

## GUIDANCE ON BIODIVERSITY NET GAIN(BNG)

Essex Local Nature Partnership Biodiversity Net Gain Working Group



Caveat: England are currently in an interim period, less than a year away from mandatory Biodiversity Net Gain (BNG). The approach to BNG may evolve as new guidance and/or secondary legislation is released.



### Contents

- 4. What is Biodiversity Net Gain (BNG)?
- 5. How does BNG work?
- 6. The Benefits of BNG
- 8. Why is this guidance pack relevant to me as a planner?
- 9. Why is this guidance pack relevant to me as a developer?
- 10. Why is this guidance pack relevant to me as a landowner?
- 11. BNG and Local Nature Recovery Strategies
- 12. Links to Local Policy
- 13. Existing National Planning Policy
- 14. The Biodiversity Metric: What does it assess?
- 15. The Biodiversity Metric: Key Steps
- 16. The Biodiversity Metric: The Metric Toolkit
- 17. Variability in the Units
- 18. The Biodiversity Metric: Next Steps
- 19. Mitigation Hierarchy
- 20. Mitigation Hierarchy
- 21. Mechanisms of BNG Delivery: On-site & Off-site
- 22. Mechanisms of BNG Delivery: On-Site
- 23. Mechanisms of BNG Delivery: Off-site

- 24. 10% BNG
- 25. Habitat Banks
- 26. Conservation Covenants
- 27. Additionality and Stacking
- 28. National Register and Statutory
- **Credits Scheme**
- 29. The Coast and Marine Net Gain
- 30. Monitoring and Evaluation
- 31. What could you be doing as a LPA in
- the meantime?
- 32. What could you be doing as a
- Developer in the meantime?
- 33. What could you be doing as a
- Landowner in the meantime?
- 34. Get in touch
- 35-37. Glossary

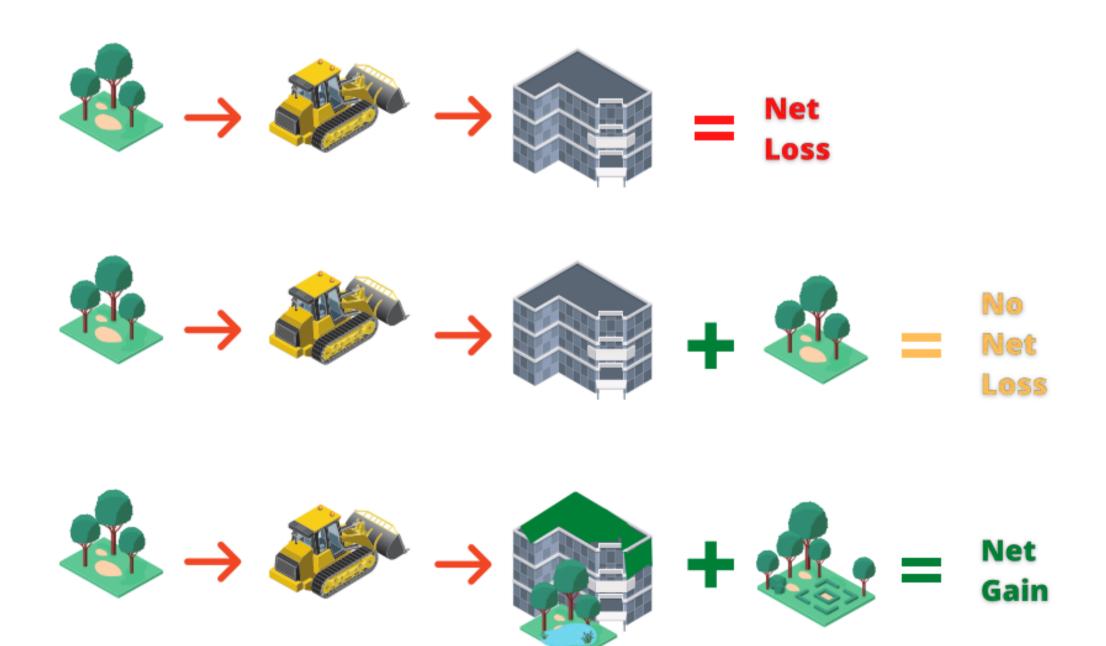
## What is Biodiversity Net Gain?

Biodiversity is ... "The variability among living organisms from all sources including, inter alia, terrestrial, marine and other aquatic ecosystems and the ecological complexes of which they are part; this includes diversity within species, between species, and of ecosystems." -Convention of Biological Diversity (CBD)

"Biodiversity Net Gain (BNG) is an approach to development, land and marine management that leaves biodiversity in a measurably better state than before the development took place." - Natural England

"BNG is additional to existing habitat and species protections. Intended to reinforce the mitigation hierarchy, BNG aims to create new habitats as well as enhance existing habitats, ensuring the ecological connectivity they provide for wildlife is retained and improved." - Natural England

### How does BNG work?



Developments often results in impact on, and losses of, nature (net loss). BNG requires developers to deliver for nature, setting a minimum requirement to increase biodiversity by 10% compared to the baseline (net gain). The idea behind BNG is that the environment does not suffer as a result of development, and that there will be more higher-quality places for wildlife to thrive and for people to enjoy.

-Natural England



### How does BNG work?

Pre-development biodiversity value must be calculated before any site clearance or other habitat management work has been undertaken, by the applicants or anybody else. It should be noted that the baseline for habitats on any site proposed for development will be taken as 30 January 2020.

Site Selection & Design

Follow mitigation hierarchy. Select a site that avoids any negative impacts on nature.

Pre-planning application

Prior to Metric
Calculations, check
local authority policy
and whether
mandatory
BNG will apply to the
development and
what the %
requirement is.
Applicants should be
aware that local
planning policy may
require more than the
statutory minumum
10% BNG.

Biodiversity Metric Calculations

Before development, use the metric to calculate the biodiversity unit value of the site, and the proposed value after development.

BNG Plan

Identify if BNG will be achieved on site or off site.
Set out the strategy for achieving BNG on the chosen site.

Involves submitting BNG information alongside application for planning permission. If planning authority is satisified with application, planning permission will be granted subject to BNG conditions.

Legal Securement of BNG

Land used to deliver BNG will need to be secured for a minimum of 30 years. Addition of land to register

Land delivering BNG off site will need to be registered on the Biodiversity Gain Site Register.

Management, Monitoring & Reporting

Any land delivering BNG will need to be managed, monitored and reported on for the duration of the net gain agreement.



### The Benefits of BNG

People and Places: Promoting health and wellbeing by creating opportunities for people to connect with nature. BNG can finance investment into new nature rich and enhance existing green infrastructure for wildlife, enhancing the resilience of the Essex landscape including towns, cities, coasts and infrastructure.

Nature: More, bigger, better and joined up habitats in which wildlife can thrive. Enhancing the condition of existing

habitats as well as creating new

habitats.

Economy: Increasing natural capital assets, providing green jobs and contributing to sustainable development. BNG can help to create greener neighbourhoods that are more attractive places to live, work and do business.

#### **Contributing to the targets in Essex:**

- Increase Natural Green Infrastructure from 14% to 25% by 2030 (Essex Climate Action Commission).
- 50% of farmland in Essex will adopt sustainable land stewardship practices by 2030 (Essex Climate Action Commission).
- BNG is a standardised measurable method for assessment that should ensure consistent results for the county.

Climate Change: Contributing towards climate change mitigation and adaptation measures, and net zero targets, through nature based solutions.

BNG delivery is a way for local communities to be directly involved in climate related projects, including tree planting and maintenance.

# Why is this guidance pack relevant to me as a planner?



- Development Management Planning teams will need to have systems in place to enable them to process and assess BNG as part of applications. This will include additional legal, admin and monitoring inputs.
- Additional guidance is being produced regularly and DM teams need to ensure that they are up to date on what is required.
- Local Plans and policy will need to include BNG. This should link to the emerging Local Nature
  Recovery Strategy (LNRS). ECC and the Unitary Authorities, Southend and Thurrock, are the joint
  responsible authority to deliver the LNRS. ECC, the Unitary Authorities and District authorities are
  working together to ensure a unified approach to nature recovery is taken in Greater Essex.
- Engage with ECC on the preparation of the LNRS and ensure BNG is linked in and the LNRS recognises, utilises and connects with other plans and strategies including Species Conservation Strategies e.g. Essex District Level Licensing for GCN, (to de-risk development outside of impact zones).

#### For More Info:

PAS Natural England Biodiversity Metric Training for Planners

Introduction of BNG to Local Plans

**Biodiversity Net Gain for Local Authorities** 

Biodiversity Net Gain Brochure - Natural England



# Why is this guidance pack relevant to me as a developer?



- The requirement for 10% BNG will become mandatory for the majority of Town and Country Planning Act developments at the end of 2023 (date TBC).
- Early consideration of BNG in the development process is crucial.
- 10% BNG will be a legal requirement and needed to secure planning permission.
- Developers will need to clearly demonstrate how BNG will be delivered when a planning application is submitted.



For More Info:
Biodiversity Net Gain in Development Management

# Why is this guidance pack relevant to me as a landowner?



- There is likely to be a demand for the provision of off-site biodiversity units.
- Landowners have the opportunity to create or enhance habitats and sell the biodiversity units to local developers.
- BNG represents a new funding mechanism for habitat creation and enhancement.
- Offsite habitat creation needs to be "in the right habitat in the right place", i.e. habitats that form part of a wider nature recovery network and ensure greater connectivity should be encouraged.



#### **Policy Context**

- Environment Act 2021 makes BNG mandatory from the end of 2023 (date yet to be confirmed).
- National Planning Policy Framework (NPPF) sets out that planning should provide biodiversity net gains where possible.
- The Governments 25 Year Environmental
   Plan sets out the aspiration to mainstream
   BNG into the planning system.

For more info on existing policy and Local Nature Recovery Strategies:

Environment Act 2021

National Policy Planning Framework

Governments 25 Year Environment Plan

Nature Recovery Network

Local Nature Recovery Strategy

## Biodiversity Net Gain & Local Nature Recovery Strategies

- Local Nature Recovery Strategies (LNRS), outlined in the Environment Act 2021, will be a mandatory requirement and are a new system of spatial strategies for nature, which will cover the whole of England, forming a nature recovery network.
- The county-wide LNRS will help inform how and where BNG should be delivered, e.g., which habitats are appropriate in what locations and will help to identity large-scale 'recovery sites' for offsetting large amounts of biodiversity units.
- LNRSs can be used to target offsite BNG so that it contributes to the wider nature recovery network
- LNRS will be a strategy for all, co-designed by a wide range of partners in Essex. The LNRS will reflect local priorities.



## Links to Local Policy

- Local Plans: 10% BNG set out in legislation (EA.2021) is mandatory and therefore there is no scope for LPAs to reduce the requirement based on viability or other issues. With robust evidence, there is scope to increase the 10% BNG mandatory requirement, which should be included in local plans.
- Once the mandatory requirement for BNG is in place (date TBC but likely end of 2023) it will be a
  legislative requirement. It will be important to set out the local requirements for BNG in more detail.
  Local requirements for BNG should be outlined in the Local Plan and/or supplementary planning
  documents. LPA's should set out the % target and explain what planning officers need to do in
  response to BNG.
- Planners need to consider if there are sufficient sites locally to act as receptors for off-site BNG delivery, if off-site is the chosen mechanism for BNG delivery.

#### For more info:

**Biodiversity Net Gain for Local Authorities** 

Introduction of BNG to Local Plans in England

<u>Local Planning Authorities - Delivering BNG. ALGE-ADEPT Report on LPAs and BNG 2022</u>



## **Existing National Planning Policy**

- The NPPF 2021 paragraph 174 states 'Planning policies and decisions should contribute to and enhance the natural local environment by minimising impacts on and providing net gains for biodiversity.
- 179: Plans should (b.) promote the conservation, restoration and enhancement of priority habitats and ecological networks. Enhancements for Priority species may include integrated bird/bat boxes & hedgehog friendly fencing.
- 180: When determining planning applications, local planning authorities should apply the following principles:
  - Development whose primary objective is to conserve or enhance biodiversity should be supported: while opportunities to *improve biodiversity in and around developments* should be integrated as part of their design, especially where this can secure *measurable net gains for biodiversity*.

## The Biodiversity Metric: what does it assess?

The Metric is a biodiversity accounting tool that should be used for calculating mandatory biodiversity net gain. This is currently v3.1. It can be used or specified by any development project, consenting body or landowner that needs to calculate biodiversity losses and gains for terrestrial and/or intertidal habitats. There is a simplified BNG Small Sites Metric (SSM) which can be used for smaller development sites that meet the metric criteria. The SSM can be accessed <a href="here">here</a>.

### For every habitat within a site, the metric assesses:

- 1. **Distinctiveness** A score based on the type of habitat present, e.g. modified grassland has a "low" distinctiveness score, lowland meadows are very "high".
- 2. **Condition** A score based on the biodiversity value of the habitat relative to others of the same type. This is determined by condition criteria set out in the technical supplement.
- 3. **Strategic Significance** A scored based on whether the location of the development and/or off-site work or the habitats present/created have been identified as significant for nature.



## The Biodiversity Metric: Key Steps

- Identify sites where the metric will be used
- Identify the planned actions or interventions that will change habitats e.g. development
- Identify metric components to use (e.g. area-based habitats, hedgerows, rivers, streams)
- The proposed land to be developed will be assessed in its current state and then the impact of the development on the site will be assessed. If there is reason to think that there has been recent degradation, the baseline will be calculated as fully as possible, based upon pre-degradation condition (Schedule 14 Part 1 paragraph 6 of the Environment Act).
- Collect habitat and other data from site(s)
- A competent person must complete the habitat condition assessments
- Check local plans/policies for strategic significance of site(s)
- Determine expected effects of habitat changes or interventions on habitats present (if applicable)
- Input data into the calculation tool to generate biodiversity unit scores
- If evaluating effects of changes or interventions run the calculator tool for pre and postchange scenarios
- Any loss in biodiversity as a result of the development needs to be offset with a net gain of 10%. Check local plans for exact %.
- Use results to improve design, communicate gains and losses, and inform planning decisions

Step 1: Project Planning

Step 2: Data Collection

Step 3: Calculation

Step 4: Informing
Designs & Decisions



## The Biodiversity Metric: The Metric ToolKit

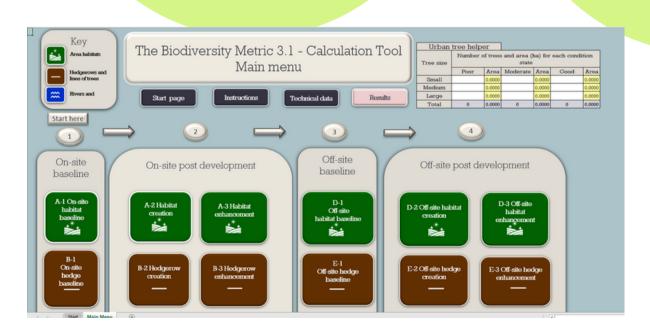


The Calculator

Condition
Assessment
Sheets

**User Guide** 

Technical Supplment



The biodiversity metric 3.1: auditing and accounting for biodiversity
Condition assessment sheets (Excel format)

ISBN 978-1-78354-95-9

(Taken from Biodiversity Metric 3.1: Auditing and accounting for biodiversity - Technical Supplement Port 1a (2022))

The method for assessing habitat condition is split into three main steps, all of which are outlined in detail below:

\$15P 3: Choosing the right condition is split into three main steps, all of which are outlined in detail below:

\$15P 3: Choosing the right condition is split into three main steps, all of which are outlined in detail below:

\$15P 3: Choosing the right condition sheets

\$15P 3: Choosing the right condition sheet pro forms (see Tabs 1-35) and the survey cover sheet during the survey (see SURVEY COVER SHEET tab).

These may be ether clotal or hard copies.

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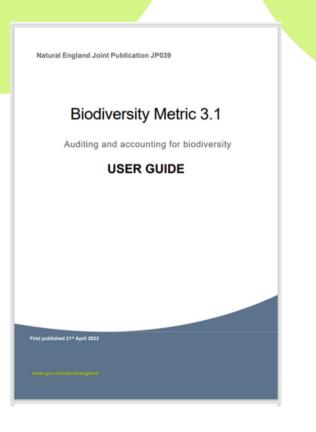
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\$15P 3: Choosing the right condition sheet is not received to condition sheet should be used for each habitat type. Please note the following mortant points.

\$15P 3: Choosing the right condition sheets

\$15P 3:



Biodiversity Metric 3.1

Auditing and accounting for biodiversity

TECHNICAL SUPPLEMENT

First published 21st April 2022

NATURAL ENGLAND

## Variability in the Units

### There are 2 different types of units:

- 1. Area Units (such as a woodland)
- 2. Linear Units (hedgerows, watercourses such as rivers and streams)
- 10% mandatory BNG will apply across all types of units.

#### Additional factors affecting the cost for biodiversity units:

- Habitats created in advance: habitats receive a greater number of units if created in advance.
- Strategic Significance: habitats receive a greater number of units if they are within an area "formally identified in a local strategy".
- **Difficulty of creation and time to target condition:** habitats that are more difficult to create or take longer to establish will affect the number of units.

**Units:** The <u>Biodiversity Metric</u> assigns all habitats a unit value according to their relative biodiversity value.

Different habitats will generate a different numbers of units. The variability of unit cost is affected by multiple factors:

- 1. Habitat Condition
- 2. Habitat Size
- 3. Habitat Distinctiveness
- 4. Local Priority

There are many factors that affect the cost of biodiversity unit yields.

There is not a set cost for BNG unit yields, the price varies geographically and is likely to be dependent on the type of habitat available/availability of land and demand. The number of units is calculated through the <u>Biodiversity Metric</u>.

## The Biodiversity Metric

### What are the next steps?

Biodiversity Metric 3.1 has been extensively tested.

Natural England will be recommending to the Secretary
of State that the Biodiversity Metric 4 forms the basis of
the statutory biodiversity metric used to underpin future
mandatory biodiversity net gain as set out in the
Environment Act 2021.

### The Metric provides that measurable outcome:

- Calculates baseline and forecasts BNG outcome
- Is evidence-based
- Reinforces the mitigation hierarchy
- Values all habitats on-site and off-site

### **Top Tips for BNG:**

- Consider early site selection / design stage
  - Avoid high nature value sites
  - Integrate nature into design
- Retain good existing habitat where possible
- Metric will reward you for delivering local habitat priorities to achieve BNG more easily
- Access BNG training: <u>CIEEM</u>, <u>LI</u>, <u>RTPI</u>, <u>PAS</u>

#### For more info:

The Biodiversity Metric, Natural England

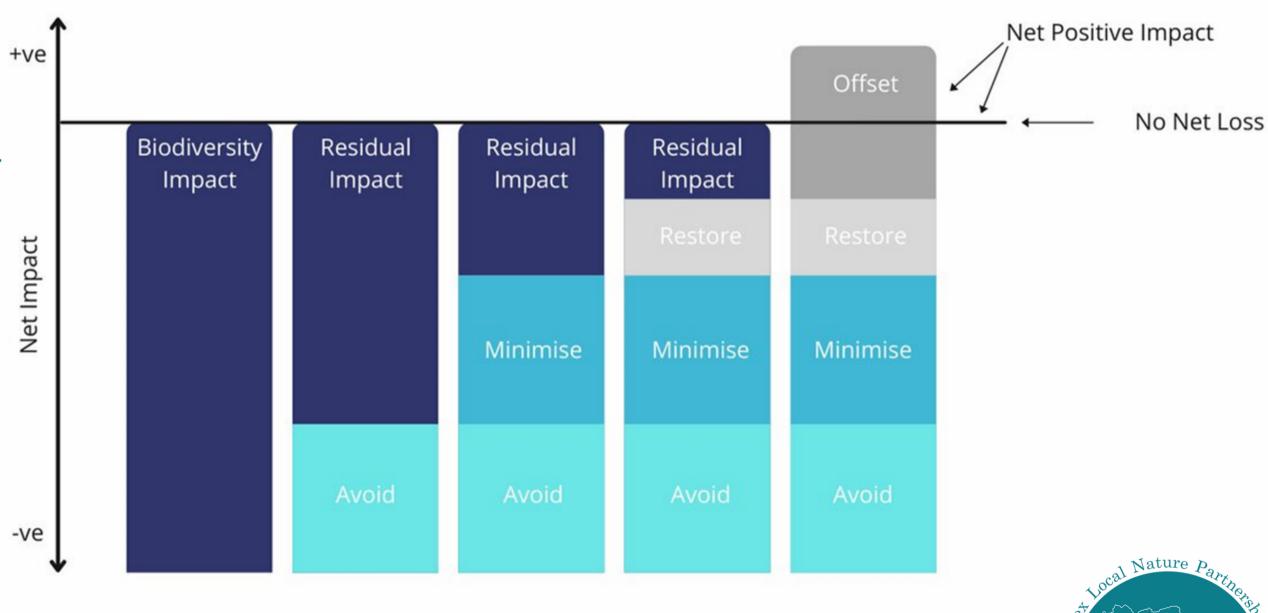


## Mitigation Hierarchy

Mitigation Hierarchy: The Principle that environmental harm resulting from a development should be avoided, adequately mitigated, or, as a last resort, compensated for (NPPF, 2021).

BNG does not change existing protections, so current legal and policy provisions relating to development impacts on the natural environment, including protected sites and species, and priority species and habitats, all need to be considered in relation to habitat loss (PAS).

This means that development needs to address the legal and policy requirements regarding protected and priority species and habitats, applying the mitigation hierarchy as it does currently; the BNG net gain calculation is additional to this.



## Mitigation Hierachy



### **Steps of the Mitigation Hierarchy**

**Avoidance:** The first stage of the mitigation hierarchy is to avoid harm to biodiversity. It is the most important stage. Measures taken to avoid disturbance to nature. For example, timing operations to avoid breeding seasons. Biodiversity is considered in the early stages of the project / development. LPAs may wish to require a mitigation hierarchy compliance statement to show how the mitigation hierarchy has been followed.

**Mitigation:** If avoiding all adverse effects is not possible, action is taken to mitigate these effects. Measures taken to reduce the duration, intensity and/or extent of impacts that cannot be completely avoided.

**Compensation:** Addressing residual adverse affects in the final stage, only considered after all possibilities for avoiding and minimising the effects have been implemented. Compensation does not prevent the effects, rather it involves measures to make up for the residual effects that cannot be prevented.



# Mechanisms of BNG Delivery: On-Site & Off-Site



### **On-Site**



On-site units delivered through habitat creation/enhancement via landscaping/green infrastructure

### **Off-Site**



Off-site units delivered through habitat creation/enhancement, including via habitat banks with public and private landowners

### **Statutory Credits**



Statutory Credits

Credits are intended for use only where BNG cannot be delivered on-site or off-site via the market, as a last resort.

## Mechanisms of BNG Delivery: On-Site

It is currently not specified in Environment Act 2021 in what circumstances will biodiversity offsetting be undertaken on the development site (on-site) or off site, i.e., in another location possibly not in the district/borough or even county. LPA's will need to consider the importance of ecological delivery, on site and/or off site.

### There are multiple benefits of On Site Delivery of BNG, including:

- 1. Delivering green infrastructure at a local level guided by the Local Nature Recovery Strategy.
- 2. Makes explicit links to the wider environment and social gains within development.
- 3. Local level planting design.
- 4. Delivering Urban Biodiversity.
- 5. Presents the opportunity to create and enhance green spaces in the local area
- 6. Benefits of green space delivery at a local scale, mental and physical wellbeing benefits for residents being closer to green spaces.





## Mechanisms of BNG Delivery: Off-Site

### Off-site units delivered through habitat creation/enhancement, including via habitat banks with public and private landowners.

LPAs do have a role in guiding the location of BNG habitats through local plans/strategies. LPAs can use their own landholdings for BNG habitats. However, the land will have to meet the criteria for inclusion on the national register and LPAs can't show preferential treatment for their land.

Landowners offering their land as suitable for providing off-site units need to understand that this is a minimum 30 year agreement, this means the land has to be managed in the way set out in the Habitat Management and Monitoring Plan for at least 30 years. If this 30+ year guarantee cannot be provided the land cannot be used for biodiversity net gain.

#### There are multiple benefits of Off Site Delivery of BNG, including:

- 1. Off-site delivery can allow for large scale biodiversity offsetting.
- 2. Off-site can allow for increased ecological benefit and habitat connectivity, through the use of the Local Nature Recovery strategy (LNRS). This will contribute to the wider Nature Recovery Network, which the Essex LNRS will form part of.
- 3. Offers an alternative when on-site may not be possible.



### 10% BNG



Mandatory BNG is expected end of 2023 (date TBC) and is likely to be secured as a pre-commencement condition.10% BNG is the mandatory minimum required, as outlined in the Environment Act 2021.

- The BNG % requirement should be set out in the local plan (either 10% or higher).
- Following this, the local plan needs to deemed acceptable, i.e. the viability of the % has been tested and the BNG % target checked against other policies in the plan.
- Any target higher than 10% will require viability evidence.
- A site that has 0 baseline value, it will be at the discretion of the LPA to agree an appropriate number of biodiversity units to be delivered for the site in question; working on a site-by-site basis.

#### For more info:

Kent Assesses 20% Biodiversity Net Gain Requirement | CIEEM Biodiversity netting gains in Greater Cambridge | Planning Insight | Bidwells

#### **Viability Study**

- Viability studies, such as the one undertaken by Kent, have investigated the cost of aiming for 20% BNG in comparison to the mandatory 10% BNG. The results of their study can be found in the link below.
- In Essex, the BNG working group in the Local Nature Partnership are investigating the potential to complete a viability study for Essex, and an ecological argument that supports aiming for higher than the mandatory 10% BNG.

### The Environment Act sets out the following key components of mandatory biodiversity gain:

- Amends Town & Country Planning Act (TCPA);
- Minimum 10% gain required calculated using the Biodiversity Metric & approval of a biodiversity gain plan;
- Habitat secured for at least 30 years via planning obligations or conservation covenants;
- Delivered on-site, off-site or via a new statutory biodiversity credits scheme; and
- National register for net gain delivery sites.

### Habitat Banks

A Habitat Bank is a parcel of land where you can create a significant uplift in biodiversity.

- Habitat Banks are established to generate biodiversity units, which are then purchased by the developer.
- Farmers and landowners play a key role in habitat banking, by making their land available for biodiversity off-setting opportunities. Land available for large scale off-setting should be highlighted in the Local Nature Recovery Strategy.
- Using the Biodiversity Metric the number of units created will be calculated and made available to the developer to purchase.
- A unique Habitat Management and Monitoring Plan is developed for each site.
- The methodology for monitoring and evaluation of the habitat against the Habitat management and monitoring plan over the 30 year period, is yet to be outlined in guidance by DEFRA.
- Habitat Banks can be created on many land types, usually 10ha+ in size where sufficient biodiversity uplift can be delivered with the appropriate conservation management interventions.
- Important to remember "the right habitat in the right place".



### **Conservation Covenants**

"A conservation covenant is a private voluntary agreement between a landowner and a "responsible body" to do, or not to do, something on their land for a conservation purpose for the public good." - DEFRA

• A responsible body can be: a local authority, a public body or charity, a private sector organisation Conservation Covenants came into force on 30 September 2022 with the intention to protect the natural or historical environment.

### You can use a conservation covenant agreement for:

- Agree how land is managed to conserve habitats for rare species.
- Improve a habitat that's a priority for conservation.
- Secure income and funding for conservation activities.
- Provide payments for ecosystem services and biodiversity net gain.



## Additionality & Stacking

BNG is additional to, and does not replace existing legislation for protected sites, habitats or species.

- Green Infrastructure and Sustainable Urban Drainage Systems can contribute towards BNG.
- We are awaiting further guidance on how BNG will stack with other payment schemes (e.g. Carbon credits, Environmental Land Management Schemes). However, BNG must deliver distinct, additional outcomes.
- However, mitigation and compensation measures for protected species may be counted towards "no net loss in biodiversity" (this includes provision of Suitable Alternative Natural Greenspace). The 10% uplift has to be additional.
- Please note that this is still subject to consultation.



# National Register & Statutory Credit Scheme



"Natural England are currently developing the digital Biodiversity Gain Sites Register. Natural England's Biodiversity Net Gain digital services blog provides updates on this work and the digital credit sales service. Further information on how the register will operate will be available in the forthcoming Defra consultation on secondary legislation."

"The ambition is to include onsite as well as offsite BNG delivery on the national biodiversity gain sites register, but there is no mandate for this under the Environment Act. Any offsite land used for the purposes of achieving BNG will need to be registered."

**Statutory Credits:** Credits are intended for use only where BNG cannot be delivered on-site or off-site via the market, as a last resort.

The Environment Act makes provision for the Secretary of State to set up a system of statutory biodiversity credits that will be invested in habitat creation. The credits can be bought by developers as a last resort when onsite and local offsite provision of habitat cannot deliver the BNG required. The price of biodiversity credits will be set higher than prices for equivalent biodiversity gain on the market. The intention is that this system will be run by a national body, not at the local level. We expect more information on the national biodiversity credits scheme to be included in the forthcoming DEFRA guidance.

**Planning Advisory Service (PAS)** 

**Planning Advisory Service (PAS)** 

### The Coast & Marine Net Gain

- There has not been any formal guidance or legal requirement set yet for marine developments to deliver marine BNG and Defra have yet to release their consultation on marine BNG delivery.
- DEFRA did have a consultation open on the principles of marine biodiversity net gain between June August 2022, which can be viewed <u>here.</u>



## Monitoring and Evaluation

Monitoring and evaluation are a critical aspect of the process, ensuring BNG is delivering benefits and gains towards nature's recovery at the:

- 1. Project level design and delivery of BNG (on and offsite), in line with planning obligations.
- 2. Policy level evaluating the impact overall (cumulative benefits) across Essex.
- There will be a requirement for developers to submit a BNG plan as part of their planning application. This will detail how BNG is to be delivered. The delivery of this plan needs to be monitored to ensure the delivery of BNG.
- Habitats will need to be managed and monitored for a minimum of 30 years. Templates for BNG Plans and Habitat Management and Monitoring Plans are being developed to ensure consistency.
- The responsibility for monitoring the habitats will be set out in any legal agreement (likely to be the developer, landowner or a delegated management body)
- LPAs will have a 5 yearly requirement to submit a Biodiversity Report. This will set out the overall gains from biodiversity achieved across their areas.
- Further guidance on monitoring and evaluation to be released by DEFRA.



## What can you be doing as a Local Planning Authority in the meantime (between now and the end of 2023)?



- Identify a lead officer in your authority for BNG and identify a cross Council working group this doesn't just impact planning.
- Officer(s) to familiarise themselves with the BNG metric.
- Access BNG training/workshops: CIEEM, LI, RTPI, PAS, FSC.
- Consider how BNG fits in with your existing plans and strategies or what hooks need adding into any new policies being developed.
- Read guidance from Natural England, PAS and others.
- Talk to wildlife groups and stakeholders about the priorities for biodiversity in your area.
- You may wish to think about collecting evidence about what you want the natural environment to look like and how it can deliver your priorities.
- Consider resource implications and how they might be able to be addressed.
- Consider whether the local authority would like to use its own sites or act as a broker for biodiversity units.
- Prepare design guide and codes to promote species features within developments.
- **Promote use of industry best practice** for biodiversity in planning e.g. CIEEM templates for BNG.
- Use the Essex LNRS as part of the 'strategic significance' score that is part of the Biodiversity Metric scoring approach.
- Deliver/kickstart biodiversity projects within communities with additional benefits such as health & wellbeing e.g. swifts, hedgehogs, allotments with space for nature.
- Declare Local Nature Reserves on LA owned land and promote volunteers to help with habitat management e.g. LA owned designated sites.

## What can you be doing as a Developer in the meantime (between now and the end of 2023)?



- Early consideration of BNG in the design process is essential. The mitigation hierarchy should be applied iteratively at each stage (avoid, mitigate and compensate as a last resort).
- Undertake the appropriate ecological surveys. For BNG this involves a baseline habitat survey and a condition assessment undertaken by a suitably qualified ecologist (CIEEM's website has a directory: Registered Practice Directory (cieem.net)). Remember that BNG does not replace existing protections for species and designated sites.
- If off-site habitat measures are required engage early with your local planning authority and local habitat providers. It may also be useful to contact local conservation organisations who may be able to put you in touch with relevant landowners.
- BNG must be additional to other mitigation requirements. Full suite of guidance from Defra is expected in 2023 (date TBC) to provide further clarity on this.



## What can you be doing as a Landowner in the meantime (between now and the end of 2023)?



- Undertake baseline ecological surveys. For BNG this involves a habitat survey and a condition assessment undertaken by a suitably qualified ecologist (CIEEM's website has a directory: Registered Practice Directory (cieem.net)). Habitats created after 30th January 2020 can be sold as biodiversity units but a baseline assessment must be undertaken. Habitats created in advance are rewarded through the metric.
- Contact your local planning authority or the <u>Essex Local Nature</u> <u>Partnership</u>. They may be able to put you in touch with local developers that are looking to purchase biodiversity units. This will also ensure that larger, strategic habitat banks can be incorporated within local strategies.
- BNG habitats need to be managed and secured for a minimum of 30 years. Landowners will need to consider this as a long-term commitment. The management and monitoring of these habitats needs to be factored in when pricing the cost of biodiversity units.
- Full suite of guidance from Defra is expected in Spring 2023 to provide further clarity on BNG.



For More Information

Get in touch with the Biodiversity Net Gain Working Group
and the Essex Local Nature Partnership!

nature.partnership@essex.gov.uk



## Glossary of Key Terms

**Biodiversity Gain Site Register:** An online platform whereby off-site gains are registered. An operator will assess whether the application and its proposed enhancements meet a set of eligibility criteria.

**Biodiversity Net Gain:** Biodiversity Net Gain (BNG) is an approach to development, land and marine management that leaves biodiversity in a measurably better state than before the development took place. BNG is a specific, quantifiable outcome of project activities that deliver demonstrable benefits for biodiversity compared to the baseline situation.

**Biodiversity Offsetting:** 'Offsetting' is a form of compensation that trades losses of biodiversity in one location with measurable gains in another.

**Biodiversity Units:** A biodiversity unit is the 'currency' of the biodiversity metric. A unit represents a combined measure of habitat distinctiveness, area, and condition.

**CIEEM:** Chartered Institute for Ecology and Environmental Management.

**Conservation Covenant:** A conservation covenant is a private voluntary agreement between a landowner and a "responsible body" (such as a conservation organisation or public body) to do, or not to do, something on their land for a conservation purpose for the public good. A legally binding, voluntary agreement to conserve the natural or heritage features of the land.



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Local Nature Recovery Strategies: These will support local action by consistently mapping important existing habitats and identifying opportunities to create or restore habitat. Developed through a collaborative approach, LNRS's will also support the delivery of a Nature Recovery Network by acting as a key tool to help local partners better direct investment and action that improves, creates and conserves wildlife-rich habitat.

**Local plan:** A plan for the future development of a local area, drawn up by the local planning authority in consultation with the community. In law this is described as the 89 of 109 development plan documents adopted under the Planning and Compulsory Purchase Act 2004. A local plan can consist of either strategic or non-strategic policies, or a combination of the two.

Habitat Banks: Sites where habitat is created in advance, prior to any loss occurring.

**Mitigation Hierarchy:** The Principle that environmental harm resulting from a development should be avoided, adequately mitigated, or, as a last resort, compensated for.

**National Planning Policy Framework (NPPF):** This sets out the UK Government's planning policies for England and how these are expected to be applied.

## Glossary of Key Terms

**Nature Recovery Network:** An expanding, increasingly connected, network of wildlife-rich habitat supporting species recovery, alongside wider benefits such as carbon capture, water quality improvements, natural flood risk management and recreation. It includes the existing network of protected sites and other wildlife rich habitats as well as landscape or catchment scale recovery areas where there is coordinated action for species and habitats.

**Small Sites Metric (SSM):** A simplified version of biodiversity metric 3. It has been specifically designed for use on small development sites where the project chooses to do so.

**Spatial risk (off site habitats only):** habitats more local to the development and within the relevant LPA or national character area.

**Statutory Credits Scheme:** The credits can be bought by developers as a last resort when onsite and local offsite provision of habitat cannot deliver the BNG required. The price of biodiversity credits will be set higher than prices for equivalent biodiversity gain on the market. The intention is that this system will be run by a national body, not at the local level.

