

Key Lessons in Responding to Planning Applications to Ensure a Net Gain for Biodiversity

Dr Nick White – Principal Advisor, Net Gain

www.gov.uk/natural-england

Biodiversity Net Gain – A Transformational Opportunity



Nature

People & Places

Economy







Local Planning Authority Role

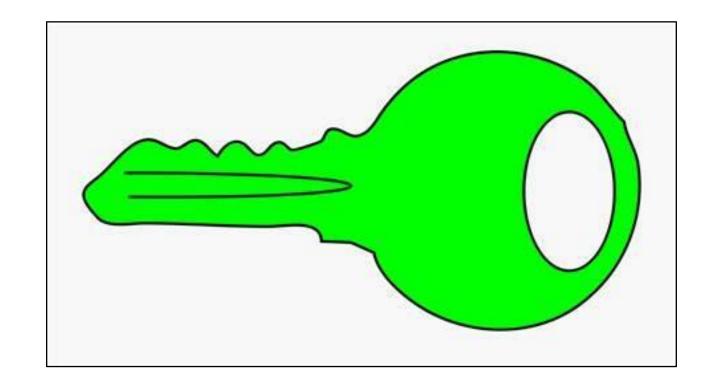
NATURAL ENGLAND

Opportunity

- Local nature recovery
- Health & well-being
- Greenspace investment
- Placemaking

Challenges

- Clarity of BNG requirement
- Links to other plans/strategies
- Resourcing and expertise
- Viability concerns



Biodiversity Net Gain Now



National Planning Policy Framework (NPPF)

174. Planning policies and decisions should contribute to and enhance the natural and local environment by:

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

• Planning Practice Guidance (PPG)

Biodiversity net gain delivers measurable improvements for biodiversity...Biodiversity net gain can be achieved on-site, off-site or through a combination of on-site and off-site measures. It may help local authorities to meet their duty under Section 40 of the Natural Environment and Rural Communities Act 2006.



Mandatory Biodiversity Net Gain – Key Components

The Environment Bill

- England only
- Town & Country Planning Act (TCPA) and Nationally Significant Infrastructure Project (NSIP) developments
- Applies down to mean low water
- <u>Minimum</u> 10% gain required calculated using **Biodiversity** Metric & approval of net gain plan
- Habitat secured at least **30 years** (planning obligation/conservation covenants)
- Delivered, on-site, off-site or via statutory biodiversity credits
- National **register** for net gain sites
- Likely to become law late 2023 (TCPA) end 2025 (NSIP)
- Does not change existing legal protections
- Does not apply to Marine addressed separately



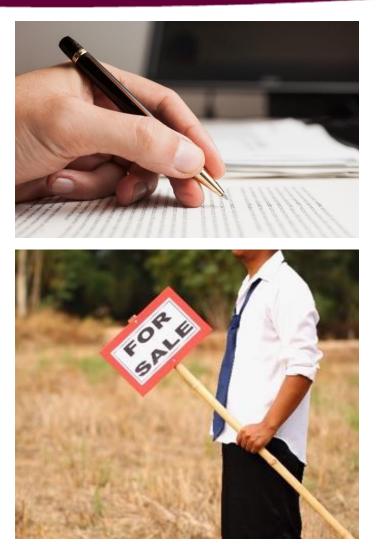
Secondary Legislation and Regulations

Secondary Legislation covering:

- Biodiversity Net Gain Plan
- Exemptions
- Irreplaceable habitats
- Phased developments
- Net gain register
- Etc

Further Regulations e.g.

- Additionality incl. stacking and bundling
- Statutory Biodiversity Credits



Additional Related Components of the Environment Bill

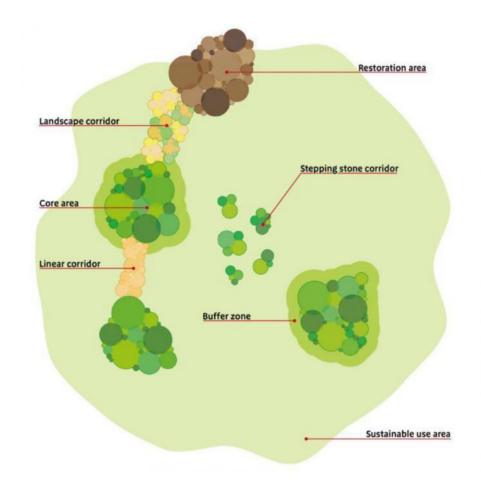


Local Nature Recovery Strategies

- Locally developed, spatial strategies for nature working within a national framework.
- Identify opportunities and priorities for enhancing the natural environment
- Inform and underpin the national Nature Recovery Network (NRN)
- Can be used to target net gain delivery

Conservation Covenants

- Legally binding private voluntary agreements
 between landowners & responsible bodies
- Can be used as alternative to planning obligations to secure BNG outcomes



Mechanisms for Biodiversity Net Gain Delivery



Onsite (units)

Offsite (units)

Potentially in full or combination



Delivered via habitat creation/enhancement via landscaping/green infrastructure



Delivered through new habitat creation/enhancement on land holdings or via habitat banks

Statutory Credits

Only if units not available



Delivered through landscape-scale strategic habitat creation delivering nature-based solutions

Mandatory BNG - Indicative Timetable*



January 2020	Late Early Autumn summer 2021 2021		Late Autumn/ winter 2021	Spring 2022	Winter 2022	Late 2023	Spring 2024
Environment Bill Introduced	Metric 3.0 Released + EBN tool released	BNG Secondary Legislation + Regulations Consultation	Environment Bill Royal Assent	LNRS rollout starts	Register + Credits Sales Platforms go live	BNG becomes legal requirement for TCPA Developments	LNRSs 'in place'

* All dates subject to potential change

The Importance of a Metric



Fundamental to net gain

Net gain is an approach to development, and/or land management, that leaves the natural environment in a measurably better state than beforehand.

The metric:

- Calculates baseline + forecast outcome
- Provides confidence
- Ensures consistency of approach

Needs to be:

• Simple yet sound



Biodiversity Metric 3



- Released summer 2021
- Uses habitat features as a 'proxy' measure
- Translates into biodiversity units
- All intertidal and terrestrial habitat features
- Area and linear habitat types
- Calculations based upon:
 - Habitat size
 - Habitat condition
 - Habitat distinctiveness
 - Spatial location
- GIS data import facility
- Secretary of State consultation 2022



Metric Applications





Metric 3 – Top Tips



Things to look out for:

- Full metric not screenshots/extracts
- Use same metric consistently
- Ensure minimum % gain across area & hedgerow/river unit types if within red line
- What local nature strategies informed metric calculations?
- Is there an accompanying management plan?
- Check area change as well as percentage gains
- Have the metric 'trading rules' and 'principles' been adhered to?
- Does the baseline reflect the development redline?
- Has the baseline been degraded?
- Is the proposal ecologically feasible?

	Habitat units	9.94
On-site baseline	Hedgerow units	1.83
	River units	0.00
	Habitat units	10.97
On-site post-intervention	Hedgerow units	2.81
(Including habitat retention, creation & enhancement)	River units	0.00
	Habitat units	10.35%
On-site net % change	Hedgerow units	53.57%
(Including habitat retention, creation & enhancement)	River units	0.00%

Trading rules Satisfied?

Yes

On site change by broad habitat type										
	Baseline		Post development on site		Onsite Change					
Habitat group	Existing area	Existing value	Proposed area	Proposed value	Area change	Onsite Unit change				
Cropland	0.88	1.76	0.00	0.00	-0.88	-1.76				
Grassland	2.81	6.66	0.52	3.54	-2.29	-3.12				
Heathland and shrub	0.00	0.00	0.00	0.00	0.00	0.00				
Lakes	0.00	0.00	0.00	0.00	0.00	0.00				
Sparsely vegetated land	0.00	0.00	0.00	0.00	0.00	0.00				
Urban	0.00	0.00	3.18	5.91	3.18	5.91				
Wetland	0.00	0.00	0.00	0.00	0.00	0.00				
Woodland and forest	0.19	1.52	0.19	1.52	0.00	0.00				
Intertidal sediment	0.00	0 00	0 00	0.00	0.00	0.00				

Guidance, Advice, Standards and Training

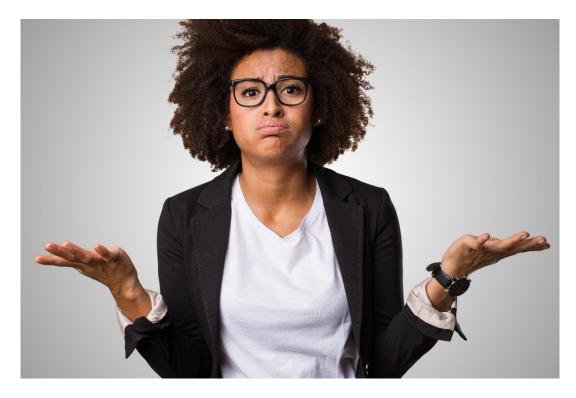


Available Now

- CIEEM/IEMA/CIRIA *Biodiversity Net gain: Good practice principles*
- Planning Advisory Service (PAS) BNG advice webpage and workshops/webinars
- Metric 3 user and technical guidance
- CIEEM BNG and metric 3 training courses
- BS 8683:2021 process for designing and implementing biodiversity net gain
- Natural England & Environment Agency area teams

To Come

- Metric 3 case studies
- BNG policy guidance



BNG Considerations for Planning Authorities



- LPA role is key
- Net gain opportunities now e.g. embed into local plans/SPDs
- Refer to guidance/standards CIRIA/CIEEM/IEMA, BS8683 or Government Advice
- Agree and map your local priorities in conjunction with Local Nature Partnerships, eNGOs etc e.g. LNRS, GI strategy, biodiversity opportunity areas
- Consider links to other plans and strategies e.g. Health & Well Being
- Consider you **own land holdings** and raise awareness amongst **local landowners**
- Gain familiarity with the **biodiversity metric 3**
- Establish your reporting/monitoring requirements

