



WEST OXFORDSHIRE
DISTRICT COUNCIL

Interim guidance on delivering Biodiversity Net Gain in West Oxfordshire

November 2023

This guidance will be updated when national guidance and secondary
legislation is published

Incorporating guidance set out in a similar document prepared for
Gloucestershire Local Authorities in October 2023

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Summary

Biodiversity Net Gain (BNG) is a new approach to development which means that habitats for wildlife must be left in a measurably better state than they were before the development occurred. Under the [Environment Act 2021](#), all planning permissions granted in England, with a few exemptions, will have to deliver at least 10% BNG.

Delivering BNG will become mandatory from:

- January 2024 for Major Site applications;
- April 2024 for Minor Site applications; and
- 2025 for Nationally Significant Infrastructure Projects (NSIPs).

No development can commence until a Biodiversity Gain Plan has been submitted to and approved by the Local Planning Authority. BNG will need to be calculated using the Biodiversity Metric Calculation Tool and be secured for at least 30 years via planning obligations or conservation covenants.

BNG can be delivered on-site, off-site or via a new statutory biodiversity credits scheme.

Mandatory BNG will only apply to **new** applications for planning permission for major development made after January 2024 and not to those submitted prior to this. BNG is still subject to further secondary legislation and additional national guidance is expected this month.

This document sets out interim guidance on our current approach to BNG assessment.

Prior to BNG becoming mandatory, we encourage applicants to achieve a minimum 10% net gain. Paragraph 180d of the National Planning Policy Framework (NPPF) requires developments to achieve 'measurable net gains for biodiversity'. This approach is further emphasised in Policy EH3 of the West Oxfordshire Local Plan 2031, with the added requirement that major application should demonstrate net gain in a quantifiable way.

This guidance will be updated pending the release of the secondary legislation and forthcoming government guidance. In the interim, [CIEEM BNG Good Practice Guidelines](#) should be followed.

This guidance aims to:

- provide standard advice for the District. It sets out the factors and key requirements that LPAs will need take into consideration to ensure that all relevant new development achieves a minimum 10% BNG throughout the development management process¹.
- support applicants and professional ecologists with the level of information required to accompany planning applications, giving practical advice and step-by-step guidance on how development and associated land use change proposals will need to comply with the Environment Act 2021.

¹ And 25% at Salt Cross Garden Village – <https://www.westoxon.gov.uk/planning-and-building/planning-policy/salt-cross-garden-village/>

1. Introduction

1.1 What is Biodiversity Net Gain?

Biodiversity Net Gain (BNG) is a new approach to development which means that habitats for wildlife must be left in a measurably better state than they were in before the development occurred. Currently, only certain sites for nature are protected, with only limited mechanisms within the planning system to value, maintain, enhance, or create habitats, as a result habitats continue to be lost to development, reducing nature's ability to connect and thrive and contributing to the Climate and Ecological Emergencies.

Achieving BNG means that natural habitats will now need to be extended or improved as part of the development process, ensuring that the current loss of biodiversity through development will be halted and ecological networks can be restored.

Future developments will now need to be designed in such a way that provides benefits to both people and nature and reduces impacts on the wider environment. BNG can also provide nature-based solutions to other environmental issues.

BNG does not change the existing range of protections in planning policy and legislation, for irreplaceable habitats, protected sites and protected species. It maintains and reinforces the mitigation hierarchy, in the [NPPF paragraph 180a](#), which sets out that everything possible must be done to **avoid** impacts first, then mitigate and only compensate for losses as a last resort. It is **additional** to this approach, not instead of, ensuring that development will then increase habitats by at least 10% from the baseline condition. This reinforces the approach to off-site BNG delivery as the last-resort option for securing BNG, not the "go straight to" option.

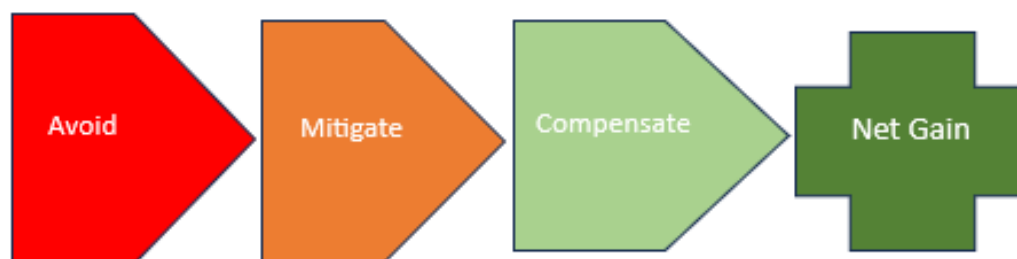


Table 1 sets out ten principles of good practice for achieving BNG. These must be applied all together, as one approach. Further guidance on implementing the Net Gain principles is available from the [Chartered Institute of Ecology and Environmental Management \(CIEEM\)](#).

Table 1: Biodiversity Net Gain - Good practice principles for development

Principle	
1	Apply the Mitigation Hierarchy
2	Avoid losing biodiversity that cannot be offset by gains elsewhere
3	Be inclusive and equitable
4	Address risks
5	Make a measurable Net Gain contribution
6	Achieve the best outcomes for biodiversity
7	Be additional
8	Create a Net Gain legacy
9	Optimise sustainability
10	Be transparent

1.2. How will BNG be delivered?

BNG delivers measurable improvements for biodiversity by creating or enhancing habitats affected by development. BNG can be achieved on-site, off-site or through a combination of on-site and off-site measures. The starting point will be to focus on what can be done on-site.

On-site measures can include the creation/enhancement of high quality landscaping and green infrastructure provision.

Off-site habitat creation/enhancement can be delivered via habitat banks and with public and private landowners, preferably in the local authority area.

If local off-site BNG delivery is not possible, the last resort option is to buy statutory credits from the government.

The Environment Act states that biodiversity gain sites must be maintained for at least 30 years after the completion of the works to create or enhance the habitat.

1.3. How do you measure BNG?

The [Biodiversity Metric Calculation Tool](#) acts as a proxy (measured in biodiversity units (BU)) for recognising the impacts on habitats arising from a development and calculating how much new or restored habitat, and of what type is required to deliver sufficient net gain. The mitigation hierarchy is built into the metric tool. The latest published version of the biodiversity metric accounting toolkit (metric and guidance) will need to be used to evidence the measurable BNG, and this will be a statutory requirement once BNG become mandatory. The metric itself also has a set of rules which must be followed otherwise the development cannot claim to have achieved a gain in biodiversity. These rules are discussed further in section 3.3.3. on how to undertake a BNG assessment and can also be found in the metric user guide.

1.4. Which metric should I use?

The size of development dictates which metric should be used. Major development applications² should use the [Biodiversity Metric](#) and minor development applications should normally use the [Small Sites Metric \(SSM\)](#)³, a simplified version of the metric. However, the use of the SSM will also depend on the ecology of the site.

1.5. How do I include biodiversity enhancement features for species into the metric?

Species-based features such as bird and bat boxes are not included within the metric. The provision of such species features within developments is still encouraged, as additional enhancements are promoted in line with the strengthened '[Biodiversity Duty](#)' that the Environment Act has introduced and national and local planning policy.

1.6. What is a Biodiversity Gain Plan?

The Biodiversity Gain Plan (BGP) is a document which sets out how a development will deliver BNG and allows the LPA to check whether the proposals meet the biodiversity gain objective⁴. The BGP must specify six things:

- information about the steps taken or to be taken to minimise the adverse effect of the development on the biodiversity of the on-site habitat and any other habitat (how the development has followed the mitigation hierarchy);
- the pre-development biodiversity value of the on-site habitat;
- the post-development biodiversity value of the on-site habitat;
- any registered off-site biodiversity gain allocated to the development and the biodiversity value of that gain in relation to the development;
- any biodiversity credits purchased for the development; and
- such other matters as the Secretary of State may by regulations specify.

1.7. Which types of development will BNG apply to?

The BNG should be applied to all developments which are subject to the Town and Countryside Planning Act (TCPA), as well as Nationally Significant Infrastructure Projects (NSIPs). There are likely exemptions, which will be implemented via secondary legislation.

The following are the current known exemptions:

- development impacting habitat of an area below a 'de minimis' threshold of 25 metres squared, or 5m for linear habitats such as hedgerows and watercourses;

² The creation of 10 or more residential units., Residential development of on a site of 0.5 hectares or more (where the number of residential units is not yet known i.e., for outline applications) and Non-Residential development or change of use on a site of at least 1 hectare, creation of change of use of 1000 square metres or more of gross floor space (not including housing)

³Small sites criteria for residential development: there are fewer than 10 residential units on a site area (no more than 9 units) less than 1 hectare; or if number of residential units is not known, the site area is less than 0.5 hectare for non-residential development: where the floor space to be created is less than 1,000 square; or where the site area is less than 1 hectare The SSM cannot be used on such sites where: habitats not available in the SSM are present priority habitats are within the development site (excluding some hedgerows and arable field margins), European protected species are present on the development site any offsite interventions are required

⁴ Defra have published a draft template and guidance: <https://defralanduse.blog.gov.uk/2023/10/26/the-biodiversity-gain-plan-draft-template-and-guidance/>

- householder applications;
- biodiversity gain sites (where habitats are being enhanced for wildlife);
- marine development;
- permitted development;
- temporary impacts that will be restored within two years;
- where a site's baseline biodiversity score is zero (e.g. hardstanding, sealed surfaces);
- irreplaceable habitats;
- small scale self-build and custom housebuilding.

2. Nature Recovery and Biodiversity Net Gain

The [Making Space for Nature](#) report advocated the need to create a healthy ecological network operating across the landscape as a whole, and not just trying to conserve wildlife habitat in small isolated sites. The report called for “**more, bigger, better and joined-up**” spaces within the landscape, to help reverse biodiversity loss and provide resilience to external threats and pressures, including the impact of climate change. The Environment Act, through the introduction of Local Nature Recovery Strategies, will help bring this to fruition.

2.1. Nature Recovery Network mapping in Oxfordshire

The conservation, restoration and enhancement of ecological networks is outlined in the NPPF:

NPPF para 179 (a) To protect and enhance biodiversity and geodiversity, plans should: Identify, map and safeguard components of local wildlife-rich habitats and wider ecological networks, including the hierarchy of international, national, and locally designated sites of importance for biodiversity wildlife corridors and steppingstones that connect them; and areas identified by national and local partnerships for habitat management, enhancement, restoration, or creation.

One element of the Environment Act is that every area of the country should have a local habitat map – a habitat inventory – and ecological network map that helps to identify and prioritise opportunities for creating a more resilient network of habitats for people and nature.

A draft Nature Recovery Network (NRN) has been produced for Oxfordshire <https://www.wildoxfordshire.org.uk/oxfordshires-nature/oxfordshires-nature-recovery-network>

2.2. Oxfordshire Local Nature Recovery Strategy and the targeting of BNG

The Environment Act contains a specific duty on all public authorities to "have regard" to relevant Local Nature Recovery Strategies (LNRS), and when adopted, the Oxfordshire Local Nature Recovery Strategy⁵ will be used to help determine where best to target areas for BNG in the county. However, until this time, the NRN mapping will act as the starting point and main basis for targeting the best outcomes for BNG.

Key considerations:

- Developers and local planning authorities must avoid the most valuable existing habitats and focus habitat creation or improvement in the areas where it will achieve the most for nature recovery.
- Through the ‘Strategic Significance’ multiplier in the biodiversity metric, the spatial location of a habitat will affect its value. This works at a landscape scale - there is an uplift in habitat value if a development is situated in the NRN.
- The biodiversity metric incentivises habitat delivery on or close to the development site through a ‘Spatial Risk Factor’, which reduces the biodiversity value of habitats delivered further away from the development.

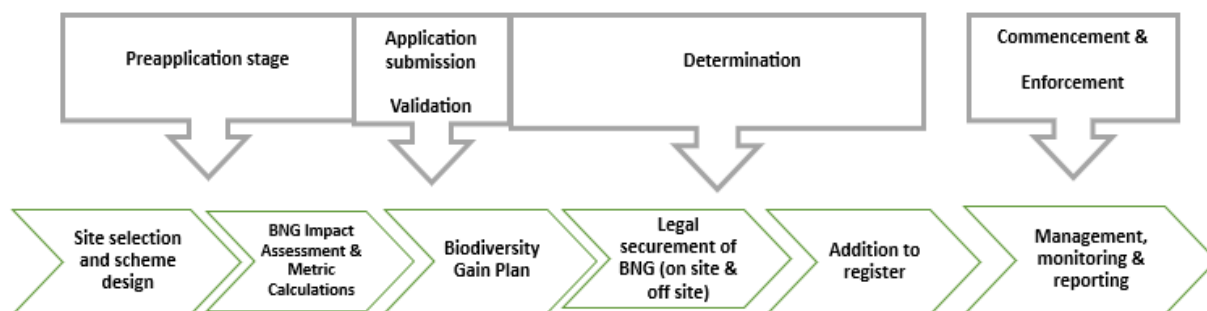
⁵ <https://www.oxfordshire.gov.uk/residents/environment-and-planning/local-nature-recovery-strategy>

Guidance on how to assign 'strategic significance' and 'spatial risk' can be found in section 3.3.3 on how to undertake a BNG assessment and section 3.5.3 in step 4 on how to secure the delivery of BNG off-site.

3. Building Biodiversity Net Gain into Development

3.1. How to integrate BNG into the planning process

The following sections set out how BNG should be integrated into the planning process regardless of whether the application is for a major or minor site application. The planning process has been broken down into several key stages, as set out below, to show what will be expected from the applicant and of the LPA.



3.2. Stage 1 - Site selection and scheme design

It is essential that BNG is considered at the earliest possible stage of any proposal. Ideally, this should be undertaken at the site selection stage. There is an element of due diligence required when land is being considered for potential purchase and/or promotion for development on the net gain implications and potential costs. Having a clear understanding of the site you propose to select, and its biodiversity unit value upfront will determine the feasibility of delivery making it easier and more cost-effective to protect biodiversity from the outset. The easiest way to avoid a negative impact on habitats, and to maximise the gain for biodiversity that can be achieved from a development, is to select a site that has low existing ecological value and has good potential for habitat creation and/or enhancement that will buffer or provide connectivity, within the NRN.

3.3. Stage 2 – BNG Impact Assessment and metric calculation

3.3.1. Timing of BNG assessment

The biodiversity metric should be used early in the design process to quantify and evaluate the impacts of different design options, ensuring that the best and most cost-effective ecological outcomes are achieved. The mitigation hierarchy is built into the metric helping to select the design that avoids negative impacts on habitats.

3.3.2. Which metric to use and how?

- The appropriate metric for the scale of the development should be used;
- a competent person (a suitably qualified ecologist) must undertake the BNG assessment;
- where there is a watercourse (includes associated riparian zone) within the development boundary, the competent person must be an accredited River Condition Assessor (RCA) to use the watercourse unit module. Small Sites Metric do not require River Condition Assessment and therefore RCA accreditation is not required in the completion of the Small Sites Metric (SSM).

- if you have all three habitat types (area, linear, watercourse) within the redline boundary of your scheme, you must achieve a minimum 10% BNG for each distinct type to be compliant with the legislation; and
- the habitat trading rules will have to be met.

3.3.3. How to undertake a BNG Assessment

1. **Survey** – a UK Habitat Classification (UK HAB) Survey should be undertaken using the method outlined in the Biodiversity Metric Calculation Tool guidance.
2. **Identify irreplaceable habitats and nationally and internationally designated sites** - if irreplaceable habitats and nationally designated sites are within the development footprint, these should be included within the metric to give an indicative picture of the habitats on site, but these will require bespoke advice and separate consideration to ensure that impacts comply with existing national and local policy and legislation.
3. **Run a baseline BNG calculation for the development** - this should be done using the latest published metric, however if a previous version of the metric has already been used and submitted to the LPA, then the continuation of this metric should be used.

The spreadsheet should show the assessment of existing/pre-development habitat translated into biodiversity units, contrasted with the proposed/post-development biodiversity units (reflecting any proposed on or off-site habitat creation and restoration), and a value representing the change in biodiversity value. All habitats (existing and proposed) require a habitat condition assessment, and this will need to be inputted into the metric. Any current or future condition assessment needs to be reasonable, and evidence based.

Once BNG becomes mandatory only the statutory metric can be used, and this is due to be released in November 2023.

4. **Additionality** – it is necessary to have an understanding of the type and extent of habitat mitigation required without the inclusion of BNG. For example, habitat works for mitigation purposes, such as Suitable Alternative Natural Greenspace (SANG) for protected sites and habitat licence provision for protected species can only count towards a ‘no net loss’ and can never on their own deliver a net gain. There needs to be habitat delivery over and above that required by the mitigation measures in order to count towards a net gain. When an application has combined mitigation and net gain, a separate accounting line should be used in the metric, to ensure transparency and a clear audit trail in terms of evidencing the uplift in biodiversity unit value. This should also be evidenced in the Biodiversity Gain Plan. When there are complex range of mitigation requirements it may be necessary to submit two metric calculations one demonstrating all the mitigation/compensation requirements the other demonstrating the net gain.
5. **Assigning the Strategic Significance of habitats** - each parcel of habitat which has a specific condition (i.e., every line of the Biodiversity Metric Excel spreadsheet) will require a separate assessment for an appropriate Strategic Significance score (see table 2 below) This is required for both on-site and off-site BNG. This allows users to achieve a scoring uplift for any areas within a local strategic priority area.

Table 2: Metric strategic significance categories, scores and descriptions (taken from The Biodiversity Metric 4.0 - User Guide)

Strategic significance category	Score applied in the metric	Description
High	1.15	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.
Medium	1.10	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.
Low	1	If the habitat is not included in local plans, strategy or policy, and there is no evidence to suggest that the habitat is of medium strategic significance.

As outlined in section 2.1 the draft Oxfordshire Nature Recovery Network mapping should be used to guide the type of habitat creation appropriate at a site.

6. **Apply the biodiversity mitigation hierarchy** - wherever possible impacts on biodiversity must to be avoided or minimised through the sensitive design of the development. Applicants should ensure that on-site or off-site compensatory and BNG habitats promote the restoration and/or re-creation of Priority Habitats, local sites, the Gloucestershire Nature Recovery Network and the protection and recovery of legally protected and Priority Species populations, if impacted.

7. **Apply the metric trading rules** - The “like-for-like or better principle” should be applied as successful compensation and BNG should be at least ecologically equivalent in type and condition to any habitats lost. Any loss should therefore be replaced with the same habitat type or one of higher ecological value, which will nonetheless still support the species affected, for example, replacing semi-improved grassland with unimproved grassland or enhancing a species poor hedgerow. This is reported in the metric summary tab via the trading rules.

3.4. Stage 3 – The Biodiversity Gain Plan (BGP)

Identify if BNG can be achieved on-site or off-site or a combination of the two. Set out the strategy for achieving BNG on the chosen site and make use of the draft template and guidance recently published by Defra: <https://defralanduse.blog.gov.uk/2023/10/26/the-biodiversity-gain-plan-draft-template-and-guidance/>

3.5. Stage 4 - Submission of the planning application and determination

3.5.1. Submission

It is recommended that you use the Local Planning Authority's (LPA's) Pre-application planning service to check that you have covered all regulatory requirements prior to submission of your application.

3.5.2. Validation

For your application to be validated you will need to submit a BGP (using the national template when available) and the completed supporting metric calculator excel spreadsheet (not a 'snapshot' or summary) and the supporting condition assessment sheets. You should also check the individual validation requirements of the Local Planning Authority (LPA), for example they may require additional GIS based data to be submitted.

It is worth noting that even if your application has been validated, this does not automatically mean that the BGP can be approved. Further information/clarification and/or agreement may be required further on in the planning process.

3.5.3. Determination

The following steps set out what further checks the LPA will need to undertake before a decision can be reached on your BNG assessment and plan.

Step 1. Agreement of the baseline date

Before approval the LPA will need to agree with the applicant the date for the measurement of the pre-development biodiversity value of the onsite habitat. If it is found that the habitat on site has been cleared, destroyed or degraded since the 30th of 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), from prior to the loss of the habitat.

Step 2. The metric check

The metric check will include:

- confirmation that it has been completed by a competent person;
- verification that the pre-development biodiversity value of the onsite habitat is correct, and this includes the habitat classification and condition;
- whether strategic significance has been applied correctly;
- whether the habitat trading rules have been met;
- whether additionally has been applied correctly;
- And if the development will deliver "at least 10%" across all relevant unit types (area-based habitats, watercourses, Hedgerows / line of trees), if applicable; and
- whether the assumed continuing condition is realistic and supported by evidence for management and use over the next 30 years.

These calculations need to be accompanied with habitat/landscape maps that separately shows the existing/pre-development and proposed/post-development habitats/biodiversity units. Submission

of supporting GIS data may also be required but details are pending further secondary legislation and guidance on the exact requirements.

Step 3. Securing delivery of BNG on-site

Preference is for on-site compensation and BNG measures (retain/enhance or create habitats). In most situations only relatively simple low-maintenance habitats should be targeted within the development site in order to ensure that the proposed habitats are delivered and managed properly to achieve the intended biodiversity value in the long-term. There are several simple and robust habitat types that are relatively easy to create and maintain in the longer term, which will still deliver good biodiversity value with relatively low maintenance requirements and can form part of a scheme's Green Infrastructure requirements. The choice of habitat types will depend on the soils, drainage and aspect on the site, and will still need to be informed by professional judgement.

Types of habitats realistically deliverable on most development sites include:

- deciduous plantation woodland;
- ponds (depending on geology and drainage);
- scrub;
- hedgerows;
- medium distinctiveness grasslands can be established and managed on some sites, but this will depend on the availability of appropriate management skills, the size of the area (and degree of isolation) and the likely levels of disturbance.
- scattered native trees; and
- orchards.

The target condition for the habitats to be created or restored on site should in most cases be classed as moderate. It is very unlikely that grassland habitats, particularly within urban/suburban environments, would reach anything more than moderate condition. In such situations, a scheme which proposes that it can achieve a high distinctiveness habitat target condition (such as lowland meadows and limestone grasslands) will not be accepted unless there is a very sound justification and a strong chance of success in the long-term.

Private gardens can make positive contributions to biodiversity, but appropriate planting and ongoing management cannot be secured in the long-term. The metric accounts for this and uses a precautionary assumption that a housing development would be in the proportion of 70:30 developed land/sealed surface to vegetated garden. Any deviation from this will need to be approved by the LPA.

If there has been "significant" on-site gain the LPA will need consider whether maintenance of on-site habitat must be legally secured for at least 30 years from completion of the development.

Step 4. Securing delivery of BNG off-site

If BNG cannot be delivered on-site and this could include the applicant deciding to extend their development footprint/ red line boundary to include adjacent land to achieve BNG on-site, then off-site BNG will be considered. The LPA will need to agree that the BGP demonstrates that the mitigation hierarchy has been followed, and that valid attempts to avoid, minimise or reduce harm have been made within the site boundary. Off-site BNG delivery will also be considered if there is a clear argument for providing supporting habitat for species sensitive to disturbance which might be

better located away from the development, applications will be considered on a case-by-case basis. Table 3 shows offsetting options available in the County.

Table 3: Off-site delivery options available to applicants:

Applicant purchases off-site land	Applicant pays third party habitat broker
<p>The applicant buys/owns land required for offsetting (adjacent or in close proximity to the development site). The Draft Oxfordshire Nature Recovery Network map should be used to identify strategic locations for enhancement and/or creation.</p> <p>The applicant designs and implements a bespoke offsite site which targets the impacts of the development.</p> <p>Management maybe passed to a third party.</p>	<p>The applicant does not own the land for offsetting.</p> <p>The third-party broker (such as the Trust for Oxfordshire’s Environment) designs, implements and manages a bespoke offset site which targets the impacts of the development.</p>
Statutory biodiversity Credits	
<p>The applicant can buy as a last resort credits from the UK Government when the above options are not available locally. Statutory biodiversity credit prices can be found here.</p>	
Or a combination of the above	

Note - Conservation Covenants will be new private voluntary agreement between a landowner and a designated “responsible body” such as a conservation charity, public body or for-profit body which conserves (protects, restores or enhances) the natural or heritage features of the land. They are expected to be a valuable tool for LPA and developers to ensure that compensatory BNG habitats are maintained in the long term, even if the relevant land is sold.

The priority for off-site BNG compensation is always as close to the development site as is functionally possible. The “spatial risk multiplier” in the metric incentives this (See table 4 below).

Table 4: Spatial risk scores and descriptions for each habitat group.

Score	Area habitats, hedgerows and lines of trees	Intertidal habitats	Watercourse habitats
1.0	Compensation inside Local Planning Authority (LPA) boundary	Compensation inside Marine Plan Area of impact site	Within waterbody catchment
0.75	Compensation outside LPA but in neighbouring LPA	Compensation outside Marine Plan Area of impact site, but in neighbouring Marine Plan Area	Outside waterbody catchment, but within operational catchment
0.5	Compensation outside LPA and neighbouring LPA	Compensation outside Marine Plan Area of impact site and neighbouring Marine Plan Area	Outside operational catchment

The metric rewards off-site compensation in the same LPA or National Character Area as the development. The LPA will ask for reasonable endeavours to keep the purchase and sale of BNG units within the same LPA area as the development site that requires them. If that is not feasible then there may be a need to secure biodiversity net gain agreements across LPA boundaries, depending on supply of BNG units available in each LPA area and the locality of the development requiring off-site biodiversity net gain.

Note: The LPA cannot determine the application until the off-site gain has been submitted and approved by Natural England to the **National Gain Site Register** (when available).

To ensure this process is as efficient as possible, it is advisable that the applicant demonstrates the following (as these checks will also need to be undertaken by the LPA):

- the off-site gain has been registered on the Biodiversity Gain Site Register;
- the off-site gain has been allocated to the development i.e.: there is an allocation; (purchase) contract between the applicant and the provider of the off-site gain and (if necessary, under the allocation agreement) any vesting certificate;
- if the allocation contract makes allocation conditional on something happening (e.g., grant of planning permission) check that the condition has been met or will be met by the time development begins;
- check the off-site biodiversity metric calculations ie: check that the biodiversity value of the gain in relation to the development is as stated in the BGP.

If the BGP relies on biodiversity credits, there will also be a check for evidence that the credits have been purchased.

Step 5. Finalising the Biodiversity Gain Plan

Once all of the checks have been made and the LPA is satisfied that biodiversity net gain information accompanying the application is acceptable, the LPA can approve the BGP.

Outline Planning Permission - For outline planning permission and phased developments any application documentation will need to explain the strategy to achieve the biodiversity gain objective across the whole site and demonstrate how this could be delivered on a phase-by-phase basis through subsequent detailed design. It will also be necessary to demonstrate how BNG delivery will be tracked on a phase-to-phase basis, including the target percentage gains to be delivered at each stage. The applicant will be encouraged to submit a BGP for approval prior to the commencement of individual phases of development. Further details on how to assess outline applications will be provided with secondary legislation.

3.6. Stage 4 - Implementation, monitoring and enforcement

3.6.1. Changes to the design of the scheme

Should the design change during development of a scheme in such a way that alters its impact on biodiversity, the BNG assessment will need to be reviewed and revised, and further advice from the LPA may be required. For sites with moderate and high target distinctiveness habitats, the design will also need to be reconsidered along with long-term management requirements.

3.6.2. Habitat management

The establishment and long-term management of BNG, as well as its monitoring (if required), will form part of a Landscape and Environmental Management Plan (LEMP) if it's to be delivered on-site or through a Habitat Management and Monitoring Plan (HMMP) for an off-site scheme and will similarly form part of a planning condition or be secured through a section 106 Agreement or other appropriate agreement which should be submitted prior to commencement of the development. If the post-construction habitats differ from the original BNG calculation and agreement, then a revised LEMP and/or HMMP will need to be submitted.

3.6.3. Monitoring and reporting

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 BGP. The number of monitoring assessments will depend on the habitat type and extent, but a typical schedule for a medium sized habitat creation project might result in reports for years 2, 5, 10, 20 and 30.

Monitoring reports should include:

- monitoring outcomes of restored and/or newly created BNG habitats ("medium or high distinctiveness habitats")
- a summary of habitat type, extent, and condition (with a comparison where applicable against the expected condition proposed in the BGP)
- survey report and an updated Management Plan to cover the remaining timescales for the ongoing management.

"Low distinctiveness" habitats are lower in biodiversity value and thus only require relatively simple maintenance and reporting of these is not required.

Monitoring reports will need to be submitted to the LPA, the register operator (if off-site habitat is included) and the relevant responsible body (if a conservation covenant is used). Failure to deliver, or attempt to deliver, biodiversity net gain outcomes can result in enforcement action. Revisions may be required to the original management plan accompanying the planning application in this instance and this should be accompanied by adequate evidence and justification for the proposed changes.