

Implementing the New Biodiversity Net Gain Requirement in the Planning System

Protecting and Restoring the Local Natural Environment and Biodiversity 2021

8 December 2021

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Biodiversity Net Gain

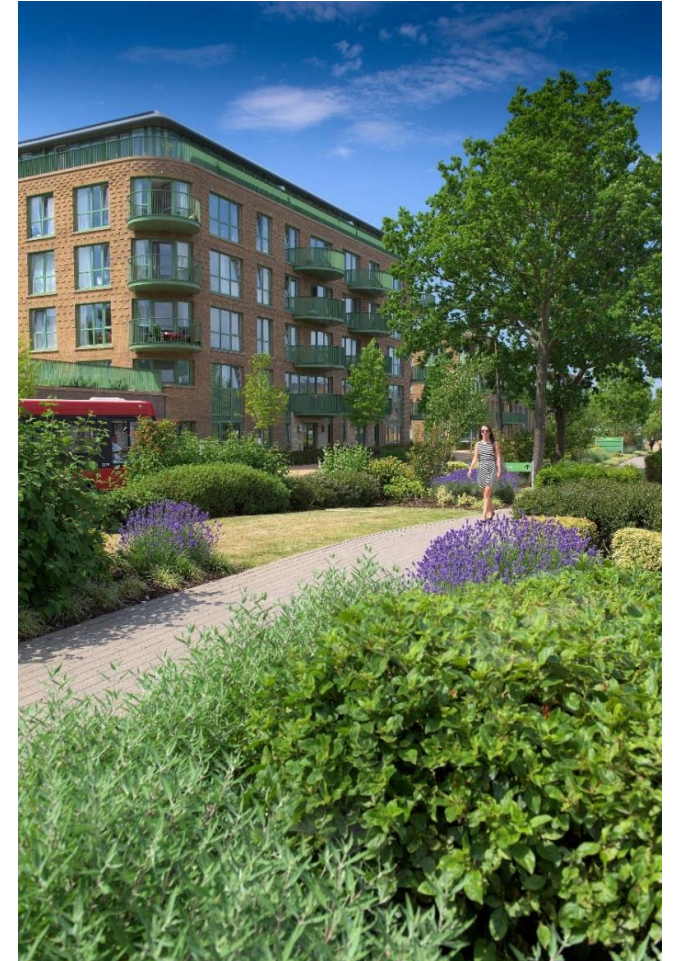


Net gain is an approach to development that aims to leave the natural environment in a measurably better state than it was beforehand.

Why BNG?

- Biodiversity decline
- Despite policy for no net loss (NERC Act, NPPF)
- Time to be more ambitious

- Wider benefits for local authorities:
 - Public realm
 - Green Infrastructure
 - Place making
 - Active travel
 - Link to other agendas – climate change, flood resilience, air quality
 - Potential income stream



BNG now



- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- Design Guides – NIC + MHCLG
- National Policy Statements
- Biodiversity Metric 3
- CIEEM, CIRIA & IEMA Good Practice Principles for BNG and guide for development
- British Standard *BS 8683: Process for designing and implementing biodiversity net gain*

Timeline to mandatory BNG

Environment Act – November 2021

Based on
best &
current
information

Winter 2021	Spring 2022	Spring 2023
<ul style="list-style-type: none"> • Defra consultation on BNG secondary legislation • Details on statutory credits • Details on new burdens? 	<ul style="list-style-type: none"> • Defra response to consultations • Biodiversity Metric consultation 	<ul style="list-style-type: none"> • National BNG systems in place – register and credit scheme

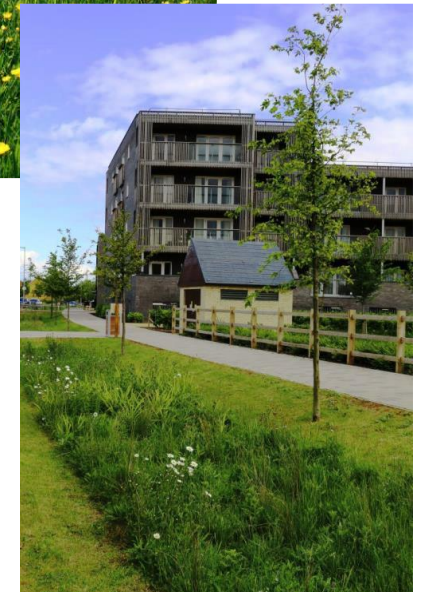
Now



Winter
2023
Mandatory
BNG

Key components of mandatory BNG

- Amends Town & Country Planning Act (TCPA)
- **Minimum 10% gain required calculated using Biodiversity Metric & approval of biodiversity gain plan**
- **Habitat secured at least 30 years** via obligations/ conservation covenants
- Delivered on-site, off-site or via a new **statutory biodiversity credits** scheme
- **National register** for net gain delivery sites
- Does **not change existing legal protections** for important habitats and wildlife species
- **Maintains mitigation hierarchy** of avoid, mitigate, compensate
- Will apply to Nationally Significant Infrastructure Projects (NSIPs) but not marine development



BNG delivery mechanisms

Onsite (units)

Potentially in full or combination



Delivered via habitat creation/enhancement via landscaping/green infrastructure

Offsite (units)



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

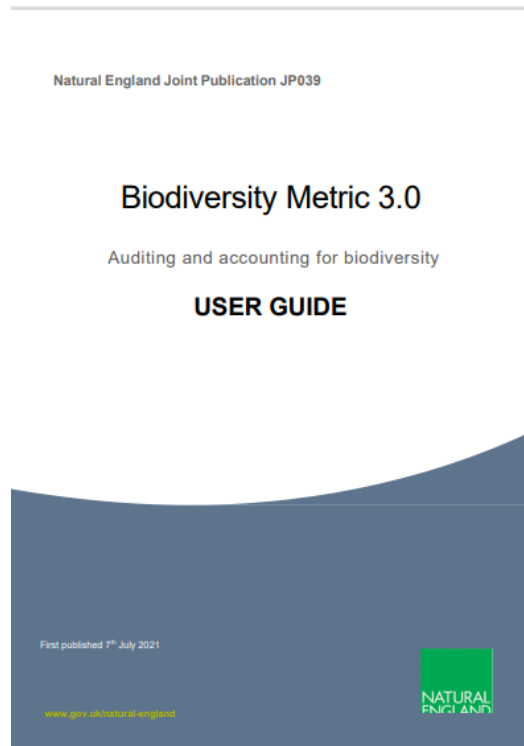
Statutory Credits

Only if units not available



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

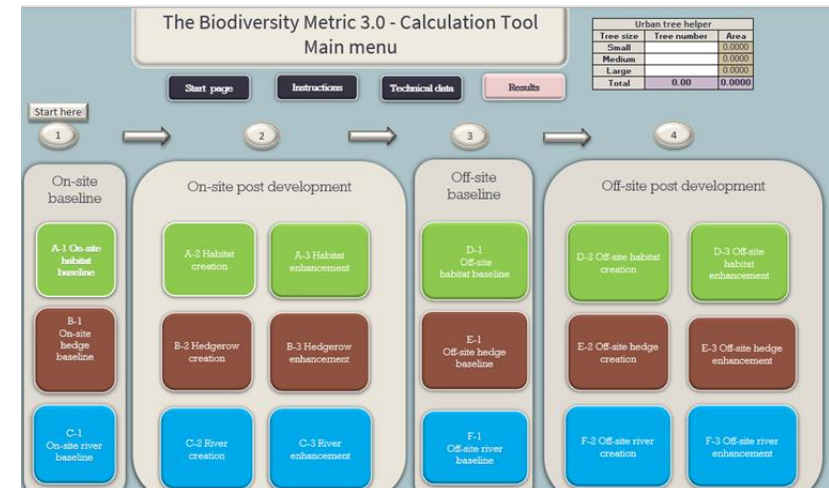
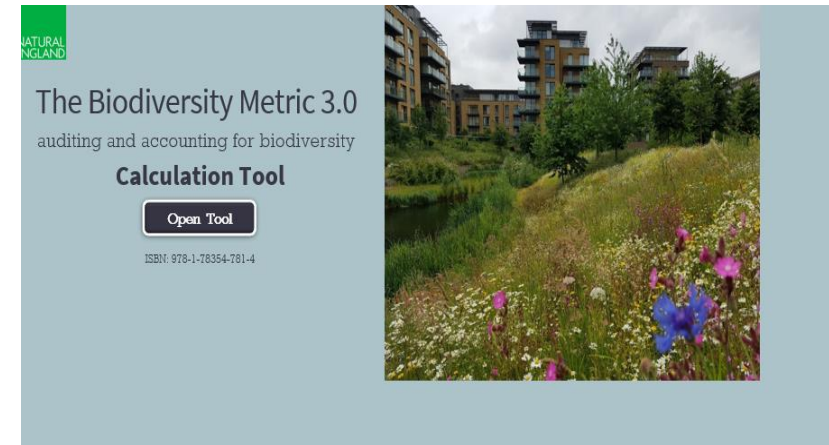
Biodiversity metric



- Tool for auditing and accounting for biodiversity losses and gains.
 - Uses habitats as a **'proxy' measure** and translates into biodiversity units.
 - All **intertidal and terrestrial habitats** plus linear habitat types.
 - Establishes a baseline and forecasts a proposed outcome.
 - Provides **consistency** of approach.
-
- Tool to **aid decision making** NOT a decision tool.
 - Sits within a decision framework based on the **mitigation hierarchy**.
 - **Simplifies** the 'real world' to provide a measure of **relative** biodiversity value.

Biodiversity metric

- Baseline calculations based upon Habitat:
 - Size
 - Type
 - Condition
 - Spatial location
- The calculation is repeated for the 'post-intervention' scenario.
- Also factors in **delivery risk** (auto populated based on habitat type).
- Baseline deducted from post intervention to determine percentage of biodiversity net gain.



BNG, local authorities and planning

Embedding – Corporate place-making principles & governance

Planning thread - Place-making principles

Embedding &
Governance

Local Plans

Development
Management

Delivery

Local Plan

An evidence base

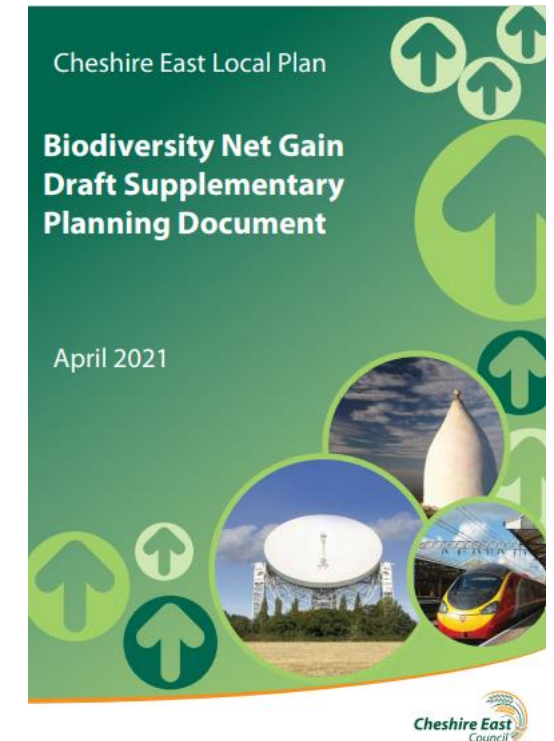
BNG policies w/ local distinctiveness

An agreed target

The agreed metric

Detailed guidance (SPD)

Strategy for offsite BNG delivery (LNRS)



Strategy & evidence

What is the current biodiversity baseline?

What habitats do you want where?

What can BNG help you achieve?

Link to Local Nature Recovery Strategies

CORNWALL NATURE RECOVERY STRATEGY

PLANNERS & DEVELOPERS

The Local Planning Authority will use this strategy to support land use planning both in terms of plan making and decision taking. It is a positive tool designed to make sure that the location of new development avoids the best areas for nature and positively enhances nature recovery:

- For plan making it will assist in making choices on where future development should be located;
- For decision taking it will be a material consideration and we will expect proposals to demonstrate how they will maintain and enhance the ability of the network to function.

The requirements of the new approach are being embedded in policies of the draft Cornwall Climate Emergency Development Planning Document.

Draft policy G4 (Local nature Recovery Network) states that: *"Where development is sited within or adjacent to the identified Local Nature Recovery Network it should demonstrate how the proposal will maintain and enhance the ability of the network to restore habitat and provide eco-system services in line with the Local Nature Recovery Strategy."*

This policy sits alongside other relevant policies of the plan including green infrastructure, biodiversity net gain and canopy cover – all of which seek to secure nature recovery and secure better, greener developments in Cornwall. These fit with the nature recovery principles of this strategy.

The principles for nature recovery will be embedded in our new planning guidance for the Climate Change DPD and in our Design Guide so that they can assist in the design of schemes and inform decision making.

Future land allocations and planning decisions should enable nature recovery. We expect new development proposals to use the nature recovery principles to assist in the design and layout of their schemes, and to realise the potential habitat improvement or creation opportunities for the integration nature into new developments and fulfilment of biodiversity net gain.

To find out more visit:

- Cornwall Biodiversity Guide in Planning
- Cornwall draft Net Gain Chief Officers note
- Cornwall Climate Change DPD

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BIODIVERSITY NET GAIN

Biodiversity Net Gain is designed to ensure that development leaves nature in a measurably better state than beforehand. Cornwall Council is already using this for major development. The DEFRA Biodiversity Metric measures and scores the quality of habitats to determine whether a net gain is sufficient. Our Nature Recovery Network zones help to direct development away from higher value land, and direct offsets for developments in Zone 3 towards nature recovery projects in the network.

These zones guide both strategic land allocations and also planning decisions. The zones are also used to inform and prioritise the type, quantity and quality of any offsetting required as part of biodiversity net gain, due to be nationally mandated shortly and which Cornwall is currently applying as an early adopter. The Environment Bill will make net gain mandatory for all development subject to certain exclusions with a transition period of 24 months.

ZONE 1 – Our current nature network – this includes around 25% of land in Cornwall. DEFRA Metric Multiplier: 1.15

ZONE 2 – major opportunities for nature - a further 15% of land where there are the best opportunities for creating, restoring and linking Zone 1 areas. DEFRA METRIC Multiplier 1.1

ZONE 3 – the largest area of Cornwall. Within this area development will be expected to continue to provide a net gain for habitat and contribute positively to nature recovery. DEFRA Metric Multiplier 1

The zones are based around the net gain zones on the Prototype Lagas Mapping Portal, with opportunity areas to be further refined so that we may establish nature allocations or priority projects. Those projects are likely to support development by providing a clear path for avoidance, mitigation and compensation for impacts on the wildlife. Where net gain cannot be achieved on site, as a last resort there will be a financial incentive to support projects identified as nature recovery priorities by the strategy. This will be further clarified by the Draft Cornwall Climate Emergency DPD which will embed the priorities of the Local Nature Recovery Network in site choice, design and layout.

Click to explore these maps www.lagas.co.uk

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Development Management

Validation checklist for BNG

Local information requirements

Assessing BNG in applications

Standard BNG conditions

S106 agreements for offsite BNG

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Achieving net gain for biodiversity - guidance for developers

Find out what our requirements are for developers to improve biodiversity (known as net gain for biodiversity).

Salford City Council

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Local information requirements: Biodiversity net gain assessment

BNG delivery

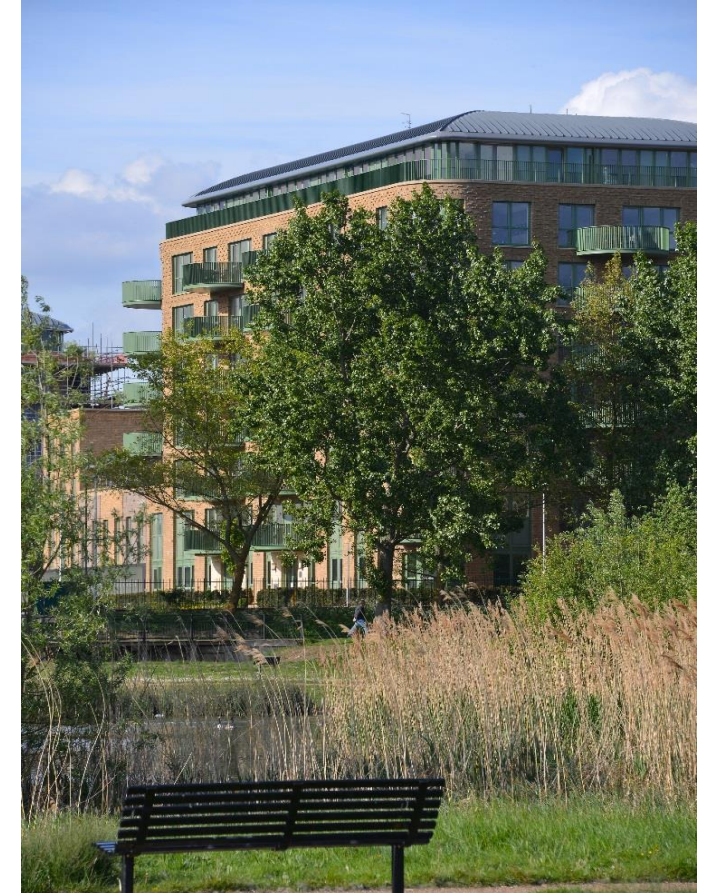
Assessment of sites for BNG

LA managed habitat banks

Third party local offsite delivery

National statutory credit system

Monitoring – onsite and offsite



Monitoring, compliance and enforcement



Habitat established & maintained for 30+ years



Who will check what was agreed has been delivered?

What happens if it isn't delivered?

What happens if things change over time?

For more information:

Look at our website:

<https://www.local.gov.uk/pas/topics/environment/biodiversity-net-gain>

Sign up to the PAS bulletin:

<https://www.local.gov.uk/pas/our-work/keep-touch>

Follow us on Twitter  : @pas_team

Email: pas@local.gov.uk