



Castle Point Borough Council

**Biodiversity Net Gain (BNG)**  
**Supplementary Planning Document (SPD)**

Version for consultation January 2024

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



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## **1. Introduction to the SPD**

- 1.1.1.1 Supplementary Planning Documents (“SPDs”) are used to provide guidance on specific sites or issues. SPDs, when adopted, are a material planning consideration in decision taking. This SPD in particular interprets national planning policy requirements and the mandatory requirement for BNG.
- 1.1.1.2 The delivery of biodiversity net gain that will be achieved through development will result in more and better-quality biodiversity than would otherwise be possible.
- 1.1.1.3 The purpose of this SPD is to provide an overview and guidance on Biodiversity Net Gain (BNG). The content of this SPD is designed to help developers, planning applicants, LPAs, decision makers, and landowners by summarising guidance on planning for and delivering BNG, signposting to detailed guidance, and setting out the Council’s expectations for BNG.
- 1.1.1.4 This SPD outlines:
- What is Biodiversity, BNG, and its importance.
  - Legislation and political drivers.
  - Biodiversity Metrics.
  - BNG good practice principles.
  - Links to other planning
  - Summary of the Essex Local Nature Recovery Strategy (LNRS).
- 1.1.1.5 Throughout references are made, with links where appropriate, to other guidance that can help to direct and enhance development design to ensure that BNG opportunities are incorporated from the beginning of the planning process.

## **2. Biodiversity Net Gain**

### **2.1 What is Biodiversity and Biodiversity Net Gain?**

- 2.1.1.1 Biodiversity is the variability among living organisms from all sources including, terrestrial, marine, and other aquatic ecosystems and the ecological complexes of which they are part: this includes diversity within species, between species, and of ecosystems (Convention of Biological Diversity).
- 2.1.1.2 Biodiversity Net Gain (BNG) is an approach to development, land and marine management that leaves biodiversity in a measurably better state than before the development took place (Natural England). BNG is additional to existing habitats and species protections. Intended to reinforce the mitigation hierarchy, BNG aims to create new habitats as well as enhancing existing habitats, ensuring the ecological connectivity they provide for wildlife is retained and improved (Natural England).

### **2.2 Why Now?**

#### **2.2.1 The Climate and Ecological Crisis**

- 2.2.1.1 The Environment Act 2021 introduced mandatory BNG legislation. For climate change, the science tells us that to avoid catastrophic effects we need to limit the increase in global temperature to 1.5°C. Mitigation measures are required to significantly reduce greenhouse gas emissions and limit global temperature rise. However, even with efforts to limit the cause of global warming, further climatic changes are inevitable in the future and the UK will need to adapt to the growing risks from climate change. Co-ordinated action from all sectors, national and local governments, and individuals is needed to mitigate and adapt to climate change.
- 2.2.1.2 A UK State of Nature Report 2019 demonstrated that not only are we dealing with a climate crisis, but also an ecological crisis. The UK has lost almost half its biodiversity since the 1970s and sits near the bottom of the Biodiversity Intactness Index<sup>1</sup>. We have lost 97% of wild meadows, 26% of mammals are at risk of extinction and 22% of seabird species have declined. The greatest drivers of this change include urbanisation, intensification of agriculture, woodland management, pollution, and climate change. UN Sustainable Development Goal 15 calls on us to “recover sustainable use of terrestrial ecosystems, halt and reverse land degradation and halt biodiversity loss.”<sup>2</sup> BNG will tackle the loss of nature by ensuring that new developments are designed to provide habitats that can increase biodiversity within its area.

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<sup>1</sup> <https://www.nhm.ac.uk/our-science/data/biodiversity-indicators/what-is-the-biodiversity-intactness-index.html#:~:text=The%20Natural%20History%20Museum%20has,bottom%20of%20the%20G7%20countries.>

<sup>2</sup> <https://sdgs.un.org/goals>

## 2.3 The Benefits of BNG

The Benefits of Biodiversity Net Gain			
For Developers	For Local Planning Authorities (LPAs)	For Nature	For the wider population
<b>Green neighbourhoods</b>  BNG can help create greener neighbourhoods, that are more attractive places for people to live, work and do business.	<b>Multifunctional benefits</b>  BNG can have multifunctional benefits such as, providing spaces for education, active travel, mental health and well-being, and physical health.	<b>Bigger, better, and joined up habitats</b>  Providing more bigger, better, and joined up habitats in which wildlife can thrive. BNG will enhance the condition of existing habitats as well as creating new habitats.	<b>Food security</b>  Increasing environmental stability through biodiversity net gain could help the future of the agricultural industry, and therefore food production.
<b>Desirable places to live</b>  Development sites will be more attractive with the addition of BNG, making places more desirable to live in. It will also enhance their reputation, with possibilities to become examples of best practice.	<b>Contribute to wider targets</b>  BNG can help LPAs achieve other targets, such as bringing investment to the local economy, place-making, improving air quality and flood resilience.	<b>Supports nature recovery</b>  BNG is a mechanism to support the delivery of the Local Nature Recovery Strategy (LNRS). The LNRS identifies locations to create or improve habitat most likely to provide the greatest benefit for nature and the wider environment.	<b>Soil health</b>  For farmers, using their land for biodiversity net gain, increasing biodiversity can result in increased soil health, pest control, nutrient cycling and it could also prevent runoff to waterways.

The Benefits of Biodiversity Net Gain			
For Developers	For Planning Authorities	For Nature	For the wider population
<p><b>Contribute to other plans</b></p> <p>Developments that deliver BNG, particularly onsite, as evidenced through biodiversity gain plans, can concurrently contribute towards the delivery of other requirements as part of the planning application process. For example, BNG delivery can contribute towards a successful construction environment management plan (CEMP), Ecological Impact Assessment (EIA), and landscape and ecological management plan (LEMP).</p>	<p><b>Job creation</b></p> <p>Increased natural capital assets, creating green jobs.</p>	<p><b>Provision of ecosystem services</b></p> <p><a href="#">Ecosystem services</a> demonstrates further the benefits of nature. Ecosystem services include but not limited to soil formation, nutrient cycling, water cycling, pollinator, regulation of water, air and soil quality, climate regulation and more.</p>	<p><b>Resilience to climate change</b></p> <p>BNG can help mitigate climate change through the restoration and protection of nature. E.g., additional woodland can help sequester more atmospheric carbon.</p>
<p><b>Increased demand for areas</b></p> <p>Enhanced environmental quality can improve the value of a development.</p>	<p><b>Greener neighbourhoods</b></p> <p>BNG can help create greener neighbourhoods, that are more attractive places for people to live, work and do business.</p>	<p><b>Enhancing existing spaces for nature</b></p> <p>BNG contributes towards nature recovery by enhancing and uplifting existing habitats and spaces for nature.</p>	<p><b>Community resilience</b></p> <p>BNG can help communities adapt to climate change by increasing resilience to extremes of weather, including heatwaves and flooding.</p>



The Benefits of Biodiversity Net Gain			
For Developers	For Planning Authorities	For Nature	For the wider population
<p><b>Combining requirements</b></p> <p>BNG delivery can be combined with other requirements for developers. For example, Sustainable urban Drainage Systems (SuDS) and Public Open Space (POS) requirements. These can also be delivered through high-quality green infrastructure which is multifunctional and accessible.</p>			<p><b>Direct Impact on people</b></p> <p>BNG can benefit people directly, when communities can enjoy the high-quality natural surroundings either by BNG being achieved within the development footprint or when a biodiversity offset increases people's access to, or views of, nature.</p>

### **2.3.1 Benefits of BNG for Essex**

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

2.3.1.2 BNG can contribute to wider targets in Essex:

- Increase natural Green Infrastructure (GI) from 14% to 25% by 2030 (Essex Climate Action Commission (ECAC)). Increase Natural Green Infrastructure from 14% to 25% by 2030 (Target set by the ECAC; an independent body which advise on how best to tackle the climate challenge).
- Enhance the resilience of the Essex landscape.
- BNG will ensure consistency across the county through measurable assessment methods of biodiversity.
- BNG will support the delivery of Nature Recovery Targets, which will contribute to a wider range of environmental targets, both nationally and locally.
- Through supporting the delivery of the Essex Local Nature Recovery Strategy (LNRS), BNG will be contributing to the formation of the England-wide Nature Recovery Network (NRN). The NRN is a national network of wildlife rich places to increase and restore nature, of which BNG will be key to its gradual formation and delivery.
- BNG and the LNRS are interconnected; the LNRS will identify where action to achieve net gain will have the most impact for nature recovery and encourage action in these locations through the way net gain is calculated via the biodiversity metric (see strategy significance multiplier in section 3.2.2). Read more detail on the LNRS in section 4.
- The interconnected nature of BNG and the LNRS will have strategic benefits, across LPAs, and county boundaries, benefiting biodiversity and nature across landscapes at both local and national scale- BNG is, by nature, cross-boundary.

### **3. Planning Requirements and Legislation**

#### **3.1 Overview of BNG related legislation**

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

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

3.1.1.2 This was due to become mandatory for major sites in November 2023, however the government released in October 2023 that this is to be delayed to January 2024. BNG is due to be mandatory for small sites in April 2024. This will be a condition of planning permission in England as per section 98 of the Environment Act 2021 for relevant developments.

##### **3.1.2 Delivering Biodiversity Net Gain**

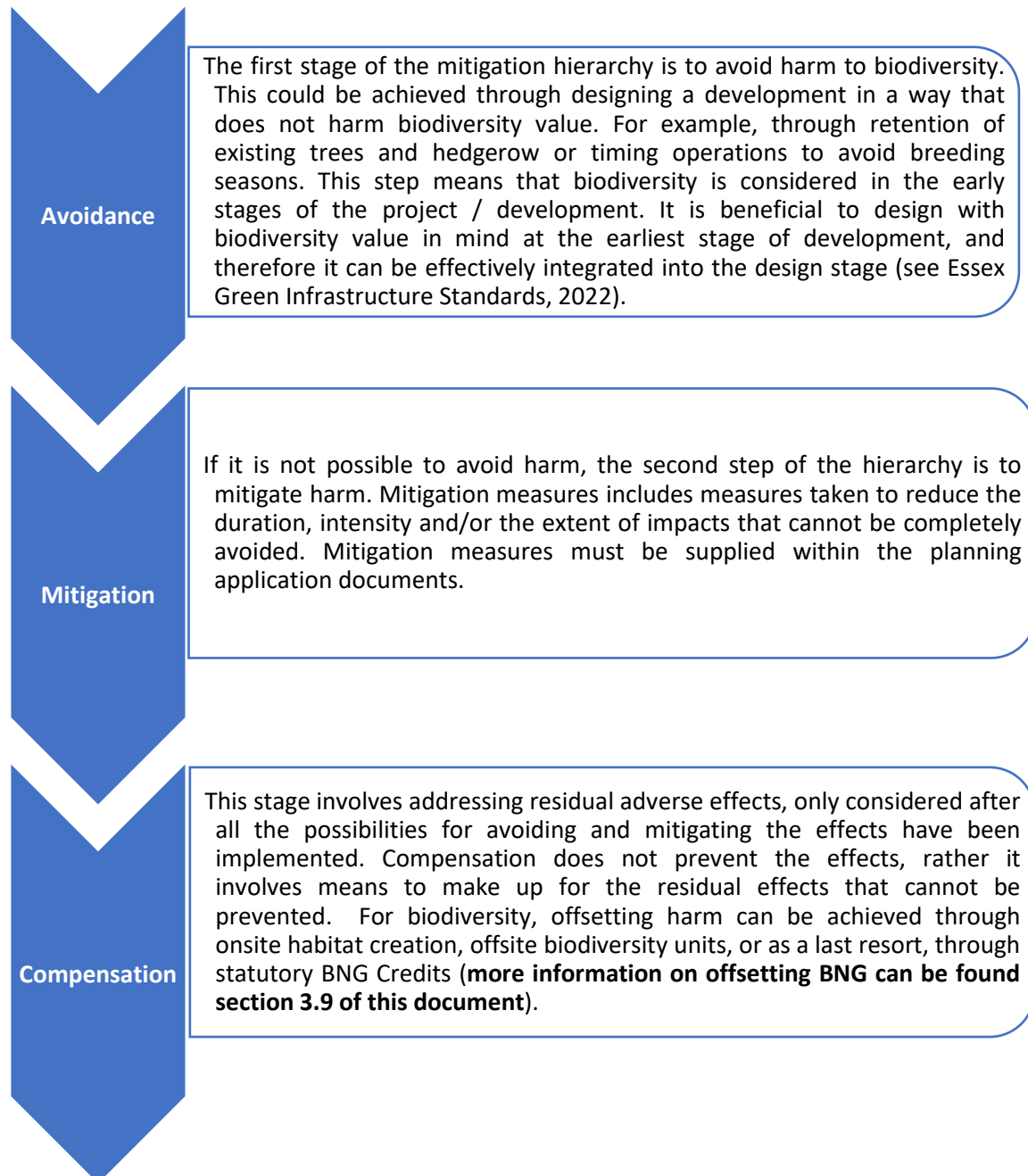
3.1.2.1 BNG, in its initial implementation following January 2024, is a different way of designing a development scheme to leave the natural environment in a better state than it was found. In accordance with the Environment Act 2021, BNG is a means for creating or enhancing wildlife habitats and ecological features through applying the mitigation hierarchy in conjunction with development to deliver improvements for biodiversity. The Council advises applicants to engage with an ecologist at an early stage and facilitate collaboration between the ecologist, landscape consultant and design team at the earliest stage in the design process. It is difficult to retrofit biodiversity net gain so the earlier an applicant engages with an ecologist the easier it is to achieve biodiversity net gain.

3.1.2.2 Delivery of BNG complements policy EC14 in the Council's adopted Local Plan which states the following:

*'The Council will encourage proposals for further nature reserves. It will also promote the creation of new wildlife habitats in conjunction with development proposals. In considering planning applications, the Council will take into account the potential for the creation of wildlife habitats. Particularly where these would enhance and complement existing elements of nature conservation on adjoining land.'*

### 3.1.3 Mitigation Hierarchy

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



## **3.2 The Biodiversity Net Gain Metric**

### **3.2.1 Introduction to the Metric**

3.2.1.1 A biodiversity metric calculation should be submitted as part of the planning application. The requirement of schedule 14 (7A) of the Environment Act 2021 is that the development may not begin until a biodiversity gain plan is submitted and approved by the LPA. As part of the gain plan, a metric calculation must be included [that demonstrates a minimum of 10% gain]. Whilst the current legal requirement is for this to be secured through a legal agreement (s106 agreement/conversation covenant), it is recommended that a metric calculation, and evidence for BNG it is submitted as early in the planning process as possible. This will encourage a best practice approach and ensure that development proposal sites have integrated BNG into the design, meaning it is less likely to be refused on grounds of lack of information. Early integration will also help to deliver on-site BNG. The Council's validation checklist requires a Biodiversity Metric calculation to be submitted as part of a planning application.

3.2.1.2 The Biodiversity Metric is a biodiversity accounting tool that can be used for the purposes of calculating BNG. The biodiversity metric is a habitat-based approach used to assess a site's value to wildlife. The metric uses habitat features to calculate a biodiversity value. Habitats should be classified using the UK Habitat classification system. The metric calculates how a development will change the biodiversity value of a site. The metric calculates the value as biodiversity units. The biodiversity metric uses changes in the extent and quality of habitats as a proxy for nature, and calculates the habitat found on a site before and after development. New applicants must use the latest version of the Biodiversity Metric.

3.2.1.3 Four key factors underpin this comparison:

- Habitat size (area or length)
- Condition
- Distinctiveness (based on the type of habitat and its distinguishing features, e.g., consideration of species richness and rarity)
- Strategic Significance (value given to habitats located in optimal locations or which meet local objectives for biodiversity in the as identified within a local plan, strategy, or policy. Once established, identification can be achieved through the Local Nature Recovery Strategy)

3.2.1.4 To use the biodiversity metric calculation tool, applicants will need to know:

- The types of habitats on-site and off-site
- The size of each habitat parcel in hectares
- The length in kilometres if it is linear (rivers and streams, hedgerows and lines of trees)
- The condition of each habitat parcel
- The strategic significance of where biodiversity uplift will be achieved.
- The number of trees and sizes of the trees

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

### **3.2.2 Strategic Significance Multiplier**

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

### **3.2.3 How will BNG be demonstrated?**

- 3.2.3.1 Applicants will be required to run a BNG calculation to assess the baseline conditions for the site at the pre-development stage. The latest published Biodiversity Metric must be used, and Defra will nominate the statutory metric in due course. The metric calculation must be conducted by a competent and experienced person ([as defined by BS 8683:2021](#)). *"A competent person is someone who can demonstrate they have acquired through training, qualifications or experience, or a combination of these, the knowledge and skills enable that person to perform specified tasks in completing and reviewing metric calculations"*. The Council expects the competent person to be a qualified ecologist.
- 3.2.3.2 The calculation spreadsheet should show the assessment of existing/predevelopment habitat translated into biodiversity units. This will then be contrasted with the proposed post development biodiversity units (reflecting any proposed on or off-site habitat creation and restoration). This difference in Biodiversity Units will be calculated as a percentage therefore representing the change in biodiversity value. The minimum requirement is a 10% gain. The Essex Local Nature Partnership (LNP) supports going for higher than the mandatory 10% BNG requirement and encourages

LPAs to go for 20% BNG in local policy. The Essex LNP have been investigating the provision of a 20% BNG viability study, to evidence and support reasoning behind going for higher than the 10% mandatory requirement. Progress on the LNP's work can be found at: [www.essexnaturepartnership.co.uk](http://www.essexnaturepartnership.co.uk)

3.2.3.3 If it is found that the habitat on site has been degraded since 30 January 2020 so that the habitat is lost prior to the baseline survey, then the site will need to be reassessed using data (aerial imagery and other habitat data) held by the Council from prior to the loss of the habitat. Where there is uncertainty of the habitat loss or disturbance from a proposed scheme or where there is insufficient information, it is recommended to apply a "worst case scenario" approach.

### **3.2.4 Important considerations when using the Biodiversity Metric**

- Additionality - BS8683:2021 – Process for designing and implementing Biodiversity Net Gain and industry best practice guidelines (CIRIA, 2019) require BNG to be 'additional' to any measures or obligations to mitigate a scheme's biodiversity impacts and which would have happened regardless. These obligations are currently interpreted as including impacts on; (i) statutory designated sites, (ii) irreplaceable habitats and (iii) legally protected species.
- Impacts upon irreplaceable habitats cannot be accounted for under the Biodiversity Metric.
- Area based habitats, linear (e.g. hedgerows) and watercourse are all treated separately within the metric. 10% Net Gain is required for all three. For example, you can't have a 7% gain in area habitat and a 3% gain in hedgerows.
- Habitat replacement as part of net gain must also be "like-for-like" or "like-for-better". This links to 'Trading Rules', in line with rule 3 of the Biodiversity Metric 4.0 User Guide.
- The Biodiversity Metric and supporting information is available here: [The Biodiversity Metric 4.0 - JP039 \(naturalengland.org.uk\)](http://The Biodiversity Metric 4.0 - JP039 (naturalengland.org.uk)).

### **3.3 Large/Strategic sites (January 2024)**

3.3.1.1 Large or strategic sites are defined as the following:

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

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

3.3.1.3 Applications will require BNG consideration for major development registered past January 2024, and minor developments past April 2024. Specific dates for this are not yet confirmed.

### **3.3.2 Minerals and Waste**

3.3.2.1 Minerals and waste sites will also be subject to BNG. The BNG figure, the requirements and format of this is subject to further guidance. For minerals, the government consultation response addresses BNG, and suggests policy would be used to target ecological outcomes rather than percentage targets. The government response also discusses how BNG would apply for Section 73 applications, however, clarity and confirmation of how this will work will be provided in further guidance.

3.3.2.2 As further guidance is released, some information regarding BNG and waste sites will be addressed in this section.

## **3.4 Small sites (April 2024)**

3.4.1.1 Small sites can be defined as:

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

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

### **3.4.2 Small Sites Metric**

3.4.2.1 This simplified version of the Biodiversity Metric is designed specifically for small development sites. Small sites are defined as those that meet the following criteria:

- For residential developments, fewer than ten dwelling units (9 or fewer) must be provided on less than one hectare of land.
- The site area is less than 0.5 hectares where the number of dwellings is unknown.
- Any other development type with a site area of less than 0.5 hectares or 5,000 square meters.

3.4.2.2 The Small Site Metric user guide explains how to apply Small Site Metric and determine whether its use is appropriate. Please visit Natural England [The Small Sites Metric](#)



(SSM) to download and utilise the metric. The guide sets out circumstances where the SSM cannot be used:

1. Where habitats not available in the SSM are present
2. Where priority habitats are within the development site (excluding some hedgerows and arable field margins)
3. Where protected species are present on the development site (as protected under the Conservation of Habitats and Species Regulations 2017, but not species under the Wildlife Countryside Act 1981 or the Protection of Badgers Act 1991).
4. Where any offsite interventions are required

### **3.5 Exemptions to Mandatory BNG**

3.5.1.1 Defra has confirmed several exemptions from BNG:

- Householder applications
- Permitted development
- Self-build and custom house building (small scale – with the caveat that this scale is to be defined)
- Development impacting habitat of an area below a ‘de minimis’ threshold of 25 square metres, or 5m for linear habitats such as hedgerows and watercourses
- Existing sealed surfaces (such as tarmac or existing buildings) which would give a zero score on the metric, meaning that these surfaces are effectively exempted from the percentage gain requirement.

### **3.6 Nationally Significant Infrastructure Projects (2025)**

3.6.1.1 It is a requirement of BNG that the biodiversity value of land (terrestrial) and intertidal development affected by a Nationally Significant Infrastructure Project (NSIPs) exceeds the predevelopment biodiversity value by at least 10%. NSIPs are large-scale developments (involving energy, transportation, water, or waste) that require development consent order via the Planning Inspectorate. The government confirmed that BNG requirements will be incorporated into all NSIP projects (terrestrial) from November 2025, and that the government will also develop an approach for marine net gain (section 3.7). The BNG requirements for NSIPs will be outlined in a draft biodiversity gain statement.

### **3.7 Intertidal Habitats and Marine Net Gain**

3.7.1.1 Essex has a vast and ecologically important coastline. The Defra consultation [Government response and summary of responses - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/consultations/government-response-and-summary-of-responses-to-the-biodiversity-net-gain-consultation) addressed intertidal habitats with the following:

*“In response to broad support for the proposal, we will state that all habitats in the intertidal zone, including designated features of protected sites, or a short distance (to be confirmed, but no more than 2 kilometres) above the high-water mark, would be eligible for enhancement for BNG. Any compensation that a development is*

*delivering in meeting wider statutory protections may be counted towards that development's BNG. This would be subject to any relevant approvals for the enhancement and only permitted where the proposals do not risk harming designated species or features".*

- 3.7.1.2 There is future aspiration for Marine Net Gain, however, the overall approach is still subject to consultation and at a relatively early stage.

### **3.8 Watercourses**

- 3.8.1.1 Rivers, streams and watercourses are included within biodiversity metric 4. They are linear habitats and as such are treated separately from area-based habitats within the metric. 'Watercourse biodiversity units' are calculated as opposed to 'area habitat biodiversity units'. Area habitats, measured in hectares, generate area habitat biodiversity units and the watercourse habitats, measured in kilometres, generate watercourse biodiversity units. These units are unique and cannot be summed, traded, or converted. To calculate the watercourse biodiversity units of watercourse habitats, biodiversity metric 4 requires data inputs including watercourse habitat type, length, condition, strategic significance, and level of watercourse and riparian encroachment. The watercourse biodiversity units are used to quantify losses and gains of watercourse habitats and cannot be offset by creation or enhancement of area habitat biodiversity units or hedgerow biodiversity units.

### **3.9 BNG Onsite, Offsite and Statutory Credits**

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



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

### 3.9.2 Onsite BNG

3.9.2.1 Onsite BNG means all land within the boundary of a project. In a planning context, this usually means within the red line boundary of a planning application. Utilising the National Green Infrastructure Framework, and the Essex GI Standards and Strategy ensures green principles are applied at all stages of the design and application process, this helps to integrate biodiversity within the form of the development, thereby delivering BNG as part of the overall design.

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

### 3.9.3 Offsite BNG

3.9.3.1 Offsite BNG means interventions on land outside of the onsite boundary.

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

3.9.3.3 Defra will establish a national register for BNG sites and offset units will only be accepted where they relate to a site on this national register once it is established. A template for the register is currently in development. Once developed, Natural England will operate this.

3.9.3.4 Where offsite BNG is required to deliver all or part of the 10% BNG, applicants are encouraged to purchase offsite units from BNG sites that are identified as a priority for nature improvement in the LNRS. BNG can be delivered on more than one offsite location, or as a combination of onsite and offsite enhancement measures. For example, if 10 biodiversity units are required to produce a minimum 10% uplift, and the site can deliver 8 of these units within the redline boundary, the remaining 2 units can be delivered offsite. This must be set out in the biodiversity gain plan and will be monitored in the same way as if all of the BNG was produced offsite.

3.9.3.5 Where BNG cannot be delivered onsite and offsite BNG is required, to ensure BNG is kept as local to the development site as possible, the Council's preferred offsite BNG provision is in the following order:

- Within the ward of the development site;
- Within an adjoining ward of the development site, within the local authority boundary;
- Within the local authority boundary;
- Within an adjoining ward of the development site, in a neighbouring local authority;
- Within an adjoining local authority;
- As a last resort beyond the local authority and neighbouring authorities.

3.9.3.6 Offsite biodiversity gains must be maintained for at least 30 years after the completion of the works to create or enhance the habitat. To count towards a development's net gain requirements, the site must be secured through a Section 106 Agreement, conservation covenant or planning obligation to ensure the habitats are maintained, even if the land is sold.

#### **3.9.4 BNG Statutory Credits**

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

3.9.4.2 The money raised through statutory credits will be reinvested into biodiversity habitat creation schemes. Defra have released indicative pricing for statutory credits available to view [here](#). The price is set by Defra, based on habitat type and two credits must be purchased for every unit required.

3.9.4.3 This price will be higher than the cost of equivalent offsite unit on the market, this should encourage use of the mitigation hierarchy and ensure statutory credits are used as a last resort; meaning that all on-site and off-site options should be sought before considering use of the statutory credit scheme to achieve BNG. Developers

wishing to use statutory credits will have to provide evidence for this<sup>3</sup>. Natural England will sell statutory credits on behalf of the Secretary of State. An accessible and user-friendly digital sales platform is currently being developed and tested.

### 3.10 BNG good practice principles

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

Principle	Notes
1. Apply the Mitigation Hierarchy	Do everything possible to first avoid and then minimise impacts on biodiversity. Only as a last resort, and in agreement with external decision-makers where possible, compensate for losses that cannot be avoided. If compensating for losses within the development footprint is not possible or does not generate the most benefits for nature conservation, then offset biodiversity losses by gains elsewhere.
2. Avoid losing biodiversity that cannot be compensated for	Avoid impacts on irreplaceable biodiversity – these impacts cannot be offset to achieve no net loss or net gain.
3. Be inclusive and equitable	Engage stakeholders early, and involve them in designing, implementing, monitoring, and evaluating the approach to BNG. Achieve net gain in partnership with stakeholders where possible and share the benefits fairly among stakeholders.
4. Address risks	Mitigate difficulty, uncertainty, and other risks to achieving net gain. Apply well-accepted ways to add contingency when calculating biodiversity losses and gains in order to account for any remaining risks, as well as to compensate for the time between the losses occurring and the gains being fully realised.
5. Make a measurable Net Gain contribution	Achieve a measurable, overall gain for biodiversity and the services ecosystems provide while directly contributing towards nature conservation priorities.
6. Achieve the best outcomes for biodiversity	Achieve the best outcomes for biodiversity by using robust, credible evidence and local knowledge to make clearly justified choices when: - Delivering compensation that is ecologically equivalent in type, amount and condition, and that accounts for the location and timing of biodiversity losses; - Compensating for losses of one type of biodiversity by providing a different type that delivers greater benefits for nature conservation; - Achieving BNG locally to the development while also contributing towards nature conservation priorities at local, regional and national levels; - Enhancing existing or creating new habitat; and Enhancing

<sup>3</sup> <https://www.gov.uk/guidance/understanding-biodiversity-net-gain>

Principle	Notes
	ecological connectivity by creating more, bigger, better and joined areas for biodiversity.
7. Be additional	Achieve nature conservation outcomes that demonstrably exceed existing obligations (i.e., doesn't deliver something that would occur anyway).
8. Create a Net Gain legacy	Ensure BNG generates long-term benefits by: - Engaging stakeholders and jointly agreeing practical solutions that secure net gain in perpetuity; - Planning for adaptive management and securing dedicated funding for long-term management; - Designing net gain for biodiversity to be resilient to external factors, especially climate change; - Mitigating risks from other land uses; - Avoiding displacing harmful activities from one location to another; and - Supporting local-level management of BNG activities.
9. Optimise sustainability	Prioritise BNG and, where possible, optimise the wider environmental benefits for a sustainable society and economy.
10. Be transparent	Communicate all BNG activities in a transparent and timely manner, sharing the learning with all stakeholders.

### 3.10.2 The Urban Greening Factor

3.10.2.1 Brownfield sites are defined as “Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. This excludes: land that is or was last occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill, where provision for restoration has been made through development management procedures; land in built-up areas such as residential gardens, parks, recreation grounds and allotments; and land that was previously developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape.” This definition has been provided by National Planning Policy Framework [National Planning Policy Framework - Annex 2: Glossary - Guidance - GOV.UK \(www.gov.uk\)](#).

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



### 3.10.3 Irreplaceable habitats

3.10.3.1 National Planning Policy Guidance 2019, implies that “any protected sites and areas (statutory or non-statutory) can be considered as comprised of irreplaceable [natural] habitats, for which biodiversity net gain proposals should not undermine their strict protection.” DEFRA will provide updated definition of “irreplaceable habitats” as stated February 2023. The Defra consultation states that “Secondary legislation will also be used to disapply the 10% measurable net gain requirement for irreplaceable habitat” ...” The biodiversity gain objective (part 1 of the Environment Act 2021) is to be replaced with a requirement for appropriate compensation relative to the baseline habitat type”. The loss of irreplaceable habitats cannot be compensated for by gains elsewhere and so they are excluded from biodiversity net gain calculations. Natural England is currently developing guidance which will set out the definition and a definitive list of irreplaceable habitats in England.

3.10.3.2 Any proposals that are likely to result in impacts on irreplaceable habitat should be accompanied by detailed survey information and clear evidence to support the exceptional reasons that justify such a loss. Compensation strategies should include contribution to the enhancement and management of the habitat.

3.10.3.3 Any impacts to irreplaceable habitats will require significant, bespoke compensation beyond the BNG metric and will also require further consultation with Natural England. Impacts should be avoided as much as possible using the mitigation hierarchy.

### 3.10.4 Stacking and Additionality

#### *Stacking*

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

#### *Additionality*

3.10.4.2 If you’re creating or enhancing habitat as part of your development, you may be able to count this towards your BNG.

3.10.4.3 You can still do this if the habitat required for your development is to:

- comply with a statutory obligation or policy, for example green infrastructure, environmental impact assessment (EIA) compensation or sustainable drainage
- provide river basin management plan (RBMP) mitigation and enhancement measures

- provide mitigation or compensation for protected species or sites, for example nutrient mitigation.

3.10.4.4 If you're also providing off-site mitigation and compensation for protected sites and species, this may count towards your BNG. You should do at least 10% of your BNG through other activities, for example, on-site habitat creation and enhancement. For example, if a development has a baseline score of 10 biodiversity units and needs to achieve a score of 11 units, at least 1 unit should come from separate activities (such as an onsite habitat or the wider market for biodiversity units).

3.10.4.5 If you're using off-site units, you need to legally secure these for at least 30 years. You must register them before they can count towards your BNG.

3.10.4.6 You should not count habitat creation or enhancements towards your BNG if you're already required to do this for:

- restocking conditions relating to a tree felling licence or a restocking notice
- marine licensing
- remediation under the environmental damage regulations

### **3.11 Conservation Covenants and Section 106 Agreements**

3.11.1.1 BNG will be secured through legal agreement, either through a Section 106 (s106) Agreement or through a conservation covenant.

3.11.1.2 S106 agreements are legal agreements between local planning authorities and developers/landowners as part of the planning permission granting process. Suggested baseline wording for a s106 agreement to secure BNG is available in appendix A. It is important to note that each s106 must be tailored to each individual application.

3.11.1.3 A conservation covenant is an agreement between a landowner and a responsible body. These came into being as a means of securing conservation outcomes in September 2022. The latest advice on conservation covenants is available [here](#). Councils and other bodies with a conservation interest can apply to Defra to become a responsible body.

3.11.1.4 It must be stated that it will not be required to have both a conservation covenant and a s106 in place to secure a site – just one of those two options.

### **3.12 Management and Maintenance**

#### **3.12.1 Biodiversity Gain Plans**

3.12.1.1 The requirement of schedule 14 (7A) of the Environment Act 2021 is that the development may not begin until a biodiversity gain plan is submitted and approved



by the LPA. Developers must clearly demonstrate how net gains will be secured when submitting a planning application via inclusion of a metric calculation for both the pre-development baseline and post-development projection (see section 3.2). A well-thought-out Biodiversity Gain Plan must be submitted by developers, to and approved in writing by the local planning authority. As well as being incorporated into the planning application, these plans must be integral to the proposed scheme or design.

3.12.1.2 Biodiversity Gain Plans set out the key ecological considerations relevant to the development proposals, the biodiversity management principles for new habitat creation areas and the enhancements that are likely to be achieved. The Environment Act sets out that the biodiversity gain plan should cover:

- How adverse impacts on habitats have been minimised.
- The pre-development biodiversity value of the onsite habitat.
- The post-development biodiversity value of the onsite habitat.
- The biodiversity value of any offsite habitat provided in relation to the development.
- Any statutory biodiversity credits purchased; plus
- Any further requirements as set out in secondary legislation.

### **3.12.2 Monitoring and Stewardship**

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

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

3.12.2.3 It is the council's preference that a developer pays the council to undertake the monitoring on their behalf. The costs associated with this monitoring would be included within a legal agreement. If, however, the developer wishes to undertake their own monitoring, the council will seek a monitoring fee through a legal agreement to enable an ecologist appointed by the council to review the monitoring reports submitted.

3.12.2.4 The LPA will check monitoring reports for onsite BNG and carry out any enforcement action if required. They will also monitor the delivery of BNG across the LPA boundary at the strategic level. The template can be found in appendix A and should be submitted with proposals where onsite BNG will be delivered. As more guidance is

released, a template register, for councils to keep a record of and monitor on site BNG sites, will be explored.

### 3.13 Summary of Planning application expectations

3.13.1.1 The Environment Act 2021 [schedule 14 \(7a\)](#) states that “grants of planning permission in England are to be subject to a condition to secure that the biodiversity gain objective is met”. Paragraph 2(1) states “the biodiversity gain objective is met in relation to development for which planning permission is granted if the biodiversity value attributable to the development exceeds the pre-development biodiversity value of the onsite habitat by at least the relevant percentage [10%+]”. The general condition paragraph 13(2) is that a biodiversity gain plan must be submitted and approved by the local planning authority. This plan must include a metric calculation demonstrating how a minimum of 10% gain will be delivered.

3.13.1.2 Therefore, development should only be permitted for major developments where a BNG of **a minimum of 10%** is demonstrated [through a metric calculation] and secured in perpetuity for at least 30 years. Planning applications need to be submitted with the following (the following list of requirements are to be confirmed as further guidance is released):

- A Biodiversity Metric calculation (the current Biodiversity Metric published by DEFRA), completed by a competent person (as defined by BS 8683:2021) and which clearly indicates the percentage change in biodiversity value from the baseline to the post development units. The metric calculation must be undertaken pre-development before any site clearance or habitat management work has been completed.
- A biodiversity gain plan<sup>[1]</sup>, which must include as a minimum:
  - information not captured in the biodiversity metric tool such as species factors and habitat management and monitoring plans.
  - how the 10-biodiversity net gain good practice principles have been followed.
  - how wider benefits to biodiversity have been incorporated into the development.
  - Including the aforementioned metric calculation.
- Details of how the biodiversity net gains will be managed and maintained for a period of at least 30 years.
- GIS layers pre and post development.
- Any offsite habitats created or enhanced are well located to maximise opportunities for local nature recovery.

3.13.1.3 Development Management Officers, in consultation with specialist Officers or ecology consultants, will review the information submitted in relation to BNG, including the biodiversity metric calculations. The Council will be looking for evidence of sound ecological principles and good outcomes for nature and not just the percentage BNG. The Council will challenge proposed habitat interventions when proposed habitats are

too small to be ecologically functional; or are unlikely to be deliverable given the site characteristics; or conflict with national guidance on BNG.

3.13.1.4 For applications where the baseline biodiversity value is negligible/zero, it is recommended to calculate any biodiversity unit gains as a numerical unit value as opposed to a percentage.

3.13.1.5 Where external expertise is required to review and validate the biodiversity gain plan or other ecological reports submitted with the application, which may be the case for larger or complex applications, applicants must reimburse the Council. Arrangements for this will be discussed at the pre-application stage and may subsequently be secured through a Planning Performance Agreement for major applications.

<sup>[1]</sup> The biodiversity gain plan is referred to in the Environment Act. Where the Government has published a template, this should be used.

### 3.14 BNG Process Flow Charts

3.14.1.1 Essex Planning Authorities are currently awaiting secondary legislation to be released by Defra and so the process flow charts below have been based on the information we currently have about the BNG planning process for both developers and LPAs.

Pre-development biodiversity value must be calculated before any site clearance or other habitat management work has been undertaken, by the applicants or anybody else. It should be noted that the baseline for habitats on any site proposed for development will be taken as 30 January 2020.

Involves submitting BNG information alongside application for planning permission. If planning authority is satisfied with application, planning permission will be granted subject to BNG conditions.

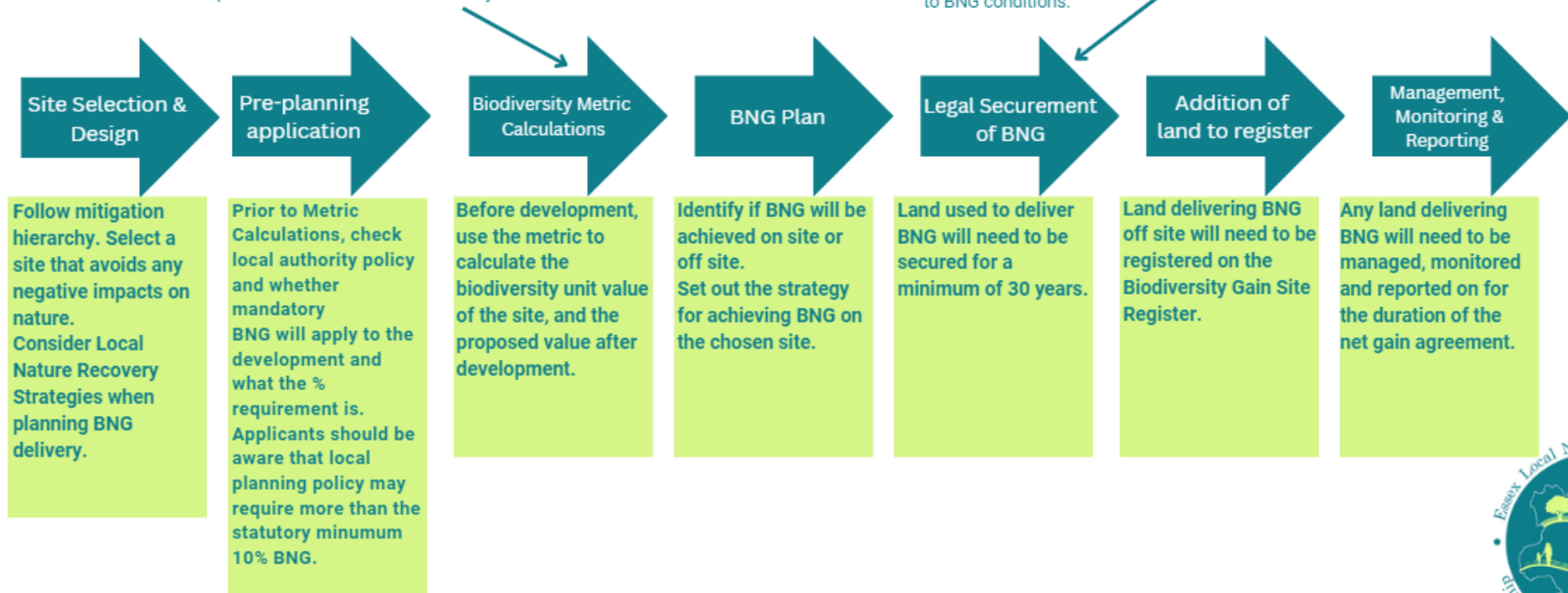


Figure 1. “How does BNG work?” flow diagram. Featured in the BNG Guidance pack created by the BNG working group within the Essex Local Nature Partnership. The flow diagram begins at “Site Selection & Design” and ends at “Management, Monitoring and Reporting.”

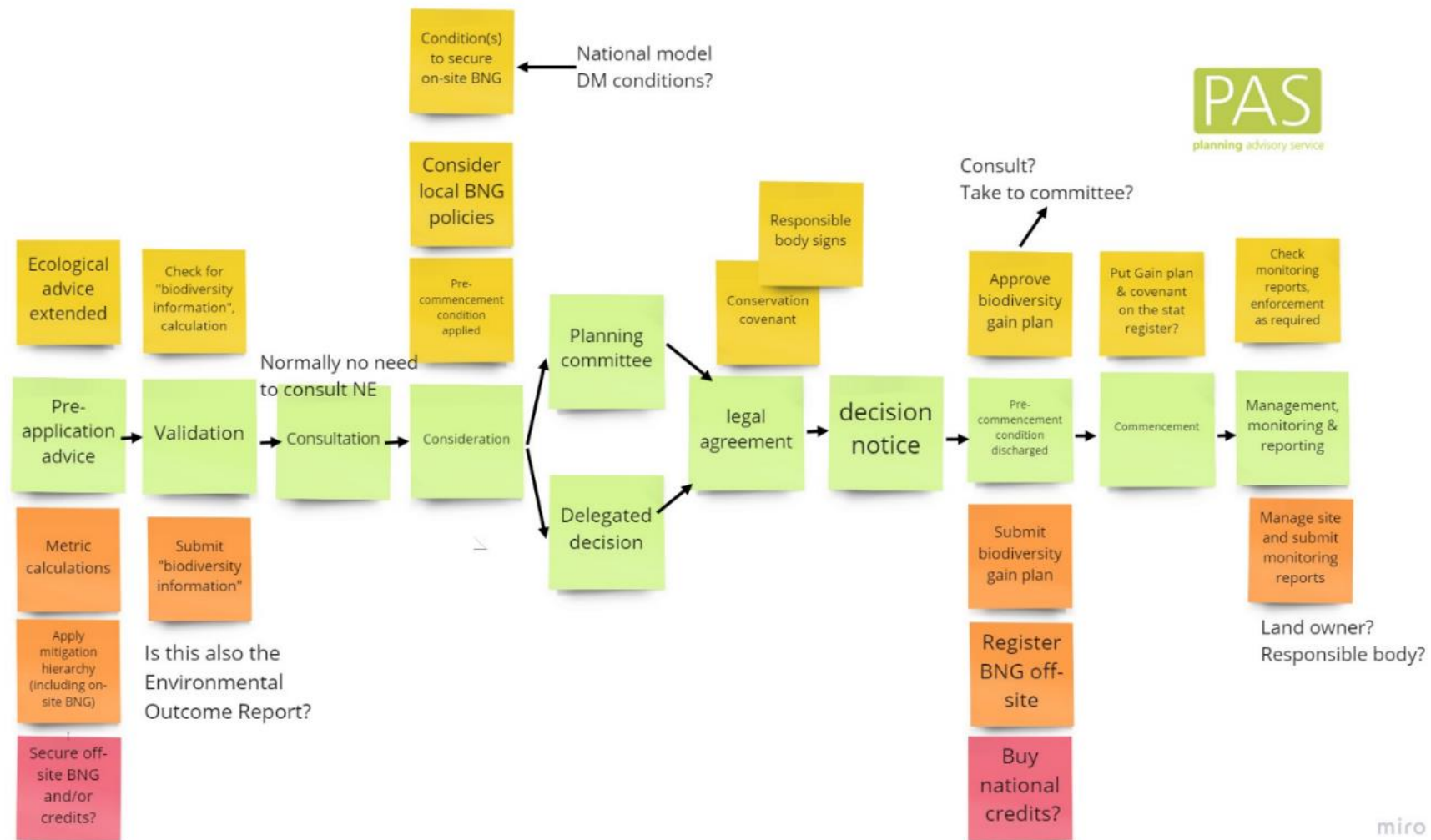


Figure 2. PAS flow diagram of planning application process with biodiversity net gain (once mandatory) based on current understanding (Yellow = LPA Activities, Orange / Red = developer activities). <https://www.local.gov.uk/pas/topics/environment/biodiversity-net-gain-local-authorities/biodiversity-net-gain-development>

The BNG Best Practice Process Flow produced by Future Homes Hub and PAS should also be consulted for reference by developers and LPAs: [https://irp.cdn-website.com/bdbb2d99/files/uploaded/0180\\_862%20BNG%20BestPracticeProcessFlow-Option4CRev2023-04-21.pdf](https://irp.cdn-website.com/bdbb2d99/files/uploaded/0180_862%20BNG%20BestPracticeProcessFlow-Option4CRev2023-04-21.pdf)

3.14.1.2 The following link provides CIEEMS BNG and ecological impact assessment process in development projects diagram: <https://cieem.net/wp-content/uploads/2021/07/CIEEM-BNG-Report-and-Audit-templates2.pdf>

3.14.1.3 The following elements are important to consider as key parts of the process for Local Planning Authorities:

#### **Pre-Application / Baseline Stage**

- Habitat survey:
  - All habitat info in UK Habitat classification system (not JNCC Phase 1 Habitat Survey or translation from)
  - Habitat condition assessments
  - Digitised habitat data to produce detailed and clear GIS maps and BNG data
- Preliminary Ecological Appraisal Report (PEAR)
- Protected species surveys
- BNG Feasibility Report with Baseline Habitat Plan
- Ecological Constraints and Opportunities Plan

#### **Decision-Making / Planning Application Stage**

- Ecological Impact Assessment
- BNG Design Stage Report:
  - Full metric (in Excel, not a printout of headline results)
  - Full habitat condition assessment data (assessment sheets or equivalent evidence/notes)
  - Baseline Habitat Plan
  - Proposed Habitats Plan
  - BNG Implementation Plan
  - Steps taken to minimise adverse biodiversity impacts / mitigation hierarchy followed
  - Off-site gain details

#### **Implementation / Post Planning Stage**

- Biodiversity Gain Plan (can be submitted with application, must be submitted before commencement)
- Implement all other biodiversity measures - EPS licences, habitat/species mitigation etc.
- Habitat restoration/enhancement/creation
- (Habitat) Management and Monitoring Plan (HMMP)
- BNG Audit Report at project completion stage

## **4. Local Nature Recovery**

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

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

## **4.2 Local Nature Recovery Strategy (LNRS) and Planning**

4.2.1.1 Public authorities who operate in England must consider what they can do to conserve and enhance biodiversity in England. This is the strengthened 'biodiversity duty' that the Environment Act 2021 introduced. This means that, as a public authority, each Council must:

- Consider what they can do to conserve and enhance biodiversity
- Agree policies and specific objectives based on their consideration
- Act to deliver their policies and objectives

4.2.1.2 Once the LNRS is published, public authorities will need to understand how they can contribute to them. LNRS guidance, released by DEFRA March 2023, states that all public authorities should have regard to relevant LNRS' under the strengthened biodiversity duty. The government will be providing separate guidance to explain what this means in practice. The expectation is that the LNRS will be used to help inform how and where BNG should be delivered, i.e., which habitats are appropriate in which locations.

4.2.1.3 There will be an interim period between BNG becoming a legal requirement in January 2024, and the creation of the LNRS. Local authorities are advised to use local strategies to inform offsite BNG targeting prior to the implementation of the LNRS, such as green space strategies and biodiversity opportunity mapping. The availability and type of strategies available varies locally according to what activity and policy making has been taken forward by local authorities, non-governmental organisations, and other agencies.

4.2.1.4 The Biodiversity Metric 4.0 User Guide states that if an LNRS has not been published, the relevant consenting body or planning authority may specify alternative plans, policies or strategies to use. Alternative plans, policies or strategies must specify suitable locations for habitat retention, habitat creation and or enhancements, and might, for example, be:

- Local Plans and Neighbourhood plans
- LPA Local Ecological Networks
- Tree Strategies
- Area of Outstanding Natural Beauty Management Plans
- Biodiversity Action Plans (BAPs)
- Species and protected sites conservation strategies
- Woodland strategies
- GI Strategies
- River Basin Management Plans
- Catchment Plans and Catchment Planning Systems
- Shoreline management plans
- Estuary Strategies

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



## **5. Delivery of BNG in combination with other planning matters**

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

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

## **6. Biodiversity Net Gain Summary**

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

**For further information please contact [planningpolicy@castlepoint.gov.uk](mailto:planningpolicy@castlepoint.gov.uk)**

## **7. Appendices**

### **7.1 Appendix A – Further Guidance**

#### **Biodiversity Gain Plan Template**

The latest biodiversity gain plan template and guidance documents can be found online through this link - [www.gov.uk/government/publications/biodiversity-gain-plan](https://www.gov.uk/government/publications/biodiversity-gain-plan)

#### **Habitat management and monitoring plan**

The latest guidance for habitat management and monitoring plans can be found here - [Creating a habitat management and monitoring plan for biodiversity net gain](#) - GOV.UK ([www.gov.uk](https://www.gov.uk))

Templates for this can be found here - [Habitat Management and Monitoring Plan Template - JP055](#) ([naturalengland.org.uk](https://naturalengland.org.uk))

The following documents are due to be released by the government in due course. This appendix will be updated once they have been completed:

- Natural England Template Offsite Register
  - Adapted to provide an onsite register for facilitating Local Councils approach to monitoring onsite BNG

### **7.2 Appendix B – Section 106 and planning condition template examples**

The Planning Advisory Service (PAS) has provided some online templates for example BNG planning conditions and Section 106 templates. These can be found here - [Biodiversity Net Gain in Development Management | Local Government Association](#)

### **7.3 Appendix C - Delivery of BNG through other planning matters – further detail.**

#### **7.3.1 Green Infrastructure**

The delivery of good quality, accessible Green Infrastructure (GI) provides multiple benefits; one being supporting biodiversity. The co-delivery of BNG and GI through policy is complementary. Through ensuring BNG delivers not only benefits for biodiversity, but more widely through the multifunctionality of GI, BNG can deliver socioeconomic benefits simultaneously.

Useful Resources:

- The Essex Green Infrastructure Standards: [Essex Green Infrastructure Standards | Essex Design Guide](#)
- The Essex Green Infrastructure Strategy: [Plans and strategies: Essex green infrastructure strategy - Essex County Council](#)
- The National Green Infrastructure Framework: [Green Infrastructure Home](#) ([naturalengland.org.uk](https://naturalengland.org.uk))

- The London Urban Greening for Biodiversity Net Gain: A Design Guide: [urban greening and bng design guide march 2021.pdf \(london.gov.uk\)](https://london.gov.uk/urban-greening-and-bng-design-guide-march-2021.pdf)

### 7.3.2 Sustainable Drainage Systems (SuDS)

SuDS plans can increase their biodiversity value by adding nature-based solutions and native species planting into their design.

The local flora and fauna should serve as a reference for drainage designers and developers as they take into account the entire ecosystem and provide connectivity between habitats both on and off the development site. This can be achieved through SuDS features such as Water Attenuation Ponds, Rain Gardens, Tree Pits, Green Roofs, Planters, and Swales.

Used appropriately alongside other stormwater management or smart technologies, they can help deliver holistic designs that truly connect and restore biodiversity. Refer to the SUDS design guide for further information [available here: <https://www.essexdesignguide.co.uk/suds>]

### 7.3.3 Economic Development

The co-benefits of BNG delivery with economic development are varied. BNG provides a green finance mechanism for habitat restoration and an income through habitat management for landowners, but also the subsequent economic benefits through creation of jobs for maintenance of assets in the local area. The enhancement of habitats through BNG also increases the natural capital and economic ecosystem service benefits e.g. cooling effects of vegetation and canopy cover reducing the need for cooling in summer, leading to the reduction of energy bills for building occupiers. <https://naturalengland.blog.gov.uk/wp-content/uploads/sites/183/2022/04/BNG-Brochure-Final-Compressed-002.pdf>

### 7.3.4 Health and Wellbeing

It is recognised that access to high quality nature and green spaces has a positive impact on health and wellbeing. Through requirements in health and wellbeing policies, strategies and for health impact assessments, there is an opportunity for the delivery of BNG to support in enhancing a local community's health and wellbeing through the provision of multifunctional green spaces e.g., supporting active lifestyles, air purification, ecotherapy.

More information on the delivery of health and well-being can be found in Chapter 8.6 Health and Wellbeing: [Essex Green Infrastructure Strategy \(placeservices.co.uk\)](https://placeservices.co.uk/essex-green-infrastructure-strategy). There is also further information within the 10 principles of Active Design, Principle 5. Network of multifunctional open space: [Active Design | Sport England](https://active-design.org.uk/sport-england). Also see the [Essex Design Guide webpages](https://naturalengland.blog.gov.uk/wp-content/uploads/sites/183/2022/04/BNG-Brochure-Final-Compressed-002.pdf), where extensive information is available on health and wellbeing.

### 7.3.5 Housing and Development

“BNG can create more attractive places in which to live and work, contributing towards place-making. BNG can finance investment in new or existing green infrastructure and nature-based solutions, enhancing the resilience of our towns, cities, coasts and infrastructure.” <https://naturalengland.blog.gov.uk/wp-content/uploads/sites/183/2022/04/BNG-Brochure-Final-Compressed-002.pdf> The creation of more attractive, green developments

aligns with the Government's 'Building Beautiful Places Plan' and incorporation of 'beauty' within the NPPF (2021).

Places rich in biodiversity can be part of the place-making process. Designing with biodiversity in mind, at the earliest possible stage can lead to beautiful, biodiverse places. This can contribute to the desirability of an area.

### **7.3.6 Accessibility to Green Space**

BNG can help to deliver further accessibility to biodiversity and green space, especially in deprived areas.

"BNG can finance investment in new or existing green infrastructure and nature-based solutions, enhancing the resilience of our towns, cities, coasts and infrastructure."  
<https://naturalengland.blog.gov.uk/wp-content/uploads/sites/183/2022/04/BNG-Brochure-Final-Compressed-002.pdf>

Policy requirements for BNG delivery sites to also provide recreational facilities, and vice versa, can help to maximise the environmental and socioeconomic benefits of green space in communities. Onsite multifunctional green spaces providing both BNG and recreation can also help to reduce the impact of new development on existing surrounding green spaces and protected areas e.g., through reducing visitor recreational pressure. BNG delivery can help to deliver nature recovery networks and provide connectivity. It can also bring nature to people and designing green space with accessibility in mind can contribute to community well-being.

### **7.3.7 Energy**

Through the delivery of renewable energy schemes, there is also an opportunity to deliver BNG. Wind and solar farms in particular, if managed correctly, could be considered GI assets delivering both energy and biodiversity enhancements, along with other benefits. In addition, the cooling effects of green and blue spaces contribute not only to climate change adaptation and mitigation, but also to reducing cooling costs in the summer ([UK natural capital - Office for National Statistics \(ons.gov.uk\)](#)) more information about delivery can be found here: [Bio-Solar Farms | Essex Design Guide](#) or here: [Essex Green Infrastructure Strategy \(placeservices.co.uk\)](#) in chapter 8.5.

## **7.4 Appendix D - Additional Considerations**

Additional considerations in regard to Biodiversity Gain Plans which could affect deliverability:

- Ecological function (edge effects/fragmentation/soil type) - multiple small vs. single large wildflower area, linear/roadside grassland, maintaining plant species richness.
- Location and long-term management of features – e.g., long grass = change in condition/not distinctiveness, cutting regime matches habitat type. Landscape Management Plans and Habitat Management and Monitor Plans need to reflect the same aims and objectives.
- Amenity vs biodiversity - will habitat deliver for biodiversity given proximity to development and potential disturbance from lighting and recreational use e.g.,

ponds/hedgerows/grassland within housing developments, consider discrete areas specifically for biodiversity?

- Forecasting size class of newly planted urban trees - should be categorised as 'small' (<30m diameter) unless evidence is provided to justify input of larger size classes