

Biodiversity Net Gain (BNG) Advice Note for Applicants

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Basildon Borough Council

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This is a collaborative document that was originally written for Essex Planning Authorities by Braintree District Council, Colchester City Council, Epping Forest District Council, Essex County Council, Southend-on-Sea City Council, and Tendring District Council. The document has been updated specifically for Basildon Borough Council.



BasildonCouncil

Contents

1. Introduction to the Advice Note	1
2. Biodiversity Net Gain	2
2.1 What is Biodiversity and Biodiversity Net Gain?	2
2.2 Why Now?	2
2.2.1 The Climate and Ecological Crisis	2
2.3 The Benefits of BNG	3
2.3.1 Benefits of BNG for Essex	4
3. Planning Requirements and Legislation	6
3.1 Overview of Mandatory Biodiversity Net Gain	6
3.1.1 National Planning Policy Framework (NPPF), 2023, and Environment Act, 2021 ...	6
3.1.2 Delivering Biodiversity Net Gain	6
3.1.3 Mitigation Hierarchy	7
3.2 The Biodiversity Net Gain Metric	8
3.2.1 Introduction to the Metric	8
3.2.2 Strategic Significance Multiplier	9
3.2.3 How will BNG be demonstrated?	9
3.2.4 Important considerations when using the Biodiversity Metric	10
3.3 Major development (12 February 2024)	11
3.4 Small sites (2 April 2024)	11
3.4.1 Small Sites Metric (SSM)	11
3.5 Exemptions to Mandatory BNG	12
3.6 Nationally Significant Infrastructure Projects (NSIPs) (November 2025)	13

- 3.7 National and Local Validation Requirements..... 13
- 3.8 BNG On-site, Off-site and Statutory Credits..... 14
 - 3.8.1 On-site BNG..... 15
 - 3.8.2 Off-site BNG..... 15
 - 3.8.3 BNG Statutory Credits..... 16
 - 3.8.4 BNG good practice principles..... 17
 - 3.8.5 The Urban Greening Factor..... 19
 - 3.8.6 Irreplaceable habitats..... 19
 - 3.8.7 Stacking and Additionality..... 19
- 3.9 Conservation Covenants and Section 106 Agreements..... 20
- 3.10 Management and Maintenance..... 21
 - 3.10.1 Biodiversity Gain Plans..... 21
 - 3.10.2 Monitoring and Stewardship..... 22
- 3.11 BNG Process Flow Chart..... 23
- 4. Local Nature Recovery..... 27
 - 4.1 Biodiversity Net Gain and Local Nature Recovery Strategy (LNRS)..... 27
 - 4.2 Local Nature Recovery Strategy (LNRS) and Planning..... 28
- 5. Delivery of BNG in combination with other planning matters..... 30
- 6. Biodiversity Net Gain Summary..... 31

1. Introduction to the Advice Note

- 1.1 This advice note is intended to provide an overview and guidance on Biodiversity Net Gain (BNG).
- 1.2 The delivery of biodiversity net gain that will be achieved through development will result in more and better-quality biodiversity than would otherwise be possible.
- 1.3 The content of this advice note is designed to help developers, applicants, LPAs, decision makers, and landowners by summarising guidance on planning for and delivering biodiversity net gain, signposting to detailed guidance, and setting out the Council's expectations for BNG.
- 1.4 This advice note outlines:
 - What is Biodiversity, Biodiversity Net Gain, and its importance.
 - Legislation and political drivers.
 - Biodiversity Metrics.
 - National and local validation requirements.
 - BNG good practice principles.
 - Summary of the Essex Local Nature Recovery Strategy (LNRS).
- 1.5 Throughout, references are made, with links where appropriate, to other guidance that can help to direct and enhance development design to ensure that BNG opportunities are incorporated from the beginning of the planning process.

2. Biodiversity Net Gain

2.1 What is Biodiversity and Biodiversity Net Gain?

2.1.1 Biodiversity is the variety of all life on earth. It includes all species of animals and plants, and the natural systems that support them. It is therefore not just about the rare or the threatened, but also the wildlife that is familiar to us. Habitats are the places in which species live. These species and their habitats provide substantial benefits and are vital for a well-functioning planet.

2.1.2 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 habitats and species protections. Intended to reinforce the mitigation hierarchy, BNG aims to create new habitats as well as enhancing existing habitats, ensuring the ecological connectivity they provide for wildlife is retained and improved (Natural England).

2.2 Why Now?

2.2.1 The Climate and Ecological Crisis

2.2.1.1 The Environment Act 2021 and subsequent BNG legislation puts the government's 25-year environment plan into law. The 25-year environment plan aims to tackle the climate and ecological crisis. For climate change, the science tells us that to avoid catastrophic effects we need to limit the increase in global temperature to 1.5°C. Mitigation measures are required to significantly reduce greenhouse gas emissions and limit global temperature rise. However, even with efforts to limit the cause of global warming, further climatic changes are inevitable in the future and the UK will need to adapt to the growing risks from climate change. Co-ordinated action from all sectors, national and local governments, and individuals is needed to mitigate and adapt to climate change.

2.2.1.2 A UK State of nature report 2019 demonstrated that not only are we dealing with a climate crisis, but also an ecological crisis. The UK has lost almost half its biodiversity since the 1970s and sits near the bottom of the [Biodiversity Intactness Index](#). We have lost 97% of wild meadows, 26% of mammals are at risk of extinction and 22% of seabird species have declined. The greatest drivers of this change include urbanisation, intensification of agriculture, woodland management, pollution and climate change. [UN Sustainable Development Goal 15](#) calls on us to “recover sustainable use of terrestrial ecosystems, halt and reverse land degradation and halt biodiversity loss.” These crises could also lead to an economic crisis (Dasgupta Review). Biodiversity Net Gain will tackle the loss of nature by ensuring that new developments are designed to provide habitats that can increase biodiversity within its area.



2.3 The Benefits of BNG

The Benefits of Biodiversity Net Gain		
<p>Green neighbourhoods</p> <p>BNG can help create greener neighbourhoods, that are more attractive places for people to live, work and do business.</p>	<p>Multifunctional benefits</p> <p>BNG can have multifunctional benefits such as, providing spaces for education, , active travel, mental health and well-being, and physical health.</p>	<p>Bigger, better, and joined up habitats</p> <p>Providing more bigger, better, and joined up habitats in which wildlife can thrive. BNG will enhance the condition of existing habitats as well as creating new habitats.</p>
<p>Desirable places to live</p> <p>Development sites will be more attractive with the addition of BNG, making places more desirable to live in. It will also enhance their reputation, with possibilities to become examples of best practice.</p>	<p>Contribute to wider targets</p> <p>BNG can help LPAs achieve other targets, such as bringing investment to the local economy, place-making, improving air quality and flood resilience.</p>	<p>Supports nature recovery</p> <p>BNG is a mechanism to support the delivery of the Local Nature Recovery Strategy (LNRS). The LNRS identifies locations to create or improve habitat most likely to provide the greatest benefit for nature and the wider environment.</p>
<p>Enhancing existing spaces for nature</p> <p>BNG contributes towards nature recovery by enhancing and uplifting existing habitats and spaces for nature.</p>	<p>Job creation</p> <p>Increased natural capital assets, creating green jobs.</p>	<p>Food security</p> <p>Increasing environmental stability through biodiversity net gain could help the future of the agricultural industry, and therefore food production.</p>
<p>Provision of ecosystem services</p> <p>Ecosystem services demonstrates further the benefits of nature. Ecosystem services include but not limited to soil formation, nutrient cycling, water cycling, pollinator, regulation of water, air and soil quality, climate regulation and more.</p>	<p>Resilience to climate change</p> <p>BNG can help mitigate climate change through the restoration and protection of nature. E.g., additional woodland can help sequester more atmospheric carbon.</p>	<p>Increased demand for areas</p> <p>Enhanced environmental quality can improve the value of a development.</p>



<p>Contribute to other plans</p> <p>Developments that deliver BNG, particularly on-site, as evidenced through biodiversity gain plans, can concurrently contribute towards the delivery of other requirements as part of the planning application process. For example, BNG delivery can contribute towards a successful construction environment management plan (CEMP), Ecological Impact Assessment (EIA), and landscape and ecological management plan (LEMP).</p>	<p>Combining requirements</p> <p>BNG delivery can be combined with other requirements for developers. For example, Sustainable urban Drainage Systems (SuDS) and Public Open Space (POS) requirements. These can also be delivered through high-quality green infrastructure which is multifunctional and accessible.</p>	<p>Direct Impact on people</p> <p>BNG can benefit people directly, when communities can enjoy the high-quality natural surroundings either by BNG being achieved within the development footprint or when a biodiversity offset increases people's access to, or views of, nature.</p>
<p>Soil health</p> <p>For farmers, using their land for biodiversity net gain, increasing biodiversity can result in increased soil health, pest control, nutrient cycling and it could also prevent runoff to waterways.</p>	<p>Community resilience</p> <p>BNG can help communities adapt to climate change by increasing resilience to extremes of weather, including heatwaves and flooding.</p>	

2.3.1 Benefits of BNG for Essex

2.3.1.1 Successful delivery of BNG can help deliver the goals of [Everyone's Essex](#), for example: green growth, net zero, levelling up the environment, transport and the built environment and green communities can all be directly, or indirectly achieved through BNG.

2.3.1.2 Biodiversity Net Gain can contribute to wider targets in Essex:

- Increase Natural Green Infrastructure from 14% to 25% by 2030 (Essex Climate Action Commission (ECAC)).
- 50% of farmland in Essex will adopt sustainable land stewardship practices by 2030 (ECAC).
- Enhance the resilience of the Essex landscape.
- BNG will standardise, using measurable assessment methods to ensure consistency across the county and beyond.
- BNG will support the delivery of the Local Nature Recovery Strategy (LNRS), which will contribute to a wide range of environmental targets, both nationally and locally.



- Through supporting the delivery of the Essex LNRS, BNG will be contributing to the formation of the England-wide Nature Recovery Network (NRN). The NRN is a national network of wildlife rich places to increase and restore nature, of which BNG will be key to its gradual formation and delivery.
- BNG and the LNRS are interconnected; the LNRS will identify where action to achieve net gain will have the most impact for nature recovery and encourage action in these locations through the way net gain is calculated via the biodiversity metric.
- The interconnected nature of BNG and the LNRS will have strategic benefits, across LPAs, and county boundaries, benefiting biodiversity and nature across landscapes at both local and national scale.



3. Planning Requirements and Legislation

3.1 Overview of Mandatory Biodiversity Net Gain

3.1.1 National Planning Policy Framework (NPPF), 2023, and Environment Act, 2021

3.1.1.1 The concept of BNG was introduced in the first iteration of the NPPF (2012). This was advanced by the Environment Act, 2021, which brings mandatory BNG into law. This means that all new developments will be required to deliver a minimum 10% increase in biodiversity. Local Planning Authorities have the ability to go beyond 10% and require a higher percentage if appropriately evidenced.

3.1.1.2 This was due to become mandatory for major sites in November 2023, however due to delays the start date was 12 February 2024. BNG is also mandatory for small sites from 2 April 2024. This is a condition of planning permission in England as per section 98 of the Environment Act 2021 for relevant developments.

3.1.2 Delivering Biodiversity Net Gain

3.1.2.1 BNG is a different way of designing a development scheme to leave the natural environment in a better state than it was found. In accordance with the Environment Act, BNG is a means for creating or enhancing wildlife habitats and ecological features through applying mitigation hierarchy in conjunction with development to deliver improvements for biodiversity. The Council advises applicants to engage with an ecologist at an early stage and facilitate collaboration between the ecologist, landscape consultant and design team. It is difficult to retrofit biodiversity net gain so the earlier an applicant engages with an ecologist the easier it is to achieve biodiversity net gain.



3.1.3 Mitigation Hierarchy

- 3.1.3.1 The Mitigation Hierarchy is the principle that environmental harm resulting from a development should be avoided, mitigated adequately or, as a last resort, compensated for. The mitigation hierarchy must be applied. BNG is additional to existing biodiversity protection.

Avoidance

The first stage of the mitigation hierarchy is to avoid harm to biodiversity. This could be achieved through designing a development in a way that does not harm biodiversity value. For example, through retention of existing trees and hedgerow or timing operations to avoid breeding seasons. This step means that biodiversity is considered in the early stages of the project / development. It is beneficial to design with biodiversity value in mind at the earliest stage of development, and therefore it can be effectively integrated into the design stage (see Essex Green Infrastructure Standards, 2022).



Mitigation

If it is not possible to avoid harm, the second step of the hierarchy is to mitigate harm. Mitigation measures includes measures taken to reduce the duration, intensity and/or the extent of impacts that cannot be completely avoided. Mitigation measures must be supplied within the planning documents.



Compensation

This stage involves addressing residual adverse effects in the final stage, only considered after all the possibilities for avoiding and mitigating the effects have been implemented. Compensation does not prevent the effects, rather it involves means to make up for the residual effects that cannot be prevented. For biodiversity, offsetting harm can be achieved through onsite habitat creation, offsite biodiversity units, or as a last resort, through statutory BNG Credits (more information on offsetting BNG can be found section 3.9 of this document).



3.2 The Biodiversity Net Gain Metric

3.2.1 Introduction to the Metric

- 3.2.1.1 The statutory biodiversity metric calculation tool (to be referred to as the 'Biodiversity Metric' hereinafter) must be used to provide details of the habitat of an application site.
- 3.2.1.2 The Biodiversity Metric uses habitats as a proxy for biodiversity and calculates biodiversity value for the purposes of BNG. It measures all types of habitat, including: grassland, hedgerows, lakes, woodland and watercourses such as rivers and streams. It calculates:
- how many units a habitat contains before development takes place
 - how many units are needed to replace the units of habitat lost and to achieve 10% BNG, through the creation or enhancement of habitat.
- 3.2.1.3 The formula takes different factors into account, including the habitat's:
- habitat size (area or length)
 - condition/quality
 - distinctiveness (based on the type of habitat and its distinguishing features, e.g., consideration of species richness and rarity)
 - Strategic Significance (value given to habitats located in optimal locations or which meet local objectives for biodiversity as identified within a local plan, strategy, or policy. Once established, identification can be achieved through the LNRS).
- 3.2.1.4 For created or enhanced habitats, the formula also takes account of:
- difficulty of creation or enhancement
 - the time it takes a habitat to reach its target condition
 - distance from the habitat loss.
- 3.2.1.5 To use the Biodiversity Metric calculation tool, applicants will need to know:
- The types of habitats on-site and off-site
 - The size of each habitat parcel in hectares
 - The length in kilometres if it is linear (rivers and streams, hedgerows and lines of trees)
 - The condition of each habitat parcel
 - The strategic significance of where biodiversity uplift will be achieved
 - The number of trees and sizes of the trees.



- 3.2.1.6 Post-development biodiversity units are calculated using the above key factors and these additional risk factors: temporal risk (time taken for a created or enhanced habitat to reach target condition); and delivery risk (difficulty in creating or enhancing habitat). Off-site habitat creation also requires the factor spatial risk (distance of habitat creation or enhancement from the development or location of land use change).

3.2.2 Strategic Significance Multiplier

- 3.2.2.1 Within the Biodiversity Metric calculation, there is a multiplier for strategic significance. This means that certain sites, locations, and habitats are given a higher value, and therefore allocated higher biodiversity units based on their strategic significance.
- 3.2.2.2 High = Where the location has been identified within a local plan, strategy or policy as being ecologically important for the specific habitat type or where that habitat has been identified as being locally ecologically important, this includes Local Wildlife Sites that have gone through the formal adoption process.
- 3.2.2.3 Medium = Where there is no relevant plan, strategy or policy in place, professional judgement may be used to justify the use of the medium strategic significance category. This judgement should consider the importance of that habitat in providing a linkage between other strategic locations. Ecologist consultants' judgement could be used to determine medium strategic significance, although a robust justification for this will be required.
- 3.2.2.4 The Local Nature Recovery Strategy (LNRS), once developed, will provide input, and facilitate mapping of sites of strategic significance. Further information available on LNRS in section 4.

3.2.3 How will BNG be demonstrated?

- 3.2.3.1 Applicants will be required to run a BNG calculation to assess the baseline conditions for the site at the pre-development and post-development stages. The (Statutory) Biodiversity Metric must be used.
- 3.2.3.2 The Biodiversity Metric calculation must be carried out by a competent and experienced person (as defined by [BS 8683:2021](#)). "A competent person is someone who can demonstrate they have acquired through training, qualifications or experience, or a combination of these, the knowledge and skills to enable that person to perform specified tasks in completing and reviewing metric calculations".



- 3.2.3.3 The Biodiversity Metric must show the assessment of existing/predevelopment habitat translated into biodiversity units. This can then be contrasted with the proposed post development biodiversity units (reflecting any proposed on or off-site habitat creation and restoration). This difference in Biodiversity Units will be calculated as a percentage therefore representing the change in biodiversity value. The minimum requirement is a 10% gain.
- 3.2.3.4 The Essex Local Nature Partnership (LNP) supports going for higher than the mandatory 10% BNG requirement and encourages LPAs to go for 20% BNG in local policy. The Essex LNP have been investigating the provision of a 20% BNG viability study, to evidence and support reasoning behind going for higher than the 10% mandatory requirement. Progress on the LNP's work can be found at: www.essexnaturepartnership.co.uk
- 3.2.3.5 If it is found that the habitat on-site has been degraded since 30 January 2020 so that the habitat is lost prior to the baseline survey, then the site will need to be reassessed using data (aerial imagery and other habitat data) held by the Council from prior to the loss of the habitat. Where there is uncertainty of the habitat loss or disturbance from a proposed scheme or where there is insufficient information, it is recommended to apply a "worst case scenario" approach.

3.2.4 Important considerations when using the Biodiversity Metric

- Additionality – [BS 8683:2021](#) – Process for designing and implementing Biodiversity Net Gain and industry best practice guidelines (CIRIA, 2019) requires BNG to be 'additional' to any measures or obligations to mitigate a scheme's biodiversity impacts and which would have happened regardless. These obligations are currently interpreted as including impacts on; (i) statutory designated sites, (ii) irreplaceable habitats and (iii) legally protected species.
- Impacts upon irreplaceable habitats cannot be accounted for under the Biodiversity Metric.
- Area based habitats, linear (e.g. hedgerows) and watercourse are all treated separately within the metric. 10% Net Gain is required for all three. For example, you can't have a 7% gain in area habitat and a 3% gain in hedgerows.
- Habitat replacement as part of net gain must also be "like-for-like" or "like-for-better". This links to 'Trading Rules', in line with the [Statutory Biodiversity Metric Draft User Guide](#).
- The Biodiversity Metric and supporting information is available using this [link](#).



3.3 Major development (12 February 2024)

3.3.1.1 Major development sites are defined as the following:

- For residential: where the number of dwellings to be provided is 10 or more units or the site area is larger than 0.5 hectares.
- For non-residential: where the floor space to be created is 1,000 square metres or greater or where the site is one hectare or larger.

3.3.1.2 For strategic sites, where development may be phased, the Biodiversity Metric must be applied at both outline and full planning permission stage. The Council recognises that design may change between outline and reserved matters applications, or in phased developments. Where this occurs, it is important that the BNG calculations for the outline application are updated alongside the design changes so that the Council is able to assess whether the delivery of the required BNG will be achieved. Where the metric has been updated during the planning application process, using the same version of the metric throughout will provide more consistent results.

3.4 Small sites (2 April 2024)

3.4.1.1 Small sites are defined as:

- For residential: where the number of dwellings is between one and nine, or if this is unknown, the site area is less than 0.5 hectares.
- For non-residential: where the floor space to be created is less than 1,000 square metres or the total site area is less than one hectare.

3.4.1.2 BNG for small sites came into force on 2 April 2024. This was to allow LPAs, developers, Defra, and other bodies time to adjust and learn from larger sites. Small-scale developments are not exempt in principle from providing biodiversity net gains, although there are some exemptions in relation to size and type of land which are explained below. Most small sites (minor applications) can use the Small Sites Metric.

3.4.1 Small Sites Metric (SSM)

3.4.1.1 The Small Sites Metric (SSM) is a simplified version of the Biodiversity Metric designed specifically for small development sites.

3.4.1.2 The Small Sites Metric user guide explains how to apply Small Sites Metric and determine whether its use is appropriate. Please visit the [Small Sites Metric](#) (SSM) to download and utilise the metric. The guide sets out circumstances where the SSM should be used:

- where only the habitats available in the SSM are present on-site
 - any site containing any additional habitats (including riparian zones where relevant) not included in the SSM must use the statutory biodiversity metric

- where no priority habitats are present on-site
 - some hedgerows and arable field margins are excluded from the above as these are medium distinctiveness habitats and are included in the SSM
- where no statutory protected sites or habitats are present
- where no European protected species are present.

3.5 Exemptions to Mandatory BNG

3.5.1.1 Defra has confirmed several exemptions from BNG:

- Temporary exemption for non-major developments (until 2 April 2024) Defined as development not defined as major development under the [Article 2 Town and Country Planning \(Development Management Procedure\) \(England\) Order 2015](#). The exemption will continue to apply to section 73 permissions where the original permission which the section 73 relates to was subject to this temporary exemption.
- Householder development – as defined within [article 2\(1\) of the Town and Country Planning \(Development Management Procedure\) \(England\) Order 2015](#).
- Development granted planning permission by a development order under section 59 - This includes permitted development rights.
- Development subject to the de minimis exemption - development that does not impact a priority habitat and impacts less than 25 square metres (e.g. 5m by 5m) of habitat, or 5 metres of linear habitats such as hedgerows.
- Self-build and custom build (an exemption applies to this type of development when all the following conditions apply; it consists of no more than 9 dwellings, it's on a site that has an area no larger than 0.5 hectares and it consists exclusively of dwellings that are self-build or custom housebuilding as defined in [section 1\(A1\) of the Self-build and Custom Housebuilding Act 2015](#)).
- Urgent Crown development granted under [s293A TCPA 1990](#).
- Development of a biodiversity gain site - development which is undertaken solely or mainly for the purpose of fulfilling, in whole or in part, the biodiversity gain planning condition which applies in relation to another development.
- Development related to the high speed railway transport network - development forming part of, or ancillary to, the high speed railway transport network comprising connections between all or any of the places or parts of the transport network specified in [section 1\(2\) of the High Speed Rail \(Preparation\) Act 2013](#).



3.6 Nationally Significant Infrastructure Projects (NSIPs) (November 2025)

- 3.6.1.1 It is a requirement of BNG that the biodiversity value of land (terrestrial) and intertidal development affected by a Nationally Significant Infrastructure Project (NSIPs) exceeds the predevelopment biodiversity value by at least 10%. NSIPs are large-scale developments (involving energy, transportation, water, or waste) that require development consent order via the Planning Inspectorate. The government confirmed that BNG requirements will be incorporated into all NSIP projects (terrestrial) from November 2025.

3.7 National and Local Validation Requirements

- 3.7.1.1 The Environment Act 2021 Schedule 14 (7a) states that “grants of planning permission in England are to be subject to a condition to secure that the biodiversity gain objective is met”. Paragraph 2(1) states “the biodiversity gain objective is met in relation to development for which planning permission is granted if the biodiversity value attributable to the development exceeds the pre-development biodiversity value of the on-site habitat by at least the relevant percentage [10%+]”.
- 3.7.1.2 Basildon Council has identified what supporting documents are required to demonstrate BNG and meet the validation requirements (both national and local), these are set out below.

Planning Application Form

- 3.7.1.3 The planning application forms now include questions relating to BNG which must be completed.

Statutory Biodiversity Metric

- 3.7.1.4 A completed Statutory Biodiversity Metric spreadsheet (pre and post completion information included – completed by a competent person) – it is a national validation requirement to provide the baseline information for the site, it is a local validation requirement to provide the details of the biodiversity net gain (if on-site) to allow for early and sufficient appraisal.

Biodiversity Site Plan

- 3.7.1.5 Existing Biodiversity Site Plan - a plan, drawn to an identified scale which must show the direction of North, showing on-site habitat existing on the date of application (or an earlier date), including any irreplaceable habitat, this is a national validation requirement.

Draft Biodiversity Net Gain Plan

- 3.7.1.6 Draft Biodiversity Net Gain Plan - the general condition of paragraph 13(2) of the Environment Act 2021 is that a biodiversity gain plan must be submitted and approved by the local planning authority to discharge the general biodiversity gain condition prior to the commencement of development. If BNG is required, completing this document in draft form at the planning application stage provides the details of the BNG to allow for early and sufficient appraisal.

Draft Habitat Management and Monitoring Plan (HMMP)

- 3.7.1.7 Draft Habitat Management and Monitoring Plan (HMMP) - if BNG is required and is to be provided on-site, this would provide the proposed management and monitoring information for significant on-site enhancements, it is included as local validation requirement to provide the details of the on-site proposed BNG (completed by a competent person) to allow for early and sufficient appraisal by officers.
- 3.7.1.8 Development Management Officers, in consultation with specialist Officers or ecology consultants, will review the information submitted in relation to BNG, including the biodiversity metric calculations. The Council will be looking for evidence of sound ecological principles and good outcomes for nature and not just the percentage BNG. The Council will challenge proposed habitat interventions when proposed habitats are too small to be ecologically functional; or are unlikely to be deliverable given the site characteristics; or conflict with national guidance on BNG.
- 3.7.1.9 Where external expertise is required to review and validate the biodiversity gain plan or other ecological reports submitted with the application, which may be the case for larger or complex applications, applicants will likely need to enter into a Planning Performance Agreement with the Council. Arrangements for this will be discussed at the pre-application stage and may subsequently be secured through a Planning Performance Agreement for major applications.

3.8 BNG On-site, Off-site and Statutory Credits

- 3.8.1.1 Biodiversity units are given for post development biodiversity net gain measures, these can be on-site, off-site, or as a last resort, statutory credits. On-site units are delivered through habitat creation/enhancement via landscaping/green infrastructure and off-site units are delivered through habitat creation/enhancement, including via habitat banks, with public and private landowners. The latest government guidance for selling units as landowners is available [here](#). As a last resort, where biodiversity net gain cannot be delivered on-site or off-site, statutory credits can be purchased, which fund and deliver large-scale habitat projects providing high value habitats which can also supply long-term nature-based solutions.



3.8.1.2 The Biodiversity Net Gain (BNG) Guidance Pack produced by the Essex Local Nature Partnership (LNP) outlines, in detail, the benefits of off-site and on-site BNG - [Guidance on Biodiversity Net Gain \(canva.com\)](https://www.canva.com).

3.8.1 On-site BNG

3.8.1.1 On-site BNG means all land within the boundary of a project. In a planning context, this usually means within the red line boundary of a planning application. Utilising the [National Green Infrastructure Framework](#), and the [Essex GI Standards and Strategy](#) can ensure green principles are applied at all stages of the design and application process, this helps to integrate biodiversity within the form of the development, thereby delivering BNG as part of the overall design.

3.8.1.2 If the Biodiversity Metric shows that a minimum of 10% BNG cannot be achieved on-site, the design of the development should be reviewed considering the mitigation hierarchy to avoid harm to biodiversity in the first instance and secondly to consider any further mitigation and enhancements measures that can be made on-site.

3.8.2 Off-site BNG

3.8.2.1 Off-site BNG means interventions on land outside of the on-site red line boundary.

3.8.2.2 The Biodiversity Metric incentivises habitat creation on-site or within the same LPA or National Character Area (NCA). This is through a “spatial risk multiplier” which means that you generate more biodiversity units if the habitats are created within the LPA or in the same NCA. Conversely, this means that for habitat creation outside of the LPA/NCA, this won't benefit from the spatial multiplier, and therefore more units would need to be generated.



- 3.8.2.3 Defra will establish a national register for BNG sites and offset units will only be accepted where they relate to a site on this national register once it is established. A template for the register is currently in development. Once developed, Natural England will operate this.
- 3.8.2.4 Where off-site BNG is required to deliver all or part of the 10% BNG, applicants are encouraged to purchase off-site units from BNG sites that are identified as a priority for nature improvement in the LNRS. BNG can be delivered on more than one off-site location, or as a combination of on-site and off-site enhancement measures. For example, if 10 biodiversity units are required to produce a minimum 10% uplift, and the site can deliver 8 of these units within the redline boundary, the remaining 2 units can be delivered off-site. This must be set out in the biodiversity gain plan and will be monitored in the same way as if all of the BNG was produced off-site.
- 3.8.2.5 Where BNG cannot be delivered on-site and off-site BNG is required, to ensure BNG is kept as local to the development site as possible, the Council's preferred off-site BNG provision is in the following order:
- Within the ward of the development site;
 - Within an adjoining ward of the development site, within the local authority boundary;
 - Within the local authority boundary;
 - Within an adjoining ward of the development site, in a neighbouring local authority;
 - Within an adjoining local authority;
 - As a last resort beyond the local authority and neighbouring authorities.
- 3.8.2.6 Off-site biodiversity gains must be maintained for at least 30 years after the completion of the works to create or enhance the habitat. To count towards a development's net gain requirements, the site must be secured through a section 106 agreement, conservation covenant or planning obligation to ensure the habitats are maintained, even if the land is sold.

3.8.3 BNG Statutory Credits

- 3.8.3.1 Government will establish a national BNG statutory credit scheme for circumstances where applicants cannot secure 10% BNG on-site or through off-site units. This is a last resort, BNG should be secured locally and on-site wherever possible. This is because as well as delivering BNG locally, improving the quality of green space in Essex is an excellent way of improving the quality of places and the wellbeing of residents, contributing to stronger social and economic outcomes.

3.8.3.2 The money raised through statutory credits will be reinvested into biodiversity habitat creation schemes. Defra have released indicative pricing for statutory credits available to view [here](#). The price is set by Defra, based on habitat type and you must buy 2 statutory credits for every 1 biodiversity unit you need to compensate for.

3.8.3.3 This price will be higher than the cost of equivalent off-site unit on the market, this should encourage use of the mitigation hierarchy and ensure statutory credits are used as a last resort; meaning that all on-site and off-site options should be sought before considering use of the statutory credit scheme to achieve BNG. Developers wishing to use statutory credits will have to provide evidence for this. Natural England will sell statutory credits on behalf of the Secretary of State.

3.8.4 BNG good practice principles

3.8.4.1 Applicants should follow the ten principles set out in the table, below, which are taken from the CIEEM (Chartered Institute of Ecology and Environmental Management), IEMA and CIRIA document: [Biodiversity net gain. Good practice principles for development, a practical guide](#). These are high level principles that should be applied to every site.

Principle	Notes
1. Apply the Mitigation Hierarchy	Do everything possible to first avoid and then minimise impacts on biodiversity. Only as a last resort, and in agreement with external decision-makers where possible, compensate for losses that cannot be avoided. If compensating for losses within the development footprint is not possible or does not generate the most benefits for nature conservation, then offset biodiversity losses by gains elsewhere.
2. Avoid losing biodiversity that cannot be compensated for	Avoid impacts on irreplaceable biodiversity – these impacts cannot be offset to achieve no net loss or net gain.
3. Be inclusive and equitable	Engage stakeholders early, and involve them in designing, implementing, monitoring, and evaluating the approach to BNG. Achieve net gain in partnership with stakeholders where possible and share the benefits fairly among stakeholders.
4. Address risks	Mitigate difficulty, uncertainty, and other risks to achieving net gain. Apply well-accepted ways to add contingency when calculating biodiversity losses and gains in order to account for any remaining risks, as well as to compensate for the time between the losses occurring and the gains being fully realised.



Principle	Notes
5. Make a measurable Net Gain contribution	Achieve a measurable, overall gain for biodiversity and the services ecosystems provide while directly contributing towards nature conservation priorities.
6. Achieve the best outcomes for biodiversity	Achieve the best outcomes for biodiversity by using robust, credible evidence and local knowledge to make clearly justified choices when: - Delivering compensation that is ecologically equivalent in type, amount and condition, and that accounts for the location and timing of biodiversity losses; - Compensating for losses of one type of biodiversity by providing a different type that delivers greater benefits for nature conservation; - Achieving BNG locally to the development while also contributing towards nature conservation priorities at local, regional and national levels; - Enhancing existing or creating new habitat; and Enhancing ecological connectivity by creating more, bigger, better and joined areas for biodiversity.
7. Be additional	Achieve nature conservation outcomes that demonstrably exceed existing obligations (i.e., doesn't deliver something that would occur anyway).
8. Create a Net Gain legacy	Ensure BNG generates long-term benefits by: - Engaging stakeholders and jointly agreeing practical solutions that secure net gain in perpetuity; - Planning for adaptive management and securing dedicated funding for long-term management; - Designing net gain for biodiversity to be resilient to external factors, especially climate change; - Mitigating risks from other land uses; - Avoiding displacing harmful activities from one location to another; and - Supporting local-level management of BNG activities.
9. Optimise sustainability	Prioritise BNG and, where possible, optimise the wider environmental benefits for a sustainable society and economy.
10. Be transparent	Communicate all BNG activities in a transparent and timely manner, sharing the learning with all stakeholders.



3.8.5 The Urban Greening Factor

3.8.5.1 For Brownfield¹ sites and sites with low ecological value [or a BNG metric calculation with a low baseline], The Urban Greening Factor (UGF) can be consulted to establish best practice. The UGF is a planning tool to improve the provision of Green Infrastructure (GI) particularly in urban areas. It can be used to increase urban greening and contribute to BNG. While it is not a statutory requirement, utilisation of the UGF can significantly contribute to place making, nature recovery, biodiversity enhancement, and connectivity to larger GI networks within proximity to the development site. This will help to deliver a tangible gain in biodiversity. More information can be found within the [National Green Infrastructure Framework Standards](#) (2023).

3.8.6 Irreplaceable habitats

3.8.6.1 [Irreplaceable habitats](#) have a high biodiversity value which are very difficult to recreate. An initial list of irreplaceable habitats for BNG is set out below, a public consultation will be held later in 2024 to seek views on the definition and list:

- Ancient woodland
- Ancient and veteran trees
- Blanket bog
- Limestone pavements
- Coastal sand dunes
- Spartina saltmarsh swards
- Mediterranean saltmarsh scrub
- Lowland fens

3.8.6.2 For BNG purposes, the 10% net gain requirement is not applied. Irreplaceable habitats must still be recorded in the biodiversity metric, but any impacts to these habitats will flag as unacceptable and requiring bespoke compensation to be agreed with the planning authority. If there are no impacts, enhancement of irreplaceable habitats can contribute to towards a development's BNG requirement.

3.8.7 Stacking and Additionality

Stacking

3.8.7.1 It is possible to stack land used for biodiversity unit creation, with other nature markets. This means that the same parcel of land that is used for other nature markets can also be used for BNG. For BNG, the landowner must prove that the units created are in addition to those that are created for another nature market. More information on stacking is available [here](#).

¹ Brownfield Land is defined in Annex 2 of the National Planning Policy Framework, 2023 - [National Planning Policy Framework - Annex 2: Glossary - Guidance - GOV.UK \(www.gov.uk\)](#)

Additionality

- 3.8.7.3 If you're creating or enhancing habitat as part of your development, you may be able to count this towards your BNG.
- 3.8.7.4 You can still do this if the habitat required for your development is to:
- comply with a statutory obligation or policy, for example green infrastructure, environmental impact assessment (EIA) compensation or sustainable drainage
 - provide river basin management plan (RBMP) mitigation and enhancement measures
 - provide mitigation or compensation for protected species or sites, for example nutrient mitigation.
- 3.8.7.5 If you're also providing off-site mitigation and compensation for protected sites and species, this may count towards your BNG. You should do at least 10% of your BNG through other activities, for example, on-site habitat creation and enhancement. For example, if a development has a baseline score of 10 biodiversity units and needs to achieve a score of 11 units, at least 1 unit should come from separate activities (such as an on-site habitat or the wider market for biodiversity units).
- 3.8.7.6 If you're using off-site units, you need to legally secure these for at least 30 years. You must register them before they can count towards your BNG.
- 3.8.7.7 You should not count habitat creation or enhancements towards your BNG if you're already required to do this for:
- restocking conditions relating to a tree felling licence or a restocking notice
 - marine licensing
 - remediation under the environmental damage regulations.

3.9 Conservation Covenants and Section 106 Agreements

- 3.9.1.1 BNG will be secured through a legal agreement, either through a section 106 (s106) agreement or through a conservation covenant.
- 3.9.1.2 S106 agreements are legal agreements between local planning authorities and developers/landowners as part of the planning permission granting process. Suggested baseline wording for a s106 agreement to secure BNG is available through the Planning Advisory Services Website [here](#). It is important to note that each s106 must be tailored to each individual application.

- 3.9.1.4 A conservation covenant is an agreement between a landowner and a responsible body. These came into being as a means of securing conservation outcomes in September 2022. The latest advice on conservation covenants is available [here](#). Councils and other bodies with a conservation interest can apply to Defra to become a responsible body.
- 3.9.1.5 It must be stated that it will not be required to have both a conservation covenant and a s106 in place to secure a site – just one of those two options.

3.10 Management and Maintenance

3.10.1 Biodiversity Gain Plans

- 3.10.1.1 The biodiversity gain plan is a document which sets out how a development will deliver biodiversity net gain and allows the planning authority to check whether the proposals meet the biodiversity gain objective.
- 3.10.1.2 The Environment Act sets out that development subject to mandatory BNG will be required to submit a biodiversity gain plan for planning authority approval and the planning authority required to approve it prior to commencement. This is required under the 'General condition of planning permission' added as Schedule 7A to the Town and Country Planning Act 1990 (under [Schedule 14 of the Environment Act](#)).
- 3.10.1.3 The plan must be submitted in writing, no earlier than the day after planning permission has been granted. There is a standard Biodiversity Gain Plan template available to complete which can be found [here](#) and it is recommended that it is used with the approval (discharge) of conditions application form to ensure all necessary information is provided.
- 3.10.1.4 The following content of a Biodiversity Gain Plan is required for standard development which is not to proceed in phases. Where planning permission is granted that has the effect of permitting development in phases, there are different requirements for the Biodiversity Gain Plan.
- 3.10.1.5 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

3.10.1.6 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 on-site habitats
- pre-development and post-development plans - showing the location of on-site 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 on-site habitat of that part is irreplaceable habitat arrangements for compensation for any impact the development has on the biodiversity of the irreplaceable habitat.

3.10.2 Monitoring and Stewardship

3.10.2.1 Biodiversity Gain Plans must also set out how BNG will be monitored to ensure its establishment and achievement of 10% uplift over the 30-year period. This will require commitment to managing the site, through effective stewardship and maintenance. Monitoring reports are required to be submitted to the LPA at set intervals within the 30 year period, and the reports must be checked, and enforcement action taken if required.

3.10.2.2 Natural England have developed a standard [habitat management and monitoring plan \(HMMP\) template](#), which the Council requires applicants to use. Monitoring requirements for BNG will be site specific and should be set out within the legal agreement which secures the BNG (conservation covenant or planning obligation). The body responsible for monitoring must be nominated, and this could be the developer, consultant, landowner, management company or habitat provider [or other, as indicated within the legal agreement].

3.10.2.3 The LPA will check HMMPs for on-site BNG and carry out any enforcement action if required. They will also monitor the delivery of BNG across the LPA boundary at the strategic level. As more guidance is released, a template register, for Councils to keep a record of and monitor on-site BNG sites, will be explored.

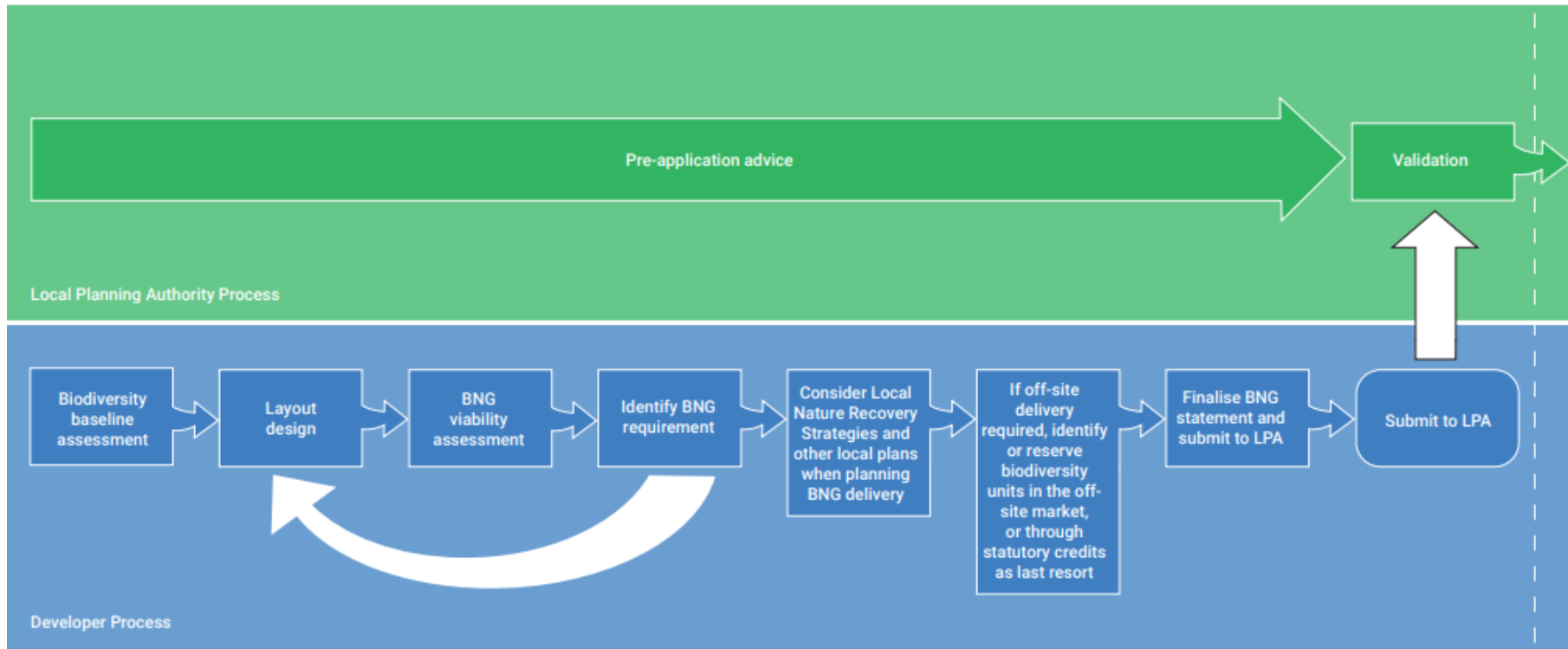
3.11 BNG Process Flow Chart

3.11.1.1 The Planning Advisory service (PAS) and Future Homes Hub produced a BNG Best Practice Process flow which sets out the Local Planning Authority process for BNG alongside the Developer process for BNG, this is detailed over the next three pages.





BNG Best Practice Process Flow

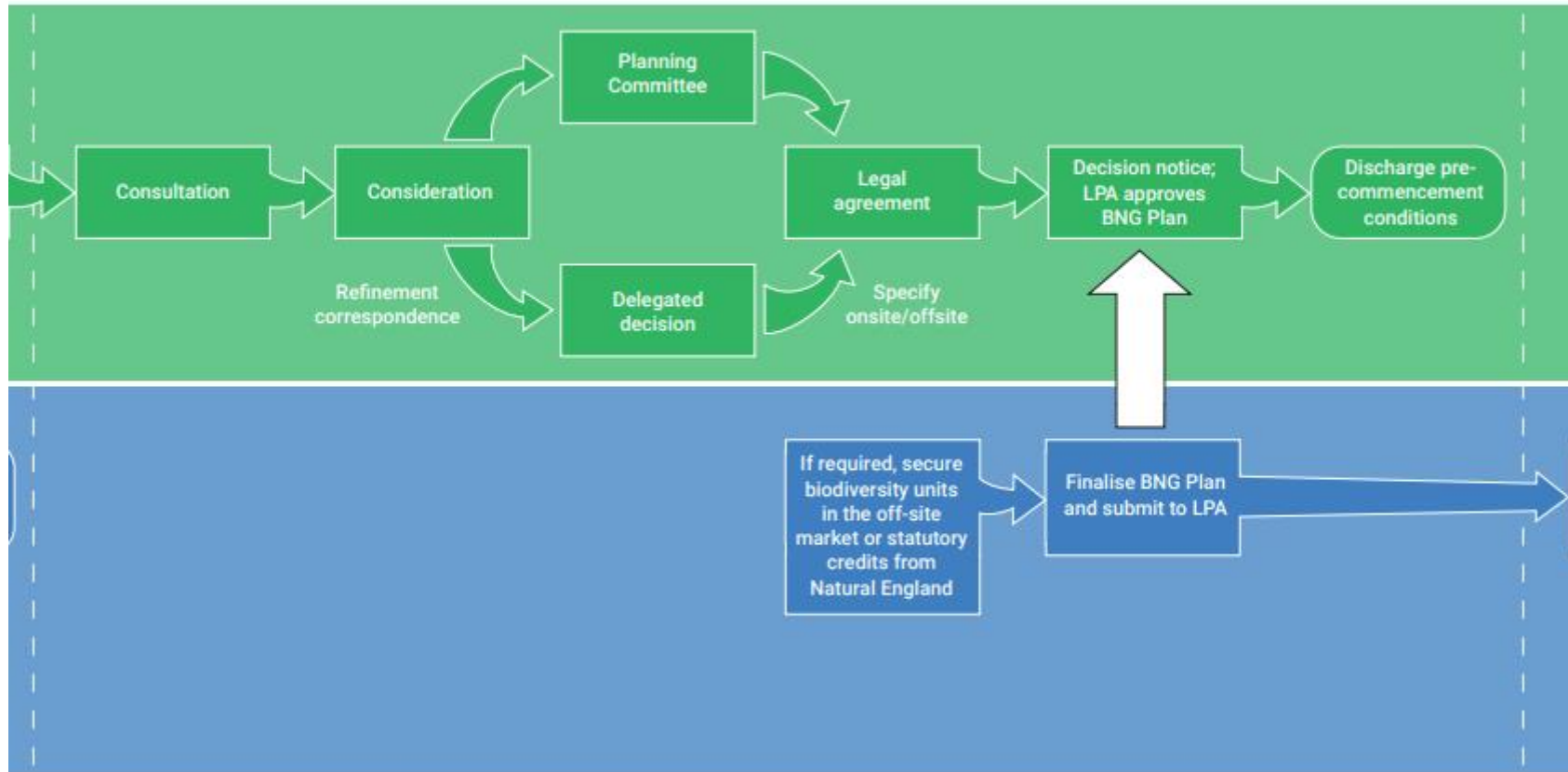


PRE-APPLICATION STAGE





BNG Best Practice Process Flow

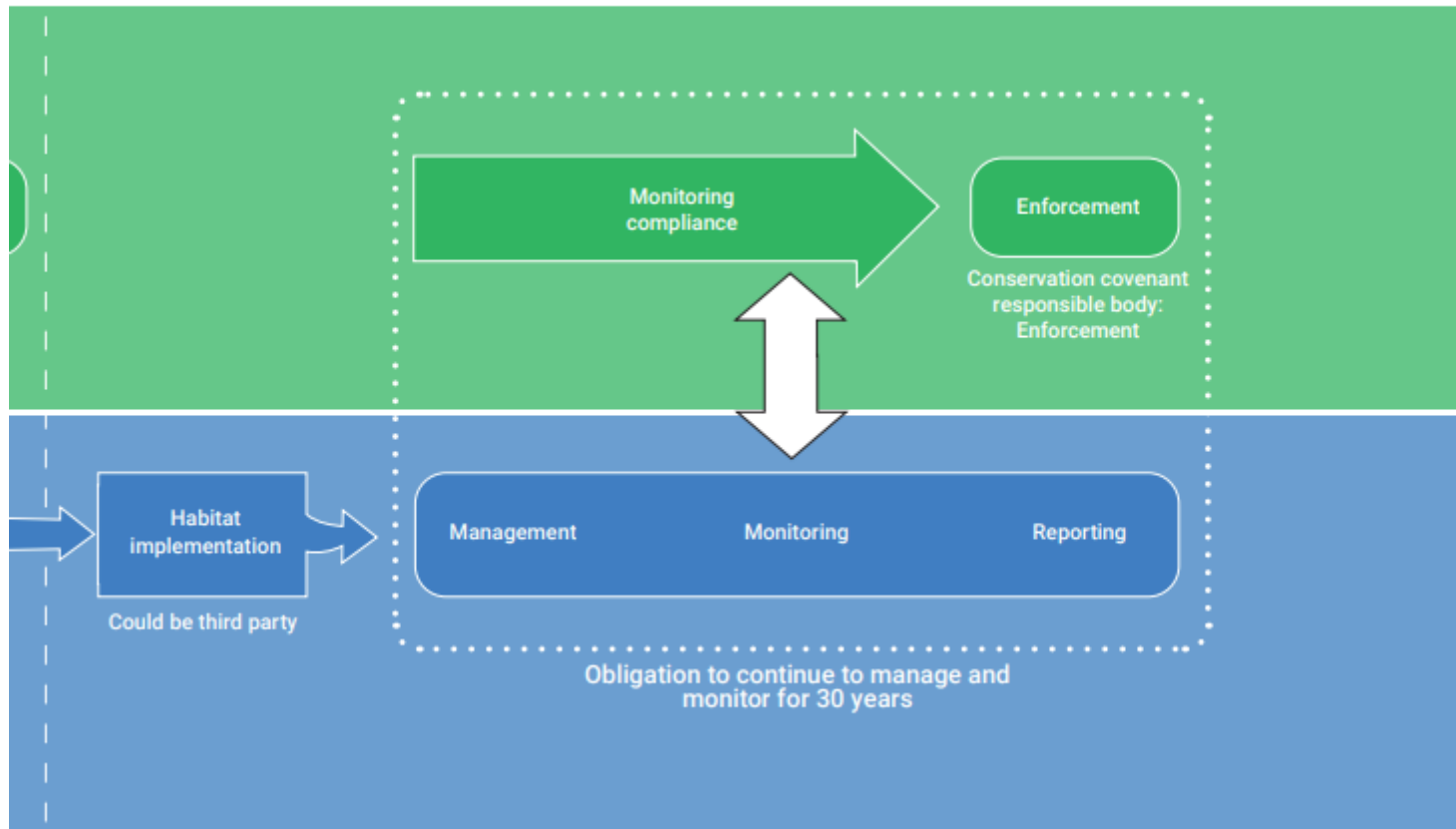


PLANNING STAGE





BNG Best Practice Process Flow



CONSTRUCTION AND OCCUPATION STAGE



4. Local Nature Recovery

4.1 Biodiversity Net Gain and Local Nature Recovery Strategy (LNRS)

- 4.1.1.1 Local Nature Recovery Strategies (LNRS') are a system of spatial strategies for nature and environmental improvement required by law under the Environment Act 2021. The main purpose of the LNRS is to identify locations to create or improve habitat most likely to provide the greatest benefit for nature and the wider environment. The LNRS will set out habitats, and the species they support, that are priorities for habitat creation and enhancement measures in the strategy area.
- 4.1.1.2 Essex County Council (ECC) have been appointed as the responsible authority to deliver the Essex LNRS on behalf of Greater Essex. 48 LNRSs together will cover the whole of England, with no gaps and no overlaps. This lays the foundation of the England wide National Recovery Network (NRN).
- 4.1.1.3 The Environment Act 2021 establishes two mechanisms to support the delivery of LNRS: mandatory BNG and a strengthened biodiversity duty on public authorities. Mandatory BNG is one of the key mechanisms to support the implementation of the LNRS. The LNRS will identify where action to achieve net gain will have the most impact for nature recovery and will encourage action in these locations through the way net gain is calculated. The LNRS will be used to target off-site BNG so that it contributes to the NRN. The LNRS can be used to determine the 'strategic significance' score that is part of the biodiversity metric calculation. The 'strategic significance' score is a landscape scale factor, which gives additional unit value to habitats that are located in preferred locations for biodiversity and other environmental objectives. In summary, the biodiversity metric will favour sites that have been highlighted as opportunities within the LNRS.
- 4.1.1.4 The development of the LNRS in Essex will be a collaborative effort, bringing together partners from all sectors to support the delivery of a strategy that truly reflects the priorities for nature in Essex, and the local level knowledge needed to produce the strategy. ECC are working with multiple partners from across the public, private and voluntary sectors, to create the strategy. Landowners and Farmers are critical to the development of the LNRS, as they will be able to identify potential opportunity areas for nature recovery and off-site BNG delivery.
- 4.1.1.5 The LNRS will be reviewed and republished, approx. every 3-10 years. The need for a review will be announced by Secretary of State, this means that all LNRSs across England will be updated at the same time. When the LNRS is updated, it should present what actions for nature have been undertaken and map where actions have been taken, since the strategy was last published. To do this, the Responsible Authority (Essex County

Council) will use sources of information including the biodiversity gain site register, to show where BNG has been delivered off-site in Essex, since the last LNRS review.

4.2 Local Nature Recovery Strategy (LNRS) and Planning

- 4.2.1.1 Public authorities who operate in England must consider what they can do to conserve and enhance biodiversity in England. This is the strengthened 'biodiversity duty' that the Environment Act 2021 introduced. This means that, as a public authority, each Council must:
- Consider what they can do to conserve and enhance biodiversity
 - Agree policies and specific objectives based on their consideration
 - Act to deliver their policies and objectives
- 4.2.1.2 Once the LNRS is published, public authorities will need to understand how they can contribute to them. LNRS guidance, released by DEFRA March 2023, states that all public authorities should have regard to relevant LNRS under the strengthened biodiversity duty. The government will be providing separate guidance to explain what this means in practice. The expectation is that the LNRS will be used to help inform how and where BNG should be delivered, i.e., which habitats are appropriate in which locations.
- 4.2.1.3 There will be an interim period between BNG becoming a legal requirement on 12 February 2024, and the creation of the LNRS. Local authorities are advised to use local strategies to inform off-site BNG targeting prior to the implementation of the LNRS, such as green space strategies and biodiversity opportunity mapping. The availability and type of strategies available varies locally according to what activity and policy making has been taken forward by local authorities, non-governmental organisations, and other agencies.
- 4.2.1.4 The Statutory Biodiversity Metric User Guide states that if an LNRS has not been published, the relevant consenting body or planning authority may specify alternative plans, policies or strategies to use. Alternative plans, policies or strategies must specify suitable locations for habitat retention, habitat creation and or enhancements, and might, for example, be:
- Local Plans and Neighbourhood plans
 - LPA Local Ecological Networks
 - Tree Strategies
 - Area of Outstanding Natural Beauty Management Plans
 - Biodiversity Action Plans (BAPs)
 - Species and protected sites conservation strategies
 - Woodland strategies
 - GI Strategies
 - River Basin Management Plans
 - Catchment Plans and Catchment Planning Systems
 - Shoreline management plans
 - Estuary Strategies



- 4.2.1.5 If no alternative is specified, agreement should be sought from the consenting body or LPA when determining strategic significance.



5. Delivery of BNG in combination with other planning matters

5.1.1.1 When BNG Delivery is considered in combination with the delivery of other key themes, this will help to achieve multiple benefits across the LPA for people, and for nature. For example:

- Green Infrastructure – use of the National GI Framework and Essex GI Standards can help developers to utilise best practice GI, which will also contribute towards improved biodiversity (and therefore BNG).
- Sustainable Drainage Systems
- Economic Development
- Health and Wellbeing
- Housing and Development
- Accessibility to Green Space
- Active travel
- Energy



6. Biodiversity Net Gain Summary

- 6.1.1.1 BNG is about enhancing existing habitats and creating new habitats – species will come if the habitat is right. Biodiversity units are not a full representation of ecological value but are used to provide a quantification of a loss, no net loss, or a net gain in biodiversity as a result of development. All proposals must follow the mitigation hierarchy: avoid, mitigate, and compensate in addition to the requirement to deliver a minimum of 10% BNG. Proposals should demonstrate biodiversity enhancement by delivering wider benefits in addition to the units, such as delivering species enhancements and by delivering the aims of the LNRS.

For further information please contact: planningpolicy@basildon.gov.uk

