

Guidance for Applicants: Implementing Biodiversity Net Gain

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Disclaimer

The idea behind biodiversity net gain is simple. The implementation is not. This guide provides an overview of the process of measuring and delivering BNG. It is based on the understood position at the time of writing. Applicants are strongly advised to satisfy themselves that their application is consistent with the relevant legislation, regulation and guidance at the time of submission.

Introduction

Purpose and the legal basis for biodiversity net gain

The purpose of this guidance is to assist applicants for planning permission with implementing the mandatory requirement for a minimum 10% Biodiversity Net Gain (BNG) where this is required as part of a development proposal.

The requirement to deliver statutory BNG came into being for major developments on 12 February 2024, and for minor developments on 2 April 2024.

Definitions of major and minor are dealt with in Part 1 below.

The legal basis for biodiversity net gain arises from The Environment Act 2021 which amends the Town and Country Planning Act 1990 primarily by inserting Schedule 7A (itself amended by section 135 of the Levelling Up and Regeneration Act 2023). References in this guidance to the “1990 Act” are references to Town and Country Planning Act 1990 Schedule 7A unless otherwise stated.

The 1990 Act and associated BNG regulations set out the main components of mandatory biodiversity gain:

1. Development must achieve a minimum 10% gain calculated using the appropriate statutory biodiversity metric. This is a legal requirement. There is no option to negotiate for a lesser figure, for instance on the grounds of viability.
2. Not all development is subject to the need to deliver 10% BNG – there are exemptions.
3. Applicants must submit to the local planning authority a Biodiversity Gain Plan which will describe the pre-and post-habitat value of the site and how BNG will be delivered. The Biodiversity Gain Plan cannot be submitted until the day after permission is granted.
4. The requirement to submit a Biodiversity Gain Plan for approval is a pre-commencement condition contained within the 1990 Act. This means development must not commence until the Biodiversity Gain Plan has been approved by Wyre Council as the local planning authority (LPA).
5. “Significant” onsite habitat and all offsite habitats must be secured for at least 30 years through the use of conditions, planning obligations or conservation covenants as appropriate.

6. BNG may be delivered onsite, offsite, by the purchase of biodiversity units from a habitat bank or via the purchase of statutory biodiversity credits.
7. Land used for offsite net gain needs to be registered on a national register and the units created allocated (via the register) to specific developments.

This Guidance for Applicants explains what net gain is, how it is calculated and how it is implemented. It is intended as a general guide for applicants. It is based on the currently understood position at the time of writing. This edition – v1.3 – has been amended to reflect the revised LPAs validation checklist which now includes BNG matters. It also includes lessons learnt from the first few months of implementing BNG. It provides clear guidance on the application of BNG for minor and major applications. It will continue to be revised as lessons are learnt from the implementation of BNG both nationally and in Wyre. On-going lessons learnt will be published in an emerging learning points document. Both this guidance and the emerging learning points should be read together before prospective applicants submit their planning application.

Exemptions

Not all development types need to provide statutory BNG. The Biodiversity Net Gain Planning Practice Guidance (referred to as “the PPG” from hereon in) (para. 003 and 004) provides a summary of the types of development to which BNG does not currently apply or are specifically exempted by statute.

Please refer to the latest PPG and The Biodiversity Gain Requirements (Exemptions) Regulations 2024 to check if your development is exempt from the BNG pre-commencement condition.

Whether a development is required to meet the minimum 10% BNG requirement or not, where there are impacts on designated environments and species, legal and policy requirements will still need to be addressed. The LPA will also continue to apply Wyre Local Plan Policy CDMP4 Environmental Assets in all cases where the natural environment is a material consideration. This is explained further below.

Note that if your development is not specifically exempted from meeting the minimum 10% net gain requirement, then you must meet the legal BNG requirement i.e. a minimum 10% net gain.

The biodiversity duty

In early 2023, the government published its first revision of its 25-year Environment Plan in the form of the Environmental Improvement Plan 2023. This sets out the so called “apex goal” of improving nature by halting the decline in biodiversity to achieve thriving plants and wildlife. Together with related actions around climate change, water quality, and nutrient neutrality, the Environment Act 2021 and Environmental Improvement Plan arguably signal a step change in government policy on environmental issues and place specific duties on local authorities in this regard.

The Natural Environment and Rural Communities Act 2006 (the NERC Act) originally placed a specific duty on local authorities and other public bodies in the exercise of their functions to “conserve biodiversity” (section 40). The NERC Act as originally enacted did not impose any reporting of implementation obligations upon public bodies. The Environment Act 2021 changes this position by amending the NERC Act by:

1. Amending the biodiversity duty to include the enhancement of biodiversity in England. The amended general biodiversity objective is therefore the conservation and enhancement of biodiversity.
2. Expanding the definition of “public authority” to specifically include a local planning authority.
3. Placing legal obligations on the public authorities in terms of implementation and reporting.

The implementation of BNG and the advice contained in this document should be seen in this context.

Further advice and guidance

Applicants are strongly advised to satisfy themselves that their application will be consistent with the relevant legislation, regulations and guidance. At the time of writing, this includes:

- The Town and Country Planning Act 1990 (schedule 7A)
- the Environment Act 2021
- the Levelling Up and Regeneration Act 2023
- BNG regulations made under the 1990 Act
- Biodiversity Net Gain Planning Practice Guidance (PPG)

- guidance published by Department for Environment, Food and Rural Affairs (Defra)
- statutory metrics and user guides (Defra)
- Wyre Local Plan (2011-2031) (incorporating partial update of 2022)

Links to the above and other guidance mentioned in this guide are provided in Part 11 below.

Please note that the guidance from Defra and the PPG are subject to amendment by the government. In addition, at the time of writing the Wyre Local Plan is being reviewed. Please make sure you are aware of the latest guidance and policies (local and national) at the time you submit your application.

Decisions on planning applications will be based on the legislation, policy and guidance current at the time.

Remember, for applications submitted on or after 12 February 2024 for major development and on or after 2 April 2024 for minor development unless your development is exempted from meeting the BNG requirement, even if you have received a planning permission, you must not commence until you have submitted a Biodiversity Gain Plan to the Local Planning Authority and it has been approved. Commencement before the Biodiversity Gain Plan has been approved will result in enforcement action being taken.

Part 1 - Biodiversity Net Gain

– The Basics

What is biodiversity?

Biodiversity is shorthand for “biological diversity”. It means the variety of all life on Earth. It includes all species of animals and plants – everything that is alive on our planet.

For the purposes of meeting the requirements of the 1990 Act, habitat is used as a proxy measure for capturing the value and importance of biodiversity. Habitat is the natural home or environment of an animal, plant, or other organism.

What is biodiversity net gain?

Environmental net gain in planning describes an approach to development that leaves the natural environment in a measurably better state than it was before the development took place.

At the moment, much of the development that takes place destroys habitat. Even though in some cases this is mitigated by the creation of new habitat, this does not necessarily replace the full value of the habitat that is lost.

The 1990 Act fundamentally changes this equation by creating a statutory requirement that developments (unless exempted) achieve a 10% biodiversity net gain increase compared to the pre-development biodiversity value. This is a mandatory requirement established by the 1990 Act (see Schedule 7A part 1) and is a minimum. As such there is no scope to negotiate for a lesser net gain, for instance on viability grounds.

Net gain requires the replacement of the full value of habitat lost through development plus an additional 10% of the original habitat value.

Biodiversity net gain (BNG) therefore means that natural habitats must be left in a measurably better state after development than they were before the development.

Net gain is achieved by taking measures to avoid, minimise or compensate for biodiversity losses that occur because of development.

BNG can contribute to the delivery of the Lancashire Local Nature Recovery Strategy (LNRS).

Critical to implementing BNG is the measurement of the habitat pre-development value – known as the baseline – and the projected post-development habitat value. The requirement for biodiversity net gain is met if the post-development biodiversity value is greater than the baseline by at least 10%. Further advice on how BNG can be delivered is provided in Part 3 below.

This calculation of the baseline and post development biodiversity value is made using a statutory metric – a series of Microsoft Excel spreadsheets in an Excel workbook – published by Defra. In fact, there are two metrics:

1. The statutory biodiversity metric (referred to as the statutory metric from here on in) which must be used for all qualifying major planning applications.
2. The statutory Small Sites Metric (SSM) which can be used for qualifying minor planning applications (see below for further information on the SSM and when it can and cannot be used). The SSM is a simplified version of the statutory metric.

Applicants for minor planning applications may use the statutory metric out of choice. Details on the operation of metrics are provided below.

Either the official statutory metric or SSM must be used. You must not use any other method of calculating biodiversity net gain.

Major and minor development

BNG applies to major and minor development unless an exemption applies (see below). The terms "major" and "minor" are also referred to as "large" and "small" respectively.

Major development is defined in article 2(1) of Town and Country Planning (Development Management Procedure) (England) Order 2015) as follows:

major development" means development involving any one or more of the following—

- (a) the winning and working of minerals or the use of land for mineral-working deposits;
- (b) waste development;
- (c) the provision of dwellinghouses where—

- (i) the number of dwellinghouses to be provided is 10 or more; or
- (ii) the development is to be carried out on a site having an area of 0.5 hectares or more and it is not known whether the development falls within sub-paragraph (c) (i);
- (d) the provision of a building or buildings where the floor space to be created by the development is 1,000 square metres or more; or
- (e) development carried out on a site having an area of 1 hectare or more.

It follows that “minor” development is development that is not defined as “major”. For instance, “minor” development includes:

- residential development where the number of dwellings is between 1 and 9 on a site of an area less than 1 hectare, or if the number of dwellings is unknown, the site area is less than 0.5 hectares
- commercial development where floor space created is less than 1,000 square metres or total site area is less than 1 hectare
- development that is not the winning and working of minerals or the use of land for mineral-working deposits
- development that is not waste development

The issue of whether a proposed development is defined as major or minor is not simply a matter of semantics; it will impact on how the biodiversity value of a site is calculated. This is addressed further below.

Finally, note that in a coastal district such as Wyre, BNG gain applies to projects or components of projects (schemes/developments) down to the low water mark.

Applying BNG

If your development-type is not specifically exempted, then you need to provide a minimum 10% biodiversity net gain. This is a legal requirement. BNG is applied to approved planning applications by way of a pre-commencement condition.

Development must not commence until the pre-commencement condition has been discharged by the local planning authority.

The pre-commencement condition is set out in paragraph 13 of Schedule 7A of the 1990 Act which states that:

General condition of planning permission

13(1) Every planning permission granted for the development of land in England shall be deemed to have been granted subject to the condition in sub-paragraph (2).

(2) The condition is that the development may not be begun unless—

(a) a biodiversity gain plan has been submitted to the planning authority (see paragraph 14), and

(b) the planning authority has approved the plan (see paragraph 15).

For applications where development is likely to proceed in phases, the condition as described above is amended by The Biodiversity Gain (Town and Country Planning) (Modifications and Amendments) (England) Regulations 2024.

As set out in the condition, it is through the Biodiversity Gain Plan that the applicant demonstrates compliance with the minimum 10% BNG legal requirement. To discharge the condition, the applicant will need to submit an acceptable Biodiversity Gain Plan (see below for further details). The condition is not discharged until the local planning authority has approved the Biodiversity Gain Plan.

Please be aware that the government advise that local planning authorities should not replicate the biodiversity condition within the planning approval decision notice. Instead, it is the government's intention that each decision notice where the BNG requirement applies will include an informative.

Where BNG is "significant" it is a requirement of the 1990 Act that the habitat benefits derived from applying BNG are secured for at least 30 years.

Management and Monitoring arrangements will need to be agreed with the LPA through a Habitat Management and Monitoring Plan (see Part 10 below).

Remember, the condition is in the Act and regulation and must be complied with before development commences. Failure to do so will result in the local planning authority taking enforcement action against the applicant. Where development is required to achieve a minimum 10% BNG there is no scope to negotiate for a lower figure. 10% is the legal minimum allowed.

Part 2 - BNG, Existing Policy and Protections

BNG applies in addition to existing environmental and species protections. BNG does not change existing protections, so current legal and policy provisions - including the latest National Planning Policy Framework and Wyre Local Plan 2031 - relating to development impacts on the natural environment all need to be considered in relation to habitat loss or harm.

National Planning Policy Framework, December 2024

Paragraph's 7 and 8 establish that the purpose of the planning system is to contribute to the achievement of sustainable development, including the environmental objective of protecting and enhancing the natural environment including improving biodiversity. Biodiversity net gain should be seen in this broad context.

More specifically, paragraph 187 states that planning policies and decisions should, amongst other things, contribute to and enhance the natural and local environment by minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.

Paragraph 193 states that 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 or enhance public access to nature where this is appropriate. However, planning permission should be refused if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for. This is the mitigation hierarchy.

The Wyre Local Plan 2011-2031

The Wyre Local Plan 2011-2031 (incorporating partial update of 2022) includes Policy CDMP4 Environmental Assets. Part 10 of that policy states that:

The Borough's designated and undesignated ecological assets will be protected, enhanced and managed with the aim of preserving functional networks which facilitate the movement of species and populations and protect the Borough's biodiversity. Development should contribute to the restoration, enhancement and connection of natural habitats through the provision of appropriate Green Infrastructure and to a net gain in biodiversity where possible.

The policy in as far as it relates to net gain does not require a specific percentage increase in net gain. For the avoidance of doubt, this position is superseded by the minimum 10% BNG requirement of the 1990 Act which takes legal precedent. However, the LPA will still apply Policy CDMP4 in making decisions on planning applications. This includes proposals that are required to deliver 10% net gain *and* proposals that are exempted from the 10% net gain requirement. For the avoidance of doubt, in line with Policy CDMP4, all applicants should consider as appropriate how their application will contribute to:

1. The preservation of functional networks which facilitate the movement of species and populations.
2. The protection of the Borough's biodiversity.
3. The restoration, enhancement and connection of natural habitats through the provision of appropriate Green Infrastructure.

It is common that many developments are required to deliver onsite benefits to be compliant with policies in the Local Plan. This includes the requirement for green infrastructure and sustainable drainage solutions.

As a matter of principle land used to meet other statutory and policy requirements may also be counted towards the BNG requirement but only where the uplift in biodiversity value is recognised in completion of the statutory metric calculation.

However, care must be taken to ensure that land used to meet BNG and other policy requirements (such as green infrastructure) can still be managed to deliver the requisite habitat value established through the metric calculation. In particular, the target habitat condition must not be placed in jeopardy. The use of a Habitat Management and Monitoring Plan or Biodiversity Implementation Plan

(as appropriate) and any associated legal agreement or condition(s) will be a critical aspect of evidencing that any conflicts can be appropriately managed (see Part 9 below).

As BNG represents a habitat-based approach to biodiversity, the LPA will, where appropriate, continue to require development to incorporate species-focused features such as bird and bat boxes.

Importantly, BNG does not override compliance with environmental designations which will still need to be demonstrated by the applicant including requirements relating to:

- protected or important sites
- protected or important species
- irreplaceable habitats

A development cannot avoid these policy and legal requirement by virtue of delivering a net gain. For instance, if there are protected species on the site the impact of development should be considered in the same way as they are currently. BNG would then be additional to this consideration.

Where the delivery of BNG is on land also to be planned as green infrastructure applicants may wish to consider how their development proposals accord with the Green Infrastructure Framework published by Natural England. In addition, the council's own guidance for applicants on the incorporation of green infrastructure into new residential developments should be consulted.

Irreplaceable habitats

The National Planning Policy Framework (NPPF) December 2023 Glossary defines "irreplaceable habitats" as

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.

The Biodiversity Gain Requirements (Irreplaceable Habitat) Regulation 2024 contain an initial list of irreplaceable habitats, to support the launch of mandatory BNG. These are:

- ancient woodland
- ancient and veteran trees
- blanket bog
- limestone pavements
- coastal sand dunes
- spartina saltmarsh swards
- mediterranean saltmarsh scrub
- lowland fens

All of these habitats are present in Wyre except for limestone pavements.

The National Planning Policy Framework (December 2024) policy on irreplaceable habitats is set out at paragraph 193(c):

development resulting in the 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.

For BNG purposes, the 10% net gain requirement is not applied to irreplaceable habitats, as they are so valuable, they cannot be easily recreated.

However, irreplaceable habitats must still be recorded in the biodiversity metric, but any impacts to these habitats will flag as unacceptable requiring bespoke compensation to be agreed with the planning authority. If there are no impacts, enhancement of irreplaceable habitats can contribute to towards to the calculation of the post-development biodiversity units.

Importantly, offsite biodiversity units and statutory biodiversity credits cannot be used to compensate for the loss of irreplaceable habitat.

You'll still need to achieve 10% BNG based on any other non-irreplaceable habitat present on your development site.

If you believe your site contains irreplaceable habitats, you are strongly advised to take appropriate professional advice as soon as possible and to contact the LPA using the pre-application service, to discuss how impacts can be avoided and where necessary what compensation measures will be acceptable.

Further advice on how irreplaceable habitats are addressed within BNG can be found at para. 042 of the PPG.

Very High Distinctiveness Habitats (VHDH)

Within the metric scoring system, some habitats may be defined as being of “very high distinctiveness”. This is defined in the statutory metric User Guide as referring to habitats that are highly threatened and internationally scarce and which require conservation action. In some cases, such habitats may also be irreplaceable habitats. The User Guide makes it clear that impacts to VHDH should be avoided and if this is not possible, bespoke compensation may be required.

When the bespoke compensation option is used to address impacts on VHDH, priority should be given to replacing losses with units of the same habitat type; if this is not possible, losses should be replaced by appropriate units of the same habitat distinctiveness; or if that is not possible, appropriate area units of a high habitat distinctiveness.

If it is likely that irreplaceable habitats and/or very high distinctiveness habitats are present on your site, you are strongly advised to take professional advice as soon as possible and to contact the Local Planning Authority, using the pre-application service, to discuss how impacts can be avoided and where necessary what compensation measures will be acceptable.

Impacts on VHDH will be assessed on a case-by-case basis.

Habitat degradation

The government is keen to avoid situations where habitat is deliberately degraded to lower the baseline pre-development value of land. Where the LPA considers that this has occurred, the 1990 Act states that where such activities have been undertaken on land on or after 30 January 2020 unless undertaken in accordance with the grant of planning permission, or other permission specified by the Secretary of State, the pre-development biodiversity value of the onsite habitat is to be taken to be its biodiversity value immediately before the carrying on of the activities.

It is advised that land is researched prior to purchase for development, as habitat degradation may have occurred at hands of the previous owner.

If activities in connection with planning permission were carried out after the 25 August 2023 that lower the biodiversity value of the onsite habitat, then the pre-development biodiversity value of the onsite habitat is taken to be the biodiversity value immediately before the carrying out of the activities.

Benefits from nature

Simply meeting the requisite number of BNG units is not sufficient to meet national and planning policy. In considering the proposed biodiversity solution the LPA will wish to consider whether this provides the best solution for nature. The natural environment provides many benefits – also called ecosystem services. These include:

- water quality regulation and natural flood management
- air quality regulation
- climate regulation especially in cities and towns
- carbon storage and sequestration
- mental and physical health including recreation and wildlife for enjoyment and appreciation
- education
- quality and design – including sense of place
- food – crops and livestock; fish
- timber
- fresh water supply
- pollination

Remember, applications must be in accord with local and national planning policies and legal and policy protections applied to specific species and habitats. Just because a development delivers 10% BNG does not override these other legal and policy requirements.

Part 3 - Onsite BNG

Simply meeting the minimum 10% BNG requirement is not enough. Careful consideration needs to be given to *how* BNG will be delivered. Biodiversity net gain delivers *measurable* improvements for biodiversity by creating new habitat or enhancing existing habitat. Biodiversity net gain can be achieved:

1. Onsite.
2. Offsite.
3. Through a combination of onsite and offsite measures.

Applicants may also purchase statutory biodiversity credits direct from the government, although this has been deliberately framed as a last resort option.

This section of the Guide addresses onsite BNG. Offsite is described in Part 4.

Delivering onsite BNG

Onsite habitat creation and enhancement includes all land within the boundary of a planning application. In a planning context, this means within the red line boundary. This does **not** include land within the 'blue line' boundary (land in the ownership of the applicant outside of the red line boundary).

Where onsite BNG is "significant" it must be managed and maintained for at least 30 years after the development is completed. Management and monitoring will be described in a Habitat Management and Monitoring Plan (HMMP). The form of the management and monitoring will be controlled by:

- condition subject to which the planning permission is granted; or
- planning obligation (s106 agreement); or
- conservation covenant (see Part 4).

More details on the Biodiversity Gain Plan and HMMP can be found in Parts 9 and 10 respectively).

The definition of "completion" and hence the beginning of the 30-year period must be agreed with the LPA either as part of any s106 agreement or through a condition relating to the HMMP. As advised by the PPG (para. 022) the use of building completion notices may not be an appropriate method of defining the point of completion. In addition, completion should be regarded as including the completion of the whole development including any onsite habitat creation and

enhancement. The habitat creation or enhancement should take place before the completion of the whole development.

Please note that where the 30-year management and monitoring regime applies, the LPA may require the submission of regular monitoring reports, the administration of which will require the payment of a fee. This is addressed in more detail below at Part 10.

Where BNG is agreed to be non-significant, the 30-year management and monitoring regime does not apply. However, by the application of a condition the LPA will require the submission of a Biodiversity Implementation Plan (BIP) (see Part 10 below).

Unlike offsite BNG (see below), onsite BNG does not currently need to be registered with the government.

Defining “significant” onsite BNG

Whether or not BNG is to be treated as “significant” is a key consideration.

“Significant” is not precisely defined by the government as it will depend on the site specific circumstances. However, Defra guidance Make Onsite Gains as a Developer states

Significant enhancements are areas of habitat enhancement which contribute significantly to the proposed development’s BNG, relative to the biodiversity value before development.

Retention of existing habitat does not count as an onsite enhancement.

What counts as a significant enhancement will vary depending on the scale of development and existing habitat, but these would normally be:

- habitats of medium or higher distinctiveness in the biodiversity metric
- 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 where distinctiveness is increased relative to the distinctiveness of the habitat before development
- areas of habitat creation or enhancement which are significant in area relative to the size of the development

- enhancements to habitat condition, for example from poor or moderate to good.

Examples of significant enhancements include creating a wildflower meadow or a nature park.

The maintenance of these significant enhancements must be secured with a legal agreement (planning obligation or conservation covenant) or planning condition for 30 years in the same way as offsite gains. LPAs will consider the most appropriate mechanism and this will need to be agreed at the planning permission stage.'

From this guidance it is clear that significance is site specific and will involve a consideration of a number of interrelated factors as follows:

- size of onsite habitat being enhanced/created relative to the size of the development
- the type of habitat being enhanced/created and its distinctiveness relative to the baseline
- the condition of the habitat being enhanced/created relative to the baseline
- the number of biodiversity units being created on site relative to the baseline

As significance is a product – in part at least - of the difference between the pre-development baseline and the post development position (in biodiversity units) where an applicant is seeking to demonstrate non-significance the LPA may require satisfactory completion of both the baseline and post development metric calculations.

Note that:

1. Non-significant enhancement can count towards BNG and don't need to be secured by legal agreement. However, the LPA will use conditions to secure non-significant BNG in the form of a Biodiversity Implementation Plan and may wish to use conditions or legal agreements to secure the protection, enhancement or creation of habitat in the pursuit of other policy objectives, including where development impacts locally important species or ecological networks.

2. Where BNG is non-significant, the statutory BNG condition still applies and hence a Biodiversity Gain Plan will still be required to be approved by the LPA before development can commence.
3. A site may contain significant and non-significant BNG elements.
4. Retention of existing habitat does not count as onsite enhancement but must still form part of the baseline and post-development calculation. This being the case, the LPA will require retained habitat to be part of agreed management plans for BNG (Habitat Management and Monitoring Plan for significant BNG or Biodiversity Implementation Plan for non-significant BNG).
5. Onsite BNG should start as soon as possible or at least within 12 months of the development commencing.

It is the LPAs preference that applicants should meet the BNG requirement by creating/enhancing habitats on the development site in question where this provides an acceptable ecological outcome and is capable of being managed and maintained accordingly. This is in-line with the legal requirement to apply the Biodiversity Gain Hierarchy (see Part 6 below for further details). The LPA will want to see evidence that any habitat creation is capable of being managed in such a way that it is not negatively impacted by potential disturbance by users of the new development or others who may have cause to be in proximity to the land in question. If onsite BNG is not appropriate, the applicant will need to consider offsite solutions including purchasing credits from a suitable habitat bank (see below).

Where onsite BNG is being proposed, the LPA will expect that applications for planning permission will provide detailed proposals as part of plans, drawings and supporting information. This is a particular expectation for full applications. It is accepted that for outline applications the means of delivering BNG may not be fully understood. In all cases, however, the applicant should provide as much information as possible in the form of a Biodiversity Gain Statement (see Part 7 below).

The determination of planning applications - applying significance – key principles

For the determination of planning applications, the LPA will apply the following principles to the question of whether or not BNG is “significant”:

1. Where habitat creation and enhancement is taking place onsite wholly or in part BNG is to be treated as “significant” unless demonstrated to be non-significant by the applicant.
2. The determination of “significance” is a site-specific matter and the particular circumstances of the site and its existing and proposed habitat value. As such, each case will be treated on its merits taking into account these principles.
3. The onus is on the applicant to clearly justify non-significance by reference to:
 - (a) The relative gain in biodiversity units compared to the baseline; and/or
 - (b) The change in habitat types; and/or
 - (c) The change in habitat condition; and/or
 - (d) The change in the area of habitat (hectares or linear metres for linear habitats (watercourses and trees/hedgerows)).
4. For full applications, where the applicant proposes that the habitat creation or enhancement should be treated as “non-significant” the LPA will seek the completion of both the baseline and post development metric. This will allow for an analysis of the pre and post development biodiversity units scores and will establish the pre and post development habitat types and their distinctiveness rating. A failure to provide the post development metric will impact on the ability of the LPA to assess the BNG proposals and as such may lead to a refusal.
5. For outline applications, unless the applicant can demonstrate to the LPAs satisfaction that the increase in biodiversity value is non-significant, net gain is assumed to be significant.
6. Significant onsite BNG associated with a minor development will normally be controlled through planning conditions with a s106/Unilateral Undertaking for the 30-year monitoring fee.

7. Significant onsite BNG associated with major development will normally be controlled through a s106 agreement to be signed prior to consent, with limited conditions on the decision notice.
8. The Small Sites Metric does not include high or very high distinctiveness habitats. Where a small site includes high or very high distinctiveness habitats the main statutory metric must be used and the net gain will be treated as “significant” in-line with Defra guidance.

Onsite significant BNG – legal implications for the determination of planning applications

As set out above, unless the applicant is planning to use a conservation covenant (see Part 4 below), the LPA will wish to use either s106 agreements or conditions to mandate the 30-year management and monitoring period.

The onsite BNG legal options are summarised below.

Heads of Terms s106 - May be appropriate if the applicant is unable to provide the full description of how BNG will be delivered. This would include if the application were an outline and BNG delivery unknown or uncertain. If the Heads of Terms (HoT) s106 is signed and permission issued, the full s106 – probably through a deed of variation – will be required before the BG Plan is signed off.

Full s106 - A full s106 may be appropriate for full applications where the applicant has set out how BNG will be delivered through a HMMP and draft BG Plan.

Unilateral Undertaking - A Unilateral Undertaking template provided by WBC may be used for the payment of the monitoring fee. This would be appropriate where BNG is being controlled through conditions, for instance where we are dealing with minor development.

For major development and any minor development that requires a s106 prior to issuing the decision notice, the normal approach will be to keep the legal agreement separate from any other s106 requirements such as affordable housing. This is to keep things simple given the complexity of BNG.

When considering planning applications involving onsite significant BNG, the most appropriate legal route will depend on whether the application is for minor or major development. The general rule of thumb the LPA will use to

determine the most appropriate approach is set out below. Applicants are advised to take this into account when preparing their planning applications:

Minor development

Rule of thumb – Minor development will normally be managed by conditions with a Unilateral Undertaking (UU) or s106 for the monitoring fee. We will issue the decision notice in advance of any legal agreement relating to the monitoring fee.

Route to decision

1. Application with metric and BG Statement
2. Approve with BNG conditions and informatives
3. Biodiversity Gain Plan with Habitat Management and Monitoring Plan (HMMP) with s106 or UU for the monitoring fee
4. Decision on the Biodiversity Gain Plan and HMMP.

Major development

Rule of thumb – Major development will normally be managed by a s106 (full or Heads of Terms) to be signed prior to approval. Less detailed conditions will be needed. The HoT/s106 will need to include reference to the need to pay the monitoring fee. Where a HoT has been engaged, a full s106 (deed of variation) will be required to sign off the BG Plan.

Route to decision:

1. Application with metric and Biodiversity Gain Statement
2. s106 (full or HoT)
3. Approve with limited BNG conditions and with informatives
4. Biodiversity Gain Plan with Habitat Management and Monitoring Plan and s106 (deed of variation if needed)
5. Decision on the Biodiversity Gain Plan and HMMP.

In some cases, the rule of thumb will not apply e.g. a minor development with significant BNG impact; a major development with limited BNG impact.

For onsite significant BNG in terms of legal agreements, based on the above rules of thumb, the options are as follows:

Onsite non-significant BNG

Not all onsite BNG solutions will be defined as “significant” but will still count towards the 10% BNG requirement. Where onsite BNG is deemed to be “non-significant”:

1. A s106 or conservation covenant is NOT required.
2. A BG Plan IS still required. We still need to agree the BG Plan before development can commence.
3. There is no monitoring fee.

Conditions will still be required as although there is no need for a HMMP it would still be reasonable to require a Biodiversity Implementation Plan (BIP) to set out how the habitats to be provided will be created/enhanced and managed. This will do a similar job to a Habitat Management and Monitoring Plan (see Part 10 below). The route to decision would be:

1. Application with metric and Biodiversity Gain Statement
2. Approval with condition(s) and informative
3. Biodiversity Gain Plan with Biodiversity Implementation Plan
4. Decision on the Biodiversity Gain Plan with Biodiversity Implementation Plan

Part 4 - Offsite BNG

Delivering BNG offsite

Defra has provided on-line guidance on delivering BNG offsite. You are advised to familiarise yourself with the options and processes involved before submitting your planning application if this is a route you are expecting to follow.

Offsite habitat creation and enhancement refers to all land outside of the red-edge boundary, regardless of ownership. Offsite delivery may be on land in the applicant's ownership including that within the "blue edge". It may also be on land in the ownership of a third party and on land where the biodiversity units have already been created by the landowner and the subsequent habitat credits have been made available for sale at a cost (known as habitat banking).

The offsite delivery of BNG can be in different forms:

1. Habitat creation and/or enhancement works within the ownership of the applicant including within the blue edge.
2. Habitat creation and/or enhancement on land elsewhere.
3. By the purchase of offsite biodiversity credits including from a habitat bank.
4. By the purchase of statutory biodiversity credits from Natural England.

One way or another all offsite BNG must be controlled through a legal agreement. The use of conditions on planning approvals may therefore be limited. However, the LPA will not necessarily be a party to the legal agreement (i.e. if the applicant is providing BNG through a conservation covenant with a responsible body – see below).

At the time of writing, Wyre Council is not proposing to offer a habitat bank service on its own land, although this will remain under review. It is the government's intention that landowners across the country will offer habitat banking services, selling biodiversity units at a pre-determined price creating a habitat banking market. It is for potential applicants to investigate the possibilities of using habitat banks to deliver the requisite biodiversity units to satisfy the net gain requirement.

Offsite biodiversity gain sites must be maintained for at least 30 years after the completion of the works to create or enhance the habitat (see management and monitoring below).

Any offsite biodiversity creation or enhancement will need to be secured through a planning obligation (e.g. s106 agreement) or conservation covenant.

Where habitat is being created or enhanced on land outside of the red-edge, the land involved will need to be registered with Natural England and allocated to the development being proposed. This includes any land within the ownership of the applicant. Natural England will impose a charge for registration and allocation.

A legal agreement with the council (or Responsible Body if following the conservation covenant route) will be required to secure the habitat for at least 30 years from the agreed completion date. Applicants should consider whether or not the BNG creation will be better managed as part of the red line application boundary. The offsite rule of thumb and route to decision is:

Rule of thumb - If the applicant is proposing to deliver BNG off site including the purchase of biodiversity units, the LPA will apply the Biodiversity Gain Hierarchy (see Part 6 below). Prior to the issuing of a decision notice, unless the applicant is proposing to purchase offsite biodiversity units including statutory credits, or is proposing to use the conservation covenant route, the LPA will require a Heads of Terms s106 or full s106 signing.

Route to decision (offsite in Wyre including within the blue edge):

1. Application with metric and Biodiversity Gain Statement
2. Biodiversity Gain Hierarchy consideration
3. S106 (HoT or full) (unless using a conservation covenant)
4. Approve with relevant BNG conditions
5. Register land with Natural England (applicant) (this will need the full legal agreement)
6. Allocate land to the development with Natural England (applicant)
7. Biodiversity Gain Plan with Habitat Management and Monitoring Plan if necessary and copy of legal agreement (see earlier stage)
8. Decision on the Biodiversity Gain Plan with Habitat Management and Monitoring Plan

Route to decision (off site including using a conservation covenant) -

1. Application with metric and Biodiversity Gain Statement
2. Biodiversity Gain Hierarchy consideration
3. Approve with condition(s) as required
4. Biodiversity Gain Plan with conservation covenant or s106
5. LPA to check registration/allocation, proof of purchase and correct number of units bought.
6. Decision on the Biodiversity Gain Plan.

Conservation covenants

The LPA does not necessarily need to be a party to a legal agreement – the agreement can be in the form of a conservation covenant with a so called “responsible body” (note that conservation agreements can also be used for onsite significant BNG).

In law, a conservation covenant is a private, voluntary agreement to conserve the natural or heritage features of land. A conservation covenant agreement must:

- be for the public good
- have a conservation purpose

A conservation covenant agreement must be between:

1. A landowner who holds freehold title of the land or a leaseholder – if you’re a leaseholder, you must have a lease of more than 7 years with time remaining on it; and
2. A responsible body.

A responsible body can be:

- a local authority
- a public body or charity, where at least some of its main purposes or functions relate to conservation
- a private sector organisation, where at least some of its main activities relate to conservation

Responsible bodies must be registered with Natural England through a separate application process. Defra has produced guidance on registering as a responsible body. Defra maintain a public list of responsible bodies.

Defra has also produced guidance on the use of conservations covenants. If you are providing BNG offsite, you are strongly advised to familiarise yourself with this guidance. You may need to take independent legal advice.

Offsite habitat creation or enhancement is required to be registered with Natural England and allocated through them to the land on which planning permission is sought before development can commence (see below for further details).

Evidence will be required that this is the case.

Any accompanying legal documentation relating to offsite provision will need to be submitted to the LPA as part of the Biodiversity Gain Plan.

All offsite gains must be delivered in England with priority given to local delivery – see spatial hierarchy below.

Where a conservation covenant route is being used, the LPA will wish to ensure that any such agreement satisfies the BNG requirement This includes ensuring that:

1. A legal mechanism exists to deliver the requisite number of biodiversity units over a specific timescale and to a stated condition (based on an agreed BNG metric – see below).
2. There is a clear definition of responsibilities held by the landowner, responsible body and any other parties to the agreement.
3. There are no conflicting consents, licences or permissions for the site.
4. Any additional consents, licences or permissions required to deliver BNG have been obtained.
5. There is a clear approach to unforeseen events (*force majeure*) and any habitat reinstatement works as a result.
6. There is a commitment on behalf of the landowner and any other party as necessary to managing the habitat for at least 30-years.
7. There is evidence that the BNG solution is based on appropriate biodiversity baseline, condition and post-intervention assessment using the statutory metric and that no “red flags” (i.e. fundamental errors) in the metric are present.

8. Where irreplaceable and very high distinctiveness habitats are present, that these have been addressed in accordance with the metric, any supporting guidance, and any relevant regulations.
9. All relevant legislation has been complied with including that relating to protected species and national and international designations.
10. The proposed approach delivers the best outcomes for biodiversity in-line with the biodiversity objective established by the 1990 Act.
11. An appropriate Habitat Management and Monitoring Plan is in place.

Statutory biodiversity credits

In addition, to the above options, the government has created the statutory biodiversity credit scheme. Its purpose is to allow the UK government to sell biodiversity credits to applicants if the required biodiversity net gains cannot be achieved onsite or through the offsite market. It is a last resort solution. As such, the price of biodiversity credits available through the national scheme is intended to act as a disincentive to their use (the priority is on/off site delivery of new and enhanced habitats). Defra has produced guidance on the operation of the statutory credits scheme. Statutory credit scheme unit prices are available from Defra. Prices are reviewed on a regular basis by Defra.

Natural England will sell the statutory biodiversity credits on behalf of the Secretary of State. Guidance from Defra explains that the role of the LPA is to confirm that the purchase of statutory credits is acceptable based on the evidence provided by the applicant/developer. The statutory biodiversity credit will be in the form of a Proof of Purchase. If you wish to use this option, the LPA will require evidence that the Proof of Purchase has been obtained and that the requisite number of biodiversity units has been bought. Note that if you are considering the purchase of statutory biodiversity credits the metric calculation of the number of biodiversity units required to deliver net gain is still required.

The use of statutory credits must be explained in the Biodiversity Gain Plan which should also include proof of purchase. When considering purchasing statutory credits you applicants will need to apply the Biodiversity Gain Hierarchy (see below), which promotes onsite solutions and those offsite solutions local to the development site and the local authority in which it sits. The LPA will need to

be satisfied that the hierarchy has been appropriately applied and that statutory credits is the most appropriate solution.

Note that if a developer needs less than 0.25 biodiversity units (area or linear) to deliver BNG, they can buy statutory credits without showing evidence that insufficient offsite options are available, although evidence is still required demonstrating that onsite BNG solutions have been considered and the reasons why this is not possible.

Part 5 - Measuring BNG - The Biodiversity Metric

This section introduces the method by which the site habitat value and hence net gain is calculated. This is very general overview only. You may wish to seek advice from an appropriately qualified ecologist if you require a more detailed understanding.

There are two metrics that calculate the pre and post-development biodiversity value of a site. These are:

The Statutory Biodiversity Metric – this must be used for all major developments and in some cases minor developments.

The Small Sites Metric (SSM) (Statutory Biodiversity Metric) – this can be used for minor development but only where the BNG solution is onsite.

All offsite solutions must use the Statutory Biodiversity Metric.

The SSM cannot be used where the following are present on the site:

1. Priority habitats (excluding some hedgerows and arable field margins). The list of priority habitats in England is published by Defra and Natural England (see link in Part 11 below).
2. Protected sites e.g. Sites of Special Scientific Importance.
3. European protected species (see The Conservation of Habitats and Species Regulations 2017, including the Schedule 2 list).

If any of the above applies, the Statutory Biodiversity Metric must be used. You are strongly advised to see professional ecological advice if your site contains, or you think may contain habitats or species in the above categories.

Applicants applying for planning permission on small sites may choose to use the Statutory Biodiversity Metric instead. The difference between the metrics lies in the level of detail involved in the calculation of habitat value. In addition, the SSM cannot be used for the creation or enhancement of offsite habitat. This is explained further below.

The SSM is intended to be a simpler to use version of the statutory metric. Due to the way in which the metrics calculate habitat value and the level of detail

involved (the SSM is simpler), applying both metrics may provide a different habitat value for the same habitats.

However, you must submit only ONE of these metrics with your application. You cannot submit both metrics for example covering different parts of the site.

Links to the latest Statutory Biodiversity Metric and Small Sites Metric, user guides and additional government guidance are in Part 11 below.

Note that applicants must use either the Statutory Biodiversity Metric or SSM (as appropriate) where BNG applies. Failure to do so will render your application invalid.

Defra do not intend to make major changes to the metric before 2026; however, minor updates may be undertaken before then to fix any errors. Therefore, users must check they are using the most recent version.

Calculating habitat value

At the heart of the net gain requirement is the measurement of habitat value. As described above, there are two metrics published by Defra. In both cases the metric is an Excel spreadsheet-based tool.

In both cases, the metric comprises three separate “modules” based on three broad habitat types as follows:

1. Area habitat(s).
2. Linear - hedgerow habitat(s).
3. Linear - watercourse habitat(s).

The metrics assign every habitat on a site a ‘unit value’ – referred to as a biodiversity unit (BU). The minimum 10% net gain is applied to the pre-development baseline habitat score and must be reflected in the required post-development habitat score.

It is important to appreciate that the minimum 10% BNG is applied separately to habitats in each module. In addition, area and linear biodiversity units cannot be summed together, traded or converted between the modules.

By way of example, a site with a baseline habitat score of 50 BU must produce a minimum uplift of 5 BU (10% of 50) and therefore the development must

achieve a total post-development habitat score – using the delivery approaches explained above - of at least 55 BU.

If more than one module is engaged, each must be completed and the 10% net gain applied to each.

By way of example, a site which encompasses a field (area habitat), that includes hedgerows and a watercourse (linear habitats) will need to provide a minimum 10% BNG uplift for the field habitat(s) and 10% for the hedgerow habitat(s) and 10% for the watercourse habitat(s), as demonstrated in table 1 below.

Table 1 – Applying BNG in habitat modules

Module	Pre-development habitat value (baseline) (BU)	10% uplift (BU)	Total BU required post development
Area (e.g. a field)	40	4	44
Linear (e.g. hedgerows)	20	2	22
Linear (e.g. watercourse)	10	1	11

Thus, separate metric calculations – baseline and post development condition - will be required for each of the three habitat modules where the relevant habitats are present.

The spreadsheet-based approach of the metrics means that they can be manipulated to reflect changes both in the baseline condition – for example by reducing the impact of a proposed development on the habitats within a site by adjusting the development footprint – and changes in the proposed habitat and hence net gain, for instance by changing the type of replacement habitat. In this way the metric can be used by the applicant to model different development scenarios and net gain outcomes. This will be useful in applying the mitigation and biodiversity gain hierarchies as explained below.

When you submit your planning application as a minimum this must be accompanied by the relevant metric (statutory or SSM) providing the baseline condition level.

The LPA will only accept the official statutory metric published by Defra. We will not accept alternative metrics. When the metric is submitted as part of a planning application, it should be provided in Excel format. The LPA will not

accept a PDF copy of the metric nor will the LPA accept a summary of the full metric calculations.

Failure to submit an appropriately completed metric will render the submitted application invalid.

It is important to highlight at the outset that the metric is designed to inform decisions, not to override expert opinion. In assessing any submitted metric, the LPA will not only need to be satisfied that the baseline position has been correctly assessed and scored, but that any proposed biodiversity gain solution is based on sound ecological principles and appropriate expert advice.

Agreeing the relevant date

The 1990 Act states that the pre-development biodiversity value (i.e. the baseline as calculated by the statutory metric) for the purposes of submitting the Biodiversity Gain Plan is taken to be the date on which planning permission is *granted* unless an earlier date is agreed by the local planning authority. In the language of the metric, this is the 'relevant date'.

In addition, as part of the planning application form, an applicant will need to identify the date being used for the calculation of the pre-development onsite biodiversity value (i.e. the baseline). This is either: the date of the application; or a proposed earlier date. If the applicant proposes an earlier date, they must provide the reasons for this. This earlier proposed date cannot be a date which is before the day on which Schedule 7A came into force in relation to the development (12 February 2024 for major development and 2 April 2024 for minor development).

Applicants are strongly advised to agree the date of the metric calculation with the LPA if this is likely to be significantly prior to the submission of the application.

If, during the consideration of a planning application, the LPA determines that there has been a material change in habitat value, applicants must submit a revised metric and any supporting evidence as appropriate.

Competency

Whichever metric is used, a 'competent person' should conduct the habitat survey and assessments and complete the metric tool. This is the first principle in both metrics.

A 'competent person' is defined in the statutory metric User Guide as a person that has the knowledge and skills – obtained through training, qualifications, experience, or a combination of them - to perform specified tasks to complete and review biodiversity metric calculations.

Note that to undertake a River Condition Assessment assessors must be trained and accredited in the River Condition Assessment methodology.

The metric user guides align competency to the British Standard Process for designing and implementing biodiversity net gain (BS 8683:202).

It is the applicant's responsibility to ensure that the competency requirement is met.

For those completing the SSM the competent person does not have to be an ecologist and the LPA will not need to verify the competent person.

For applicants completing the statutory metric, we strongly advise that ecological surveys, any impact assessments and the production of the biodiversity gain plan and habitat management and monitoring plan are carried out by suitably qualified ecologists.

Please note that in the case of the completion of the Statutory Biodiversity Metric and SSM, failure to provide a competent assessment of habitat value is likely to require any applicant to undertake additional work to provide a satisfactorily completed metric.

Strategic significance

Both the statutory metric and SSM scoring system includes a consideration of the extent to which the site in question (this may be the development site or the location of the offsite provision, or both) is strategically significant. The statutory metric scores strategic significance as follows, with the greater the significance the higher the score (biodiversity value):

1. High strategic significance means formally identified in a local strategy.

2. Medium strategic significance means the location is ecologically desirable but not in local strategy. This category will cease to have effect once the Lancashire Local Nature Recovery (LNRS) has been published.
3. Low strategic significance means the site/compensation land not in a local strategy/ no local strategy.

The SSM adopts a simpler approach, excluding the medium significance category. Strategic significance should be considered for each habitat type entered into the metric not on a whole site basis.

It is envisaged that the Lancashire Local Nature Recovery Strategy will be used to determine which habitats are considered to be of strategic significance in Wyre. At the time of writing (March 2025), the LNRS has yet to be published. As it becomes available, up to date information on the Local Nature Recovery Strategy and how this can be used to determine strategic significance will be published in updates to this guidance. In the absence of a LNRS or any local habitat or biodiversity strategy, the Wyre Council local plans team has created an interactive map identifying key environmental designations. These should be considered to have HIGH strategic significance for biodiversity and should be scored accordingly in the metric. The designations are:

- Ancient Tree Inventory
- Ancient Woodland
- Special Areas of Conservation
- Special Protection Areas
- Marine Conservation Zone
- Biological Heritage Sites as designated by Lancashire County Council
- SSSIs
- Ramsar Sites

The majority of the above sites are identified on the Wyre Local Plan 2031 Policies Map and as part of the 2024 Green Infrastructure Audit.

Please be aware that designations and sites associated with them may change and as such you are advised to ensure that you are using the most up-to-date information.

For watercourses the above designations may apply and should be considered as for area and hedgerow habitat. In addition, if a habitat or river feature can be considered to be helping towards the delivery of river restoration actions and objectives identified within the relevant River Basin Management Plan then it should be given high strategic significance. The North West River Basin Management Plan is available at from Part 12 below.

For the statutory metric, applications on sites not falling within one of the mapped sites but which are considered to be ecologically important would be defined as having MEDIUM strategic significance. Applications for sites falling neither within the high or medium categories would have LOW significance.

The Wyre Strategic Significance map can be accessed from the council's biodiversity page (see link at Part 12).

The spatial hierarchy

The LPAs strong preference is that the replacement of lost habitat and net gain should take place local to the development site – i.e. within the red line boundary of the proposed development or on immediately adjacent land – where this an ecologically appropriate solution. This ensures that loss of habitat is compensated for in the immediately local area as opposed to another part of the borough, outside of the borough or through the purchase of statutory habitat credits. Through the Biodiversity Gain Plan (see below), applicants should demonstrate how the following spatial hierarchy has been followed in relation to the area habitat and hedgerow modules:

1. Create and/or enhance habitat(s) onsite (i.e. within the red line boundary of the application) where this is an ecologically appropriate solution and an appropriate management plan is agreed to address any issues of potential disturbance (e.g. from users/occupants of the site) of the habitat(s) involved.
2. Create and/or enhance habitat(s) offsite in the immediate locality.
3. Create and/or enhance biodiversity offsite in Wyre at an agreed location.
4. Create and/or enhance habitats offsite outside of Wyre but within the boundary of the national character areas (NCA) within which the application sits (see below), either on your own land or by purchasing biodiversity units on the market.

5. Create and/or enhance habitats offsite outside of Wyre but within a neighbouring local planning authority or national character area, either on your own land or by purchasing biodiversity units on the market.
6. Create and/or enhance habitats offsite outside of Wyre and adjacent local planning authorities and NCAs, either on your own land or by purchasing biodiversity units on the market.
7. As a last resort, purchase statutory biodiversity credits from the UK Government where it can be clearly demonstrated that you are unable to achieve biodiversity net gain through the available onsite and offsite options.

Note that (6) and (7) above should be regarded as last resort options.

NCAs divide England into 159 distinct natural areas. Each is defined by a unique combination of landscape, biodiversity, geodiversity, history, and cultural and economic activity. Their boundaries follow natural lines in the landscape rather than administrative boundaries.

The boundary of Wyre borough includes parts of four NCAs. In each case the boundary extends beyond the borough boundary. The four are:

1. Lancashire and Amounderness Plain – this includes the whole of the urban peninsular and a large proportion of central Wye and the rural plain.
2. Morecambe Coast and Lune Estuary – this incorporates the coastal strip from Knott-end-on-sea east.
3. Bowland Fringe and Pendle Hill – this includes the lower Bowland Fells east of the M6.
4. Bowland Fells – this includes the upper fells at the extreme eastern edge of the borough boundary.

Please see Part 11 below for the link to details of the NCAs that cover north-west England.

Please see the statutory metric user guide for advice on the application of the spatial hierarchy to watercourses. The council's preference is that creation and enhancement take place within Wyre and, if this cannot be achieved, that the priority is that BNG is achieved within the same catchment area.

The statutory biodiversity metric

The statutory metric must be used for all major development and in some cases, minor development (see below).

Within the statutory metric there are four main sections to the calculation in each of the modules described above:

1. On site baseline – this represents the pre-development ecological value of the site.
2. On site post development - this represents the assumed post-development ecological value of the site.
3. Offsite baseline – where BNG is being delivered offsite, this represents the pre-intervention (habitat creation and/or enhancement) ecological value of the site.
4. Offsite post habitat creation/enhancement - where BNG is being delivered offsite, this represents the assumed post intervention (habitat creation and/or enhancement) ecological value of the site.

If it is proposed to achieve the net gain off site – for example on land elsewhere in the applicant’s ownership – this land must also go through the appropriate metric calculation to determine its baseline and post-intervention habitat value. Post-intervention means once the habitat creation or enhancement work has been completed.

If you are proposing to meet net gain by purchasing statutory credits, please note that the number of units required will be found under “unit shortfall summary” within the statutory biodiversity metric results tab.

To use the statutory metric calculation tools amongst other things you need to know:

1. The type of habitats - onsite and, where relevant, offsite.
2. The size of each habitat parcel in hectares - or kilometres if it is linear (rivers and streams, hedgerows, and lines of trees).
3. The condition of each habitat parcel identified by an on-the-ground survey.
4. Whether the sites are in locations identified as local nature priorities (strategic significance – see above).

Wyre is a borough with significantly intersected by watercourses. Please note that where your site includes watercourses you will need to engage the watercourse

module of the statutory metric. You are strongly advised to read the Statutory Metric User Guide on how watercourses should be assessed. Note that for site red-edge boundaries that cross into the riparian zone, the adjacent lengths of the watercourse must be included within the metric assessment. The riparian zone is defined as “a set area from the bank top of the watercourse, which is the point where there is a break in slope between the river channel and the surrounding land.” For priority rivers, other rivers and streams, and canals the riparian zone width is 10m from the top of each bank; for ditches the riparian zone is 5m from the top of each bank. Culverts are not considered to have a riparian zone.

Any vegetation within the riparian zone must be recorded and assessed separately within the area and/or hedgerow module of the metric if they are within the site boundary.

All watercourses, with the exception of ditches and culverts, should be assessed using the River Condition Assessment (RCA) methodology. To undertake the assessment, assessors should be trained and accredited in the RCA methodology.

The metric user guide includes a series of rules and principles that govern how the metric should be used. The LPA will expect applicants to demonstrate that any completed metric complies with these rules and principles. Note that ‘trading down’ of habitats (i.e. replacing lost or damaged habitats with habitat of lower biodiversity value) is not allowed by the metric.

The statutory metric includes condition sheets (these are not included in the statutory Small Sites Metric). These provide a more detailed understanding of habitat condition. The condition sheets are part of the statutory metric and must be completed in full for the relevant habitat types. The condition sheet(s) must be submitted as part of the metric in Excel worksheet format. The LPA will not accept a PDF copy or a summary. The submission of the statutory metric without the relevant condition sheet(s) will make the application invalid.

The small sites metric

In acknowledgement of the fact that minor development may involve smaller and less complicated sites, the government has introduced the Small Sites Metric (SSM). This metric has statutory force. This metric uses the same basic approach to the value of habitats as the full statutory metric, but in a simplified format.

However, that is not to say that the SSM is simplistic in its operation – it is still a complex calculation tool. Applicants are strongly encouraged to seek professional advice where the statutory BNG requirement must be met.

The SSM is based on rules and principles that govern how the metric is to be used. These are set out in the SSM user guide. The LPA will expect applicants to demonstrate compliance with these rules and principles.

Please note that either the SSM or statutory metric should be used for the whole development – you cannot use both metrics for the same part of a development or for different parts of a development.

As with the statutory metric, there are three types of biodiversity unit within the SSM (referred to as modules), these are:

1. Area habitat units.
2. Linear - hedgerow units.
3. Linear - watercourse units. Note that the SSM can only be used for watercourses that are canals, ditches or culverts. You will need to use the full statutory metric described above for other watercourse types (see the statutory metric user guide).

As explained above, the 10% BNG requirement applies to each module, separately.

As the SSM is a simplified version of the statutory metric it does not cover the full range of habitat types. Where a site includes a habitat or habitats not specified within the SSM, the full statutory metric must be used.

The SSM can only be used:

1. When the above definition of a small site (minor development) is met and BNG is being delivered solely onsite.
2. Where no priority habitats are present onsite (but see below for sites within 500m of a priority habitat). If a site contains a priority habitat the statutory metric must be used and bespoke compensation agreed.
3. Where no statutory protected sites or habitats are present.
4. Where no European protected species are present.

Importantly, even where the above criteria are met, the SSM does not have to be used. The full statutory metric calculation tool can be used in its place and may

provide a different habitat value due the way in which the scoring mechanism works.

If statutory protected sites or priority habitats are located within 500m of the development site boundary, you should consider whether you need to contact an ecologist and use the statutory biodiversity metric calculation tool. If the user chooses to continue to use the SSM, a section of the calculation tool must be filled in to reflect this and a warning flag will appear where this is the case.

Competency has been described above. Users of the SSM don't have to be ecologists but should be competent in identifying:

1. Habitats present on site (pre-development).
2. Management requirements for habitats to be created or enhanced within the landscape design (post-development).

Metric data inputs should be collected through desk studies and site visits by a competent person. Any data should be supported by ecological good practice. You should provide ecological justification and evidence for data in the 'user comments' column of the SSM.

You can use the SSM to calculate the biodiversity value of:

1. Existing onsite habitats.
2. Onsite habitat enhancement.
3. Onsite habitat creation.

Habitat value is calculated by the SSM using a formula based on the following site attributes:

Size for area habitats, or length for hedgerow and watercourse habitats.

Habitat type – the SSM includes 10 broad habitat types. For each broad habitat type there is a more detailed list of habitat types. If any of the habitats present on your site are not listed in the SSM, you must use the statutory metric instead.

Habitat distinctiveness – this is a measure based on a habitat's type and its distinguishing features. This is not a separate field in the metric and is built-in to the value ascribed to the habitat type. Different habitats will have different values.

Condition - a measure of the state of a habitat. When using the SSM, condition assessments do not need to be undertaken as condition is automatically assigned by the SSM at the baseline stage.

Strategic significance – this is a measure of the local significance of the site and its habitat based on its location and habitat type. See above.

The SSM can only be used to record the pre-development biodiversity value (known as the baseline) and any onsite biodiversity gains.

The SSM does not have a section to record any offsite biodiversity units. If you need these to deliver the statutory minimum 10% BNG, you must use the Statutory Biodiversity Metric (offsite refers to any gain delivered outside of the red line boundary of your site, even if it is on land you own or is adjacent to the development site).

When you submit your biodiversity gain plan to discharge the pre-commencement condition, you will need to summarise how you have met your BNG requirement, including details of the offsite habitat enhancements.

If you are planning to meet the statutory BNG requirement on the development site (i.e. within the red edge boundary), note that simply retaining habitat on its own will not achieve net gain. You need to replace the value of the habitat lost through the development *and* deliver the 10% uplift against the baseline value of the whole site. Therefore, even if habitat is to be retained, you will also need to enhance existing habitat and/or create new habitat within the red line boundary of the development.

Habitat enhancement is where all or some of the baseline habitat is retained and there is:

1. An improvement in condition compared to the baseline state.
2. A change to a higher distinctiveness habitat within the same broad habitat group compared to the baseline state.

Within the SSM, only certain baseline (pre-development) habitats can be enhanced. In addition, where enhancement is permitted, the SSM limits the available range of habitats that can be achieved. A technical data sheet in the SSM (tab 10) sets out habitats which can be enhanced, and the habitats they can

be enhanced to. If habitat enhancement is not allowed for by the SSM, the full Statutory Biodiversity Metric will need to be used for the whole site or a different approach considered (e.g. offsite habitat creation and/or enhancement).

Habitat creation is where one habitat type is replaced by another habitat type and includes:

- a loss of baseline habitat that is replaced with another
- a change in broad habitat type such as a change from grassland to woodland

Again, within the SSM, only certain habitats can be created. These are listed in the technical data sheets in the SSM (tab 10). If a habitat proposed for creation is not included within the SSM, the Statutory Biodiversity Metric will need to be used for the whole site.

A key aspect of calculating the post-development habitat value of a site is determining the target habitat condition at a point in time. See the user guide for more details.

For some habitats, there are multiple target condition options that can be selected for created habitats. You should select the most appropriate category based on the proposed design. If you are not able to make this decision, the lowest available condition should be used or specialist advice from an ecologist should be sought.

When entering habitat enhancement and/or creation into the SSM, users should ensure they have the expertise available to achieve the desired intervention within the required timescales.

The SSM adjusts the post-development habitat value based on the risk to the completion of the post-development habitat. These so-called risk multipliers are:

- difficulty of creation or enhancement
- temporal risk – time to target condition

The first of these represents, in effect, the difficulty of creating or enhancing the habitats concerned. The value assigned to this risk is automatically inputted by the metric and is based on its habitat intervention category (creation or

enhancement). The more difficult or complicated the delivery of the habitat(s), the greater the risk.

The second of these risk factors represents the average time lag (measured in years) between the start of habitat creation or enhancement works and the target outcome. Time to target condition is automatically applied by the SSM and depends on the habitat type and target condition.

Tab 9 of the SSM provides the headline results arising from the calculation. It shows the change in biodiversity value for the area habitats, hedges and lines of trees, and watercourses separately.

The results are set out to show the:

- change in area or length of the habitat
- change in units for each habitat type
- percentage change in units for each different habitat module

If your results do not show a minimum 10% net gain, further work to avoid impacts, enhance additional habitats or create new areas of habitat will be needed. This may involve looking at offsite solutions if further gain cannot be achieved onsite.

Note that the 10% net gain is a statutory minimum. A net gain any less than 10% will not be accepted irrespective of the circumstances.

Part 6 - Applying the Mitigation and Biodiversity Gain Hierarchies

All applicants should apply the mitigation and biodiversity gain hierarchies described below as part of the process of:

- identifying land for development
- locating development within the site
- designing the development
- implementing the proposals

It is advised that information on both the mitigation and biodiversity gain hierarchies should be included within the Biodiversity Gain Statement (see Part 7 below) including any necessary survey report. If plans are not finalised, an indication of what habitats are to be retained should be provided.

The mitigation hierarchy

Throughout the development process, applicants should follow the mitigation hierarchy. The fundamental principle behind the mitigation hierarchy is to minimise harm and to maximise benefits for biodiversity resulting from development. This is in-line with the NPPF which states at paragraph 186 (a)

...if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.

Applying the mitigation hierarchy means that development should:

1. *Avoid* habitat damage through the initial site selection, layout and good design.
2. *Minimise* habitat damage by minimising the negative impact of development.
3. *Remediate* – restore any damaged or lost habitat.
4. *Compensate* – as a last resort compensate for damaged or lost habitat by meeting the minimum 10% BNG requirement, taking full account of the extent and quality of the asset being lost or degraded, and the risks

associated with the creation of new habitats or the restoration of existing ones.

In applying the minimum 10% BNG, through the Biodiversity Gain Plan applicants must clearly demonstrate the application of the mitigation hierarchy and where habitat loss or damage will occur as a result of development to explain why this is not avoidable and how the impact of development is proposed to be minimised.

The biodiversity gain hierarchy

In addition to the use of the mitigation hierarchy as described above, the government has introduced the “biodiversity gain hierarchy” (BGH) see The Biodiversity Gain (Town and Country Planning) (Modifications and Amendments) (England) Regulations 2024 which amend the Town and Country Planning (Development Management Procedure) (England) Order 2015).

The BGH applies as follows:

For onsite habitat (excluding irreplaceable habitats which are dealt with separately – see above) with a habitat distinctiveness score of four or greater as measured by the statutory metric (i.e. those habitats which have a medium, high or very high distinctiveness), the applicant must, in order of priority:

1. Avoid adverse effects of the development on onsite habitat, or
2. Where adverse effects cannot be avoided, mitigate those effects.

In relation to any onsite habitat which is adversely affected by the development, the applicant must compensate for that adverse effect by (in priority order):

1. Enhancing onsite habitat.
2. Where there cannot be that enhancement, create onsite habitat.
3. Where there cannot be that creation, use registered offsite biodiversity gain where allocated to the development.
4. Where offsite habitat enhancement cannot be secured, purchase statutory biodiversity credits.

In accordance with the PPG, (para, 008) the local planning authority must take into account how the BGH has been applied when determining whether to approve the Biodiversity Gain Plan.

The LPA will consider the application of the biodiversity gain hierarchy at the application stage. This is to avoid approving a planning application only to receive a BG Plan that is unacceptable because compliance with the BG Hierarchy is not demonstrated. This is particularly important where the applicant is proposing offsite BNG including the purchase of biodiversity units from an offsite provider or the government (statutory credits). Where this is proposed, the applicant MUST demonstrate to the LPAs satisfaction why onsite enhancement and/or creation cannot deliver BNG.

Part 7 - Submitting a Planning Application - Validation

The minimum information requirements at the point of submitting a planning application (validation) are set out below. It will be important that applicants are able to describe how biodiversity net gain will be met and, where BNG is significant, how it is intended to be delivered over the minimum 30-year period. The type and extent of the evidence that can be reasonably expected will vary according to the type of permission sought (outline or full). However, the provision of a Biodiversity Gain Statement as described below will be a key part of your evidence on BNG.

There are national and local validation requirements relating to BNG.

National validation requirements

The list below is based on the statutory validation requirements set out in *The Town and Country Planning (Development Management Procedure) (England) Order 2015* as amended by *The Biodiversity Gain (Town and Country Planning) (Modifications and Amendments) (England) Regulations 2024*. Please also see para. 011 in the PPG.

Please note that regulations and guidance are subject to change and it is the responsibility of the applicant to ensure that their submission meeting legal requirements and national guidance.

The following is a summary only. Please refer to the official regulations and guidance before you submit your application.

Failure to meet validation requirements will result in the application being deemed invalid.

In summary, at submission, the application must be accompanied by a statement as to whether the applicant believes that statutory BNG applies and, if not, the reason(s) (see list of exempted development types in the PPG and *The Biodiversity Gain Requirements (Exemptions) Regulations 2024*).

If BNG applies to your development proposal, the following must be provided:

1. A completed metric (statutory or small sites metric) to at least baseline condition showing the value of the onsite habitat on the date of application (or earlier date). Please note the completed metric MUST include:

- ✓ the name of the person completing the metric
 - ✓ the metric completion (publication) date. This may be the date of the application or an earlier date. If an earlier date is proposed, the applicant must provide the reasons for proposing the earlier date
 - ✓ the biodiversity value or value of the onsite habitat
2. A statement confirming whether the biodiversity value of the onsite habitat has been degraded and if so to provide:
 - ✓ a statement that such activities have been carried out
 - ✓ confirmation of the date immediately before those activities were carried out
 - ✓ z of the pre-development biodiversity value of the onsite habitat on this date with the completed metric showing this
 - ✓ any supporting evidence for the date referred to above and the calculated biodiversity value
 3. A description of any irreplaceable habitat (see below) that is on land to which the application relates and exists on the relevant date.
 4. A plan of the onsite habitat and any irreplaceable habitat. The plan should be at an identifiable scale and show the direction of North. It is recommended that the plan (or plans if need be) shows the onsite habitat types and values colour coded with a key.

The local planning authority reserves the right to ask for additional information to satisfy itself that the biodiversity objective (minimum 10% net gain) can be achieved on the site in question.

Note that development that impacts on less than 25 sqm (5mx5m) is exempt from BNG. However, please note that:

1. Simply because a site contains previously developed land does not automatically invoke the de minimis rule. PDL can and often does contain habitats.
2. A minor development does not automatically invoke the de minimis rule. BNG applies to minor developments unless otherwise exempted.

3. Although a development may impact less than 25 sqm of area habitat, if the development proposed impacts 5 linear metres or more of watercourse and/or trees and hedgerow habitat, BNG applies (unless exempted for other reasons) and the appropriate part of the metric will need to be completed.
4. Where the de minimis exemption is invoked, it is important that applicants provide detailed supporting evidence including photographs of the site in question. The LPA may in some cases require the completion of the baseline metric to demonstrate limited or no impact on habitats. This includes where the applicant considers that the site in question has zero habitat value.

Local validation requirement - biodiversity gain statement

A Biodiversity Gain Statement is a requirement of the LPAs validation checklist. The purpose of the Biodiversity Gain Statement is to help the LPA to understand how BNG will be delivered, including the use or potential use of of-site provision. It is especially important that the proposed use of statutory credits is flagged with the LPA as early as possible (see below).

It is recommended that the Biodiversity Gain Statement is drafted to support the completion and submission of the statutory metric to at least baseline condition value. It is recognised that a Biodiversity Gain Statement for minor development is likely to require less depth of detail than that for a major development.

Full Planning Applications

For full applications the Biodiversity Gain Statement must include the following elements:

1. An explanation of the competency of the person who has completed the metric.
2. An appropriate and clearly annotated colour plan of the pre-development habitat types and condition within the red line boundary of the proposal.
3. The proposed approach to enhancing or creating biodiversity taking into account:

- a) the application of the mitigation hierarchy i.e. a description of the sequential steps taken or proposed to be taken to minimise adverse impacts on biodiversity;
 - b) the application of the Biodiversity Gain Hierarchy set out in the Planning Practice Guidance note and any subsequent updates; and
 - c) a description of the steps taken to ensure new or enhanced habitat is local to the proposed development applying the Spatial Hierarchy and where solutions outside of the borough of Wyre are proposed, the reasons for this.
4. Photographic evidence, including aerial where appropriate, of habitat types and condition across the proposed development site and the offsite location where this is applicable.
 5. Where known, the proposed post-development biodiversity value of the onsite habitat (calculated using the appropriate statutory metric).
 6. For onsite habitat creation and/or enhancement, a clear identification of any onsite enhancements the applicant believes would be classified as 'significant' and as such need to be legally secured for at least 30 years.
 7. For onsite habitat creation and/or enhancement, a clear identification of any onsite enhancements the applicant believes would not be classified as 'significant' (i.e. "non-significant") and the reasons for this.
 8. For onsite habitat creation and/or enhancement, an appropriate annotated plan of the proposed habitat types and condition mapped against the layout of the proposed development.
 9. For offsite BNG solutions:
 - a) a description of the proposed habitat creation/enhancements;
 - b) an appropriate annotated plan of the pre-intervention habitat types and condition within the site boundary; and
 - c) an appropriate annotated plan of the proposed post-intervention habitat types and condition within the site boundary.
 10. For onsite and offsite habitat creation or enhancement, details of any potential conflicts with factors internal and external to the development including but not limited to highway safety, designated heritage assets,

11. increasing or restricting access to nearby natural areas, and the impact on aviation safety.
12. Details of how the applicant intends that significant onsite and all offsite biodiversity creation and enhancement will be managed and monitored including the use of legal agreements.
13. If it is proposed to purchase statutory credits, the justification for this including an assessment of on and offsite options and the application of the Biodiversity Gain Hierarchy.
14. Where the development, including any offsite BNG solutions, impacts irreplaceable habitat and designated sites, the reasons for this and an explanation how harm has been avoided and mitigated including the application of the Biodiversity Gain Hierarchy.

Outline Applications

For applications for outline planning permission, the Biodiversity Gain Plan must include items 1-4 inclusive and 13 where relevant (above). Where the information is known, items 5-12 inclusive (above) must also be provided.

Phased Development

In addition to the above, where a proposed development is likely to be the subject of planning approvals for development in phases, the Biodiversity Gain Statement must describe the proposed strategy for meeting the statutory Biodiversity Net Gain condition across the entire development site, including:

- a) the key principles that will be followed to ensure biodiversity gain commitments are achieved through subsequent detailed design
- b) how biodiversity net gain delivery will be tracked on a phase-to-phase basis, including the target percentage gains to be delivered at each stage (including “frontloading” habitat creation/enhancement into earlier stages)
- c) the approach to be taken in the event that subsequent phases do not proceed or fail to achieve their biodiversity net gain targets.

Sensitive sites

Applicants are reminded that should a development include statutory designated sites of nature conservation value, (e.g. priority habitat, irreplaceable habitat or very high distinctiveness habitat), pre-application advice should be sought as bespoke mitigation will likely be required and should be reflected in the Biodiversity Gain Statement.

Part 8 - Applying for Planning Permission

The basic approach

In determining a planning application where BNG is a requirement, the LPA will consider:

1. How BNG is being achieved - on site, off site blue edge, off site elsewhere, purchase of biodiversity credits (e.g. from a Habitat Bank), or the purchase of statutory biodiversity credits, or a combination of some of these?
2. Whether onsite habitat creation and or enhancement is significant or non-significant.
3. The conditions and legal arrangements needed to secure BNG.

It is important to build BNG into the development process from the initial site selection onwards. The LPA will wish to see how the applicant has acted to reduce habitat harm throughout the process of site selection, development layout and design. This also applies to minor development and the location of the development within the site.

Applicants should consider how their proposals for BNG support and are integrated with other aspects of planning for a “green” development including:

1. The protection, enhancement and provision of green and blue infrastructure.
2. The protection and, where appropriate, the integration of irreplaceable habitats and Very High Distinctiveness Habitats.
3. The provision of sustainable water management techniques.
4. Landscaping, including boundary treatments.
5. Ecological enhancements that support priority or threatened species such as swifts, bats and hedgehogs.
6. Species protection in accordance with the relevant legislation and advice.

The LPA will expect the applicant to demonstrate with evidence how this broader context has been considered and built-into the proposed development and the BNG solutions.

Key orientation questions

Applicants should consider whether they have provided sufficient information to allow the LPA to come to a view on the delivery of BNG.

Key questions you should ask to orientate yourself are:

1. Has an appropriate Biodiversity Gain Statement been supplied?
2. Have you been clear about how BNG is being addressed?
3. Is the solution onsite, offsite (blue edge), offsite elsewhere, purchase of biodiversity units (e.g. from a habitat bank), or the purchase of statutory credits? Or a combination?
4. If BNG is being provided onsite (wholly or in part), can this be defined as “significant”? Have you provided the information required to make this determination?
5. If onsite habitat creation/enhancement is the most appropriate solution, are there potential land use and management conflicts?
6. Has the mitigation hierarchy been appropriately followed?
7. Has the Biodiversity Gain Hierarchy been appropriately followed?
8. Whatever the approach, has it been justified (see BNG Statement)?
9. Are the best outcomes for nature being achieved?
10. Depending on the above answers, is the legal route to achieving BNG clear?

Building-in BNG

From the point of view of the applicant, the broad process of building BNG into your development proposal should be as follows:

A. *Site selection*

1. Review LPA BNG planning policy and guidance.
2. Review national BNG planning policy, national guidance and legislation including regulations.
3. Ensure ecological advice is incorporated into site selection.
4. Undertake baseline ecological surveys - use the appropriate metric as early as possible to understand the impact of development and opportunities through site selection to minimise ecological harm.
5. Apply the mitigation hierarchy and Biodiversity Gain Hierarchy to site selection.

6. If considering offsite solutions, apply the Wyre spatial hierarchy.

B. Pre-submission / pre-application advice

1. Review LPA BNG planning policy and guidance.
2. Review national BNG planning policy, national guidance and legislation including regulations.
3. Undertake ecological surveys at an appropriate time of the year.
4. Follow the mitigation hierarchy and Biodiversity Gain Hierarchy and record the steps taken to minimise habitat harm.
5. Calculate the pre-development (baseline) and, where possible, post-development biodiversity value using the appropriate metric.
6. Identify the BNG solution and apply the spatial hierarchy with preference given to onsite biodiversity replacement and net gain where this is an ecologically acceptable solution.
7. Develop the supporting evidence including the Biodiversity Gain Statement, Draft Biodiversity Gain Plan and Draft Habitat Management and Monitoring Plan (or Draft Biodiversity Implementation Plan for non-significant BNG).
8. In the cases where irreplaceable habitat is present, identify the bespoke compensation solution.
9. If considering offsite solutions, apply the Wyre spatial hierarchy if not already done so.
10. Seek pre-application advice from the LPA.

C. Submission and validation

1. Ensure national and local validation requirements have been met before submitting the application, including the need for a Biodiversity Gain Statement.
2. Make sure the planning application form BNG section has been correctly completed.
3. Planning application documentation to include (see this guidance for further details):
 - (a) As a minimum, a completed statutory metric to baseline level including condition sheets using the latest edition at the time of submission.

- (b) Biodiversity Gain Statement (see above), draft Biodiversity Gain Plan if available, draft Habitat Management and Monitoring Plan if available (or Draft Biodiversity Implementation Plan for non-significant BNG).
- 4. In cases where offsite habitat enhancement or creation is proposed, and where this information is available:
 - (a) Details of the necessary legal and financial arrangements to ensure implementation is in line with the BNG Plan.
 - (b) Evidence that the offsite provision has been registered or where this is not the case, a statement identifying progress in registering offsite habitat land with the national registration scheme.

D. Consideration

1. Review advice from LPA where submitted proposal is unsatisfactory and address concerns.
2. Begin process to secure on and off site BNG including legal agreements with the LPA or other parties (as appropriate and necessary).
3. Application to register offsite habitat enhancement and/or creation.

E. Pre commencement

1. Secure on and offsite net gain.
2. Register with the national scheme for offsite solutions and allocate to the development in question.
3. Submit final BNG Plan to the LPA using the national template.
4. Submit final Habitat Management and Monitoring Plan using the natural England Template.
5. Amend final Biodiversity Gain Plan and Habitat Management and Monitoring Plan if necessary (or Draft Biodiversity Implementation Plan for non-significant BNG).

F. Commencement

1. Onsite BNG monitoring undertaken in line with the Habitat Management and Monitoring Plan.
2. Where required, submit monitoring reports to the LPA in line with the Habitat Management and Monitoring Plan.

Any amendments to approved schemes that require a new planning permission and that affect the baseline and/or post-development biodiversity value will require the completion of a revised metric, revised supporting evidence including a new Biodiversity Gain Statement, and where one has been provided and/or approved, a revised Biodiversity Gain Plan to discharge a new pre-commencement condition.

Pre-application advice

Wyre Council are happy to offer advice prior to submitting a planning application (service is fee based). Part 12 includes a link to the appropriate web page for more information.

The findings of ecological surveys should be taken into careful consideration at the earliest design stage of a development. This will provide greater opportunities to avoid harm and address conflicts by having information from the outset. In conjunction with advice from an ecologist, the metric should be used to calculate the implications on biodiversity values of various iterations of the site design and will be invaluable for meaningful pre-application discussions with the LPA.

Prospective applicants should consider the production of a Biodiversity Constraints and Opportunities Plan at the pre-application stage to capture the assessment of likely ecological impacts of the proposed development and the opportunities to deliver BNG in accordance with the mitigation and biodiversity hierarchy. This can be a key piece of evolving information informing any subsequent planning application by demonstrating how BNG has been built in throughout the design and development process.

It is vital that potential impacts upon irreplaceable, designated and priority habitats are highlighted at this stage as this could constrain the potential for delivering biodiversity net gain.

The requirement for no net loss of biodiversity is just one environmental consideration. Development schemes must be designed within the context of all local and national environmental policies and legislation.

Planning obligations

Delivering BNG may require the applicant to enter into a planning obligation with the LPA to secure the management and maintenance of significant onsite habitat

enhancements for at least 30 years. This may be required before permission can be granted and therefore in advance of the submission and approval of a Biodiversity Gain Plan.

Where the applicant proposes to deliver some or all of the net gain offsite, the LPA will seek details of any necessary legal agreements the applicant will be required to enter into. Where such agreements are not in place at the time of submitting the planning application, the LPA will seek such details as are available such as draft heads of terms.

Outline planning permission

It is appreciated that for some outline planning applications the full ecological impact of the proposed development may not be known as this will depend on the location of development within the site in question. However, it will be helpful if applicants are able to explain the strategy to achieve the biodiversity gain objective across the whole site and to demonstrate how this could be delivered on a phase-by-phase basis where this is a likely scenario. The Biodiversity Gain Statement should include as much detail as is available and should be used to explain the key principles that will be followed to ensure biodiversity gain commitments are achieved through subsequent detailed design.

If possible, applicants for outline planning permission should also include as part of the submission an outline Habitat Management and Monitoring Plan or Biodiversity Gain Plan (see below for further details) demonstrating how proposed habitats will reach target conditions per monitoring year. This could include an outline annual works schedule including approximate timescales for onsite habitat creation and/or enhancement.

Note that BNG does not apply to reserved matters applications.

Full planning permission

As above, it is important for the decision maker that as full a picture of habitat value and the proposed approach to BNG is provided on submission of a full planning application.

As the full extent of the proposed development is known at full application stage, a full explanation of the existing habitat value and the proposed BNG solution through the Biodiversity Gain Statement will assist the LPA with progressing the

application. Applicants for full planning permission are encouraged to include with the submission documentation:

1. A fully completed metric including i.e. the baseline calculation and the post-development calculation.
2. A coloured and annotated plan or plans showing the baseline and post-development habitats.
3. A Biodiversity Gain Statement (a validation requirement).
4. A draft Habitat Management and Monitoring Plan or Biodiversity Implementation Plan (see below for further details).
5. A draft Biodiversity Gain Plan (see below for further details).
6. Details of any potential conflicts with factors internal to the development, or external factors, including highways safety, designated heritage assets, increasing or restricting access to nearby natural areas, and the impact on aviation safety.

Aviation safety

It is particularly important that planning applications provide sufficient detail of habitat enhancements to enable proper consideration of the impact on aviation safety.

Designated statutory safeguarded zones associated with BAE Warton and DCSA Radio Inskip are within and/or extend over the Wyre Council area. These safeguarding zones are designed to preserve operational capability by ensuring that development that might penetrate obstacle limitation surfaces, that might compromise or constrain the operation of technical equipment fundamental to air traffic services, or that might result in the creation of attractant environments for large and flocking bird species hazardous to aviation are subject to consultation.

Applicants are reminded that some forms of environmental improvement or enhancement may not be compatible with aviation safety.

Where BNG is proposed on or offsite, the locations of both the host development and any offsite habitat creation or enhancement should both/all be assessed against statutory safeguarding zones and the Ministry of Defence consulted where any element falls within the marked statutory safeguarding zone.

The creation of areas of open water, woodland, or planting of berry/fruit bearing species may form an attractant to those large and/or flocking bird species hazardous to aviation safety. In addition, trees, shrubs, and other vegetation may also impact on aviation safety by forming a physical obstacle to aircraft approaching or departing an aerodrome, or by degrading the operation and capability of technical assets used to manage air traffic.

Applications for development that would compromise, restrict, or otherwise degrade the operation or capability of defence sites or assets are unlikely to be supported.

Decision-making

Decisions will be made in accordance with the current Wyre Local Plan and any other material considerations including guidance, legislation and regulations. In approving an application where BNG is required to be delivered the LPA will wish to be satisfied that the biodiversity objective (minimum 10% BNG) can be reasonably met through the submission of an acceptable Biodiversity Gain Plan.

The LPA will consider whether the information submitted as part of the planning application is sufficient to make this judgement. For the avoidance of doubt, the fact that an application is deemed to be capable of meeting the biodiversity objective is not, in itself, a reason for approving an application – there may be other material considerations that weigh against approval.

In considering whether or not the application is deemed to be capable of meeting the biodiversity objective, the PPG (para. 019) provides guidance on matters the LPA may wish to consider:

1. The appropriate balance expected between onsite gains, offsite gains and the use of statutory biodiversity credits for the development, taking account of the Biodiversity Gain Hierarchy.
2. Whether the type and location of any significant onsite habitat enhancements proposed for onsite gains are appropriate, taking into account other policies to support biodiversity (including the Local Nature Recovery Strategy) and other wider objectives (for example policies for design, open space and recreation, and retention of trees).

3. Any planning conditions which need to be imposed to secure any significant onsite habitat enhancements, including any conditions requiring the maintenance of the enhancement for at least 30 years after the completion of the development.

The LPA has developed a standard set of conditions to be applied to decisions where BNG is a requirement. These conditions can be found in Appendix 1.

Remember, the biodiversity gain condition is in the 1990 Act and relevant regulations. It will not be included in the list of conditions attached to a planning approval, although the LPA will include an informative.

Please note, that the full metric must be provided to at least baseline value. A summary will not be acceptable. The metric should be submitted as a excel document which is editable as there are comment sections for the LPA.

Remember, that you will need to meet the minimum national information requirements for BNG when you submit your application. Failure to do so will make the application invalid. If you have any doubts, please contact the local planning authority at planning@wyre.gov.uk

The LPA may seek additional information as part of assessing your application to fully understand the biodiversity value of the site and how BNG will be delivered. You are strongly advised to provide as much information as you are able as part of your application at the point of submission.

Part 9 – The Biodiversity Gain Plan

The 1990 Act sets out that development subject to mandatory BNG will be required to submit a Biodiversity Gain Plan for LPA approval. Approval by the LPA is required before development can commence. A Biodiversity Gain Plan is a document that 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.

In the Biodiversity Gain Plan the applicant must provide evidence for their BNG decisions and approach.

The Biodiversity Gain Plan can only be submitted (in writing) to the LPA no earlier than the day after planning permission has been granted. However, applicants are encouraged to submit draft Biodiversity Gain Plan as part of their applications, particularly where full permission is sought.

A Biodiversity Gain Plan is required for both major and minor development.

Where development is to proceed in phases, The Biodiversity Gain (Town and Country Planning) (Modifications and Amendments) (England) Regulations 2024 make provision for the production and submission of an Overall Biodiversity Gain Plan and subsequent Phase Plan for each phase of the development.

The government has produced a template for a Biodiversity Gain Plan, and it is recommended that this is used by applicants as this creates a standardised structure to these documents and will aid efficient decision making. Applicants are advised to ensure that the Biodiversity Gain Plan uses the latest available template at the time of submission.

There is no application form for the submission of a Biodiversity Gain Plan.

The PPG (para. 035) provides guidance on the content of the Biodiversity Gain Plan (for phased development see para. 058 and 060) which should be referred to before you submit. Please also see short guidance provided by Defra (see links in Part 12).

The content of the Biodiversity Gain Plan is mandated by 1990 Act and The Biodiversity Gain (Town and Country Planning)

(Modifications and Amendments) (England) Regulations 2024. Please refer to these documents and the template.

Under paragraphs 14 (1) and (2) of Schedule 7A, a Biodiversity Gain Plan must relate to the development for which planning permission was granted and contain 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 onsite habitat and any other habitat.
- The pre-development biodiversity value (i.e. the baseline) of the onsite habitat.
- The post-development biodiversity value of the onsite habitat.
- Any registered offsite biodiversity gain allocated to the development and the biodiversity value of that gain in relation to the development.
- Any biodiversity credits purchased for the development.

In addition, under *Articles 37C(2) and 37C(4) of The Town and Country Planning (Development Management Procedure) (England) Order 2015*, where development is not to proceed in phases the following specified matters are required:

- Name & address of the person completing the Plan, & (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.
- A description of arrangements for maintenance & monitoring for at least 30 years.
- A description of the actions taken for the purposes of applying the Biodiversity Gain Hierarchy including any reasons for not following the order of priority (unless Irreplaceable habitat whereby this does not apply as bespoke compensation measures are required).

- The relevant date (taken to be the date of permission unless an earlier date is agreed with the LPA), for the purposes of calculating the pre-development biodiversity value of onsite habitats and if proposing an earlier date, the reasons for using this earlier date.
- The completed biodiversity metric calculation tool, stating the publication date of the tool(s) version of the biodiversity metric used and showing the calculation of the pre-development (baseline) and post-development biodiversity value.
- If habitat degradation has taken place:
 - a statement to this effect
 - the date immediately before the degradation activity
 - the completed biodiversity tool showing the calculation of the biodiversity value of the onsite habitat on that date
 - any available supporting evidence for the value.
- A description of any irreplaceable habitat.
- Arrangements for irreplaceable habitat compensation.
- Pre-development and post-development plans showing the location of onsite habitat (including any irreplaceable habitat) on the relevant date (normally taken to be the date of grant of the planning permission to which the BG Plan relates), and drawn to an identified scale and showing the direction of North.

Also (not in the DMPO, but still relevant):

- Has the appropriate fee been paid?
- Has the standard BNG template been used? If not, is the format of the submitted BG Plan appropriate?
- Proof that that statutory credits are required if that is an option being pursued.
- Where purchasing credits, evidence of this i.e. proof_of purchase.

- Site reference numbers from the biodiversity gain sites register for offsite BNG.
- The habitat management and monitoring plan (HMMP) OR Biodiversity Implementation Plan (see below for more details).

For the purposes of submitting the Biodiversity Gain Plan, paragraph 5 of Schedule 7A of the 1990 Act sets out that the pre-development (baseline) biodiversity value of the onsite habitat is taken to be its biodiversity value on the date on which the planning permission was granted. An earlier date can be agreed between the person submitting the Biodiversity Gain Plan and the local planning authority. Applicants are strongly advised to agree with the LPA any earlier date, preferably at the time of submitting the planning application to which the Biodiversity Gain Plan relates.

It is an important principle of producing a Biodiversity Gain Plan that proposals must be realistic in their expectations for newly created or enhanced habitats. The applicant must be satisfied that the appropriate site conditions will be in place appropriate to the type of habitat being created/enhanced and the target condition to be attained. Failure to meet the required habitat net gain, including habitat conditions, may be the subject of later legal action by the local planning authority or, if BNG is being delivered offsite through a conservation covenant, the appropriate responsible body.

The approach to BNG may also need to incorporate appropriate measures to maintain and enhance, in a manner commensurate with status, any individual species populations or protected habitats which would be adversely affected by the development and where habitat creation and restoration proposals would not be sufficient to ensure that the status of the species population would be maintained in its natural range.

It is the applicant's responsibility to provide the full biodiversity metric calculations as part of the Biodiversity Gain Plan.

Please note that a failure to submit an acceptable Biodiversity Gain Plan will mean the condition cannot be discharged and development cannot commence. The LPA will of necessity take a strong enforcement stance against applicants who commence development before the BNG condition is discharged.

Where required, developers must also provide the following with the Biodiversity Gain Plan:

1. A compensation plan if the development affects irreplaceable habitats.
2. Biodiversity net gain register reference numbers if purchasing offsite units from habitat banks.
3. Proof of purchase if buying statutory biodiversity credits.
4. A habitat management and monitoring plan for offsite or significant onsite gains.

As part of its consideration of the submitted biodiversity gain plan, the LPA will take into account how the Biodiversity Gain Hierarchy has been followed where this is relevant (see above).

Please note that there is no mechanism in law for amending an approved Biodiversity Gain Plan.

Please note that the LPA will levy a fee for receiving and considering a Biodiversity Gain Plan. This is set by the government under Regulation 16 of the Town and Country Planning (Fee for Applications, Deemed Applications, Requests and Site Visit) (England) Regulations 2012.

The fee at the time of writing is £145 for each request.

Applicants submitting a Biodiversity Gain Plan should ensure that they are aware of the correct fee at the time of making the request to discharge the biodiversity condition.

If the local planning authority refuses a submitted Biodiversity Gain Plan, the applicant has the right to submit a planning appeal under section 78 of the 1990 Act.

Part 10 - Habitat Management and Monitoring Plan and Biodiversity Implementation Plan

The detail of the implementation of BNG will be established by the Habitat Management and Monitoring Plan (HMMP) for significant onsite BNG and all offsite BNG, or a Biodiversity Implementation Plan (BIP) for onsite non-significant BNG.

HMMP

What is a HMMP?

As established by the 1990 Act, habitat created or enhanced to meet the statutory BNG requirement must be maintained for at least 30 years. In the case of onsite BNG this period starts with the completion the development. For offsite BNG the 30-year period starts from the completion of the habitat creation/enhancement works (see below).

A habitat management and monitoring plan (HMMP) is a detailed plan that outlines how the land will be managed over at least 30 years to:

- create and enhance habitats for biodiversity net gain (BNG)
- manage and monitor the BNG

Unlike the Biodiversity Gain Plan, a HMMP is not a statutory requirement. However, the need for the applicant to demonstrate how they will manage the habitats involved in BNG over a minimum of 30 years *is* a legal requirement.

The Defra guidance on BNG supports the use of a HMMP. Natural England provide a template and guidance Habitat Management and Monitoring Plan Template (see links in Part 12).

If an applicant is delivering BNG by purchasing biodiversity units from a habitat bank, there will be no need to submit a HMMP and there is no 30-year monitoring fee payable to the local planning authority. If BNG is being delivered offsite through a conservation covenant it is the responsible body who will be responsible for ensuring that management and monitoring requirements are

met and again there will be no need to submit a HMMP and there is no 30-year monitoring fee payable to the local planning authority.

Defining “completion”

For onsite significant BNG the 30-year management and monitoring period starts on the completion of the development. This is what the PPG says on this subject (para, 022):

..... the local planning authority should work with applicants to clearly establish the point of completion for when the period begins. For the purposes of defining ‘completion’ for the purposes of biodiversity net gain, local planning authorities are encouraged to include the completion of any onsite habitat enhancements (not just the buildings related to the development) which would constitute development. The use of traditional indicators of completion for residential or commercial development (such as a building regulations notice) may not be appropriate for the formal ‘completion’ of the development (i.e. when the final unit is completed) for the purposes of these provisions.

Applicants should be aware that the LPA will need to ensure that “completion” is clearly and unambiguously defined and agreed either through conditions (relating to the content of the HMMP) or a s106 agreement.

Note that any conditions and s106 need to consider the habitat establishment phase – there will be a need to monitor the habitat as it is established and agree with the applicant that the start of the 30 years has been reached.

For offsite BNG (unless this involves buying biodiversity units or credits), the 30-year period starts from the completion of habitat enhancement works, as defined in the legal agreement.

What to include in a HMMP

Natural England’s advice is that the HMMP should be submitted with the planning application although this is not a legal requirement and the applicant may not have available to them the level of detail required.

A HMMP should be drafted by a ecologist or competent professional. Its content is not set by statute but the Defra guidance indicates it could include:

- how to manage the offsite gains or significant onsite enhancements, taking into account any legal restrictions and requirements
- when and how to monitor habitats (this will vary for different types of habitat)
- when and how to report monitoring results
- when and how to review management proposals

In general, the following should be taken as the minimum expected as part of the Habitat Management and Monitoring Plan:

1. A statement of biodiversity objectives in relation to any habitat created, enhanced or retained.
2. A statement identifying risks to habitat delivery/creation/retention and how these are proposed to be mitigated.
3. A colour annotated plan of the areas of habitat to be retained, enhanced and/or created.
4. A schedule of actions to create and enhance each habitat including details of the methods to be used.
5. A schedule of actions to maintain each habitat at the required quality for a period of 30 years from the date of completion, including details of the methods to be used.
6. A schedule of ecological monitoring for the 30-year period identifying when key indicators of habitat maturity should be achieved. This should include detailing how the assessment of habitat condition will be carried out including the use of the statutory metric.
7. A reporting timetable for the full 30-year period (i.e. the years in which a monitoring report will be submitted to the LPA).
8. A schedule of actions to be undertaken in case signs of failing are identified and the process for undertaking remediation works.
9. GIS shape files showing the baseline biodiversity values and all proposed target biodiversity values for any created or enhanced habitats both on and off site. These GIS files shall be updated following monitoring surveys and with current condition values and submitted to the local planning authority as part of monitoring report.

The number of monitoring assessments will depend on the habitat type and extent and as such it is not possible to set a standard approach. However, the approach to monitoring and reporting must be set out in the Habitat Management and Monitoring Plan which must be attached to the Biodiversity Gain Plan. A typical monitoring regime would require reports at years 1, 3, 5, 10, 15, 20, 25, 30.

Note that the monitoring regime must also include the habitat establishment period prior to the completion of development.

The LPA will establish monitoring requirements specific to a development through the use of planning conditions and legal agreements as appropriate.

Using the HMMP template

To ensure consistency between different applications/sites and provide an efficient route to the determination of the Biodiversity Gain Plan, it is recommended that applicants utilise the latest Natural England templates and guidance available at the time of submission the application or Biodiversity Gain Plan.

If you are submitting a planning application for minor development that is required to deliver a minimum 10% BNG (i.e. development that is not exempt) you are strongly advised to familiarise yourself with the small sites HMMP template and guide before proceeding to ensure you are aware of your responsibilities.

The Natural England HMMP tools (see Part 12 for links) are as follows:

- HMMP Template v1.0
- HMMP Template Companion Guide v1.0
- HMMP Template Checklist v2.0
- Small Sites HMMP Template
- Small Sites HMMP Template Habitat Guide v2.0
- HMMP Monitoring Report Template v1.1

As can be seen there are two templates. The main template can be used for any scale and complexity of habitat creation/enhancement. The Small Site Template which is simple in formal - can only be used where the Small Site Metric has been used to determine habitat values. The small sites HMMP allows for the submission of a bespoke monitoring report instead of using the full template.

Both templates provide a guiding structure for a HMMP. Not every HMMP will need to include all of the sections in the relevant template – it will depend on which is being proposed.

The HMMP companion guide and Small Sites Habitat Guide provide additional and more detailed information to assist with the writing of the relevant HMMP template.

The HMMP tools also provide guidance for those who wish to create their own HMMP structure in the form of a checklist.

Submitting the HMMP

The Habitat Management and Monitoring Plan must be submitted with the Biodiversity Gain Plan.

It will be the landowner or developer's responsibility to ensure monitoring and reporting obligations are fulfilled or adequately delegated to another body (with necessary funding), to the specifications set out in the Biodiversity Gain Plan. For outline and full planning applications involving significant onsite BNG, the LPA will wish to secure the Habitat Management and Monitoring Plan through a condition or s106 agreement. The LPA will require submission of the Habitat Management and Monitoring Plan for consideration as part of the Biodiversity Gain Plan. Where BNG is to be delivered offsite, applicants will need to provide details of habitat management and monitoring arrangements.

Changes to a previously agreed management plan shall be agreed in writing by the LPA in line with the process set out in the agreed Habitat Management and Monitoring Plan in accordance with any planning conditions and legal agreements.

HMMP monitoring fees

Where the LPA will be the recipient of monitoring reports, a Monitoring Fee covering the establishment phase and full 30-year period will be charged to the applicant, payable in-line with an appropriate legal agreement. The approach taken by the LPA to the setting of the monitoring fee is set out in separate guidance.

Remember, that you will need to meet the minimum information requirements for BNG when you submit your application. Failure to do so will make the

application invalid. If you have any doubts, please contact the LPA
planning@wyre.gov.uk

Biodiversity Implementation Plan (BIP)

Where onsite BNG is determined to be non-significant, the LPA will condition any approval to require the submission of a Biodiversity Implementation Plan to describe how habitat creation and/or enhancement will take place and managed.

There is no requirement for a 30-year monitoring period and no requirement for the payment of a monitoring fee.

The BIP is based on the same assumption as the HMMP – that there is a need to explain how BG will actually be implemented. The BIP template is set out in Appendix 2 and is in effect a simpler version of the national HMMP template. significant.

Part 11 Applying for Planning Permission – Key Questions and Issues

Key questions

Although BNG may seem daunting, a few questions can be used as a checklist:

1. What information are you submitted with the application? Is this sufficient to clearly explain to the LPA how BNG has been taken into account and how BNG is expected to be delivered?
2. Have you checked that validation requirements will be met, including the need for a Biodiversity Gain Statement?
3. Have you followed the mitigation hierarchy and biodiversity gain hierarchy from the earliest stages of the project?
4. Have you followed the spatial hierarchy?
5. Has the statutory metric been completed as so far as it can be?
6. Have you evidenced completion of the metric by a competent person? This does not need to be an ecologist if you are completing the SSM.
7. Does the baseline calculation reflect the onsite habitat types, quality and strategic value?
8. Has the post development value of biodiversity value (on or offsite) been appropriately calculated?
9. How is replacement and net gain habitat to be provided? Is it onsite, offsite, by purchasing habitat bank biodiversity credits, by purchasing statutory credits from the government, or a mixture?
10. If purchasing statutory credits from the government, can you evidence that you have exhausted all reasonable onsite and offsite alternatives? Do you have the LPAs agreement that you can purchase statutory credits?
11. Is the on/off site habitat creation/enhancement proposed appropriate and credible and creates the necessary net gain in BNG credits (minimum 10% on top of the baseline position)?
12. Are the timescales for delivery realistic and achievable?
13. Is the proposed habitat condition at a defined future point in time appropriate, realistic and achievable?

14. Does the proposed solution offer the most appropriate ecological benefits e.g. by supporting policies addressing climate change and flood risk? Are there viable and deliverable alternative that create better ecological benefits?

Key issues

Validation – make sure you are aware of the validation requirements and have taken them into account in submitting your application.

Metric – has the correct metric been used – statutory metric or small sites metric?

Errors in the metric – make sure the metric calculations are correct.

Document consistency – make sure information provided is consistent between the various documents required as part of your submission. Make sure your BNG proposals and references to the BNG calculation are consistent across any different documents you submit both at the initial application stage and any later stages such as the discharge of the BNG condition through the Biodiversity Gain Plan and Habitat Management and Monitoring Plan and Biodiversity Gain Plan. Incorrect or inconsistent information will slow down the process of considering your application or Biodiversity Gain Plan.

Baseline accuracy – make sure your calculation of the baseline condition is accurate. If the LPA and its advisors have reason to believe the baseline – including the correct identification of habits and their size and condition - is not accurate not only will your application be delayed, we will require you to undertake a re-survey of the site in question.

Is the offered solution the right one for ecology? - simply delivering the right number of Biodiversity Units is only part of the equation. The LPA and its advisors will be considering whether or not the proposed solutions are the best for ecology. This includes considering any improved eco-system services that could be obtained by adopting different solutions. Remember that the LPA will continue to apply the relevant Local Plan policies.

Habitat quality and public access – on and offsite solutions to habitat retention, creation and enhancement must be deliverable and risks to this

delivery minimised. In particular, the LPA will give careful consideration to any proposals where there is likely to be public access to the land in question as this can greatly increase the risk to the habitat(s) in question and the ability to achieve the target condition. Where the LPA considers that the risk to proposed solutions is not capable of appropriate management, the applicant will be asked to review their approach and consider alternative solutions.

Completing the habitat works – date of completion - where different works are required to create and enhance each habitat type, it is not guaranteed that all works needed to create and enhance all habitats will be completed at the same time. The working assumption is that the 30-year management and maintenance set out in the Habitat Management and Monitoring Plan will not begin until all habitat creation and enhancement (across all habitat types) have been completed.

Applicants are strongly advised to ensure that the Habitat Management and Monitoring Plan is clear about what actions are needed to be complete the habitat creation and enhancement works in respect of each habitat type and hence when the 30-year period begins.

Where the habitat creation and enhancement works within the Habitat Management and Monitoring Plan are delivered in clear phases (this may be the case where the development itself is phased), the LPA will consider whether or not the phasing justifies a completion date for each phase of the habitat creation and enhancement works.

Viability – where BNG is required this is a statutory requirement. The need to deliver BNG cannot be traded off against other policy requirements. The “tilted balance” where there is insufficient land to meet housing requirements does not apply. The LPA will expect applicants to meet all policy requirements of the Wyre Local Plan and deliver appropriate statutory BNG.

Red line boundary – care must be taken in defining the red line boundary of the proposed development site. In particular, the LPA will wish to ensure that the red line boundary includes all appropriate land including linear features such as hedgerows and watercourses. Where development will impact on habitats the LPA will expect that such land will be included within the red line boundary.

Please note that the presence of any watercourses within 10m of red line boundary (the riparian zone) is classed as onsite and would need to be accounted for in metric calculations.

Degradation - where the LPA considers deliberate degrading of habitat value to have occurred it will be for the applicant to provide acceptable evidence of the pre-activity biodiversity value. Failure to provide such evidence will result in the refusal of planning permission.

Part 12 - Links

Please see below links to selected key documents. Please be aware that regulation, policy, and guidance can change. Applicants must satisfy themselves that they are aware of and are using the latest available documentation.

Wyre Council

Wyre Local Plan (2011-2031) (incorporating partial update of 2022):

<https://www.wyre.gov.uk/planning-policy/local-plan-partial-review-2011-2031-1/8>

Wyre Local Validation Checklist

<https://www.wyre.gov.uk/planning/validation-checklist-guidance-document>

Wyre Council Guidance for Applicants Green Infrastructure in New Residential Developments (Policy HP9), 2024 Update:

<https://www.wyre.gov.uk/general-information/green-infrastructure-advice-applicants/1>

Wyre Council Strategic Significance Mapping

<https://www.wyre.gov.uk/planning-building-control/biodiversity#BNG%20-%20Strategic%20Significance>

Wyre Council pre application advice:

<https://www.wyre.gov.uk/planning/make-planning-application/1>

Legislation

Environment Act 2021:

<https://www.legislation.gov.uk/ukpga/2021/30/contents/enacted>

Town and Country Planning Act 1990:

<https://www.legislation.gov.uk/ukpga/1990/8/contents>

The Levelling Up and Regeneration Act 2023

[Levelling-up and Regeneration Act 2023 \(legislation.gov.uk\)](https://www.legislation.gov.uk/ukpga/2023/5/contents/enacted)

Natural Environment and Rural Communities Act 2006:

[Natural Environment and Rural Communities Act 2006 \(legislation.gov.uk\)](https://www.legislation.gov.uk/ukpga/2006/31/contents/enacted)

The Conservation of Habitats and Species Regulations 2017:

[The Conservation of Habitats and Species Regulations 2017 \(legislation.gov.uk\)](https://www.legislation.gov.uk/uksi/2017/1003/contents/made)

BNG Regulations:

The 1990 Act is supplemented by a series of regulations. The following have been laid before parliament:

[The Biodiversity Gain \(Town and Country Planning\) \(Consequential Amendments\) Regulations 2024](https://www.legislation.gov.uk/uksi/2024/1003/contents/made) includes the definition of LPA.

[The Biodiversity Gain \(Town and Country Planning\) \(Modifications and Amendments\) \(England\) Regulations 2024](https://www.legislation.gov.uk/uksi/2024/1003/contents/made) which amend Schedule 7A and the *Town and Country Planning (Development Management Procedure) (England) Order 2015* and the *Town and Country Planning (Section 62A Applications) (Procedure and Consequential Amendments) Order 2013*. Includes provisions

related to planning application and the Biodiversity Gain Plan, as well as modifying regulations for phased development.

The Biodiversity Gain Requirements (Exemptions) Regulations 2024 which prescribe exemptions for categories of development to which biodiversity net gain does not apply.

The Biodiversity Gain Requirements (Irreplaceable Habitat) Regulations 2024 which set out the modifications for irreplaceable habitat. Government consultation on IH next year.

The Environment Act 2021 (Commencement No. 8 and Transitional Provisions) Regulations 2024 which commence biodiversity net gain for most types of new planning applications and provides transitional arrangements for section 73 permissions.

The Biodiversity Gain Site Register Regulations 2024 which create the legal basis for the offsite register hosted by Natural England.

The Town and Country Planning (Development Management Procedure) (England) Order 2015:

<https://www.legislation.gov.uk/ukxi/2015/595/contents/made>

National government guidance

Biodiversity Net Gain Planning Practice Guidance:

<https://www.gov.uk/guidance/biodiversity-net-gain>

Defra guidance:

<https://www.gov.uk/government/collections/biodiversity-net-gain>

Individual guidance notes are provided under the following headings:

- What biodiversity net gain is
- Land manager guidance
- Developer guidance
- Local planning authority guidance
- Calculate biodiversity value
- Legal agreements
- Habitat management and monitoring plans
- Planning practice guidance
- Manage biodiversity gains

Metrics and user guides (Defra):

<https://www.gov.uk/government/publications/statutory-biodiversity-metric-tools-and-guides>

Biodiversity gain plan template (Defra):

[Biodiversity gain plan - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/publications/biodiversity-gain-plan-template)

Habitat management and monitoring plan guidance and templates (Natural England):

Habitat Management and Monitoring Plan Template - JP055
(naturalengland.org.uk)

Biodiversity gain sites register (Defra):

<https://www.gov.uk/guidance/search-the-biodiversity-gain-sites-register>

Getting and using a conservation covenant agreement (Defra):

Getting and using a conservation covenant agreement - GOV.UK (www.gov.uk)

Conservation covenants: apply to become a responsible body (Defra):

Conservation covenants: apply to become a responsible body - GOV.UK
(www.gov.uk)

List of responsible bodies (Defra):

Conservation covenant agreements: designated responsible bodies - GOV.UK
(www.gov.uk)

Statutory credit scheme (Defra):

Statutory biodiversity credits - GOV.UK (www.gov.uk)

Statutory credit prices (Defra):

Statutory biodiversity credit prices - GOV.UK (www.gov.uk)

The National Planning Policy Framework (December 2024):

[tps://www.gov.uk/government/publications/national-planning-policy-framework--2](https://www.gov.uk/government/publications/national-planning-policy-framework--2)

Priority habitats (Defra and Natural England):

Habitats and species of principal importance in England - GOV.UK (www.gov.uk)

National Character Areas:

National Character Area profiles - GOV.UK (www.gov.uk)

25 Year Environment Plan:

<https://www.gov.uk/government/publications/25-year-environment-plan>

Environmental Improvement Plan 2023:

<https://www.gov.uk/government/publications/environmental-improvement-plan#>

Natural England Green Infrastructure Framework:

<https://designatedsites.naturalengland.org.uk/GreenInfrastructure/Home.aspx>

North West river basin district (RBD) river basin management plan

<https://www.gov.uk/guidance/north-west-river-basin-district-river-basin-management-plan-updated-2022>

Lancashire Local Nature Recovery Strategy:

<https://www.lancashire.gov.uk/council/strategies-policies-plans/environmental/local-nature-recovery-strategy/>

Planning Advisory Service – BNG pages:

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

Appendix 1 - Wyre Standard BNG Conditions

These conditions are presented as a guide only. Actual conditions imposed by a planning approval may differ.

1) Standard Biodiversity Gain Plan Condition

The Biodiversity Gain Plan shall be submitted and approved prior to commencement of development in accordance with paragraph 14(2) of Schedule 7A of the Town and Country Planning Act 1990 and shall be implemented in accordance with the approved details.

Reason: As required by Paragraph 13 of Schedule 7A of the Town and Country Planning Act 1990 Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015

BNG Onsite Conditions

2) Biodiversity Gain Plan – In accordance with (if details submitted)

The Biodiversity Gain Plan shall be prepared in accordance with the [xxxxxx] dated [xxxxxx] and prepared by [xxxxxxxxxxxx].

Reason: To ensure the development delivers a biodiversity net gain on site in accordance with Schedule 7A of the Town and Country Planning Act 1990 and Policy CDMP4 of the Wyre Local Plan 2011-2031

3) Habitat Management and Monitoring Plan (HMMP)

The development shall not commence until a Habitat Management and Monitoring Plan (the HMMP) prepared in accordance with the approved Biodiversity Gain Plan including:

- a) a non-technical summary;
- b) the roles and responsibilities of the people or organisation(s) delivering the [HMMP];
- c) the timeframe for the start of the habitat management and monitoring works and a programme for the completion of such works as defined by clause (e);
- d) the planned habitat creation and enhancement works to create or enhance habitat to achieve the biodiversity net gain in accordance with the approved Biodiversity Gain Plan;
- e) the definition of the completion of development i.e. when the 30 year management and monitoring period starts;
- f) the management measures to maintain habitat in accordance with the approved Biodiversity Gain Plan for a period of 30 years from the completion of development;

- g) the monitoring methodology and frequency in respect of the created or enhanced habitat to be submitted to the local planning authority
- h) the procedure(s) in the form of a remediation and reinstatement methodology for addressing a failure to manage and maintain the full extent of habitat(s) to the specified condition(s) at any point in time over the period of the HMMP,

has been submitted to, and approved in writing by, the local planning authority.

The created and/or enhanced habitat specified in the latest approved HMMP shall be managed and maintained in accordance with the latest approved HMMP.

Reason: To ensure the development delivers a biodiversity net gain on site in accordance with Schedule 7A of the Town and Country Planning Act 1990 and Policy CDMP4 of the Wyre Local Plan 2011-2031

4) Habitat Management and Monitoring Plan (HMMP) Notice

Notice in writing shall be given to the Local Planning Authority when habitat creation and enhancement works as set out in the latest approved Habitat Management and Monitoring Plan have been completed for the purposes of defining the start of the 30 year habitat management and monitoring period. The 30-year habitat management and monitoring period shall not begin unless and until agreed in writing by the Local Planning Authority.

Reason: To ensure the development delivers a biodiversity net gain on site in accordance with Schedule 7A of the Town and Country Planning Act 1990 and Policy CDMP4 of the Wyre Local Plan 2011-2031

5) Monitoring Reports

Monitoring reports shall be submitted to the local planning authority in writing in accordance with the methodology and frequency specified in the latest approved Habitat Management and Monitoring Plan.

Reason: To ensure the development delivers a biodiversity net gain on site in accordance with Schedule 7A of the Town and Country Planning Act 1990 and Policy CDMP4 of the Wyre Local Plan 2011-2031

6) OnSite – Non-Significant BNG

In addition to the standard WBC condition as above and plans and details condition above where relevant:

- i. The development shall not commence until a **Biodiversity Implementation Plan (BIP)**, prepared in accordance with the submitted Biodiversity Gain Plan has been submitted to and agreed in writing by the Local Planning Authority along with a timetable for implementation [in accordance with the [] dated [] and prepared by [].] Works shall then be carried out in accordance with the Biodiversity Implementation Plan.

- ii. The created and/or enhanced habitat specified in the approved BIP shall be managed and maintained in accordance with the approved BIP for the lifetime of the development.
- iii. Notice in writing shall be given to the Council when the:
 - a) habitat creation and enhancement works as set out in the BIP have commenced.

And

- b) habitat creation and enhancement works as set out in the BIP have been completed.

Reason: To ensure the development delivers a biodiversity net gain on site in accordance with Schedule 7A of the Town and Country Planning Act 1990 and Policy CDMP4 of the Wyre Local Plan 2011-2031

7. Offsite

Offsite BNG will need to be managed through a s106 or conservation covenant so conditions will be minimal and likely limited to the standard WBC condition as above and plans and details condition above where relevant.

8. Where the route to securing BNG is not known (an outline application for instance)

At the point of determining the application, we may not know if a HMMP or BIP is required. We therefore need a set of conditions that includes reference to both:

This is in addition to the standard WBC condition as above and plans and details condition above where relevant:

For any onsite biodiversity defined as “significant”, the development shall not commence until a Habitat Management and Monitoring Plan (the HMMP) prepared in accordance with the approved Biodiversity Gain Plan including:

- a) a non-technical summary;
- b) the roles and responsibilities of the people or organisation(s) delivering the [HMMP];
- c) the timeframe for the start of the habitat management and monitoring works and a programme for the completion of such works as defined by clause (e);
- d) the planned habitat creation and enhancement works to create or enhance habitat to achieve the biodiversity net gain in accordance with the approved Biodiversity Gain Plan;

- e) the definition of the completion of development i.e. when the 30-year management and monitoring period starts;
- f) the management measures to maintain habitat in accordance with the approved Biodiversity Gain Plan for a period of 30 years from the completion of development;
- g) the monitoring methodology and frequency in respect of the created or enhanced habitat to be submitted to the local planning authority
- h) the procedure(s) in the form of a remediation and reinstatement methodology for addressing a failure to manage and maintain the full extent of habitat(s) to the specified condition(s) at any point in time over the period of the HMMP,

has been submitted to, and approved in writing by, the local planning authority.

The created and/or enhanced habitat specified in the latest approved HMMP shall be managed and maintained in accordance with the latest approved HMMP.

For any on-site biodiversity value defined as “non-significant”, the following shall apply:

- a) The development shall not commence until a Biodiversity Implementation Plan (BIP), prepared in accordance with the submitted Biodiversity Gain Plan has been submitted to and agreed in writing by the Local Planning Authority along with a timetable for implementation [in accordance with the [] dated [] and prepared by [].] Works shall then be carried out in accordance with the Biodiversity Implementation Plan.
- b) The created and/or enhanced habitat specified in the approved BIP shall be managed and maintained in accordance with the approved BIP for the lifetime of the development.

Notice in writing shall be given to the Council when the:

- a) habitat creation and enhancement works as set out in the BIP have commenced.

And

- b) habitat creation and enhancement works as set out in the BIP have been completed.

Appendix 2 – Biodiversity Implementation Plan Template

Biodiversity Implementation Plan

Part 1 – Basic Information

1.1 Project and Development Information

Planning application ref number	This is the application number of the proposed development subject to the biodiversity and BIP conditions.
Site or development name (include a red edge plan of the application site)	This is the name of the above scheme or site.
Developer or Client Name and Address	
Author details	Name, organisation, and company address of ecologist or other professional completing the BIP
Date	
Version control	Date and a summary of amended content if applicable.

1.2 Summary of habitat works proposed

High-level summary including plans as required of the habitats to be created and/or enhanced and managed as part of this BIP.

1.3 Roles and responsibilities

A description of the key actors including the landowner and person or organisation undertaking the habitat works.

1.4 Land use summary

Current site use and summary of habitats present; overview of proposed land use.

Part 2 – Planned Activities

2.1 BIP aims and objectives

The overarching aims and objectives of the BIP.

2.2 Design principles informed by baseline information

How site features and baseline information influenced the habitat enhancement and creation plans.

2.3 Habitat and condition targets

What you have agreed to deliver based on the biodiversity metric. This must include a colour annotated plan showing the different habitat types being created, enhanced and, where relevant, retained. This must include timescales for the establishment of the habitat works and a description of the condition to be achieved and the timescales involved.

2.4 Habitat Retention

Details of habitats to be retained throughout the proposals (attach a habitat retention plan).

2.5 Risks and remediation

Identify risks associated with establishing and managing each habitat type and how these risks will be mitigated against, including any necessary remediation works if there are failings in the delivery and maintenance of the habitats.

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