



Biodiversity Net Gain (BNG) **Handbook**

FEBRUARY 2024 / VERSION 1



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Introduction

Biodiversity Net Gain (BNG) is an approach to development that aims to leave the natural environment in a measurably better state than it was beforehand.

From 12 February 2024, all new planning applications for major development in England (unless otherwise exempt) made under the Town and Country Planning Act (1990) will be subject to mandatory BNG, as introduced by the Environment Act (2021).

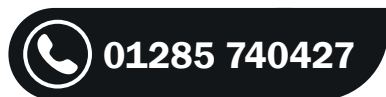


This BNG Handbook provides a single place for EDP's clients and colleagues to learn about the implementation of BNG through the planning system in England.

We provide an overview of the BNG requirements of the Environment Act (2021), how this affects planning applications going forward, and how BNG is measured for developments.

The information provided in this handbook is based on review of legislation and guidance available at the time of publication and will be updated periodically as further information becomes available.

For any BNG related queries or projects needing our help, please contact a member of EDP's BNG Team using the contact details below:



Key contact
Peter Newbold
Associate Ecologist



Background

The implementation of mandatory BNG in England stems from a long background of environmental improvement plans and initiatives ...

In 2010, Professor Sir John Lawton's review of England's wildlife sites and ecological network concluded that to make space for nature we need, *more, bigger, better and joined*.

The Natural Environment White Paper that followed in the summer of 2011 committed to moving from net biodiversity loss to a net gain. Biodiversity offsetting trials were announced, which subsequently ran in six pilot areas from 2012 to 2014.

The 2018 Defra 25 Year Environment Plan set out the Government's intention to embed 'environmental net gain' into the development sector. The following 2018 reforms to the National Planning Policy Framework (NPPF) strengthened the commitment to delivering net gains to biodiversity through the planning system.

Plans to mandate BNG were put firmly on the radar with the Government's 2018 consultation on net gain, followed in 2019 by the publication of the Environment Bill which committed new development to 10% BNG.

The Environment Act (2021) was granted royal assent in November 2021, with BNG requirements subject to a ~2 year transitional period to allow for secondary legislation (regulations) to be approved by Parliament, and new BNG guidance to be introduced.

The six statutory instruments which provide the new BNG framework were finally approved by parliament in January 2024, with mandatory BNG to come into force from 12 February 2024.

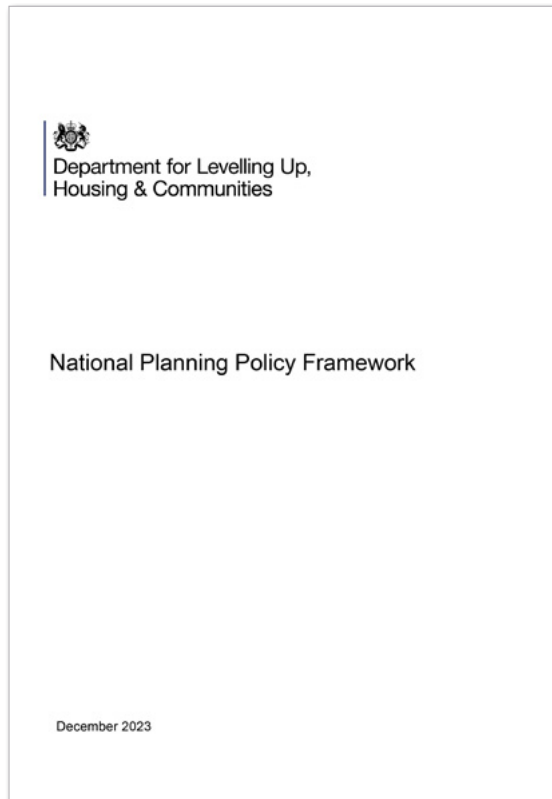




Policy Context

National

The NPPF has made a step change away from simply achieving ‘no net loss’ to biodiversity, and now strongly advocates the delivery of net gains to biodiversity through the planning system:



Planning policies and decisions should contribute to and enhance the natural and local environment by... minimising impacts on and providing net gains for biodiversity ...

(Para. 180d)

... plans should... identify and pursue opportunities for securing measurable net gains for biodiversity

(Para. 185b)

... 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 ...

(Para. 186d)

Local

In advance of BNG becoming mandatory, some local authorities already have adopted or emerging local development plan policies requiring the provision of BNG, some of which extend above and beyond 10%.

Research by Carter Jonas found that “3 LPAs (or 1.0%) have adopted a policy denoting a percentage net gain higher than 10%, while 17 (or 5.6%) have such a policy emerging through their local plan review.”



BNG provisions of the Environment Act (2021)

The Environment Act (2021) inserts a new Section 90A and Schedule 7A into the Town and Country Planning Act (1990) which introduces a **new general biodiversity gain condition** for every planning permission granted for the development of land in England (unless otherwise exempt).

The biodiversity gain condition requires a **Biodiversity Gain Plan** to be submitted and approved by the local planning authority before development can lawfully commence.

The Biodiversity Gain Plan must demonstrate that a minimum of **10% BNG** is achieved, measured against the baseline value of the habitats (pre-development).

Habitats to be used for BNG must be subject to a planning condition, section 106 agreement or conservation covenant to secure the management and monitoring of the habitats for at least **30 years** after the development is completed.

The BNG contribution of a development can include habitat units provided **on-site**, via **off-site** registered biodiversity gains, or via the purchase of **statutory biodiversity credits**, or a combination of these. The **Biodiversity Gain Hierarchy** sets out the order of priority to be followed.

The Environment Act (2021) introduces **Local Nature Recovery Strategies**, which will eventually cover the whole of England, to describe and map the local priorities for nature recovery and enhancement.



Transitional arrangements

The general biodiversity gain condition is only applied to planning permissions granted for an application made on or after **12 February 2024**.

Planning permissions granted for applications made before 12 February 2024 are not subject to BNG, unless required by a local development plan policy.



Small sites

Small developments are subject to an extended transition period with the requirement to deliver mandatory BNG delayed until **02 April 2024**.

Small sites include:

- Residential development where the number of dwellings is between 1 and 9, or if unknown the site area is less than 0.5 hectares.
- Commercial development where floor space created is less than 1,000 square metres or the total site area is less than 1 hectare.

Section 73 permissions

The biodiversity gain planning condition does not apply to any subsequent planning permissions granted on an application made under Section 73 of the Town and Country Planning Act (1990) (*'application to vary a planning condition'*) where the original permission was granted before 12 February 2024 or the application for the original permission was made before 12 February 2024.

The same transitional arrangements apply to Section 73 applications for small developments for planning permissions applied for, or granted before, 02 April 2024.

Nationally Significant Infrastructure Projects (NSIPs)

Principal amendments to the Planning Act (2008), including a new Section 99 and Schedule 2A, require a 10% increase in pre-development biodiversity value for all NSIPs to be demonstrated through the preparation of a biodiversity gain statement. The Government's January 2022

Consultation on Biodiversity Net Gain Regulations and Implementation committed to applying the BNG requirement to NSIPs by no later than 2025.

Exemptions

There are certain types of development that are exempt from meeting the mandatory BNG requirement.

This includes:

- Developments with no impact on an on-site priority habitat¹ and where impacts on other habitats are below a 'de minimis' threshold of 25m² of habitat, or 5m for linear habitats such as hedgerows;
- Householder applications;
- The high-speed railway network;
- Off-site biodiversity gain sites where the land is being enhanced for the purposes of BNG to fulfil the BNG requirement arising from another development; and
- Small-scale self-build and custom build developments <9 dwellings, and <0.5 ha site area.



The exemptions are set out in paragraph 17 of Schedule 7A to the Town and Country Planning Act 1990 and the Biodiversity Gain Requirements (Exemptions) Regulations 2024.

¹a habitat specified in a list published under section 41 of the Natural Environment and Rural Communities Act 2006



What information to include with a planning application

Applications for outline (or hybrid) planning permission

Developments which are subject to mandatory BNG will be required to include minimum biodiversity information along with their planning application from 12 February 2024.

Minimum biodiversity information

This includes a statement confirming that the planning permission, if granted, is subject to the biodiversity gain condition, as well as information on the pre-development (baseline) value of the site, including:

- The pre-development biodiversity value of the on-site habitat on the date of application (or an earlier agreed date);
- If using an earlier date for the pre-development biodiversity value, a statement confirming the proposed date and reasons for proposing that date;
- A completed statutory biodiversity metric showing the pre-development biodiversity value of on-site habitat;
- A statement confirming if the pre-development biodiversity value of the on-site habitat is lower because of the carrying out of any activities to degrade habitats, and if degradation has taken place supporting evidence of this;
- A description of any irreplaceable habitats present on-site; and
- A plan showing the on-site habitats existing on the date of the application (or an earlier agreed date), drawn to scale, and showing the direction of North.



Further information requirements

Under the terms of the Environment Act (2021), planning applications are not legally required to include any information on the post-development biodiversity contribution of the development. However, planning applications may still need to include post-development biodiversity information to comply with local development plan policies relating to BNG.

Furthermore, local planning authorities may impose further requirements for BNG information, as stated within the [Government guidance on what local planning authorities should do](#):

... further information may need to be provided in order to assist the consideration of BNG as part of the planning application. This may include where there are particular considerations around:

- **significant on-site biodiversity enhancements**
- **use of off-site biodiversity gains**

LPAs may set out specific further requirements in the local list of information requirements.²



²UK Government Guidance: 'Biodiversity net gain: what local planning authorities should do'. Published 29 November 2023, updated 12 February 2024).



Legal agreements

When determining planning applications, local planning authorities will need to give consideration to how the biodiversity gain objective is to be met by the development, and what planning conditions or planning obligations (section 106 agreements) will be required to ensure the general biodiversity gain condition is capable of being discharged.

If a development proposes to use **significant on-site habitat enhancements** towards achieving BNG, the management and monitoring of these habitats will need to be secured for at least 30 years with a legal agreement (planning obligation or conservation covenant) or planning condition. The mechanism to secure BNG will need to be agreed with the local planning authority at the planning permission stage³.

Prior to determination of the planning application, local planning authorities will also need to determine whether there are likely to be any **off-site gains** required for the development to meet the BNG objective. If off-site biodiversity gains are being used, a legal agreement will be required to secure the long-term management of habitats, and “...developers should clearly set out the obligations that they are likely to be bound by in a section 106 agreement, if permission is granted.”⁴

Mindful of the above, a ‘preliminary’ BNG assessment will invariably be required to inform applications for outline (or hybrid) planning permission, albeit area calculations will be indicative.

³UK Government Guidance: *Make on-site biodiversity gains as a developer*. Published 29 November 2023, updated 12 February 2024.

⁴UK Government Guidance: *Biodiversity net gain: what local planning authorities should do*. Published 29 November 2023, updated 12 February 2024.

Significant on-site habitat enhancements

Significant on-site habitat enhancements are those which contribute significantly to a development's BNG, relative to the biodiversity value before development.

These would normally include:

- Any new habitats of medium or higher distinctiveness⁵;
- Habitats of low distinctiveness which create a large number of biodiversity units relative to the biodiversity value of the site before development;
- Habitat creation or enhancement which increases the distinctiveness of the habitat;
- Areas of habitat creation or enhancement which are significant in area relative to the size of the development; and
- Habitat enhancements which increase habitat condition⁶.

Planning applications relying on significant on-site habitat enhancements to achieve BNG are advised to provide a draft **Habitat Management and Monitoring Plan** with their application, to clearly set out the long-term management of on-site habitats.

^{5/6}See Page 33 for an abridged definition of the terms 'distinctiveness' and 'condition'. Full definitions provided within the Department for Environment Food & Rural Affairs 'The Statutory Biodiversity Metric User Guide. Date: February 2024.




Biodiversity Gain Plan

The Biodiversity Gain Plan sets out how a development will achieve 10% BNG. It must be submitted and approved to discharge the general biodiversity gain condition prior to the commencement of development on site.

The Biodiversity Gain Plan must be submitted in writing no earlier than the day after planning permission is granted.

A developer may choose to submit a ‘draft’ plan for information ahead of determination of the planning application, but there is no legal requirement to do so under the Environment Act (2021).

Local planning authorities must determine the Biodiversity Gain Plan within eight weeks and must take into account how the **Biodiversity Gain Hierarchy** has been applied.


Department
for Environment
Food & Rural Affairs

Biodiversity gain plan

Submit a biodiversity gain plan to show how your development will achieve biodiversity net gain.

When to use this form
A biodiversity gain plan shows how a development will achieve 10% biodiversity net gain (BNG). Submit this form to your local planning authority after they approve your planning application.

Unless your development is exempt, you cannot start the development until the LPA approves your biodiversity gain plan and biodiversity metric calculation tool.

1. Submission details

1.1 Date
For example, 31/1/2023

1.2 Planning application reference number

1.3 Local planning authority (LPA)

1.4 Development site address
If the site does not have an address, enter the OS grid reference.

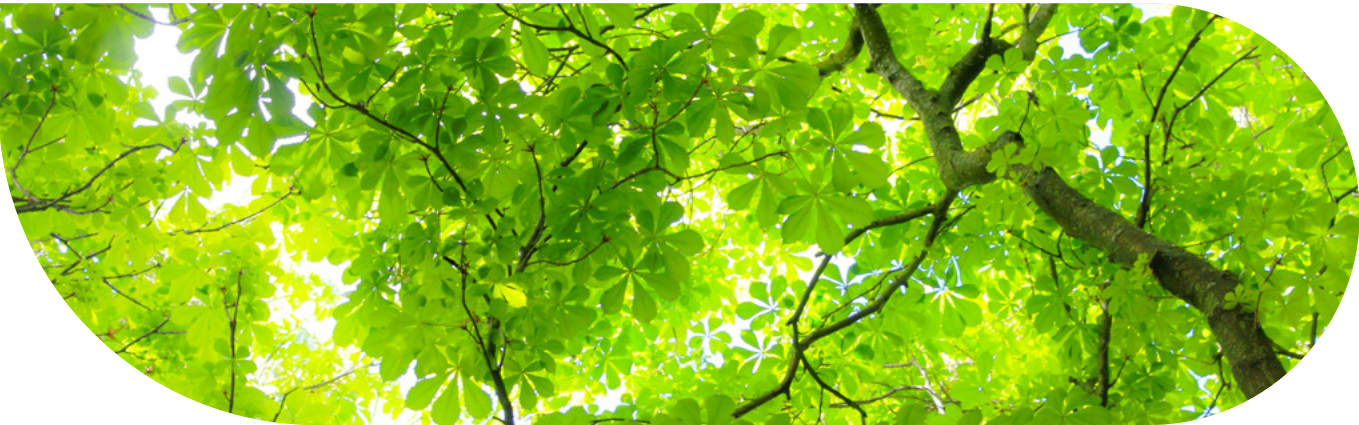
1.5 Describe the development
Tell us about the proposed development and any changes of use (250 words).

2. Developer details

2.1 Applicant name

2.2 Company name

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Contents of the Biodiversity Gain Plan

The Biodiversity Gain Plan will include:

- Details of the planning application, developer, and ecologist;
- Information about the steps taken to minimise adverse impacts on habitats. [**developers should refer to the Biodiversity Gain Hierarchy**];
- The pre-development biodiversity value of the on-site habitat;
- The post-development biodiversity value of the on-site habitat, including details of any impacts to **irreplaceable habitats**;
- The biodiversity value of any off-site habitat units allocated to the development along with the reference numbers for the biodiversity gain site register;
- Any biodiversity credits purchased for the development, along with proof of purchase; and
- Confirmation that the habitat trading rules are satisfied within the statutory biodiversity metric.

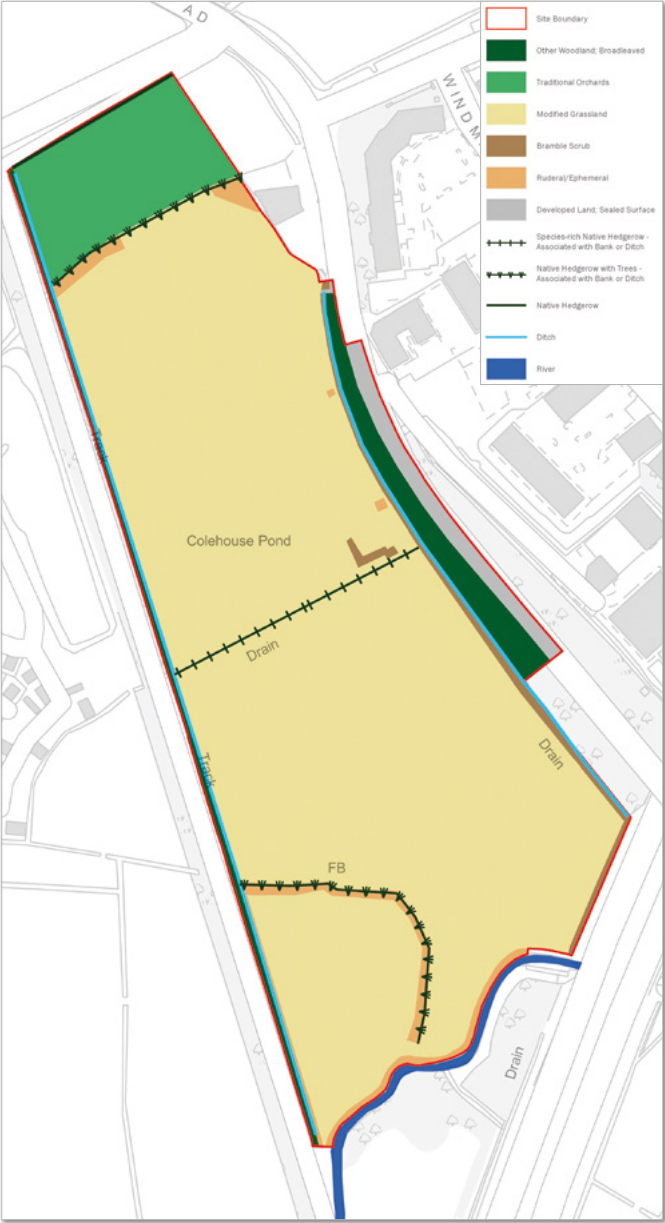
There is a standard **Biodiversity Gain Plan template** to complete for major developments.

Additional Information

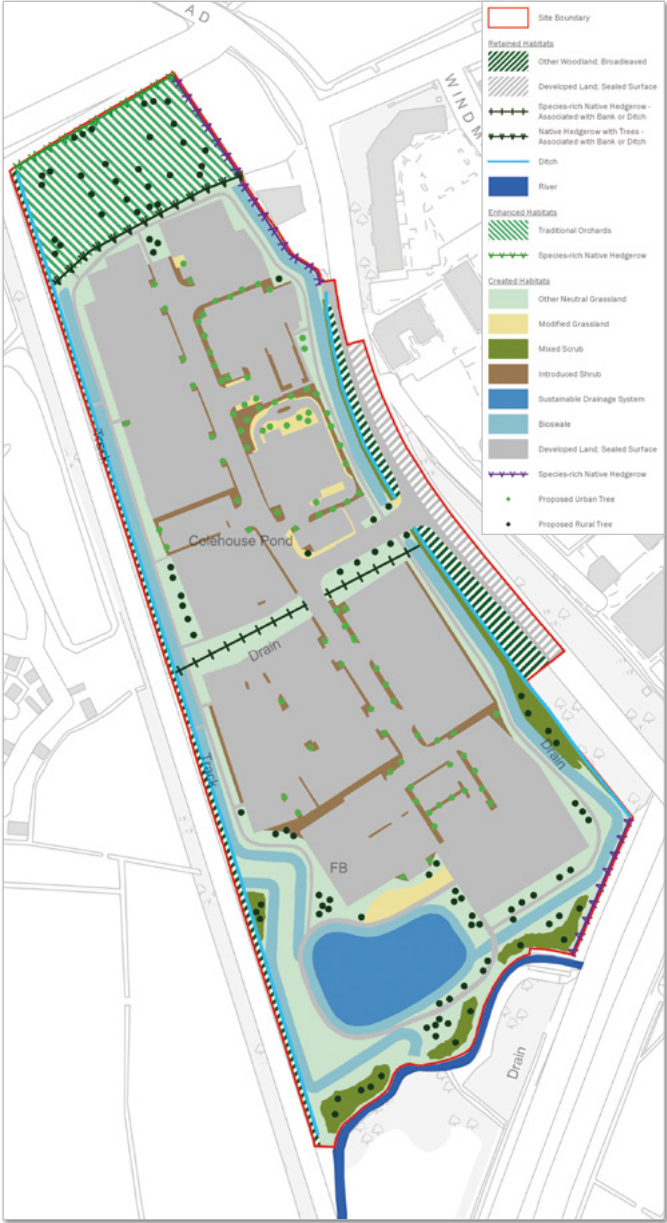
Alongside the Biodiversity Gain Plan developers must also provide:

- A completed statutory biodiversity metric calculation;
- A pre-development biodiversity plan;
- A post-development biodiversity plan;
- A compensation plan if the development affects **irreplaceable habitats**; and
- Arrangements for maintenance and monitoring of habitat enhancements (for a period of at least 30 years after the development is completed). A **Habitat Management and Monitoring Plan Template** is available, or developers can appoint an Ecologist to prepare their own.

Baseline Habitat Plan



Proposed Habitat Plan



Phased developments

The statutory framework for biodiversity net gain includes specific modifications for developments being delivered in phases.

For phased developments, an **Overall Biodiversity Gain Plan** must be prepared to set out a framework of how 10% BNG is delivered across the entire development, with a breakdown of the contribution that each phase is expected to make.

To accompany each subsequent application for approval of reserved matters for a phase of development, a separate **Phase Biodiversity Gain Plan** will need to be prepared.

Each Phase Biodiversity Gain Plan tracks the progress of each phase's contribution towards the overall BNG to be delivered across the entire development. Adjustments to the contribution of each phase will need to be made if there is any departure from the strategy set out in the Overall Biodiversity Gain Plan.

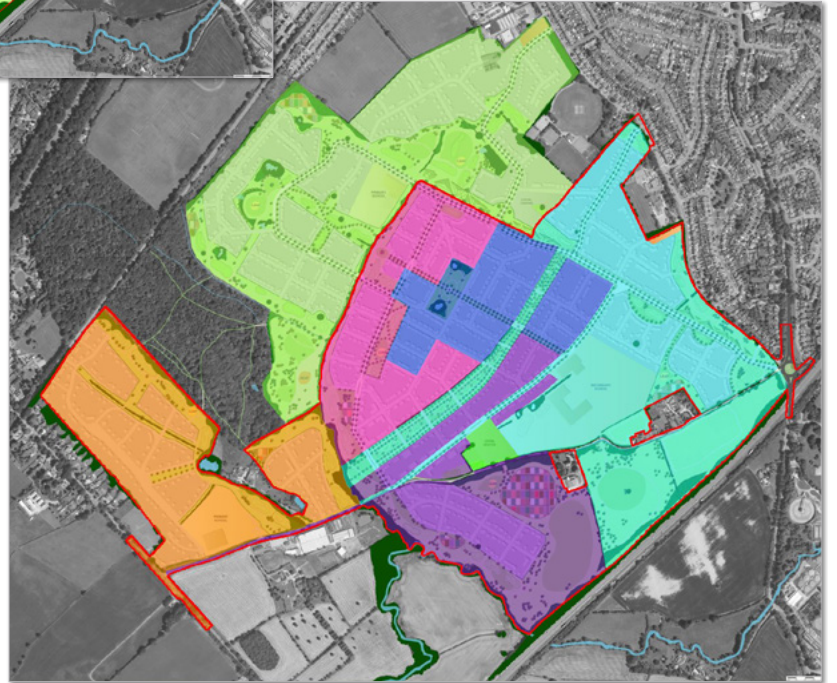
There is a separate template for the Phase Biodiversity Gain Plan.



← **Kings Hill Park
Masterplan**



**Kings Hill Park
Phasing Plan** →



What can you count towards BNG

Developers can achieve 10% BNG through a combination of on-site habitat units, off-site units, or, as a last resort, statutory biodiversity credits.

On-site

All habitat creation, restoration and enhancement, within the development's green open space can count towards BNG, including habitats created 'on-plot' within residential developments. On-site habitats are those which lie within the red line boundary of a development site.

Off-site

Once all reasonable design measures to maximise BNG on site have been explored, if required, developers can deliver part of their BNG off-site through habitat creation and enhancement of land either owned or controlled by the applicant ('blue land'), or by purchasing biodiversity units generated by a 'habitat bank' from the open market. Off-site land used for BNG must be allocated to the development and included within the **biodiversity gain site register**⁷.

Biodiversity credits

As a last resort, if developers cannot achieve on-site or off-site BNG, they must buy statutory biodiversity credits from the government, with the revenue generated used to invest in habitat creation in England.

Developers can achieve all of their BNG on-site, or they can use a combination of on-site gains, registered off-site gains, and biodiversity credits. But the steps taken must follow the **Biodiversity Gain Hierarchy**.

⁷Biodiversity gain site register - a publicly available register, administered by Natural England, to record land which is enhanced for biodiversity net gain purposes. Land to be registered must be subject to a section 106 agreement or conservation covenant.

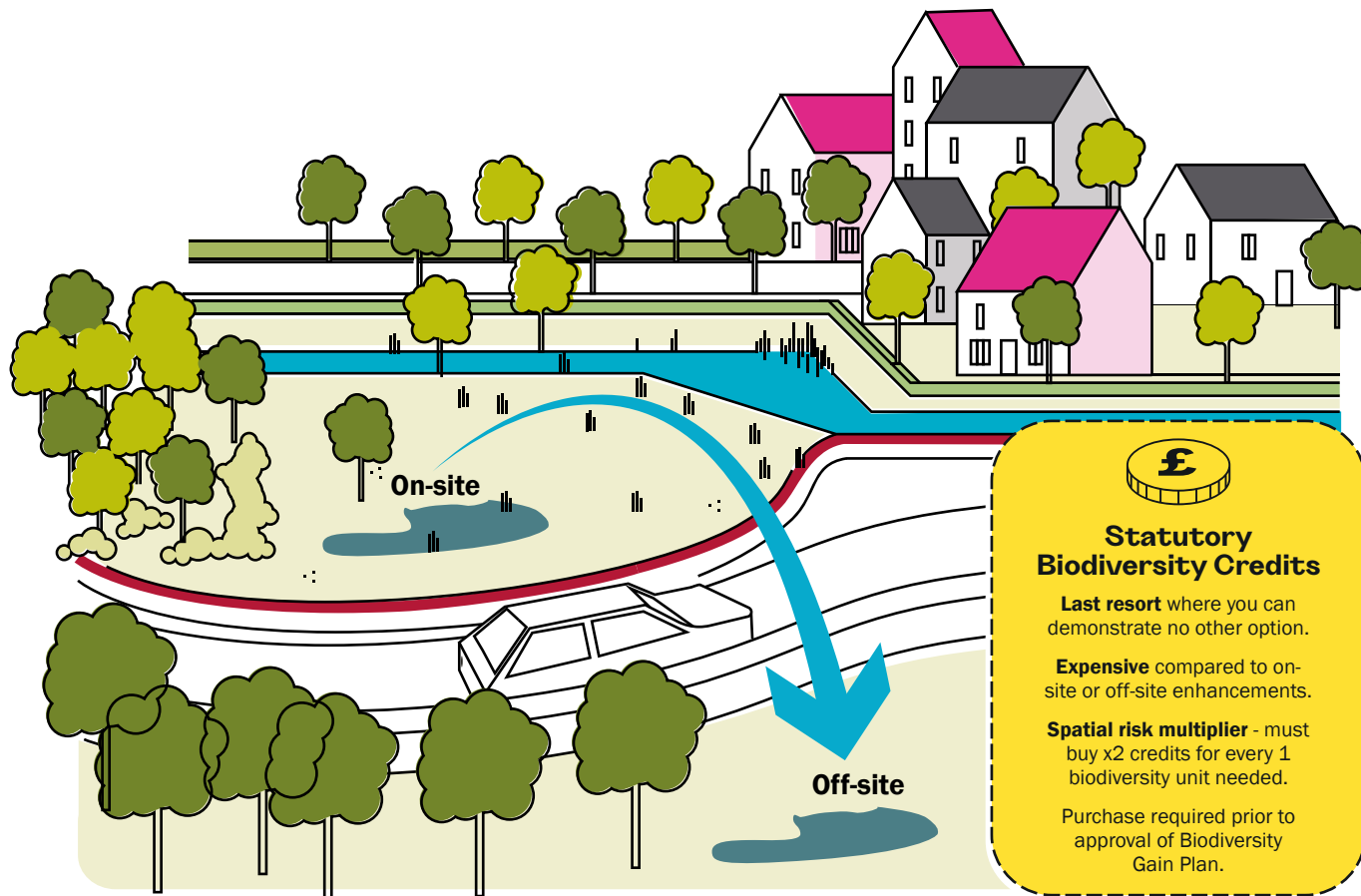
Positives

Negatives

On-site

Preferred in Biodiversity Gain Hierarchy
Survey information available
No spatial risk discount on biodiversity value
No requirement to register the BNG land

Loss of developable area
Still requires a Biodiversity Gain Plan
Conflict with public access to open space
Unlikely to be a location of 'strategic significance*' for nature recovery
Reduced scope for achieving habitat types and condition of higher biodiversity value



Statutory Biodiversity Credits

Last resort where you can demonstrate no other option.

Expensive compared to on-site or off-site enhancements.

Spatial risk multiplier - must buy x2 credits for every 1 biodiversity unit needed.

Purchase required prior to approval of Biodiversity Gain Plan.

Off-site

Reduced impact on net developable area
Opportunity to secure land in strategic location for nature recovery (and gain habitat unit uplift)
Potential to achieve habitat types and condition of higher biodiversity value.
Habitat banks can deliver better solutions for nature

Additional costs, delays and risks securing BNG
Spatial risk discount if outside Local Planning Authority (LPA) or National Character Area (NCA) and beyond
Biodiversity Gain Hierarchy must be followed

*See Page 37 for an explanation of the term strategic significance.

The Biodiversity Gain Hierarchy

The Biodiversity Gain Hierarchy sets out a series of chronological steps to be taken during the design and delivery of BNG in England. The hierarchy provides the framework for decision-making which underpins BNG and will be a material consideration for local planning authorities when reviewing a development's Biodiversity Gain Plan.

The Biodiversity Gain Plan must include a statement of the actions taken to apply the Biodiversity Gain Hierarchy, including any reasons for not following the order of priority if this is the case.

The Biodiversity Gain Hierarchy relates to decisions affecting habitats, and is distinct from the hierarchy of international, national and locally designated sites set out in the National Planning Policy Framework.



Apply the Biodiversity Gain Hierarchy by following the order of priority:

For any on-site habitats of medium distinctiveness (or higher):



Avoid adverse effects of the development.



Mitigate effects to on-site habitats that cannot be avoided.

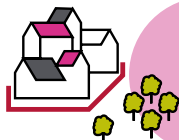
For any on-site habitat which is adversely affected by the development, follow the actions in order to compensate effects:



Enhance on-site habitats.



Create on-site habitats.



Off-site gain - create and enhance habitats off-site on registered biodiversity gain site(s).



Biodiversity credits - as a last resort, purchase statutory biodiversity credits.

Combining environmental gains

Habitats created or enhanced to satisfy statutory obligations under the Environmental Impact Assessment (EIA) and Habitat Regulations Assessment (HRA) regimes, or to comply with legislation or planning policy, can also count towards BNG.

The BNG contribution of a development can include habitats created or enhanced for the following purposes:

Green and blue infrastructure

To comply with certain statutory obligations or policies.

Suitable Alternative Natural Greenspace (SANG)

Provided as mitigation for recreational impacts on European sites.

Nutrient neutrality

Creation or restoration of new semi-natural habitats, e.g. woodlands, grasslands, wetlands, to mitigate the impacts of additional nutrient pollution into freshwater ecosystems.

Mitigation for protected species

For example, creation of terrestrial and aquatic habitats for great crested newts (either via traditional or district licensing routes), or creation of new bat foraging and commuting habitat to mitigate impacts on bat populations.

River Basin Management Plan (RBMP)

Mitigation and enhancement measures affecting the water environment.

Some habitat creation or enhancement schemes can be counted **in full** towards a development’s BNG contribution, whereas other schemes can only be counted **in part**:

- **In full schemes** a developer can count all of the habitat units created towards their BNG contribution.
- **In part schemes** at least 10% of the development’s BNG contribution must come from other activities.

The same rules apply to what you can count whether on-site or off-site⁸.

Rules for each scheme	
Name of scheme	How it can count towards BNG
Sustainable urban drainage (SUDs)	In full (in part when part of nutrient neutrality)
Green infrastructure	In full
River basin management plan (RBMP) enhancement	In full
River basin management plan (RBMP) mitigation	In part
Nutrient neutrality or mitigation	In part
Suitable alternative natural green space (SANG)	In part
Environmental impact assessment compensation	In part
Mitigation or compensation to a special area of conservation, special protection area, or protected species	In part
Mitigation or compensation to functionally linked land (FLL)	In part
District licensing	In part
Restocking conditions relating to a tree felling licence or a restocking notice	Not allowed
Remediation under the environmental damage regulations	Not allowed

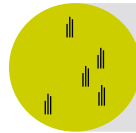
Landowners and developers are able to stack the sales of biodiversity units along with credits or units sold to other nature markets such as carbon sequestration, flood alleviation and nutrient neutrality from the same piece of land.

⁸UK Government Guidance: What you can count towards a development’s biodiversity net gain. Published 29 November 2023, updated 12 February 2024.

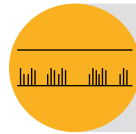
How to measure BNG

BNG is measured using standardised habitat units calculated in the **statutory biodiversity metric.**

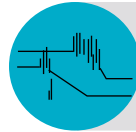
Habitat units are calculated for three distinct habitat types.



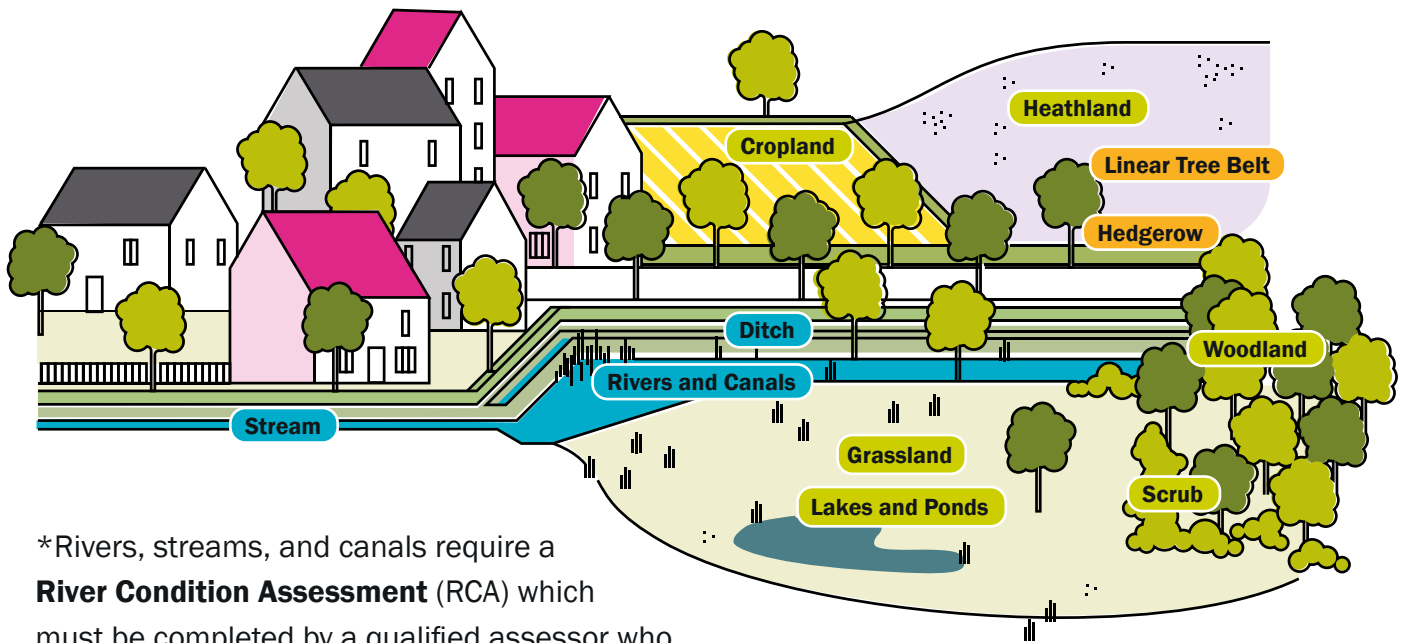
Area habitats, including cropland, grassland, heathland and shrub, woodland, wetland, trees, lakes and ponds.



Linear habitats, including hedgerows, and lines of trees.



Watercourses*, including rivers, streams, canals, and ditches.



*Rivers, streams, and canals require a **River Condition Assessment (RCA)** which must be completed by a qualified assessor who has completed the RCA accredited training.

The statutory biodiversity metric measures the baseline habitat units, and compares this against the proposed habitats, to generate an overall BNG score.

- **Baseline habitat units** – the number of existing habitat units ‘pre-intervention’ – calculated separately for habitats on-site (within the ‘red line’ boundary of the application site) and off-site.
- **Proposed habitat units** – the number of habitat units ‘post-intervention’, i.e. including the number of habitat units lost and retained, plus any habitat units gained by new habitat creation, or enhancement. Calculated separately for habitats on-site and off-site.

A minimum of 10% BNG, measured against the baseline, must be achieved to meet the mandatory BNG requirement. BNG must be achieved for area, linear and watercourse habitats separately where these are present within the site boundary. The gains from one habitat type cannot be traded off against another.

Multipliers

The unit value of each habitat entered into the statutory biodiversity metric is calculated based on the size of the habitat, with the score adjusted based on:

- **Distinctiveness** – based on species richness and rarity, the extent of any protection by designations and the presence of any species rarely found in other habitats;
- **Condition** – a measure of the habitat against its ecologically optimum state; and
- **Strategic significance** – the local significance of the habitat based on its location and habitat type (explained in detail on Page 37).

In addition, for any newly created or enhanced habitats, unit values are adjusted to take account of:

- **Difficulty** of creation or enhancement; and
- **Time** it takes a habitat to reach its target condition, adjusted if habitats are created in advance or delayed.

Spatial risk

Spatial risk reduces the number of habitat units generated in the statutory biodiversity metric to reflect the spatial separation between the on-site habitats affected by the development and the off-site habitat creation.

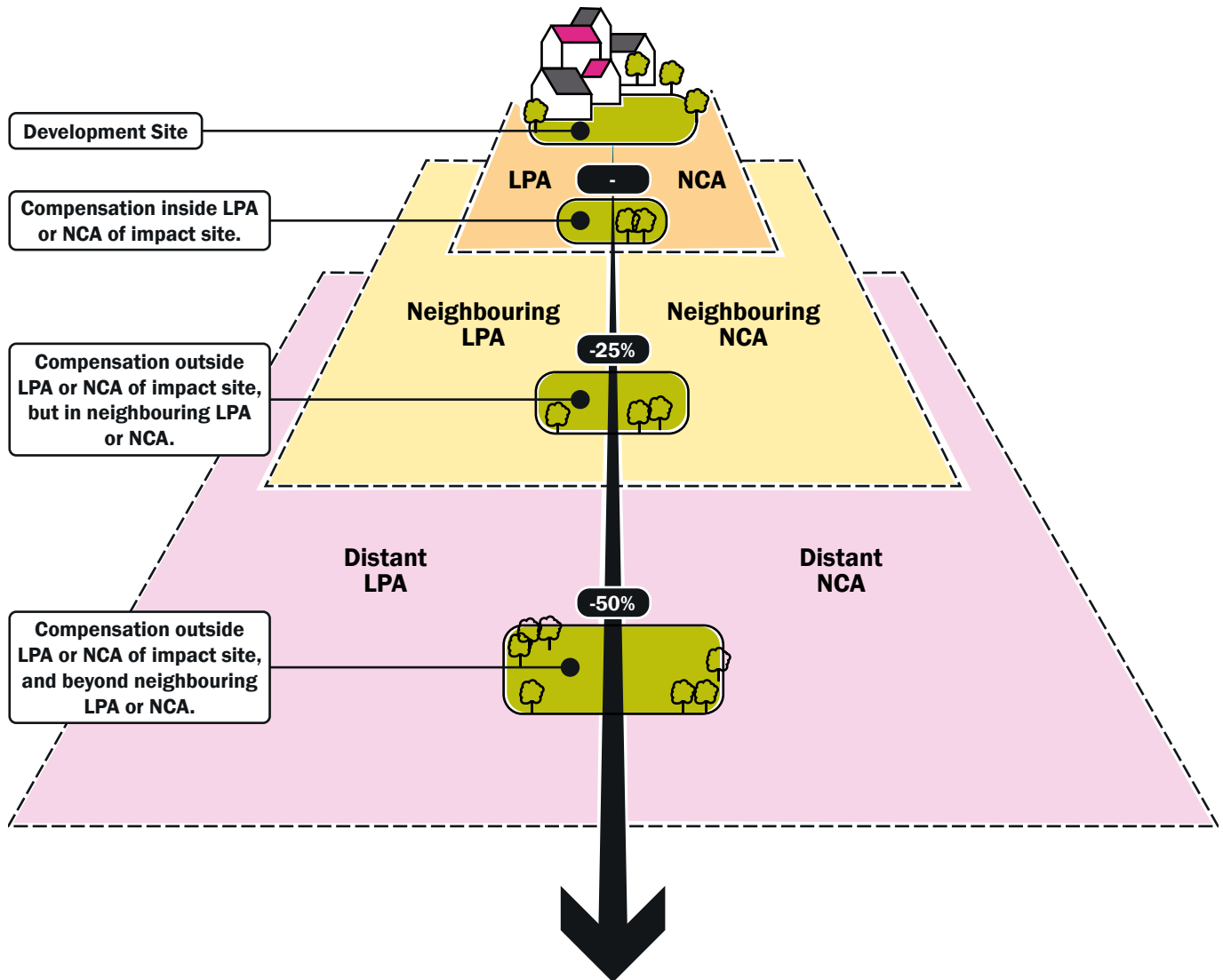
Spatial risk recognises the importance of biodiversity to the local community, and the need to address impacts locally. It dissuades development from impacting biodiversity in the local area and compensating in distant, unconnected places.

The further away from the development site that off-site habitat gains are provided, the less biodiversity value is generated in the statutory biodiversity metric, and the more habitat units are required. In most instances, this will result in larger areas of land being required to generate the required number of habitat units.

The biodiversity value of off-site habitat units can be reduced in the statutory biodiversity metric by as much as 25-50% depending on the distance from the development site.

Variation in Spatial Risk Scores Between Habitat Groups			
Score	Area and hedgerow habitats	Intertidal habitats	Watercourses
1.0 (no change)	Compensation <u>inside</u> LPA or NCA of impact site	Compensation <u>inside</u> Marine Plan Area, or deemed to be sufficiently local to site of biodiversity loss	Compensation within waterbody catchment
0.75 (25% reduction)	Compensation <u>outside</u> LPA or NCA of impact site, but in neighbouring LPA or NCA	Compensation <u>outside</u> same Marine Plan Area, but in neighbouring Marine Plan Area	Compensation outside waterbody catchment, but within operational catchment
0.5 (50% reduction)	Compensation <u>outside</u> LPA or NCA of impact site, and beyond neighbouring LPA or NCA	Compensation <u>outside</u> Marine Plan Area of impact site, and beyond neighbouring Marine Plan Area	Compensation is outside operational catchment

LPA Local Planning Authority
NCA National Character Area



Strategic significance

Strategic significance describes the local significance of a habitat based on its location and habitat type.

The assessment of strategic significance for each habitat will refer to the relevant published **Local Nature Recovery Strategy (LNRS)**. In instances where the LNRS is not yet available, the local planning authority should specify alternative documents to be used, such as:

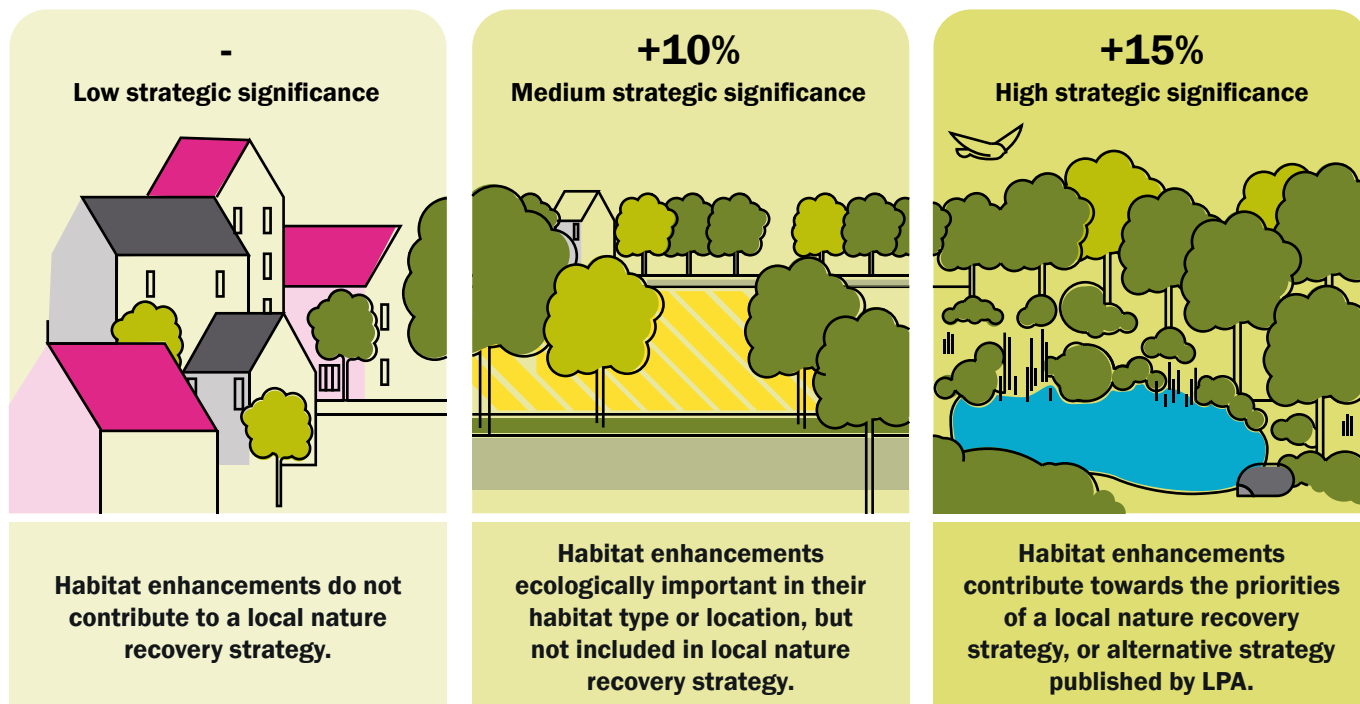
- Draft Local Nature Recovery Strategies
- Local Plans and Neighbourhood Plans
- Local Planning Authority **Local Ecological Networks**
- Tree Strategies
- Area of Outstanding Natural Beauty⁹ Management Plans
- Biodiversity Action Plans
- Species conservation and protected sites strategies
- Woodland strategies
- Green Infrastructure Strategies
- River Basin Management Plans
- Catchment Plans and Catchment Planning Systems
- **Shoreline management plans**
- Estuary Strategies

Within the statutory biodiversity metric, the number of habitat units generated is uplifted based on the strategic significance of the habitat.

Strategic significance is applied to habitats at both the baseline and post-intervention stage, and for both on-site and off-site habitats.

Projects that support local priorities for nature conservation through creating habitats that align with a strategic county-wide strategy can benefit from a 15% uplift in habitat units.

⁹On Wednesday 22 November all designated Areas of Outstanding Natural Beauty (AONBs) in England and Wales become National Landscapes. <https://national-landscapes.org.uk/news/welcome-to-national-landscapes>



Strategic Significance Categories		
Category	Details	Score
High strategic significance	Published LNRS – proposed habitat supports local nature recovery, and is located in an area within the Local Habitat Map proposed to help deliver the priorities of that LNRS No published LNRS – habitat type is mapped and described as locally ecologically important within a specific location.	1.15 (15% uplift)
Medium strategic significance	Only applied if there is no published LNRS or other strategic document which identifies the importance of the habitat type and location.	1.10 (10% uplift)
Low strategic significance	Applied where the definitions for high and medium strategic significance are not met. Habitat does not meet the specific actions for nature recovery outlined in the LNRS or other strategic document.	1.0 (no change)

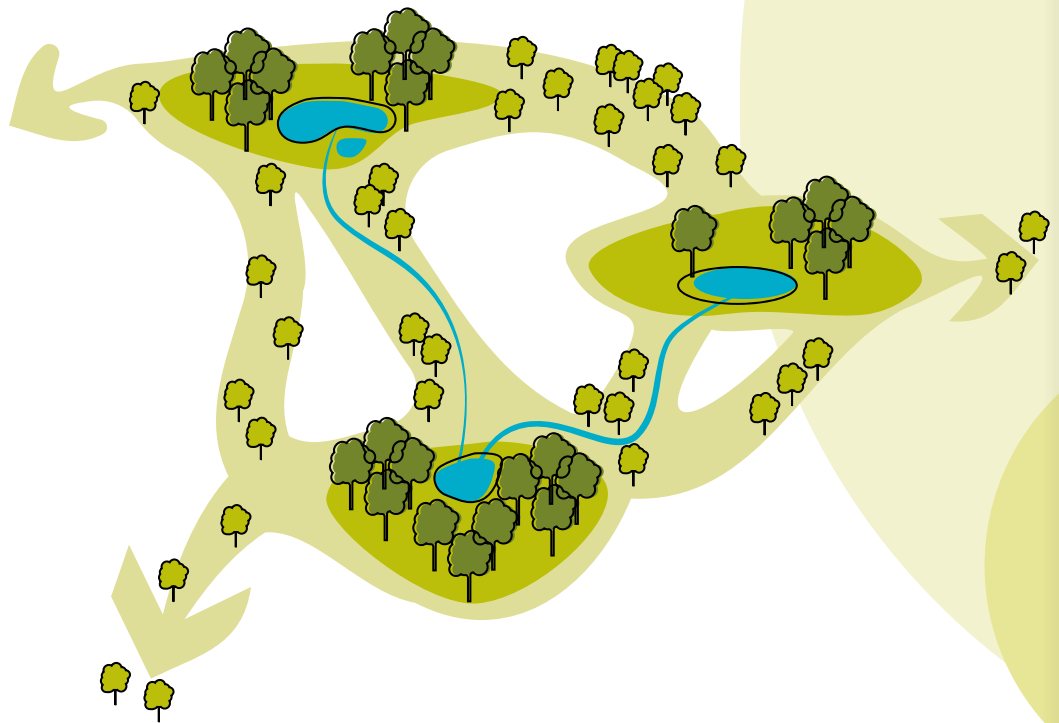
Local Nature Recovery Strategies

The Environment Act (2021) announced the introduction of Local Nature Recovery Strategies for England. For each region the Local Nature Recovery Strategy (LNRS) will set out the strategic priorities for nature recovery within the strategy area and proposes conservation actions to contribute towards achieving those targets.

There are to be a total of 48 LNRSs, which together cover the whole of England with no gaps or overlaps. The Department for Environment Food & Rural Affairs (DEFRA) has appointed the **responsible authorities** for the preparation of the LNRS.

It is expected that LNRSs will take 12-18 months to be prepared and will be published across the whole of England by March 2025¹⁰.

LNRSs aim to identify and connect priority areas for nature recovery.



¹⁰UK Government (2023). Policy Paper: Local nature recovery strategies. Published 30 June 2023.

There is some flexibility over how each LNRS will look, but the Environment Act (2021) requires that each LNRS must include:

- **A written statement of biodiversity priorities, including:**

- A description of the existing biodiversity within the strategy area;
- Opportunities for recovering or enhancing biodiversity (habitats and species) in the strategy area;
- Priorities for recovering and enhancing biodiversity, for both local habitats and species; and
- Proposed measures to implement the nature recovery priorities.

- **A local habitat map, which identifies:**

- Statutory designated sites – Special Areas of Conservation (SACs), Special Protection Areas (SPAs), Ramsar sites, Sites of Special Scientific Interest (SSSI), National Nature Reserves (NNR), and Marine Conservation Zones;
- Local Nature Reserves;
- Non-designated areas which are, or could be, of importance for biodiversity; and
- Non-designated areas where nature recovery could also contribute towards other environmental benefits.

Strengthened duty

To support the delivery of the LNRS, the Environment Act (2021) strengthened the biodiversity duty imposed upon local authorities through the Natural Environment and Rural Communities Act (2006) to conserve ‘and enhance’ biodiversity with due regard to the Local Nature Recovery Strategies.

The statutory biodiversity metric supports the LNRS through the application of the strategic significance multiplier, which provides a 10-15% uplift in habitat units for habitat creation that aligns with the ambitions of the LNRS.

Irreplaceable habitats

Habitats which would be technically very difficult (or take a very significant time) to restore, recreate or replace once destroyed, taking into account their age, uniqueness, species diversity or rarity. They include ancient woodland, ancient and veteran trees, blanket bog, limestone pavement, sand dunes, salt marsh and lowland fen.¹¹



The NPPF applies strict policy protection to irreplaceable habitats. Planning applications for *“development resulting in loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists”* (NPPF, paragraph 186c). The policy protection afforded to ancient woodland, ancient trees and veteran trees is reinforced by **standing advice from Natural England and the Forestry Commission**.

The existing policy protection afforded to irreplaceable habitats under the NPPF is not affected by the mandatory BNG requirements of the Environment Act (2021). However, for development sites which support irreplaceable habitats on-site, special provisions are to be made within the Biodiversity Gain Plan including a statement to demonstrate the steps that have been taken to avoid or minimise impacts, and a Compensation Plan if there are any adverse effects.

¹¹Definition of irreplaceable habitats provided within the National Planning Policy Framework (NPPF)

The statutory biodiversity metric calculates the value derived from irreplaceable habitats differently to other habitats as follows:

- **The area of any irreplaceable habitats within a site is included** within the statutory biodiversity metric, so as not to generate errors between the total site area pre- and post-development;
- **If irreplaceable habitats are retained**, with no losses or deterioration, the value of the habitats is not included in the baseline calculation, and a bespoke compensation package is not necessary;
- **If irreplaceable habitats are retained and enhanced**, the habitat units generated by the ecological enhancements will be calculated in the statutory metric and can be counted towards a site's 10% biodiversity gain requirement;
- **If irreplaceable habitats are lost or deteriorate**, the value of the habitats is not included in the baseline calculation and a bespoke compensation package will need to be agreed with the local planning authority, and submitted alongside the Biodiversity Gain Plan.

The Biodiversity Net Gain Requirements (Irreplaceable Habitat) Regulations 2024 defines the list of irreplaceable habitats for the purposes of BNG. This includes:

- Blanket bog;
- Lowland fens;
- Limestone pavements;
- Coastal sand dunes;
- Ancient woodland - areas of woodland that have been continuously wooded since at least 1600. Includes:
 - Ancient Semi-Natural Woodlands;
 - Plantations on Ancient Woodland Sites;
 - Ancient Wood Pasture and Parkland;
 - Infilled Ancient Wood Pasture and Parkland;
- Ancient trees and veteran trees;
- Spartina saltmarsh swards; and
- Mediterranean saltmarsh scrub.



Summary

Biodiversity net gain is a new approach to development that requires new Town and Country Planning Act developments to achieve a minimum of 10% BNG, measured against the pre-development baseline value.



Developments can achieve BNG using a combination of on-site habitat measures, registered off-site biodiversity gains and statutory biodiversity credits, provided that the new Biodiversity Gain Hierarchy is followed.

A minimum of 10% BNG must be achieved for all habitat types present on-site, including area habitats, linear habitats and watercourses. The gains from one habitat type cannot be traded off against another.

Habitats that contribute towards a development's BNG must be maintained for a period of 30 years after the development is completed. Significant on-site habitat enhancements must be subject to a planning condition, section 106 agreement or conservation covenant.

The new biodiversity gain condition will be applied to the grant of every planning permission for the development of land in England. There are certain types of development which are exempt from providing BNG, but these will be rare for most commercial or homebuilder developers. Transitional arrangements are in place for small developments (delayed until 02 April 2024) and Nationally Significant Infrastructure Projects (delayed until 2025).

Approval of the new biodiversity gain condition requires the preparation and approval of a Biodiversity Gain Plan prior to the commencement of development. The gain plan sets out how a development will achieve the minimum requirement of 10% BNG (on-site/off-site/credits), and the actions that have been taken to follow the Biodiversity Gain Hierarchy.

Developers can improve their biodiversity contribution by providing ecologically valuable habitats local to the development site and within locations that are identified as priority areas within a Local Nature Recovery Strategy.

The Biodiversity Gain Plan, and accompanying statutory biodiversity metric, will need to be completed by competent ecological consultants, and River Condition Assessments need completion by qualified RCA assessors.



There are a range of BNG services provided by EDP to assist landowners, developers, and housebuilders to achieve BNG.

EDP's Services

EDP provides a holistic multi-disciplinary approach to the design and delivery of BNG across developments, drawing upon our expert knowledge in ecology, landscape, heritage, archaeology, arboriculture, masterplanning and placemaking.

Our team of experts have been working on BNG assessments since the offsetting pilots in 2012 and have followed the evolution of BNG through to mandatory BNG. We work closely alongside our in-house team of environmental specialists to provide bespoke BNG solutions for land promoters, developers and landowners.

BNG assessments are tailored to the needs of the project - from early stage BNG feasibility studies to inform site acquisition or local plan promotions through to BNG strategies to inform outline planning applications and BNG calculations for detailed developments.

Drawing on our broad range of backgrounds within the environmental sector we assist clients in the implementation, establishment, management and monitoring of BNG habitats.

Our full list of BNG services include:

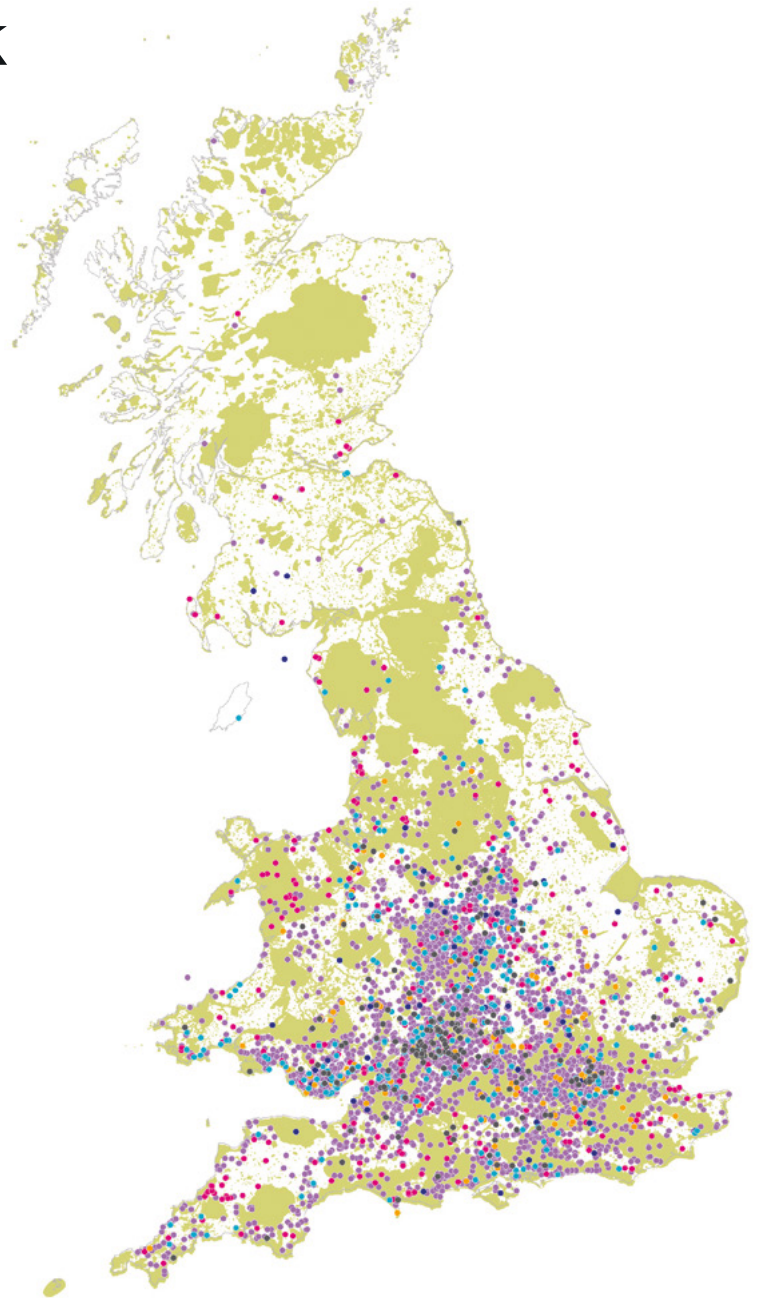
- UK Habitat Classification Survey;
- National Vegetation Classification Survey;
- Habitat Condition Assessment;
- Tree Condition Assessment;
- River Condition Assessment;
- Initial BNG Feasibility Study;
- Statutory Biodiversity Metric Calculation;
- Green Infrastructure Strategy;
- Building with Nature;
- Natural Capital Assessment;
- Habitat Management and Monitoring Plan;
- Consultation and Negotiation; and
- Site Implementation, Management and Monitoring.

Visit our website to find out more about us:

Where we Work

The ability to work flexibly, proactively and with trusted partners, allows us to service projects across the entire United Kingdom from our offices in the Cotswolds and South Wales. Whether it is a wind farm in the Scottish Borders, a Sustainable Urban Extension in Cardiff or a logistics park in the Midlands, our team of professionals and support services have the experience to work with key stakeholders and Local Authorities in delivering commercially aware and pragmatic planning solutions.

- Commercial/Industrial
- Education/Health
- Infrastructure
- Renewable Energy
- Residential/Strategic Land
- Private Clients



WE LOVE MAKING A POSITIVE,
LASTING DIFFERENCE TO THE
PLACES WE HELP TO SHAPE

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