

Biodiversity Net Gain

Borough Council of
King's Lynn &
West Norfolk



Agenda

1. **Introduction** – What is net gain and why is it required?
2. **Inclusions and exemptions** – Which developments are subject to net gain?
3. **Timelines** – When will net gain become mandatory?
4. **What is required?**
5. **Calculations and credits** – The Biodiversity Metric, who can fill it out
6. **Key Legislation & guidance**– Anti-trash clause and irreplaceable habitats
7. **Q&A**

1. What is Biodiversity Net Gain?

The Environment Act 2021



“...an approach to development...that aims to leave the natural environment in a **measurably** better state than it was beforehand.”

How will it work?

Overview



Minimum 10% net gain in biodiversity post development



On-site or off-site as Biodiversity Units or as last resort via statutory credits system



National Biodiversity Gain Sites register



Required to use the Statutory Metric



Land providing habitats for BNG to be legally secured and maintained for minimum of 30 years

There are some exemptions and special cases

2. Which developments require net gain?

Inclusions

The following types of development will be included in BNG requirements:

- ✓ All major developments and most minor developments

Exemptions

The following types of development will be exempt from BNG requirements:

- X Householder applications
- X Permitted development
- X Development **impacting habitat** of an area below a 'de minimis' threshold of 25 metres squared, or 5m for linear habitats such as hedgerows and that does not impact priority habitat
- X Small scale self-build and custom house building
- X Biodiversity gain sites (where habitats are being enhanced for wildlife)
- X Urgent crown development & HS2

3. When will net gain become mandatory?

Time Line

12 February 2024 – commencement for all large / major Scale developments

2 April 2024 – commencement for small sites / minor developments – defined as:

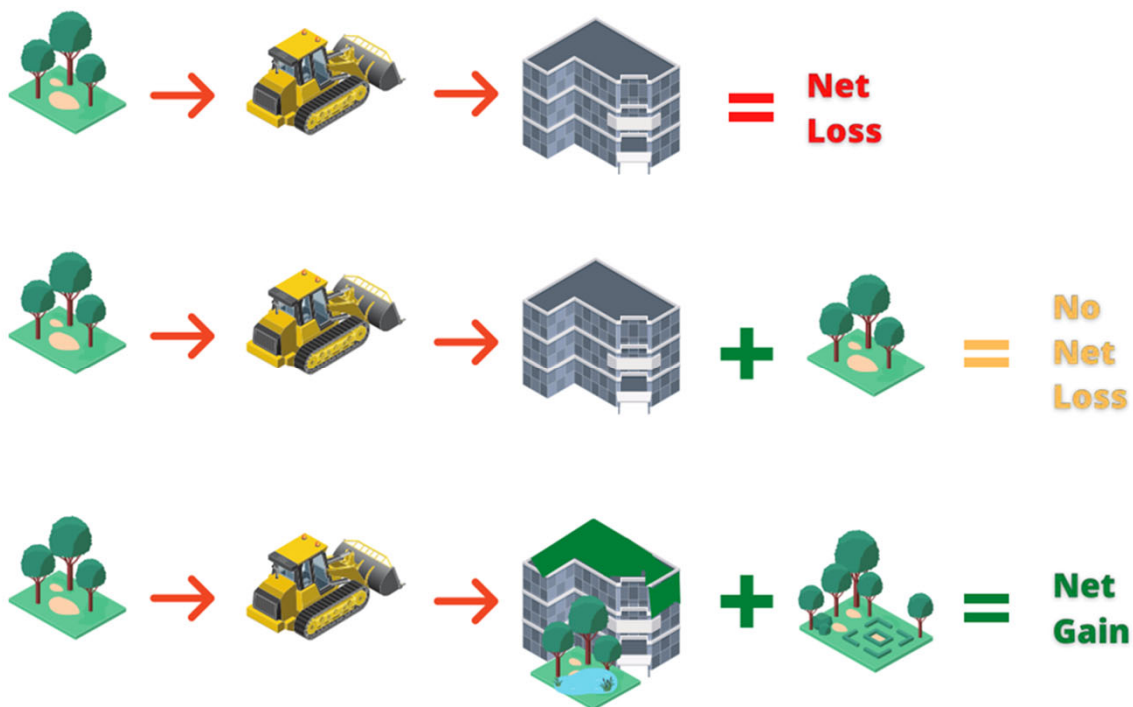
- (i) For residential:
 - Where the number of dwellings to be provided is between one and nine inclusive on a site having an area of less than one hectare, or;
 - Where the number of dwellings to be provided is not known, a site area of less than 0.5 hectares.
- (ii) For non-residential: where the floor space to be created is less than 1,000 square metres OR where the site area is less than one hectare.

2025 - 2008 Planning Act Developments (NSIPs)

The BNG requirement will apply only to those applications submitted on or after BNG takes effect

4. What is it required?

A minimum 10% increase in biodiversity compared to the baseline which must be secured for 30 years



BNG Assessment Process

1. Biodiversity Net Gain Statement (Validation)

- How the project has followed the Rules and Principles of BNG
- How development intends to deliver BNG (onsite/offsite or both)

2. Biodiversity Metric (Validation)

- Calculates the before and after biodiversity value of a development
- Calculator & Guidance provided by government and its use to become a statutory requirement in January

3. A Biodiversity Gain Plan (Discharge of condition)

- Shows how the development has achieved BNG
- Details any off-site BNG units being used by the development

4. Habitat Management and Monitoring Plan (HMMP) (Discharge of condition)

Management prescriptions for 30 years and timeline for monitoring



Mechanisms for delivery

ON-SITE (UNITS)



Delivered through habitat creation/enhancement via landscaping/green infrastructure

OFF-SITE (UNITS)



Delivered off-site through habitat creation/enhancement, including via habitat banks, with public and private

STATUTORY CREDITS*



Delivered through large-scale habitat projects delivering high value habitats which can also provide long-term nature-benefits.



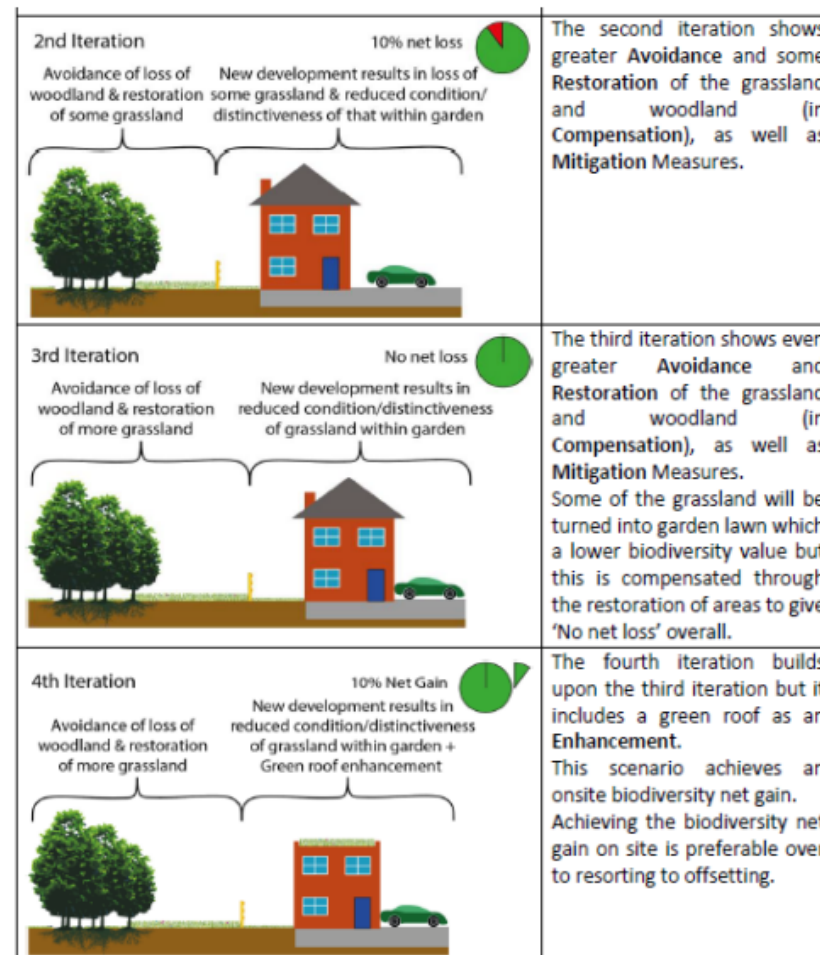
Securing BNG – on-site

Wherever possible, BNG should be **achieved onsite** via the creation or enhancement of habitat

On site habitat can be secured via conditions.

- The **long term management** (30 years +) must be stipulated
- There will be a requirement for **monitoring and reporting**

On-site may not be appropriate to the development of habitats being lost or just won't work on site. In which case off-site habitat creation may be required.



Securing BNG – Off-site

Where BNG can't be achieved onsite. The loss in biodiversity will need to be 'offset' by **creating new habitat somewhere else** (as near as possible to the development)

- All offsite BNG must be **registered** with Natural England via the National Register (approx. £500 registration fee)
- Will be secured through either s106 (landowner & council) or Conservation Covenants (landowner & responsible body) where the land is not owned by the applicant
- Must have evidence of purchase where offsite has been used
- Penalised if sites further afield are used
- Uses a multiplier to target optimum habitats



National Credit Scheme

Natural England will be providing an offsite Biodiversity Credits scheme as a last resort option

- The National Credit scheme is a last resort option while local markets develop
- Credit sales revenue will be received by Natural England and invested in habitat creation projects e.g. Wendling Breck
- [Statutory credit prices](#) have been published. Prices are set high to incentivise local schemes over national credits.
 - Low distinctiveness habits priced per unit at £42,000 rising up to £125,000 for some medium and high distinctiveness habitat credits. The top prices are £650,000 for lake habitats.



5. Calculations and Credits

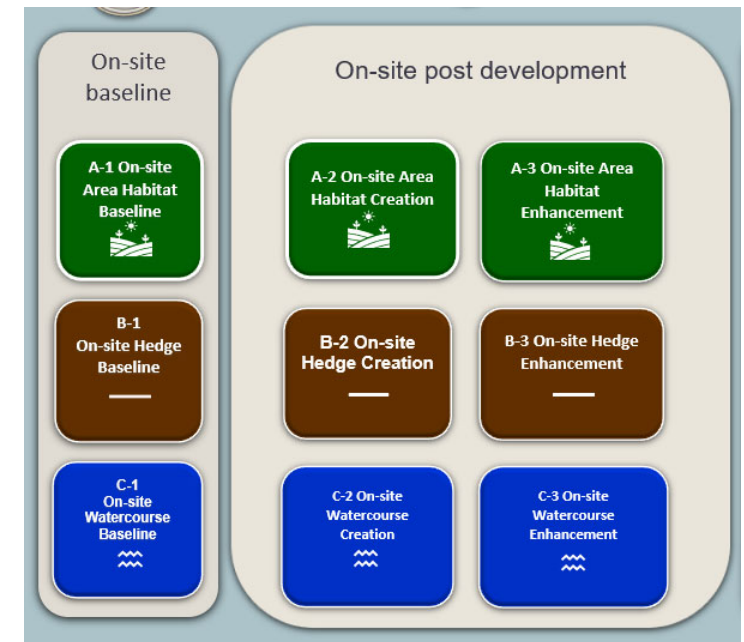
The biodiversity value of a site will need to be calculated using the statutory [Biodiversity Metric \(an Excel spreadsheet\)](#).

This must be completed by a competent person i.e. a **professional Ecologist** and will include a calculation of the pre development baseline and post development baseline.

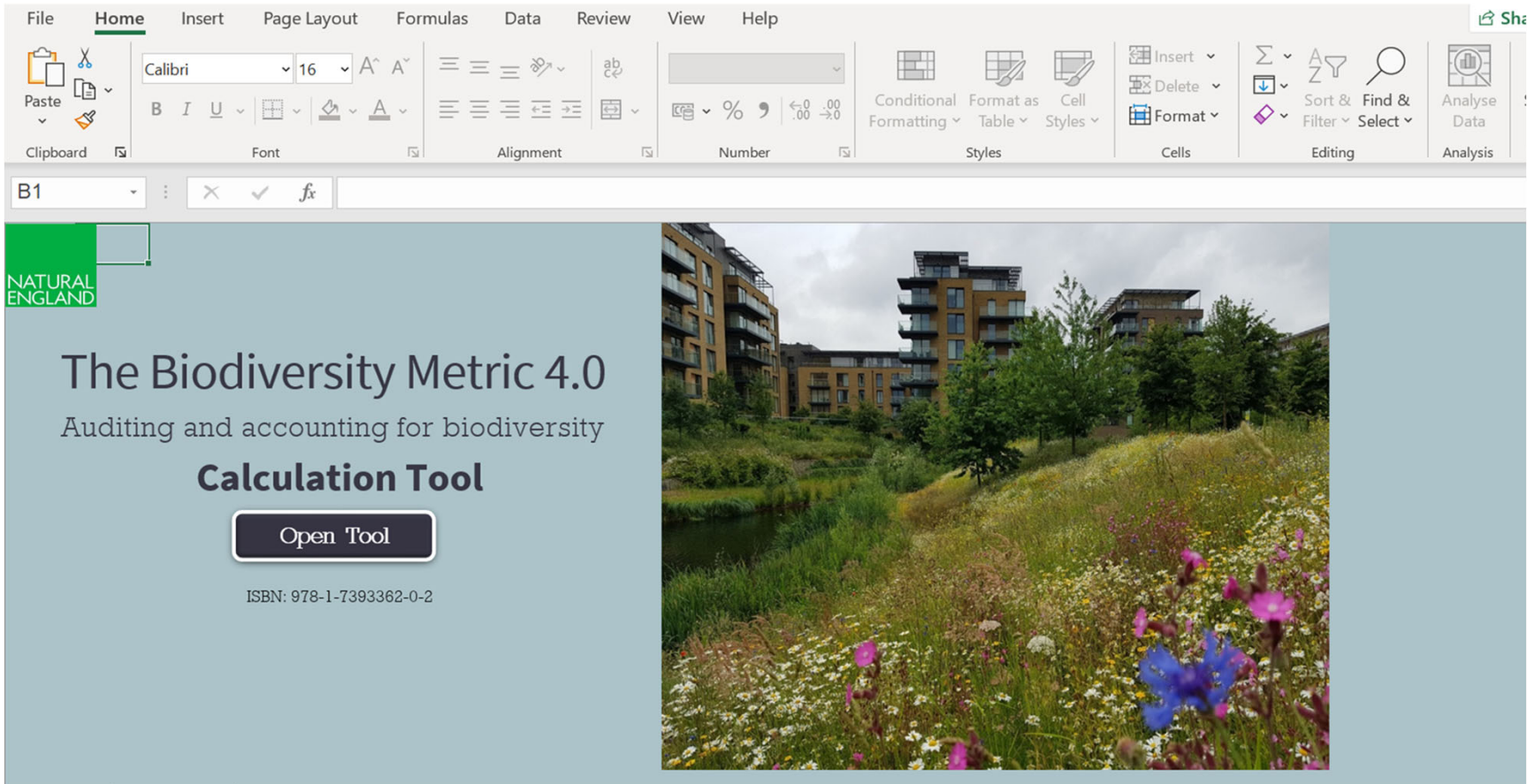
The Biodiversity Metric comprises three separate `modules` of the metric which are a proxy to describe broad type of biodiversity units. These units are:

1. Area habitats (**Green** in the metric)
2. Hedgerows and lines of trees (**Brown** in the Metric);
and
3. Watercourses (**Blue** in the Metric).

BNG applies to **each habitat type** that is present at the **baseline**



The Metric tool



The screenshot shows the Microsoft Excel interface with the 'Home' tab selected. The ribbon includes groups for Clipboard, Font, Alignment, Number, Styles, Cells, Editing, and Analysis. The active cell is B1. The main content area displays a slide with the following text:

NATURAL ENGLAND


The Biodiversity Metric 4.0

Auditing and accounting for biodiversity

Calculation Tool

[Open Tool](#)

ISBN: 978-1-7393362-0-2



The Small Sites Metric (SSM)

A [Small Sites Metric \(SMM\)](#) is available for small sites which is simplified calculator.

Such sites are defined as small sites where the following criteria are met:

For residential developments

- ✓ The number of dwellings to be provided is between one and nine (inclusive) on a site having an area of less than 1 ha
- ✓ Where the number of dwellings to be provided is not known the site area is less than 0.5 hectares

For non-residential developments

- ✓ Where the floor space to be created is less than 1,000 square meters, or where the site area is less than 1 ha

Note - There are exclusions where the small-site calculator is not appropriate, for example, where priority habitats are within the development site

Information Required

Calculation input	Area	Hedgerow	Watercourses
Habitat type	Required	Required	Required
Size	Square metres	Metres	Metres
Distinctiveness	Not required	Not required	Not required
Condition and target condition	Required for some created and enhanced habitats only	Required for some created and enhanced habitats only	Required for some created and enhanced habitats only
Strategic significance	Required	Required	Required
Area retained, enhanced or lost	Required	Not required	Not required
Length retained, enhanced, or lost	Not required	Required	Required

Photographs to evidence habitats

A walkover within 6 months of submission

Evidence of user persons competency

Competent Person

A competent person `the user` must carry out the habitat survey and complete the SSM calculation.

Users of the SSM should be competent in identifying:

- habitats present on site (pre-development)
 - management requirements for habitats to be created or enhanced within the landscape design (post-development)
-
- The competent person does not need to be an ecologist for the SSM.
 - 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 enabling that person to perform specified tasks** in completing and reviewing metric calculations.
 - Where required, evidence should be provided and be signposted within the ‘user comments’ section of the SSM.

Monitoring and enforcement

- **The planning enforcement regime** will be the principal way of enforcing delivery of BNG
- **Reporting required to government on BNG** as part of our enhanced duty under Environment Act

6. Key Legislation



Anti Trash

- The `anti-trash` clause aims to discourage the destruction of habitat prior to submission of an application in order to present an artificially low baseline.
- If after the **20th January 2020** works have happened and damaged habitats the baseline will be taken from before the works occurred.
- Assigning a high condition/distinctiveness is appropriate where the ecologist cannot access the site i.e. should be assumed to be good condition rather than moderate or low

7. Questions

Thank you for listening – Any questions?



Biodiversity Duty

Biodiversity duty

- 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 introduces.
- This means that, as a public authority, we must:
 - Consider what we can do to conserve and enhance biodiversity.
 - Agree policies and specific objectives based on our consideration.
 - Act to deliver your policies and achieve our objectives.

Biodiversity duty

- The Local Authority:
 - Need to complete first consideration of what action to take for biodiversity by 1 January '24 (yet to do this)
 - Need to agree policies and objectives as soon as possible after this
 - Must reconsider actions at least every 5 years
- The Local Planning Authority:
 - Need to report on Biodiversity Net Gain, first report due 1 January 2026

Biodiversity duty

- Way Forward

- No clear guidance on what constitutes first consideration of what action to take for biodiversity. Currently investigating this. Argument we are 'considering' what action to take now through the Biodiversity Task Group.
- There will need to be policies and specific objectives agreed by the council, after the task group has reported its findings.