to create on-site habitats in excess of the managed 10% gains, the equivalent biodiversity units may be sold to others as ‘off-site biodiversity units’. For example, if a development could actually create 20% net gains, the

equivalent biodiversity units above the 10% required for that development may be sold to another developer to use against their development. To sell excess units, the units must be registered on the national off-site habitat register, and all relevant processes followed. Further details should be sought from Natural England.

Key considerations for habitat on site gains

Consideration	Explanation
Context of habitat lost	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?
Retained features and key species interest	Gains should be compatible and complimentary to any habitats retained, and support their resilience (e.g. flower rich buffers to new hedgerows)
Habitat trading	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 with any higher distinctiveness habitats ecologically suitable for the site. Medium should be replaced with similar habitats in better condition, or with higher distinctiveness habitats ecologically suitable for the site.
Site use and green space requirement	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.
Local habitat connectivity and strategic significance	Habitats retained or created should seek to support local habitat connectivity and areas of strategic significance by making new or enhanced habitat links.
Multi-functionality	Habitat gains should be planned from the outset as an integral part of the GI requirements for the site. Where appropriate, new habitats should be multi-functional, providing flood-alleviation, water quality improvements, carbon sequestration etc. However, where multi-functionality 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).
Size	The cost and operational logistics of maintaining small areas of habitat may be higher and more difficulty than for larger unconstrained locations.
Urban impacts	Urban impacts will affect habitat condition (e.g. disturbance, nutrient enrichment from dog fouling, predation by cats, lighting, vandalism, fires and noise).
Management requirements	Practicalities such as landform, grazing, access, water and cutting regimes will influence the type and condition of habitats that can be achieved.
Long-term maintenance	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.

Off-Site BNG

Identification of off-site BNG sites

9.7 Due to the spatial preference for habitats to be delivered on-site, applicants will need to demonstrate, through their Biodiversity Statement and Gain Plan, why BNG cannot be delivered on-site.

9.8 Where it can be demonstrated that on-site BNG cannot be delivered, in part or in whole, then it is the responsibility of the developer to identify land off-site (that is land beyond the red edged boundary of the development site).

9.9 This can be sourced from:

- Land in their ownership
- Land in private ownership, in agreement with the landowner
- Habitat Banks and other land brokers
- Land in public ownership, in agreement with the Council – the Council has a series of sites, in areas of 'strategic significance', that may provide opportunities to deliver off-site BNG. See Section 15 for details.

9.10 In accordance with BNG requirements, and the metric, any habitats lost on a development site must be compensated on a like for like basis. Developers will need to bear this in mind when identifying suitable land for off-site BNG delivery.

9.11 Off-site gains should be located as close as possible to the original development, and the metric incentivises this through 'spatial risk' (see Section 11). Gains should be located within the Blackburn with Darwen borough boundary. The metric also provides an incentive to achieve off-site BNG in areas of strategic significance (see Section 12). In some cases, it may be necessary to identify multiple off-site locations. These should be identified in the metric assessments, registered on the national database and secured through the relevant legal and planning processes.

9.12 All off-site habitat land will need to be secured for in perpetuity for a minimum of 30 years. This must be secured through a legal agreement (S106 agreement or Conservation Covenant) but planning conditions may also be used.

How to identify off-site land

9.13 Defra guidance 'making off-site biodiversity gains as a developer' explains the steps to follow in more detail. You should survey the habitat on the development site and explore on-site options before exploring off-site options. Once you know you need off-site units, you will need to explore the marketplace to find what is available to buy. This may include gain sites that will do habitat creation and enhancement to meet your specific BNG needs or sites that have already started habitat creation and enhancement to meet your specific BNG needs.

9.14 Off-site biodiversity units may be bought from landowners, from habitat bank operators, through brokers, from a trading platform or from the LPA. The Council are looking to make public land available for off-site BNG – details will be published on the website

in due course. Buyers and sellers will need to find each other through the private market – see the Defra guidance for more details. Land managers will need to register the gain site on the national register before, or at the same time as, or after you buy units on it. Price and payment terms are a private matter to be agreed between buyer and seller. Payment may be in full, through staged payments or conditional upon the results of habitat works.

Planning conditions / legal agreements

9.15 All developments providing BNG wholly or partly off-site must secure that off-site habitat through a legal agreement. This can either be a S106 agreement entered into between the landowner/developer and the Council, or a Conservation Covenant entered into between the landowner/developer and a Responsible Body.

9.16 You are encouraged to liaise with the LPA in the earliest stages of your proposal regarding legal agreements.

National Register

9.17 The Environment Act (2021) requires all off-site developments to be recorded on a national register. Each planning approval / development must then be attributed to a specific off-site site. Sites can be registered from February 2024.

9.18 To submit a site for inclusion on the register the following information must be provided (you should refer to Natural England's requirements in case of change):

- Biodiversity Gain Plan
- Biodiversity Metrics / UKHab Plans
- Written consent of the landowner to use the site for BNG for 30 years
- Legal agreement (S106 or Conservation Covenant) tying the land to BNG use
- Habitat Management and Monitoring Plan (HMMP)

9.19 Only once Natural England have approved the site onto the register should the developer apply to discharge the planning condition requiring the submission of a Biodiversity Gain Plan. The register will be publicly available and the Council will be required to check the site has the necessary approval and registration before considering the discharge of condition.

Determining whether you can meet BNG requirements on-site or off-site

9.20 Full Defra guidance on this is provided in 'making on sites biodiversity gains as a developer' and 'making off-site biodiversity gains as a developer'. Ultimately, you should undertake a survey of habitat before development and use the metric to calculate the biodiversity value of your site, before and after development, including using different layouts to achieve higher on-site gains. If you're confident you can meet BNG wholly on-site, complete your BGP (and, if significant on-site gains, your HMMP and legal agreement). If you can't meet BNG wholly on-site, explore off-site options using the metric, and then complete your BGP, HMMP and legal agreement. Include

all planned enhancements in the BGP – your site designs and HMMP should show how you will fund, maintain and monitor enhancements for 30 years.

9.21 Once the LPA has approved the BGP, the landowner is responsible for the habitat creation, enhancement and management work. Work to deliver BNG on-site should start as soon as possible, allowing for seasonality (e.g. planting, breeding, nesting, roosting considerations), but in any case normally within 12 months. Landowners are also responsible for monitoring and reporting to the LPA at the intervals set within the planning conditions, legal agreement and/or HMMP.

Selling biodiversity units as a land manager

9.22 Landowners who wish to provide new habitat, using BNG, can do so by registering the land on the off-site national register and selling Biodiversity Units on their land. Full details for landowners, including legal requirements, can be found from the Defra: Sell biodiversity units as a land manager webpage.

9.23 The Council, as a landowner and manager, intends to make some of its land available for BNG. Full details can be found in Section 15.

National Statutory Credit System

9.24 Where on-site or off-site BNG is not achievable for a development, a national credit scheme will enable developers to purchase credits that will be used to deliver BNG. The use of statutory credits is intended to be a last resort option for developers. The credit price will intentionally be set at a high rate, that is not market competitive, in order to dissuade its use and instead encourage BNG to be delivered locally to the source development. Sales of the national credits will be managed by Natural England and invested in habitat creation and enhancement works at a national level. Funds raised will not be earmarked for a particular region. This means that BNG statutory credits collected from within the area may be used to deliver BNG improvements at the other end of the country.

9.25 For this reason, the Council would only expect national credits to be used in very rare and exceptional circumstances (and providing strong and clear justification for doing so). As the principle of BNG is to deliver local nature enhancements, thereby cumulatively strengthening ecological networks, all developments will be expected to deliver BNG on-site or locally off-site.

9.26 Developers will need to provide through evidence to the Council that BNG on- or off-site is unachievable before they can buy statutory credits. Statutory credits cannot be used where the metrics dictate that bespoke compensation is needed. The statutory biodiversity metric calculation tool will calculate the number of statutory credits needed through the 'unit shortfall summary' tab.

9.27 The developer will need to evidence to the LPA:

- That they have considered additional on-site BNG and can provide reasoning showing why this is not possible
- The developer has approached 3 local or national suppliers, habitat banks or trading websites and cannot show evidence that no off-site options are available in England. Evidence would include, for example, correspondence, emails or a PDF download showing a marketplace search.

9.28 The Government publish guidance on the use of statutory biodiversity credits.

9.29 If purchasing statutory credits, a spatial risk multiplier will apply which will double the amount of credits needed. 2 credits must be bought for every 1 biodiversity unit needed for compensation. The statutory metric will calculate the multiplication.

9.30 Credit prices were released by Defra in July 2023, and can be found at

- www.gov.uk/guidance/statutory-biodiversity-credit-prices

Unit prices range from £42,000 for low distinctiveness habitat to £650,000 for certain high distinctiveness habitats. VAT applies in addition. Prices will be reviewed every 6 months from when BNG becomes mandatory.

9.31 The statutory credit will be in the form of a Proof of Purchase. You should refer to Natural England for details of the process involved in purchasing credits. Credits should ONLY be purchased once agreement has been received from the LPA as to their use. The Council can refuse applications that propose the use of national credits, where it believes that BNG can be delivered on or off-site. Purchase of credits should happen as late as possible in the planning process. They are linked to the planning reference number and BGP they are purchased for and cannot be transferred.

Table 2: Comparison of BNG delivery methods

	On-site		**Off-site**	**Credits**
	Non-significant	**Significant**		
Preference	High		Medium	Last resort
Secured by	Condition	Condition and/or Legal Agreement	Legal Agreement	Legal Agreement
Management and monitoring requirements	-	30 year	30 year	30 year
	-	HMMP	HMMP	HMMP
Sell excess as off-site	No	Yes	n/a	n/a
Recorded on	Local register		National off-site register	National off-site register
Habitat responsibility of	Land owner		Land manager (or landowner if a site you own)	Land manager

Viability

9.32 The Defra evidence base and impact assessment considered that the 10% BNG requirement is unlikely to significantly affect viability issues for development, and the 10% is mandated through legislation. There is therefore no scope for LPAs to allow a reduction on viability grounds.

9.33 At a local level, the Local Plan also requires provision of 10% BNG on new developments, and this was tested through a Plan Viability Study which also considered the requirement to be viable.

9.34 Where developers consider that BNG requirements, for example, the use of national credits, are affecting the viability of the development, then they should reconsider their mitigation hierarchy.

Additional financial resources

9.35 As BNG progresses, various bodies may provide additional finance resources that may be used to support viability. Where the Council are aware of these, we will publish them on our website.

10.0 BNG Metric Calculations

10.1 Additional guidance on metric is published by Defra at 'calculate the BNG of a project or development' and 'statutory metric tools'. Further metric guidance can be found from Natural England.

Metric Types

10.2 Metrics are used to calculate how a development (or a change in land management) will change the biodiversity value of a site. Metrics are used to:

- Assess the biodiversity unit value of an area of land
- Demonstrate biodiversity net gains or losses in a consistent way
- Measure and account for direct impacts on biodiversity
- Compare proposals for a site – e.g. creating or enhancing habitats on-site or off-site

10.3 Biodiversity is measured in standardised biodiversity units. There are 2 types of metric:

- Biodiversity Standardised Metric (BSM) – for major developments. Previous versions (e.g. 4.0) should not be used as they cannot be accepted in planning applications.

- Small Sites Metric (SSM) – for minor developments and where the SSM cannot be used (see paragraph 7.17-7.18)- this includes where offsite interventions are required and in which case the BM must be used. The SSM cannot be used where there are high distinctiveness habitats present.

10.4 Where published metrics are updated, latest metric should always be used – see the Defra or Natural England website for the latest details.

10.5 Each metric is an Excel-based tool and must be submitted for consideration as part of the planning application and to accompany the Biodiversity Gain Plan.

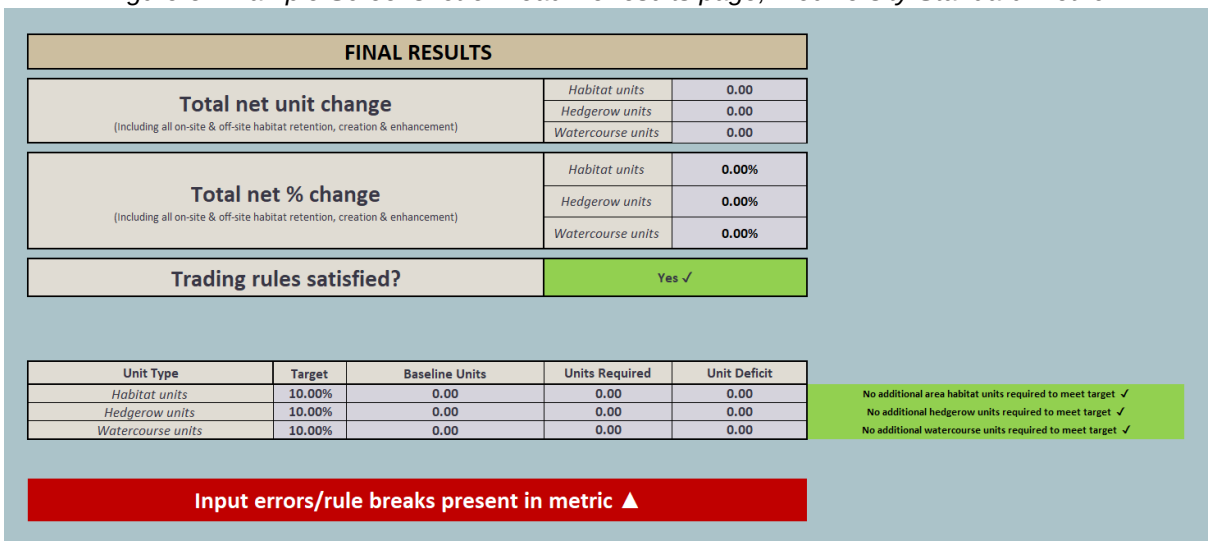
Who metrics must be completed by

10.6 Metrics must be completed by competent persons – i.e. qualified and experienced ecologists. For the BSM, this must be a qualified and experienced ecologist and their details must be provided within the metric. For SSM, the competent person doesn't have to be an ecologist (although this is encouraged) but must be someone who is sufficiently knowledgeable and confident in the identification and assessment of habitats and identifying the management requirements for the creation or enhancement of habitats.

10.7 The metric will highlight any errors in red, which must be resolved (or sufficient justification provided) before the metric can be accepted as valid. The Council (or its appointed ecologists) will review and check the metric spreadsheets. As part of validation checks, the Council will return any metrics which contain errors, including where trading rules are not satisfied. The metric must be supplied, in full (not just the summary page), as an Excel and pdf document.

10.8 Defra and Natural England provide online guidance on the biodiversity metric. In completing the metric, users must adhere to its principles and rules.

Figure 3: Example Screenshot of Headline results page, Biodiversity Standard Metric



FINAL RESULTS		
Total net unit change (Including all on-site & off-site habitat retention, creation & enhancement)	Habitat units	0.00
	Hedgerow units	0.00
	Watercourse units	0.00
Total net % change (Including all on-site & off-site habitat retention, creation & enhancement)	Habitat units	0.00%
	Hedgerow units	0.00%
	Watercourse units	0.00%
Trading rules satisfied?	Yes ✓	

Unit Type	Target	Baseline Units	Units Required	Unit Deficit	
Habitat units	10.00%	0.00	0.00	0.00	No additional area habitat units required to meet target ✓
Hedgerow units	10.00%	0.00	0.00	0.00	No additional hedgerow units required to meet target ✓
Watercourse units	10.00%	0.00	0.00	0.00	No additional watercourse units required to meet target ✓

Input errors/rule breaks present in metric ▲

Habitat Types

10.9 Habitats are separated in the calculator by:

- ‘area’ types (BM in hectares / SSM in square metres) – e.g. grassland, woodland; and
- ‘linear’ types (BM in kilometres / SSM in metres).- e.g. hedgerows, linear trees, rivers, steams, watercourse etc.

10.10 10% net gain is required for each unit type, and the units are considered separately and are not interchangeable. Loss of one type cannot be addressed by providing another. Therefore, if there is 1ha of grassland and 10m of hedgerows, then a 10% uplift must be achieved for the grassland AND a 10% uplift must be achieved for the hedgerow units.

Metrics and the Mitigation Hierarchy

10.11 The metric scores guide that it is usually better to conserve and enhance existing habitats rather than replace them elsewhere. New habitats take time to establish, in order to provide the food, shelter and nesting opportunities encouraged by BNG.

10.12 The mitigation hierarchy should be followed when first considering the development of a site. Negative impacts (the loss of biodiversity) should be avoided, but if those losses cannot be avoided, then they must be mitigated. If they can’t be mitigated, then they must be compensated for – either on the development site, or off it. The same rules apply to off-site habitats as on-site habitats.

10.13 Developers/applicants should submit as much information as possible within the "assessor comments' section of the metric to justify their decision-making regarding each habitat parcel.

10.14 The Biodiversity Gain Plan is required to detail the considerations and steps that have been taken to minimise adverse biodiversity Impacts, and choices made regarding on/off-site delivery.

Metric Assessment Values

10.15 Each habitat type on a site is assessed through the metric. The metric calculates the habitat value as 'Biodiversity Units' (BUs), and these are based on the size of the habitat, its quality (distinctiveness and condition) and location (strategic significance). Additional multipliers are used in respect of the risks associated with enhancing or creating the post-development habitat. The multipliers, and ultimately the 'scores', are therefore based on the following values:

- ***Distinctiveness:*** The value (or 'uniqueness') of the habitat, ranging from very low to very high. For example, buildings are common and have very low distinctiveness, whereas certain types of woodland may have very high distinctiveness.

- ***Condition:*** surveyed habitats are assigned a condition based on the judgment of the ecologist and range across poor to good. The condition assigned to proposed habitats is the predicted condition 30 years post development.

- ***Strategic significance:*** This is determined by the LPA using Local Plans and published strategies and relates to whether sites are located in areas of 'strategic significance'. Further information on which sites are to be considered as 'strategically significant' are provided in Section 12 of this document.

- ***Risk (Spatial, temporal and difficulty):*** Additional multipliers are applied to post-development enhancement and creation interventions. They represent the time it will take to establish improved or new habitat (temporal), the distance between the off-site habitat and the original development impact (spatial) and the uncertainty of creation and enhancement techniques (difficulty)

10.16 All area/linear unit types found within the red line boundary of the application site should have a 10% gain provided, irrespective of whether the habitat in question is directly or indirectly impacted by the development.

10.17 Scores are calculated as follows:

Site Area x (distinctiveness x condition x strategic location)	**= Pre-development score**
Site Area x (distinctiveness x condition x strategic location) – (difficulty x spatial x temporal)	**= Post-development score**
Post-development score – pre-development score	**= Biodiversity Net Gain**

10.18 The calculations mean that gains can be significant, dependent on the value of the habitat. For example, the removal of 10ha of woodland could require 120 hectares of new woodland to be planted due to the time it will take that woodland to establish and reach the same condition. It would not be as simple as creating an additional 1ha (10% of 10ha) of woodland.

Trading Rules

10.19 Trading rules state that there should be no trading down in habitat distinctiveness. All high distinctiveness habitats required recreation on a like for like basis should they be lost. However, lower distinctiveness habitats have more flexibility – i.e. habitats in poor condition can be enhanced to good or very good.

When to undertake ecological surveys

10.20 It is important to undertake ecological surveys at the right point in the year. For example, many plant species die back over winter and so sites should be surveyed at optimal times to ensure that the survey can appropriately and fully assess the habitat. In addition, it is important not to disturb species, for example, birds nesting on the ground, or in hedges, trees or buildings. The timing of surveys also needs to be mindful of feeding, breeding and roosting patterns.

10.21 There should not be any pre-emptive clearance works of a site. Where this occurs, the Council will determine the quality/condition of the site pre-clearance, backdating it to 30 January 2020, and assuming a high condition.

Residential gardens within the metric

10.22 Gardens can be included in the metric but their distinctiveness is set at low (vegetated) or very low (un-vegetated) and their condition set to no greater than 'poor'. The metric therefore assumes garden areas will be lost over time (e.g. seating areas or parking) but recognises that they can provide importance spaces for biodiversity and their provision should be encouraged.

10.23 Features like green roofs and walls can be included in metric calculations. You should refer to the latest Metric User Guidance for full details.

Types of Interventions

10.24 An ecologist can advise on the types of interventions that can be made to enhance biodiversity, specific to each site and habitat. This may include:

- Creation of new habitat
- Enhancement of existing habitat

10.25 Opportunities to maximise biodiversity and distinctiveness change should be optimised. Net gain interventions should be doing more than just seeking to move habitats up by one condition.

11.0 'Spatial risk' in the metric calculations

11.1 The biodiversity metric states that compensation habitats should seek, where practical, to be local to the impact (development). Off-site habitats should seek to replicate the characteristics of the habitats that are to be lost, taking into account the type of habitat, species, and importance of the original habitat site to local communities. Off-site habitat should be located as close to the impact site as possible to prevent the depletion of biodiversity in a local area. The metric therefore penalises the location of off-site habitat away from the original development site.

Area and Linear Habitats

11.2 The metric guidance specifies that, for area habitats, spatial risk calculations will prioritise compensation inside the 'Local Planning Authority boundary' or the 'National Character Area' of the impact site. There are 29 National Character Areas within the North West, of which two cover the Blackburn with Darwen Area: - Lancashire Valleys and Southern Pennines.

11.3 **The Council expect that the LPA boundary (Blackburn with Darwen), in almost all cases, should take priority over NCAs.** Due to the fact the NCAs cover much wider geographic areas, off-site habitat could be provided a significant distance away from the impact site and the Council are keen to ensure that the benefits of, or compensation measures required by, development within the borough are retained within the borough.

11.4 This also serves to support the council in its legal duties to the conservation and enhancement of nature within its administrative area.

11.5 In some cases, a development may be located within the LPA boundary, but the off-site habitat may be proposed in an adjacent LPA boundary. In these cases, please contact the Council at the earliest point in the application process to discuss.

Watercourse habitats

11.6 The metric guidance should be referred to for watercourse habitats, which operate at a waterbody catchment level due to the flowing nature of water.

11.7 The metric guidance states that compensation should be prioritised within the waterbody catchment. Where this cannot be achieved, it should be delivered outside the waterbody catchment, but within the operational catchment. The final option is outside the operational catchment.

11.8 Catchments are the 'higher level' spatial areas and describe the area from which rain fall contributes to the flow from a borehole, spring, river or lake. For rivers and lakes, this includes tributaries and the areas they drain. Operational catchments are the combination of a small number of river water body catchments, for example the Ribble Catchment has 8 smaller operational catchments. The operational catchment then contains a series of water bodies, for example the Ribble operational catchment has 10 water bodies. The Environment Agency has then classified the ecological status of each water body. Most of the borough's water bodies have been assessed to be in poor or moderate condition, with the Roddlesworth water body described as 'bad'

BNG should be provided on-site, or, where this is not achievable, off-site and as close to the originating development as possible and within the Blackburn with Darwen borough boundary.

12.0 'Strategic Significance' in the metric calculations

Defining 'Strategic significance'

12.1 The biodiversity metrics include a multiplier for 'strategic significance', which is the local significance of the habitat based on its location and habitat type. 'Strategic significance' is determined by how biodiversity can link to other strategic objectives and the overall place-making strategy for an authority. The location of a BNG site can therefore affect its habitat value.

12.2 Where published, the relevant strategy is the LNRS. However, if an LNRS has not yet been published, the planning authority may specify alternative, plans, policies or strategies to use which can include Local Plan, Local Ecological Networks, Tree and Woodland Strategies, Green Infrastructure Strategies or Biodiversity Action Plans. By requiring developers to take account of these local priorities and strategies ensures that BNG contributes to wider nature recovery plans alongside local objectives.

12.3 Linking biodiversity to wider strategies and place-making also helps deliver multi-functional benefits - for example, planting new trees can help sequester (store) carbon, improve air quality, provide habitat, provide shading and cooling in increasing temperatures and improve drainage and reduce flood risk.

12.4 The metric guidance states that assessors should assign a strategic significance category (high, medium, low), based on the location and type of habitat. Assessors should use published plans, strategies or policies relevant to the habitat location, which identify a location or habitat as being ecologically, or locally ecologically, important. Assessors must provide evidence by referencing relevant documents.

The Blackburn with Darwen Local Plan 2021-2037

12.5 The Blackburn with Darwen Local Plan (2021-2037) contains strategic policy *CP6: The Natural Environment*, which guides on BNG in the borough. It states that the LNRS, once in effect, will be the primary focus for BNG. However, in advance of the introduction of the LNRS, the policy confirms that strategic significance will be determined by how BNG sites relate to existing biodiversity strategies, including:

- Green Infrastructure and Ecological Networks SPD (2015)
- Areas of designated green and blue infrastructure
- Environmental Opportunity Areas

12.6 Each of these are outlined in Table 3 below, and the accompanying interactive map, which spatially shows the designations/strategies. The designations are explained in more detail in Appendix C.

12.7 These areas of strategic significance will help maximise the extent, interconnectedness and quality of nature networks and deliver multi-functional benefits across the borough.

Table 3: Areas of 'strategic significance' and purpose of BNG interventions

Ecological Network	Components	Purpose	Identified in Local Plan Policy
Core Area	SSSI Biological Heritage Site* Local Nature Reserve (County)*	Increase size, quality or quantity of habitats	CP6; DM15
Corridors	Grassland corridors Woodland corridors Canals/Rivers/Streams etc	Improve connectivity of habitats Increase size, quality or quantity of habitats	CP6; DM15
Stepping Stones	District Wildlife Sites Local Nature Reserve (District) *Priority habitats within or adjacent the ecological network corridor***		CP6; DM15
Green & Blue Infrastructure	Public Open Spaces Green Spaces Playing Pitches Woodlands Ancient woodlands		CP6; DM16
EOAs	Environmental Opportunity Areas		CP5; CP6; DM14

**Responsibility of LCC / ** See Section 13 for priority habitats*

Areas identified in policies and strategies as being of 'strategic significance' are provided as an interactive map. As part of metric assessments, you should identify whether the site(s) fall within any part of the ecological network.

Interactive Mapping

12.8 Within the BNG metric, 'strategic significance' should therefore be scored based on whether existing habitats on a proposed development, or proposed off-site BNG, fall within an area of significance listed in Table 3 – i.e. is part of the established Ecology Network, Green or Blue Infrastructure or an EOA. Accompanying mapping is available to help identify these areas of strategic significance[7].

[7] Note that 'priority habitats within or adjacent the ecological corridor' will need to be determined by reference to the priority habitats layer under 'Other data'. It does not have its own specific layer within the mapping.

12.9 For each of the areas of strategic significance identified in Table 3 and shown on the mapping, Table 4 (below) details the source of that mapping data.

Table 4: Data sources of areas of 'strategic significance'

		Mapping Source
Core Area	SSSI	Local Plan designation
	Biological Heritage Site	Local Plan designation
Corridors	Grassland Corridor	LERN / Lancs Ecological Network
	Woodland Corridor	LERN / Lancs Ecological Network
	Blue Infrastructure	Local Plan designation
Stepping Stones	District Wildlife Sites	Local Plan designation
	Local Nature Reserve	Local Plan designation
GBI	Public Open Space	Local Plan designation
	Green Spaces	Local Plan designation
	Playing pitches	Local Plan designation
	Woodlands	National Forestry Inventory
	Ancient Woodlands	Local Plan designation
EOAs	EOAs	Local Plan designation

12.10 In addition, the mapping also shows a series of other designations – which, whilst they do not form part of strategic significance, may help inform the design of BNG habitats and multi-functional benefits:

- ***Areas of Flood Risk***: Natural interventions, like natural flood management solutions, including enhancing or creating new habitats, can help to reduce flood risk.
- ***Air Quality Management Area designations***: Areas designated to improve air quality. Natural interventions, for example, tree planting, can help to tackle poor air quality.
- ***Natural England Priority Habitats:*** Those priority habitats within ecological corridors can found in the 'strategic significance' mapping. This data layer provides the wider data from Natural England.
- ***Buglife Bee Lines:*** 'insect pathways' which are being restored to create a series of wildflower rich habitat stepping stones that can link wildlife areas together. More details can found at www.buglife.org.uk.
- ***Great Crested Newt Opportunity areas:*** This data, from Natural England, identifies areas where the addition of new ponds would benefit Great Crested Newt (GCN) populations, defined as strategic opportunity areas (GCN SOAs). Information on district level licensing for great crested newts can be found on the Council website.

13.0 Priority / Habitat Types

13.1 Each BNG Metric will be required to identify the habitats on a proposed development and/or off-site BNG area. The Climate Change and Natural Capital Study (CC&NCS) (2021) identified the most extensive habitat types within the borough as:

- Improved grassland
- Suburban and urban areas
- Heather grassland and heather
- Acid grassland
- Bog
- Broadleaved woodland
- Coniferous woodland
- Freshwater

13.2 Section 41 of the NERC Act (2006) governs habitats of principal importance. These 'Priority habitats' have been identified by national government (initially through the UK Biodiversity Action Plan (UKBAP)). The list of habitats and species of principal importance in England includes 56 habitats and 943 species and can be found on the associated guidance pages of gov.uk.

13.3 The CC&NCS identified **priority habitats** within the borough as including:

- Blanket bog
- Deciduous woodland
- Fragmented heathy
- Good quality semi-improved grassland
- Grass moorland
- Lowland habitats
- Purple moor grass and rush pastures
- Reedbeds
- Traditional orchard
- Upland flushes, fens, swamps
- Upland hay meadow
- Upland heathland

13.4 A map of the protected and notable habitats can be found as CC&NCS Appendix H, Figure H.3. Data on priority habitats is also available from Natural England as interactive Priority Habitat (Northern England) mapping (zoom in to see the data).

13.5 Priority habitats are illustrated within the Council's online mapping so they can be viewed alongside local data. However, the Natural England data should always be referred to for the most up to date data.

14.0 Other Considerations

Additionality and Stacking

14.1 The principles of 'Additionality' guide that habitat enhancements can only be counted for the purpose of BNG if they genuinely create 'additions' to the existing baseline and are not already counted towards the fulfilment of another obligation. For example, BNG could not be used to improve a designated feature of a Site of Special Scientific Interest (SSSI) into a favourable condition, because the landowner is already obliged to restore that SSSI feature into a favourable condition. ('Features' describe the special wildlife and/or geological features, and conservation of those features may including controlling grazing, managing woodland, controlling water levels and clearing scrub). Biodiversity gains need to be additional to those measures that should be in place already.

14.2 However, biodiversity gains can be delivered within the 'fabric' of a designated site – there may be areas of a designated site that don't include habitats listed as 'features' – which a net gain plan may be able to deliver benefits to (without impacting other conservation objectives).

Stacking Rules

14.3 BNG can be designed to align with other development design features and benefits – for example, the use of Sustainable Urban Drainage Solutions (SuDS) features (swales, bio-retention, detention basins, ponds, tree planting etc.) can also provide habitat. Similarly Green Infrastructure can provide both opportunities to improve health, travel actively and provide habitats. Indeed, this multi-functional design is encouraged, where there is no detrimental impact to the habitats which are being created or enhanced.

14.4 However, there are detailed rules about combining different environmental payments, for example biodiversity units, nutrient credits, carbon credits and payments for flood alleviation. Stacking is when multiple credits or units from different markets are sold separately from the same activity on a piece of land. Land managers can sell biodiversity units and nutrient credits from the same nature-based intervention, for example the creation of a woodland, but they cannot sell credits for other ecosystem services, for example carbon credits. Guidance from national Government should be referred to in these instances.

14.5 Blackburn with Darwen is not in an area covered by nutrient neutrality requirements.

15.0 Council-owned sites available for BNG

15.1 Off-site BNG may be delivered on privately-owned land, but it will be the responsibility of the developer/applicant to liaise directly with the landowner in terms of BNG delivery and all legal, management and monitoring requirements. Over time, the Council expect the supply of private sites to increase, but, particularly in the early stages of BNG's implementation, recognise the importance, and opportunities, of using public land to deliver BNG.

15.2 The Council have therefore identified a series of public sites to support BNG delivery within the Borough, which are set out below. Identification of the sites has been informed by evidence and the ecological surveys.

- ***Climate Change and Natural Capital Study (CCNCS)(2021)*** – identified the potential contribution that the Local Plan could make to achieving carbon neutrality by 2030 and address the requirements of the Environment Act around BNG using a natural capital approach. It included the identification of a series of 'Environmental Opportunity Areas' (EOAs) with the potential to deliver multi-functional benefits, including carbon sequestration, flood mitigation, habitat improvements and BNG. For those EOAs identified for BNG, the study provided indicative baseline and uplift figures. Those EOAs, wholly or in majority council ownership, and which the Council consider feasible for use as BNG, have been taken forward for further, more detailed ecological assessment.

- ***District Wildlife Sites (DWS)(2023)*** – a re-survey of all the DWS within the borough to identify whether they still met the ecological criteria for designation as DWS and/or whether any boundary changes were required. This information was used to update the Local Plan policies maps. In addition, the survey also undertook indicative baseline and uplift assessments of the potential for BNG on each site. Again, those DWSs, wholly or in majority council ownership, and which the Council consider feasible for use as BNG, have been taken forward for further, more detailed ecological assessment.

- **Green Infrastructure –** the Council's Environment Team provided suggestions of some public open space sites, in Council ownership, that they considered could be feasible for BNG delivery in urban areas.

- **BNG Study (2023) –** the Council then commissioned ecologists to undertake a survey of all sites shortlisted, from the above sources, to understand the baseline BNG, the potential uplift and the detailed intervention measures required to deliver BNG uplift. The different between the baseline and the uplift gives a number of biodiversity units required to achieve that uplift, and these units can then be sold. The survey also calculated the cost of selling each of those units. The sale of the biodiversity units will be used to undertake habitat improvements and to manage the site for a minimum 30-year period.

15.3 The Government's BNG Consultation response (2023) confirmed a Council cannot direct developers to their land in preference over other suppliers to the market unless

there are clear ecological justifications for doing so. However, the DWSs, EOAs and green/blue infrastructure are identified as existing strategic sites and strategic priorities (Local Plan, Green Infrastructure and Ecological Networks SPD) and are expected to form part of the LNRS. As strategically significant biodiversity sites, there is therefore a clear ecological justification for their use.

15.4 Developers are, of course, able to approach private landowners regarding BNG delivery, but here, the Council have a range of sites with available BUs for sale. Purchasing biodiversity units from the Council, in relation to strategic sites, will help to 'boost' strategic significance' scoring within the metric.

15.5 Defra have confirmed that Council's using their own land for off-site BNG will not interfere with their obligations under the NERC biodiversity duty.

15.6 When available, the Council will publish a list of available sites/habitats, and the costs of the respective biodiversity units, on their website at www.blackburn.gov.uk/BNG. The interactive mapping will be updated to show available sites. All off-site opportunity sites will also be registered on the Natural England off-site register in accordance with statutory requirements.

15.7 As part of any off-site availability, the Council will also provide further information on any delivery mechanisms that may be used, including habitat banking vehicles (HBVs) or Specialist Purpose Vehicles (SPVs). Any additional costs associated with third parties will be included in unit costs.

16.0 Council Reporting of BNG

16.1 Developers and landowners are required to monitor and regularly report the delivery of their BNG over the 30-year statutory period. The Council must monitor receipt of these reports, and the delivery of BNG, to ensure that the BNG that was due to be delivered through each development, is being delivered. Enforcement action must be taken where BNG is not delivered appropriately.

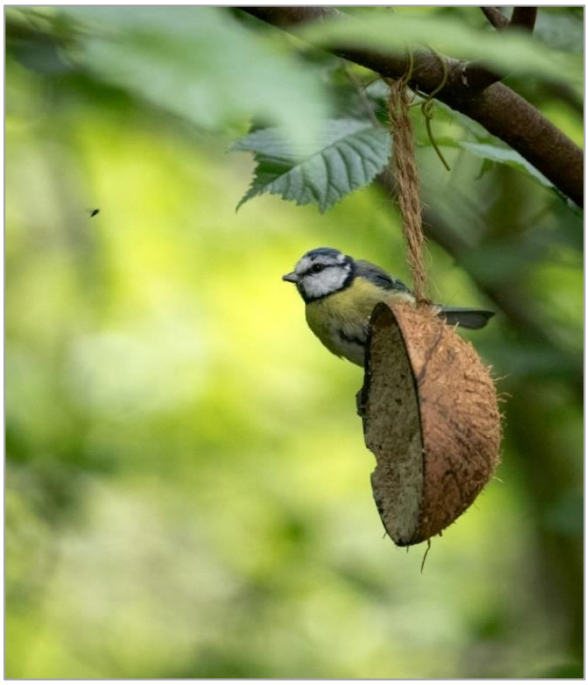
16.2 As BNG is a requirement of local plan policy (CP6: Natural Environment), we are committed to monitoring and reporting BNG through the Council's Annual Monitoring Report. In addition, we may also report payments for off-site BNG, and S106 BNG monitoring fees, through the Infrastructure Funding Statement.

16.3 The Council, in its capacity as local authority (LA) and local planning authority (LPA) are also required to regularly report on the policies and actions we have carried out in complying with our biodiversity duty. The first report is due December 2025, and then reports must follow every 5 years. The Environment Act sets the mandatory information that must be included in the report and, specifically to LPAs, includes:

- The actions the LPA has carried out to meet BNG obligations
- Details of BNG resulting, or expected to result, from BNG Plans the LPA has approved
- How the LPA plan to meet BNG obligations in the next reporting period

This must be provided as a separate section of the report, in addition to the LA information.

16.4 It is therefore important that the LPA records and monitors all BNG obligations. The Council will maintain its own database of on-site (and off-site) BNG.



APPENDIX A: Useful links

National Legislation / Policy

- Environment Act 2021
- Natural Environment and Rural Communities Act 2006
- National Planning Policy Framework
- The Biodiversity Gain (Town and Country Planning) (Consequential Amendments) Regulations 2024
- The Biodiversity Gain Site Register (Financial Penalties and Fees) Regulations 2024
- The Biodiversity Gain Site Register Regulations 2024
- The Biodiversity Gain Requirements (Exemptions) Regulations 2024
- The Biodiversity Gain Requirements (Irreplaceable Habitat) Regulations 2024
- The Biodiversity Gain (Town and Country Planning) (Modifications and Amendments) (England) Regulations 2024

National Guidance

- BNG Planning Practice Guidance
- Legal Agreements to secure your biodiversity net gain
- Making on-site biodiversity gains as a developer
- Making off-site biodiversity gains as a developer
- Statutory biodiversity credits
- Statutory credit prices
- Calculate biodiversity using the biodiversity metric
- Meet BNG requirements: steps for developers
- Meet BNG requirements: steps to take for land managers

Local Policy /Mapping

- Blackburn with Darwen Local Plan 2021-2037
- Biodiversity Mapping (Aurora)
- Priority Habitats Inventory (England) (Natural England)

Guidance

- Biodiversity Net Gain: Good practice principles for development (CIRIA, CIEEM, IEMA)
- Biodiversity Net Gain: Good practice principles for development: A practical guide (CIRIA, CIEEM, IEMA)
- Biodiversity in new housing developments: creating wildlife-friendly communities (RSPB, NHBC Foundation, 2021)
- British Standard S8683 (2021): Process for designing and implementing BNG – specification
- British Standard BS42020 (2013): Biodiversity in planning and development
- Introduction to the Green Infrastructure Framework – Principles and Standards for England (Natural England, 2023)
- Building with Nature Standards
- Green Infrastructure Planning and Design Guide (Natural England 2023)
- Homes for people and wildlife' . Wildlife Trust (2018)
- Lancashire Biodiversity Action Plan - Lancashire County Council
- Lancashire Ecological Network - Lancashire County Council

Appendix B: Legislative & Policy Context

1.1 The strategies, policies and guidance documents below highlight the importance of improving the natural environment to address a wide variety of matters, including the restoration of nature, improvements to biodiversity and habitat, climate mitigation and adaptation, carbon capture, reducing flood risk, reducing inequalities, improving health and wellbeing and the creation of well-designed and healthy places.

Legislation

Natural Environment and Rural Communities (NERC) Act 2006:	Placed a legal duty on all public authorities in England (including Councils) to have regard to conserving biodiversity as part of policy and decision making. This can include restoring or enhancing a habitat or species population. Councils should be able to demonstrate they meet their duty through policies and strategies, the planning system and the management of land, buildings, woodlands, nature reserves, parks and open spaces, sports grounds etc.
Climate Change Act 2008 (as amended):	Establishes a legally binding target on the UK Government to reduce the UK's greenhouse gas emissions by 100% by 2050 from 1990 levels.
Planning and Compulsory Purchase Act 2004	Places a duty on plan-making to mitigate and adapt to climate change.
Environment Act 2021 (inc BNG, LNRS)	Sets clear statutory targets for the recovery of the natural world in four priority areas: air quality, biodiversity, water and waste; and reversing the decline in species abundance by 2030. It also introduces a series of measures to reverse the decline in biodiversity; including a requirement for all new development to deliver a minimum 10% biodiversity net gain from February 2024. In addition, it sets a requirement for the creation of nature recovery networks, led by Responsible Bodies, through local nature recovery networks and strategies.
Statutory Instruments (2024)	Provide the secondary legislation to the Environment Act 2021 • The Biodiversity Gain (Town and Country Planning) (Consequential Amendments) Regulations 2024) • The Biodiversity Gain Site Register (Financial Penalties and Fees) Regulations 2024 • The Biodiversity Gain Site Register Regulations 2024 • The Biodiversity Gain Requirements (Exemptions) Regulations 2024 • The Biodiversity Gain Requirements (Irreplaceable Habitat) Regulations 2024 • The Biodiversity Gain (Town and Country Planning) (Modifications and Amendments) (England) Regulations 2024

Climate and Ecology Bill (link)	Will require the UK to achieve climate and nature targets and give the Secretary of State a duty to implement a strategy to achieve those targets.

National Policy

Net Zero Strategy 2021	Sets out how the UK will deliver on its commitment to reach net zero emissions by 2050, including the allocation of £124m to boost the 'Nature for Climate Fund' to restore peatland and treble woodland creation in England.
25 Year Environment Plan 2018	Sets out the Government's goals for improving the environment.
Environmental Improvement Plan 2023	The first revision of the 25 Year Environment Plan, setting out how the government will deliver each of their goals.
National Planning Policy Framework (2021)	This provides the national planning policies for England and is accompanied by planning practice guidance. It underlines the planning system should support the transition to a low-carbon future, achieve well-designed places and enhance biodiversity. It requires new development to provide net gains for nature (with the minimum level of uplift mandated through the Environment Act 2021).
Planning Practice Guidance / other supporting guidance, Defra 2023	Including: • BNG Planning Practice Guidance • Legal Agreements to secure your biodiversity net gain • Making on-site biodiversity gains as a developer • Making off-site biodiversity gains as a developer • Statutory biodiversity credits • Statutory credit prices • Calculate biodiversity using the biodiversity metric • Meet BNG requirements: steps for developers • Meet BNG requirements: steps to take for land managers (See Appendix A for links)

National Guidance

National Design Guidance	Sets out the characteristics to well-designed places, which includes the incorporation of green infrastructure and biodiversity.
Natural England Green Infrastructure Framework 2023	Provides a structure to analyse where greenspace in urban environments is needed most, to support equitable access. It includes increased tree cover, increasing connectivity and extent of habitats and building resilience for climate change.
CIEEM Good practice principles for development (llink)	Sets out ten principles for good practice in achieving BNG which must be applied together as one approach.
CIEEM Good practice principles for	Provides practical advice to achieve BNG in the UK, based on the good practice principles for BNG and applies to all types and

development: a practical guide	scales of development, at all stages in the life cycle of the development.
Committee for Climate Change recommendations 2023	The latest assessment (2023) concluded the UK is not adequately prepared for climate change and more needs to be done to adapt.

Local Strategy / Policy / Guidance

BwD Corporate Plan	Seeks to enable each resident to achieve a good quality life, and in doing so, sets 4 missions – to improve prosperity, to provide the opportunities for young persons to fulfil their potential, to deliver the climate emergency action plan and to build happier, healthier and safer communities.
BwD Climate Emergency Declaration & Action Plan	The Council Declared a Climate Emergency in 2019 and committed to a target of being carbon neutral by 2030 to help tackle climate change. The Climate Emergency Action Plan sets out what needs to be done in the borough to help mitigate climate change and adapt to its impacts.
Local Plan 2021-2037	The Local Plan guides development until 2037. It includes new strategic policies to guide new developments in relation to climate change and biodiversity, and further 'development management' policies guiding habitat protection and enhancement (DM15), tree and woodland protection and provision (DM17), green and blue infrastructure (DM16) as well as opportunities for environmental enhancements through opportunity areas (DM14). The Planning and Compulsory Purchase Act 2004 means that the Local Plan is duty-bound to include policies that mitigate and adapt to climate change.

The Local Plan is supported by additional supplementary guidance documents. These provide further guidance and strategies, including:

Supplementary Planning Documents	
Green Infrastructure (GI) and Ecological Networks SPD (2015)	Provides advice and guidance on GI and ecological networks in BwD, including their role, how they should be designed into new developments and help create place, and how connections of networks should be maximised. Will be replaced by a Natural Environment SPD.
Climate Impacts Framework SPD	Sets out guidance for designing to mitigate and adapt to climate change and introduces the 'CIF' assessment tool which includes questions relating to the natural environment. The CIF is a local validation requirement.
Tree and Woodland Strategy	Provides guidance for the management of existing, and creation of new, trees and woodland in the borough,

BwD Health and Wellbeing Strategy 2018-2021	Sets out the Council strategies for improving health and wellbeing in the Borough, creating healthy places and reducing health inequalities.
BwD Eat Well, move More Strategy	Sets out the Council strategies to encourage positive lifestyle changes for residents by supporting an environment where physical activity and healthy eating is the easy choice for everyone throughout their lives

Appendix C: Justification for ‘strategic significance’

Nature Recovery Networks / Local Nature Recovery Strategies

1.1 The Environment Act (2021) introduced the principle of nature recovery networks (NRNs) – a national network of wildlife-rich places sites designed to restore nature and its habitat and movement networks; improve resilience to climate change; reinforce our landscapes and natural environment; and enable people to better connect with nature benefitting health and wellbeing. The national NRN will be comprised of a network of about fifty areas, each with a ‘Responsible Body’ developing its own Local Nature Recovery Strategy (LNRS). Each LNRS will use mapping and data to identify priorities and develop a strategy to target action and investment in that area, but that will join up with others LNRSs to create a national network.

1.2 LNRSs, once in effect, will be the principle way of establishing whether a BNG site is of ‘strategic significance’. Locally, Lancashire County Council has been designated as the Responsible Body, and will work with district and unitary sub-authorities to prepare an LNRS covering the Lancashire region. It is expected that the Lancashire LNRS will be informed, in part, by the local ecological designations and policies set out in the sub-authorities Local Plans and strategies.

1.3 However, LNRSs will take time to introduce, and, at the time of writing this advisory note, are still expected to be a minimum of 18 months away. In the interim, the Council must identify its own areas of strategic significance.

Identifying areas of strategic significance (in advance of the LNRS)

Ecological Principles

1.4 One of the general principles for supporting habitats and ecological networks is that smaller and more isolated habitats support fewer species. They are also more susceptible to damage from adjacent land-uses and more unsustainable. The preferred strategy is to have many, large, connected sites. The large sites can be supported by smaller pieces of land that act as corridors or stepping stones for the movement of species. Climate change is expected to affect the migration of species as they seek to move to habitats less affected by changing temperatures and adverse weather patterns.

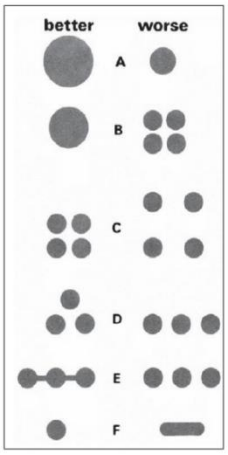


Figure 1: Principles for habitat connectivity (LEN Approach and Analysis, LERN/LWT, 2015)

The Green Infrastructure and Ecological Networks SPD (2015) (GI&EN SPD)

1.5 The SPD is designed to help applicants and developers ensure that proposals for development make the most of opportunities to improve existing and create new green infrastructure and ecological networks.

Green Infrastructure

1.6 Green infrastructure (GI) is defined as a network of high quality green spaces and other environmental features which deliver multi-functional benefits for local communities, including environmental and quality of life. Green and blue infrastructure includes parks, open spaces, playing fields, woodlands, allotments, rivers, streams and canals. Networks of GI within towns and connecting with the open countryside have greater benefit for people and wildlife than isolated pockets of open spaces. For example, providing linked opportunities for off-road walking and cycling, flood attenuation, movement of wildlife, and creating a sense of place and local distinctiveness.

1.7 The GI&EN SPD provides the current guidance on the integration of new development and GI.

1.8 Since the adoption of the GI&EN SPD, further guidance has been released by a number of different bodies. Natural England's Green Infrastructure Framework (2023) sets out a series of principles and standards for England relating to the provision of green infrastructure, in both quantity and quality. It supports the greening of town and cities as part of the nature recovery network, through 5 key standards:

- Urban Nature Recovery – aims to boost nature recovery
- Urban Greening Factor – aims to improve provision of GI and increase the level of greening
- Urban Tree Canopy Cover – aims to promote an increase in tree canopy cover
- Accessible Greenspace – aims to promote access to good quality GBI within 15-minutes' walk from home (one third of people nationally cannot access greenspace in this distance[8])
- Green Infrastructure – supports the NPPF policy that Councils should develop strategic policies for GI, and develop delivery plans to support the creation and enhancement of new and existing greenspaces

1.9 Whilst the Council intend to set out more detail on green and blue infrastructure through the Natural Environment SPD, and other documents such as the Tree and Woodland Strategy, these principles and standards are relevant to biodiversity net gain considerations, and should be considered as part of BNG design.

1.10 However, whilst the Council encourage the delivery of publically accessible GBI, and support improving public access to nature, we also recognise that public access to habitats, delivered through BNG, may not be appropriate in all cases. For example, dog walkers may trample on new grassland habitats, damaging those habitat

[8] Natural England unveils new Green Infrastructure Framework - GOV.UK (www.gov.uk)

interventions, so that the gains may not be achieved. Consideration therefore needs to be given, in ecological assessments, to the practicalities of public access.

Ecological Networks

1.11 An ecological network is a collection of suitable habitats connected by corridors that can support the movement of species. Ecological networks are intended to support the conservation of species and habitats, and should seek to connect high quality sites to allow species to move between them. The priorities for action to enhance the resilience and coherence of ecological networks are summarised by “bigger, better, more and joined” (the Lawton principles).

1.12 The GI&EN SPD contains the following recommendations:

1. Improving the quality of current sites by better habitat management
2. Increasing the size of current wildlife sites
3. Enhancing connections between, or joining up, sites through corridors or stepping stones
4. Creating new sites
5. Reducing the pressures on wildlife by improving the wider environment, including through buffering wildlife sites

1.13 Ecological networks are not intended to stifle development or growth, but rather to provide a tool to help steer and guide it, and to enable economic growth, physical development and ecological enhancements to be delivered with the greatest benefits across the spectrum of sustainable development objectives. For example, the opportunity to expand a key habitat may also provide an opportunity to improve water quality and flood risk management, improve an area’s image and potential for investment or capture airborne pollution.

1.14 An ecological networks approach takes nature conservation out of a purely sites-based approach, and looks at the way that the entire landscape functions for nature and, as a function of green infrastructure for people and the economy. It should integrate human, economic and other activity and aspirations with nature conservation objectives, rather than ‘setting aside’ areas purely for nature.

1.15 Identifying and mapping ecological networks, and using those networks to influence a range of decisions, can help reverse the decline in biodiversity by providing wildlife with access to habitats, and movement between habitats. It should help to integrate a range of different land uses in a way that is sympathetic to the environment in order to benefit both wildlife and people.

Lancashire Ecological Network

1.16 The ecological framework for Lancashire has been identified and mapped through the Lancashire Ecological Network (LEN)[9], and comprises 3 broad habitat groups:

- Woodland and Scrub
- Grassland
- Wetland & Heath

1.17 The LEN identified and mapped woodland/scrub and grassland habitat networks (although the wetland and heath networks were not completed), with the methodology and approach to establishing the LEN set out in the LEN Approach and Analysis (v1a) document (June 2015) (available through LERN).

The network mapping comprises:

- **Core Areas*:*** Wildlife sites of at least county importance, including:
    - ***Internationally designated 'Natura 2000' sites***: a European designation of breeding and resting sites for rate and threatened species. There are no Natura 2000 sites within the borough.
    - ***County-based 'Biological Heritage Sites (BHS)':*** these sites are designated as 'local wildlife sites' in Lancashire, and carry a county wide importance. That is, they make a significant contribution to the biological diversity of Lancashire.
    - ***Local Nature Reserves (LNRs) (county level):*** areas of land for both people and wildlife, allowing opportunities to study or learn about nature or simply enjoy it. LNRs can be acquired, declared and managed by county councils, as well as district or parish. The higher the level, the greater the importance.
    - ***Nationally designated 'Sites of Special Scientific Interest (SSSIs):*** areas identified as of particular interest to science due to the presence of rare species of fauna or flora (or geological features. They have high levels of conservation protection and SSSI landowners must manage the site appropriately to conserve their special features.
- **Corridors:** Continuous stretches of permeable habitat that can, over time, be used by species to move between core areas. This includes linear corridors like hedgerows, woodland strips, rivers, canals, streams and ditches but can also include landscape corridors of mixed habitat types. These help make species more resilient to change. Corridors are further classified by distance between similar core areas.

[9] In association with the priorities identified in the Lancashire Biodiversity Action Plan

- **Stepping stones:** sites of local ecological importance and areas of priority habitat within or adjacent to corridors. They include:
    - ***District Wildlife Sites (DWS):*** areas of land that are locally important for wildlife, and are selected locally using ecological criteria and surveys
    - ***Local Nature Reserves (LNRs)*** (district level): areas of land for both people and wildlife, allowing opportunities to study or learn about nature or simply enjoy it. LNRs can be acquired, declared and managed by county councils, as well as district or parish. The higher the level, the greater the importance.
    - ***Important road verges:*** verges provides important stepping stones and corridors for wildlife
    - ***Areas of priority habitat:*** ,land outside protected sites but within, or partially within, the ecological network corridor

1.18 The LEN mapping classified the core area, corridors and stepping stones for each of the assessed habitat groups. For the purposes of developing a functional ecological network for Lancashire, the LEN focuses on corridors of 3 kilometres or less as the corridors that are most likely to be contributing to movement of individuals and species.

1.19 The Council have published an interactive map showing the core areas, corridors and stepping stones within, and across, the Borough where habitat may be maintained, restored or created to support strong and resilient ecological networks. These form part of the local strategy for strengthening ecological networks and restoring nature's recovery.

1.20 These strategic networks are included in the Council's current 'Green Infrastructure and Ecological Networks SPD (2015)' and so already form part of the Council's biodiversity strategy, alongside Green Infrastructure.

The Local Plan

1.21 The current, adopted Local Plan for the borough remains, at the time of writing, the Local Plan Part 1 (2011) and Part 2 (2015). The adopted Plan contains a number of policies relating to GI and ecology. This includes Policy CS15: Biodiversity; Policy CS19: Green Infrastructure; Policy 9: Development and the Environment, Policy 38: Green Infrastructure; Policy 40: Integrating Green Infrastructure and Ecological Network with New Development.

1.22 However, the Council are in the final stages of the preparation of a new Local Plan to cover the period 2021-2037. The Plan has been subject to public examination in 2023, and the Council anticipate its adoption on the 25 January 2024.

1.23 Planning can be a fast moving world, and legislation, policy and guidance can change regularly. The policies of the emerging Plan reflect the most-up-to-date position of

national policy and guidance, including the new requirements of 2021's Environment Act. Policies are written to maintain flexibility for long-term changes, but supporting guidance, like this Planning Advisory Note or Natural Environment SPD, allow for wider implementation changes to be more easily reflected and updated.

Green and Blue Infrastructure

1.24 Green Infrastructure is the term given to describe a range of 'green' spaces and assets that provide environmental value and include things like parks, playing fields, other types of open space, woodlands, allotments and street trees. Blue Infrastructure describes 'blue' water-based spaces and assets such as streams, ponds, canals, rivers and other water bodies. Green and Blue Infrastructure can provide multiple benefits – everything from providing attractive environments, enhancing wellbeing, providing opportunities for outdoor recreation and health, enhancing biodiversity, producing food, providing urban cooling and managing flood risk.

1.25 Local Plan *Policy DM16: Green and Blue Infrastructure* requires all development to be designed to make a positive contribution to the GBI network, including providing multi-functional benefits such as drainage, active travel, expanding tree cover and retaining and enhancing existing ecological and landscape features and spaces.

1.26 Additional Local Plan Policies provide further guidance around specific elements of GBI, including *DM18: Public Open Space in New Developments, DM19: Development of Open Spaces, DM20: Playing Fields, Indoor and Outdoor Sports Facilities and DM21: Local Green Spaces*.

1.27 The Borough has a wide variety of green and blue infrastructure (GBI), providing opportunities for BNG enhancement, creation and linkages. However, GBI may not always be suitable for a site – for example, local planning policies generally seek to prevent the loss of public open spaces and playing pitches and those uses should be retained. In addition, GBI may be in public (Council owned) or private landownerships and it will be for individual landowners to offer land for BNG use. However, they remain key opportunities to strengthen existing ecological networks.

Environmental Opportunity Areas

1.28 Local Plan Policy DM14 identifies a series of environmental opportunity areas (EOAs), which have been informed through preparatory evidence (namely, the Climate Change and Natural Capital Study (2021)). EOAs are priority areas for well-designed mitigation schemes that provide opportunities to deliver multiple benefits in terms of habitats and biodiversity, carbon sequestration and water management.

1.29 Where appropriate, EOAs may be linked to statutory and non-statutory designated sites and ultimately are expected to form part of nature recovery networks for the Borough. However, the selection of EOA sites remains subject to further consultation with landowners and other relevant parties. Strategic policy CP5: Climate Change states that off-site mitigation measures will be directed to EOAs, again, with further consultation with landowners and relevant parties as appropriate.

1.30 EOAs therefore form part of the ecological strategy for the Borough, and will also comprise 'strategic significance'.

Ecological Sites and Networks

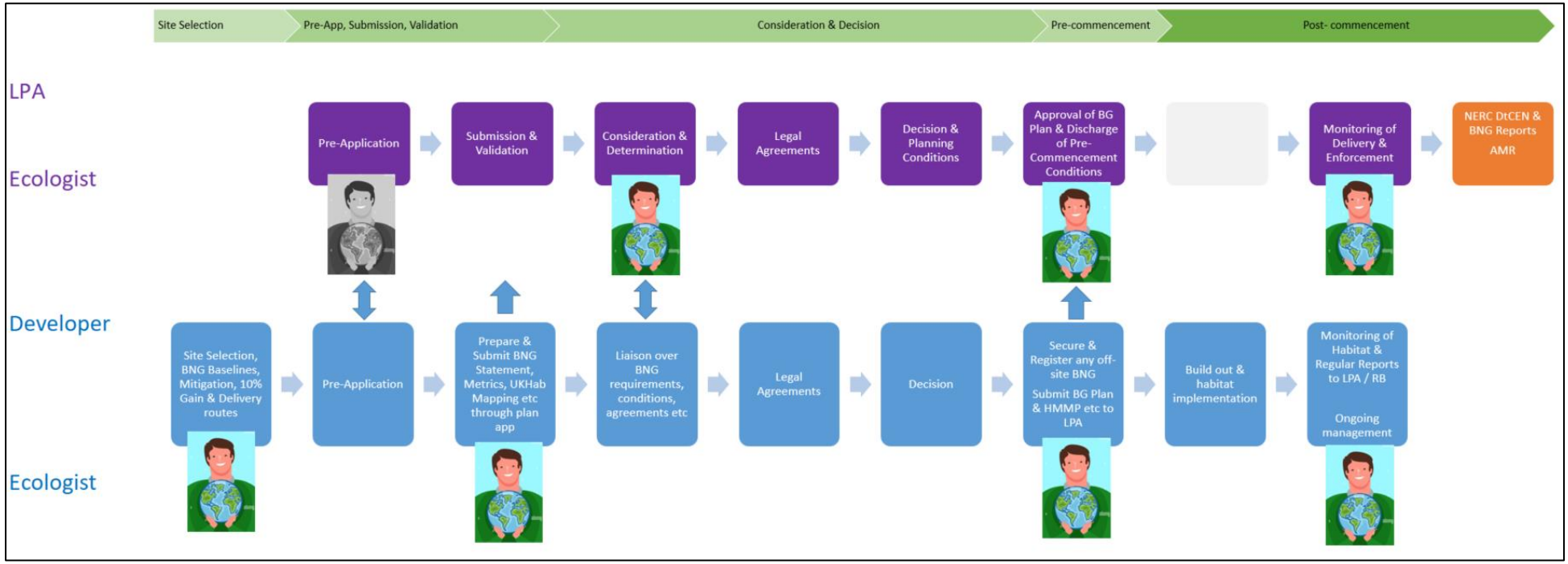
1.31 Local Plan *Policy CP6: The Natural Environment* confirms that development should be designed to facilitate new and enhanced habitats and the creation of links between habitats and spaces to provide a network of green and blue spaces that can help support species and their movement, and that locally defined ecological sites and networks identified in the LNRS (or, in the interim, existing strategies and policies) will be the primary focus of net gain delivery. Aside Policy DM14: EOAs (detailed above), relevant policies include *DM15: Protection and Enhancement of Wildlife Habitats* and *DM17: Trees and Woodland*.

1.32 Habitats and ecological networks are thus a focus for protection and enhancement and also comprise 'strategic significance'.

Appendix D: Planning Application Process Flowchart

1.1 A process map can help illustrate how the two processes, of both developers and the LPAs, must operate with each other. In addition, it can also show how the input of ecologists is key to many of the stages. BNG is now just one element of the planning considerations, and so the process map just shows BNG-based interactions.

Figure 1: Simplified BNG Process Map



APPENDIX E: Submission Checklists

Biodiversity Net Gain
PLANNING APPLICATION CHECKLISTS

BNG information will be required throughout the planning process, including to register and validate the planning application, to inform the determination of the planning application, to discharge the standard condition relating to the approval of a Biodiversity Gain Plan and to monitor and report on the delivery of biodiversity net gains. The checklists below have been prepared for each stage of the process.

Information listed here is not exhaustive. The Council, as Local Planning Authority, may request additional information is submitted at any stage of the application process. As BNG progresses, and its requirements are better understood, these lists may be updated.

How BNG applies to different types of application

Application Type	10% Net Gain	Relevant metric	Requirements
Permitted Development	Exempt	-	Should deliver proportionate gains to species / habitat, including design features to support wildlife. Application must explain why it is exempt and provide any relevant supporting information.
Householder applications			
Self- and Custom-Build Homes (9 or less dwellings, on site less than 0.5ha)			
De-minimis habitat areas			
Minor Applications (Applications proposing between 1-9 new dwellings; or where the floorspace is less than 1000sqm or the site area less than 1ha; or up to 9 gypsy and traveller pitches)	Mandatory	Small Sites Metric (unless exemptions apply and then Standard Metric to be used). Metric must be completed by competent person.	<u>At Submission</u> - Biodiversity Gain Information - Biodiversity Metrics - UK Hab Mapping <u>Post-approval /pre-commencement</u> - Biodiversity Gain Plan - HMMP *If off-site included:* - Landowner consent - Legal Agreement - National Register reference - National credits proof
Major Applications (Applications proposing 10 or more dwellings; a site area of over 0.5 hectare and number of dwellings is not known; a floorspace of over 1000sqm or a site area of 1 ha)	Mandatory	Standard Biodiversity Metric Metric must be completed by qualified, experienced ecologist	

(*subject to BNG exemptions)

Outline Applications	Mandatory		Overall BGP &, for each phase, a Phase BGP
Reserved Matters	-		
Other Phased developments	Mandatory		
Variation to existing conditions (S73 applications)	Mandatory		BGP required where variations affect the post-development biodiversity value
Retrospective Applications (after 30 January 2020)	Mandatory	Available information will be used to determine the biodiversity value of the site prior to the unauthorised activities being undertaken.	

For pre-application

The following information may be sought:

	Information	Format	Detailing	Checklist
1	Preliminary Ecological Appraisal	Report		☐
2	BNG Feasibility Report	Report		☐
3	Constraints and opportunities	Report		☐
4	Baseline metrics	Metric		☐

For Submission of the planning application

The following information **MUST** be received to validate the application:

	Information	Format	Detailing	Checklist
1	Statement confirming the development is subject to the biodiversity gain condition.	Statement	Statement should also confirm if the biodiversity value of on-site habitat is lower on the date of application as a result of activities that have degraded the site.	☐
2	Metric confirming pre-development biodiversity value.	Excel & PDF	Use of the relevant Defra metric.	☐
3	UKHab Plan detailing pre-development habitats and their condition.	Plan	UKHab mapping, drawn to appropriate scale showing direction of north, onsite habitat existing on the date of application (or earlier) and any irreplaceable habitat.	☐
3	Description of any irreplaceable habitat on the land to which the application relates, that exists on the date of application.	Statement	Or should confirm no irreplaceable habitats are present.	☐
4	Confirmation of how you foresee achieving the 10% net gains	Statement	On-site; off-site, both. Is any on-site likely to be 'significant'? Where is the off-site location intended to be?	☐

The following information may also be required, particularly for major developments and/or where 10% gains are expected to be delivered via significant on-site or off-site:

5	Draft Biodiversity Gain Plan	BGP Template	Project design regarding mitigation hierarchy; approach to biodiversity on-site, any proposed off-site biodiversity enhancements,	☐
6	Draft Habitat Management and Monitoring Plan	Natural England template		☐
7	UKHab Mapping detailing post-development habitats and their condition.	PDF	UKHab mapping, drawn to appropriate scale, showing direction of north, proposed habitats, and their condition	☐
8	Any specific information relating to the preparation and finalisation of a legal agreement (S106) – e.g. draft Heads of terms.			☐

For the Post-Approval Discharge of the Biodiversity Condition

The following information **MUST** be submitted:

	Information	Format	Detailing	Checklist
1	Metric showing pre-development biodiversity value	Excel & PDF	Use of the relevant Defra metric	☐
2	UKHab Mapping detailing pre-development habitats and their condition	PDF and GIS files (e.g. Shape files)	UKHab mapping, drawn to appropriate scale, showing direction of north, showing onsite habitat existing on the date of application (or earlier) and any irreplaceable habitat	☐
3	Metric showing post-development biodiversity value	Excel & PDF	Use of the relevant Defra metric	☐
4	UKHab Mapping detailed post-development habitats and their condition	PDF and GIS files (e.g. Shape files)	UKHab mapping, drawn to appropriate scale, showing direction of north, showing proposed on-site (and off-site habitats) and their intended condition, and any irreplaceable habitat	☐
5	Biodiversity Gain Plan (BGP)	Defra template	Containing all matters required to be provided in the BGP (see guidance / PPG / Environment Act Schedule 7a, paragraph 14(2)) – including how design has considered mitigation hierarchy and net gain hierarchy; approach to biodiversity on-site, any proposed off-site biodiversity enhancements,	☐
6	Habitat Management and Monitoring Plan	Natural England template	Management of the habitats for 30-year period, monitoring process and frequency of reports	☐

And, where BNG is to be delivered, wholly or partly, off-site:

7	Landowner written consent	Signed letter		☐
8	Legal agreement	Section 106 or Conservation Covenant		☐
9	Evidence off-site habitats registered on national register	National Register		☐
11	Evidence of purchase of national credits	Proof of purchase	Credits should **not** be bought before discussion with the LPA regarding the appropriateness of their use	☐

Notes / Links

The information that must be submitted through a Biodiversity Gain Plan is dependent on the type of application it relates to – full, outline or phased. The below information outlines the information that must be provided in each scenario. Refer to the relevant Government PPG / other guidance for the most up to date details.

Information that must be included in a Biodiversity Gain Plan – Standard BGP

Under paragraph 14(2) of Schedule 7A a Biodiversity Gain Plan must include the following matters:

- information about the steps taken or to be taken to minimise the adverse effect of the development on the biodiversity of the on-site habitat and any other habitat
- the pre-development biodiversity value of the on-site habitat
- the post-development biodiversity value of the on-site habitat
- any registered off-site biodiversity gain allocated to the development and the biodiversity
- value of that gain in relation to the development; and
- any biodiversity credits purchased for the development

In addition, under Articles 30C(2) and 30C(4) of The Town and Country Planning (Development Management Procedure) (England) Order 2015 the following specified matters are required, where development is not to proceed in phases:

- name and address of the person completing the Plan, and (if different) the person submitting the Plan
- the reference number of the planning permission to which the plan relates;
- a description of the development to which the plan relates
- the completed biodiversity metric calculation tool, stating the version of the biodiversity metric used and showing the calculation of the pre-development and post-development biodiversity value
- a description of arrangements for maintenance and monitoring of habitat enhancement to which paragraph 9(3) of Schedule 7A to the 1990 Act applies (habitat enhancement which must be maintained for at least 30 years after the development is completed)
- (in cases where there is no irreplaceable habitat on the development site) how the biodiversity gain hierarchy will be followed and where to the extent any actions in that hierarchy are not followed, the reason for that
- the relevant date for the purposes of calculating the pre-development biodiversity value of onsite habitats
- pre-development and post-development plans —
  - showing the location of onsite habitat;
  - drawn to an identified scale and showing the direction of North; and
- in relation to any part of the development for which planning permission is granted where the onsite habitat of that part is irreplaceable habitat arrangements for compensation for any impact the development has on the biodiversity of the irreplaceable habitat

(Taken directly from PPG 032)

Information that must be included in a Biodiversity Gain Plan – Overall BGP

The content of an Overall Biodiversity Gain Plan is different in several ways from a standard Biodiversity Gain Plan reflecting that there is unlikely to be detailed proposals agreed for significant onsite habitat enhancements, especially for later phases, and offsite gains and credits allocated or purchased for the development immediately.

The Overall Biodiversity Gain Plan for a phased development (which is not a section 73 permission) must include the following matters:

- information about the steps taken or to be taken to minimise the adverse effect of the development on the biodiversity of the onsite habitat and any other habitat
- the pre-development biodiversity value of the entire onsite habitat
- any registered offsite biodiversity gain proposed to be allocated to the entire development and the biodiversity value of that gain in relation to the development
- any biodiversity credits proposed to be purchased for the entire development, and
- the strategy for meeting the biodiversity gain objective if there is a change to the post-development biodiversity value, proposed registered offsite biodiversity gain or proposed purchase of biodiversity credits.

The post-development biodiversity value of the onsite habitat for the entire development and each phase is a projection of the biodiversity value at the completion of the entire development (not the completion of each phase.) Where firm proposals for development and habitat enhancement on each phase have yet to be finalised, assumptions about the likely development and habitat enhancements should be used to determine this post-development value. This value will set the expectations about the biodiversity value of onsite habitats and deviations will need to be justified in later Phase Biodiversity Gain Plans.

The Overall Biodiversity Gain Plan must also include the following further information:

- the name and address of the person completing and submitting the plan
- a description of the development and planning permission reference number
- pre-development plans showing the location of existing onsite habitat and drawn to an identified scale and showing the direction of North
- the relevant date for calculating the pre-development biodiversity value for the development
- a completed biodiversity metric calculation tool stating the publication date and version number of the biodiversity metric used and showing the calculation of the pre-development and post-development biodiversity values
- arrangements for the maintenance and monitoring of significant onsite habitat enhancements
- a description of how the Biodiversity Gain Hierarchy will be followed and where to the extent one or more actions in that hierarchy are not followed, the reasons if not (except for irreplaceable habitats); and
- where irreplaceable habitat is part of the development, the arrangements for compensation for any impact from the development on this irreplaceable habitat.

(Taken directly from PPG 051)

Information that must be included in a Biodiversity Gain Plan – Phase BGP

The content of a Phase Biodiversity Gain Plan is intended to be more limited than an Overall Biodiversity Gain Plan focusing on a phase's contribution to biodiversity net gain and tracking progress towards the overall biodiversity gain objective for the entire development. It must include the following matters:

- the post-development biodiversity value of the onsite habitat for the phase of the development
- the post-development biodiversity value of the onsite habitat for each other phase of development (whether begun or otherwise)
- any registered offsite biodiversity gain allocated to the development and the biodiversity value of that gain for the development prior to submission of the phase plan
- any registered offsite biodiversity gain which is proposed to be allocated to the development and the biodiversity value of that gain in relation to the development
- any biodiversity credits purchased for the development prior to submission of the phase plan
- any biodiversity credits proposed to be purchased for the development; and
- the strategy for meeting the biodiversity gain objective if there is a change in the information provided compared with the approved Overall Biodiversity Gain Plan and the reasons for departing from the Overall Plan's strategy.

The Phase Biodiversity Gain must also include the following further information:

- the name and address of the person completing and submitting the plan
- a description of the development and planning permission reference number
- post-development plans for the phase of development showing the location of existing onsite habitat and drawn to an identified scale and showing the direction of North
- a completed biodiversity metric calculation tool stating the publication date and version number of the biodiversity metric used and showing the calculation of the pre-development and post-development biodiversity values
- information about the steps taken or to be taken to minimise the adverse effect of the phase of development on the biodiversity of the onsite habitat
- arrangements for the maintenance and monitoring of significant onsite habitat enhancements
- a description of how the Biodiversity Gain Hierarchy will be followed and where to the extent any actions in that hierarchy are not followed, the reasons if not (except for irreplaceable habitats); and
- where irreplaceable habitat is part of the development, the arrangements for compensation for any impact from the development on this irreplaceable habitat.

(Taken directly from PPG 053)