A Biodiversity Net Gain Framework for Nottinghamshire and Nottingham

October 2023

Produced in partnership by the BNG Working Group for Nottinghamshire and Nottingham

This document has been produced collaboratively by representatives from the organisations shown below.

Mansfield
District Council

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Foreword

We are in the midst of biodiversity and climate crises, with unprecedented pressure on the natural world and the nature-based services upon which we all rely. It is essential to ensure that Nottinghamshire can play its part in helping to tackle the biodiversity crisis and in creating a high-quality wildlife-rich environment, which will contribute to a greatly improved quality of life and health and wellbeing outcomes for the County's residents.

Each partner Authority who has contributed to this document has been committed for many years to playing their part in meeting the aims of the Nottinghamshire Biodiversity Action Plan, and the delivery of exemplary Biodiversity Net Gain (BNG) in the County is an essential part of meeting that commitment.

The solutions to tackling the biodiversity and climate crises are often interlinked, and ensuring that BNG in the County delivers the best possible habitat outcomes for wildlife and people in Nottinghamshire will also help to sequester carbon and reduce emissions. The partners in this document have agreed a strong vision for a better, greener, more wildlife-rich and healthier future for our County, delivered in part through the best use of BNG.

Introduction

Biodiversity Net Gain (BNG) is an approach to development and land management that aims to leave the natural environment in a measurably better state than it was beforehand. The UK Government is seeking to drive nature recovery through a number of measures including the mandating of measurable BNG in new development under the Environment Act 2021[1].

Mandatory BNG is an opportunity to deliver lasting benefits for wildlife and people through the planning process, and is an approach to development and land management that aims to leave nature in a measurably better state and is an important delivery tool to help deliver nature's recovery. However, other legal and policy protections for sites, habitats and species continue to apply, and BNG should be applied in a way that is consistent with the mitigation hierarchy process (see Principle 1 below).

The National Planning Policy Framework (NPPF) already requires Local Planning Authorities (LPAs) to encourage developers to incorporate biodiversity improvements in and around developments and to provide net gains for biodiversity, but the Environment Act strengthens that requirement by mandating the provision of a minimum of 10% BNG.

This document provides guidance for all development schemes across the County on how to achieve gains in biodiversity, building on those NPPF and Environment Act requirements. The aim of this Framework is to ensure that all the LPAs in Nottinghamshire are working towards a shared vision to deliver the most effective BNG consistently across the County, contributing to the creation of a national Nature Recovery Network (NRN) and helping to deliver the Government commitment of achieving 30% of land protected for nature by 2030 (30x30).

This Framework will help to inform an aligned approach to policy development across Nottinghamshire, the principles of which can be encompassed in either Local Plans or Supplementary Planning Documents (SPDs), as appropriate to each LPA and the stage of development of their Local Plan.

[1] Environment Act 2021 (legislation.gov.uk)

Section 1 - Background

Biodiversity loss in the UK

Over the past 60 years environmental conservation in the UK has achieved much to protect what is rare and special, however, research shows that wildlife continues to decline and landscapes continue to be degraded. At a national scale, the abundance and distribution of species has, on average, declined over recent decades and many measures suggest this decline continues.

For instance, since 1970, 41% of species have declined and since 2009, 37% of species are now less widespread. Over this period in Nottinghamshire, we have seen the extinction of some species, such as Adders and Fen Violet, and a substantial contraction in the population size and range of many species, including some of those protected by law, such as Water Voles and White-clawed Crayfish. Remaining habitats are often small and fragmented, with less than 2% of the county's habitats being legally protected, 85% of our heathland lost since 1920, and only around 250ha of calcareous grassland surviving.

The decline of wildlife and habitats is a result of many factors, including agricultural management, urbanisation, pollution, hydrological change, forestry, and invasive non-native species. Climate change is also resulting in widespread changes in the abundance and distribution of our wildlife.

There is therefore much to do to restore and recover ecosystems and to ensure a rich and resilient natural environment can be integral to everyday life. This will be achieved through the creation of a Nature Recovery Network (NRN) across England, as a result of action by many agencies and organisations across all sectors, and also by local communities and individuals. BNG will be an important mechanism contributing to delivering the NRN and to meeting the UK's 30x30 target.

Policy background

BNG is already supported under the NPPF and will be a mandatory requirement under the Town and Country Planning Act (TCPA) which will be amended in late 2023, following the adoption of the Environment Act in November 2021. Part 6, provisions 98-101 of the Environment Act 2021 provide the legislative background to the treatment of biodiversity gain in planning.

The following explains the context of the BNG approach:

The NPPF[2] (revised version September 2023) sets out the Government's planning policies for England and provides a framework within which locally prepared plans for housing and other development can be produced. Paragraphs 174-182 encompass the principles for protecting and enhancing biodiversity and include the aim of "*minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures*" (para. 174d) and to *" promote the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species; and identify and pursue opportunities for securing measurable net gains for biodiversity"* (para. 179b).

The Government's approach to maintaining and enhancing the natural environment over the next 25 years is set out in **A Green Future: Our 25 Year Environment Plan to Improve the Environment[3]** (25 YEP), launched in January 2018, which contains a commitment to '*deliver*

[2] National Planning Policy Framework - Guidance - GOV.UK (www.gov.uk)

[3] 25 Year Environment Plan - GOV.UK (www.gov.uk)

an improved environment within a generation.' This document set out a number of goals and targets to achieve environmental benefits including the aim to embed an 'environmental net gain' principle for development, and particularly to *"...mainstream the use of existing biodiversity net gain approaches within the planning system, update the tools that underpin them ... (*page 33*).*

Included within the 25 YEP is the development of a NRN to protect and restore wildlife, with the goal of providing 500,000 hectares of additional or enhanced wildlife habitat outside of the protected sites network, and BNG can be expected to have a significant role in delivering this. In addition, following the global push at COP15 to protect and conserve at least 30% of the world's lands, freshwaters and oceans by 2030, the UK Government has committed to the protection of at least 30% of the UK for nature – the so-called **30x30 target**.

Following on from the vision set out in the 25 YEP, the **Environment Act 2021**[4] sets out how the Government plans to protect and improve the natural environment in the UK. It introduces a mandatory requirement for a **minimum of 10% BNG** in the planning system, to "*ensure that new developments enhance biodiversity and create new green spaces for local communities to enjoy".* It also lays the foundation for the NRN and introduces provisions requiring the development of Local Nature Recovery Strategies (LNRS) across England, as well as introducing a new Environmental Land Management Scheme.

Part 6, provisions 104-108 of the Environment Act describe what LNRSs will encompass. BNG and LNRS are tools to help deliver local contributions to the national NRN. LNRSs will provide the legal underpinning for the NRN and will be a spatial tool to plan the NRN locally and to prioritise investment in habitat restoration and creation including through BNG.

However, the publication of an LNRS for Nottinghamshire and Nottingham will occur after BNG has become mandatory, hence it is essential that this BNG Framework is in place as soon as possible, as the need to deliver BNG has already commenced, and proposals are already being brought forward by the development sector.

[4] Environment Act 2021 (legislation.gov.uk)

Section 2 - Over-riding principles for Nottinghamshire

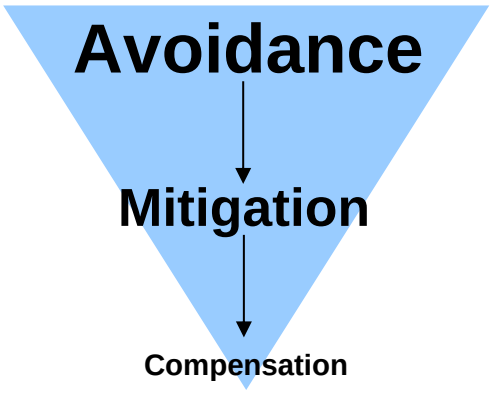
Nottinghamshire's LPAs, the Nottinghamshire Wildlife Trust, the Nottinghamshire Biodiversity Action Group, Natural England and the Environment Agency will work together to address the climate and biodiversity crises through ensuring BNG delivers for people and wildlife in an equitable way, consistently across the County, so that Nottinghamshire's nature recovery delivers multiple benefits for all.

We will aim to support and diversify our local economies through nature's recovery and deliver nature-based solutions to the risks we face. We aim to deliver this within Nottinghamshire for the benefit of our County's wildlife and people, through adopting the following principles, which have been promoted in a Good Practice Guide[5] by the relevant professional bodies, the Chartered Institute of Ecology and Environmental Management (CIEEM), the Construction Industry Research and Information Association (CIRIA) and the Institute of Environmental Management and Assessment (IEMA):

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

Principle 1: Apply the Mitigation Hierarchy

Follow the mitigation hierarchy, which will be key to the delivery BNG. Each eligible application should include a clear reasoned statement on how the mitigation hierarchy has first been rigorously applied. As set out in the NPPF (para. 180 a), the mitigation hierarchy requires that if significant harm to biodiversity resulting from a development cannot be avoided (for example by locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused. Offsite BNG provision therefore comes at the bottom of the mitigation hierarchy as a form of compensation.



It is important to note that existing levels of protection afforded to protected species and legally designated sites are not changed by use of this or any other metric. Statutory obligations and

[5] Biodiversity Net Gain: Good Practice Principles for Development, A Practical Guide. | CIEEM

other policy protections will still need to be satisfied for these, requiring separate mitigation or compensation.

Principle 2: Avoid losing biodiversity which cannot be offset elsewhere

Avoid impacts on irreplaceable* biodiversity in all but exceptional circumstances – these impacts cannot be offset by BNG and require a bespoke approach. There are certain habitats and biodiversity features that are either irreplaceable and/or unique in defining a place, in Nottinghamshire these may include the ancient woodland and veteran trees.

* The latest definition of irreplaceable habitats agreed nationally and published by NE will be used in the application of the principles of this BNG approach in Nottinghamshire.

Principle 3: Be inclusive and equitable

Achieve exemplary net gain in partnership with relevant stakeholders, such as through local community consultation in Local Plan development and in consultations on planning applications.

We will work together across Nottinghamshire in a timely and planned approach to ensure that any habitats restored and created are fairly and equitably located to ensure no community is deprived of the benefits of nature's recovery. Through the further public consultation on the Nottinghamshire LNRS, we will ensure inclusivity, accessibility and equality.

Principle 4: Address risks

Mitigate difficulty and uncertainty and other risks to achieving BNG. Apply well-accepted techniques, in accordance with current legislation, 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. The Biodiversity Metric 4.0 (and any subsequent versions) encompasses a means to understand and place a value on these risks with regard to habitat creation.

Principle 5: Make a measurable BNG contribution

Achieve a measurable, overall gain for biodiversity of at least 10%, with a target of 20% wherever it can be secured for non-minerals development, to recognise the scale of past and recent losses of Nottinghamshire's habitats and species to development, which now should be reversed in order to make progress towards NRN and 30x30.

The economic and social well-being and vibrancy of Nottinghamshire is underpinned by its diverse soils and geology, which in turn results in a wide range of nationally and internationally important habitats and species. Therefore, to mitigate for biodiversity loss is no longer enough, the need to recover losses is critical.

Therefore, developments within Nottinghamshire will deliver additionality for biodiversity, meeting a minimum of 10% BNG for every non-minerals development and seeking to secure more BNG wherever possible, with a target of 20% (or higher if it can be achieved) for non-minerals development. Whilst the 20% target may affect viability for *some* development

schemes, there is recent evidence[6] that the difference in cost will be very marginal, particularly when balanced against the scale and urgency of the need to bring back biodiversity to the County. This contribution to nature's recovery will deliver multiple benefits for people and wildlife, hence each LPA will endeavour to pursue a higher target seeking 20% BNG, but may need to consider some local factors informed by evidence and viability.

Minerals development should normally deliver substantively higher BNG due to the nature of the development and opportunities through restoration, in accordance with the aims of the adopted Minerals Local Plan[7].

This is distinct from a parallel and important process of assessing the losses and gains for other kinds of environment capital and ecosystem services that could result from a development, and for which environmental net gain should also be achieved. Gains in other environmental capital or ecosystem services cannot be used to replace the need for BNG, which is distinct.

Principle 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 net gain locally to the development while also contributing towards nature conservation at local, regional and national levels.
- Enhancing existing or creating new habitat.
- Enhancing ecological connectivity by creating more, bigger, better and joined-up areas for biodiversity.
- Providing the right habitat in the right place, and at an appropriate scale, with reference to the Local Biodiversity Action Plan (LBAP)[8] and Natural England's National Character Areas (NCA) – see Appendix 3 for further guidance.

The Nottinghamshire Biodiversity Opportunity Map (BOM), including habitat network strength maps and opportunity areas, should be used to inform decisions about spatial priorities for habitat creation, until an LNRS has been adopted. There should be an initial presumption that any BNG should be located as close to the point of impact as possible, where suitable land can be found that meets the criteria to deliver high quality BNG that contributes to the NRN. If this is not possible, then the preference should be that BNG is located within the same District or Landscape Character Area, or if neither of these is possible, elsewhere within the County. Exporting of BNG requirements out of the County, including through any national trading platform, should only be permitted where it can be demonstrated that there is no alternative.

Principle 7: Be additional

Achieve nature conservation outcomes that demonstrably exceed existing obligations (i.e. they do not deliver something that would occur anyway). This will be carefully assessed and monitored to ensure that habitat creation is not double counted, and that additionality is rigorously achieved. The potential for payment stacking and blended finance for habitat

[6] Kent Assesses 20% Biodiversity Net Gain Requirement | CIEEM
[7] Adopted Minerals Local Plan.pdf (nottinghamshire.gov.uk)
[8] LBAP – Nottinghamshire Biodiversity Action Group (nottsbag.org.uk)

creation from BNG, Carbon and Phosphate Credits, agri-environment schemes etc., is a positive opportunity for bringing back biodiversity to the County, but requires careful accounting to ensure that gains are maximised for wildlife and people.

Principle 8: Secure a BNG legacy

Ensure BNG generates long-term benefits by:

- Engaging stakeholders and jointly agreeing practical solutions that secure BNG for a minimum of 30 years.
- Planning for adaptive management and securing dedicated funding for long-term management for at least 30 years, as required under the Environment Act.
- Designing BNG for biodiversity to be resilient to external factors, particularly climate change.
- Mitigating risks from other land uses.
- Avoiding displacing harmful activities from one location to another.
- Supporting local-level management of BNG activities, underpinned by the necessary legal and funding obligations as required under the Environment Act 2021 and as advised in subsequent DEFRA guidance on BNG for the use of Section 106 agreements and Conservation Covenants.

To ensure a long-term legacy biodiversity gains will need to be secured for 30 years minimum. This will ensure that maximum gain is achieved including multiple benefits that address environmental, economic and social risks in Nottinghamshire. Long term management and ownership beyond the 30-year period also needs to be considered, and can be achieved through new tools such as Conservation Covenants.

It will be necessary to evidence the impact of BNG. New reporting duties under the enhanced Biodiversity Duty[9] require local authorities to publish a biodiversity report (by 1 January 2026), which must contain a summary of action taken by the local authority in carrying out its functions relating to BNG, including information about biodiversity gains resulting or expected to result from Biodiversity Gain Plans. This information will also be critical for capturing delivery towards the Nottinghamshire LNRS, which will have biodiversity targets and a spatial mapping evidence base. This can then be used to promote good practice amongst developers. Monitoring costs can be secured through planning agreements with developers to ensure that they provide their necessary contribution towards those costs.

Principle 9: Optimise sustainability

Prioritise BNG and, where possible, optimise the wider environmental benefits for a sustainable society and economy.

Principle 10: Be transparent

Communicate all BNG activities in a transparent and timely manner, sharing the learning with all stakeholders, including those local communities affected by developments.

[9] Section 40 of the Natural Environment and Rural Communities (NERC) Act 2006, as amended by section 102 of the Environment Act 2021

Section 3 – Other considerations

Priorities for Net Gain in Nottinghamshire and Nottingham

Legislation requires a minimum net gain of 10% to be delivered as part of relevant development. The partnership of Local Planning Authorities (LPAs), Natural England, Environment Agency, Nottinghamshire Biodiversity Action Group and Nottinghamshire Wildlife Trust, recognising that this is a minimum, will seek to achieve a higher percentage wherever possible (taking account of evidence and viability considerations) with a target of 20%. It is recognised that this may not be possible for all LPAs to achieve on every site, equally on some large strategic sites, or for certain types of development such as new mineral extraction, it may be possible to achieve substantially higher than this, which will also benefit local communities further through access to wildlife-rich greenspaces, and consequent improved outcomes for health and wellbeing.

With the clarity introduced by this BNG Framework, combined with evidence on viability, it should be expected that landowners and developers will take all relevant policy requirements into account when negotiating prices for the sale and purchase of land and the design of schemes. It is expected that developers will not bring forward schemes where the combined effect of all policy requirements (including CIL) resulted in less than reasonable financial returns for the landowner or developer. Paragraph 58 of the NPPF says: “Where up-to-date policies have set out the contributions expected from development, planning applications that comply with them should be assumed to be viable.” Evidence from elsewhere of local levies or costs beyond national minimum requirements is that it has not disincentivised schemes from being brought forwards, with some schemes in place for several years such as in Milton Keynes. Some other counties, such as Cambridgeshire, have now declared a 20% target for BNG, which will help to ensure that standards and targets for BNG become higher and more visionary more widely.

A range of options for the management of on-site BNG features (such as local management groups, or management companies) will be considered on a case-by-case basis as appropriate to each application, with all costs to be borne by the developers and suitable legal agreements in place to ensure long term effective delivery and security of outcomes. This may include requirements for upfront maintenance contributions from developers, as commuted sums. The levels of maintenance contribution will of course relate to the nature of the net gain mitigation; clearly many features can be integrated into on-site green and blue infrastructure. For offsite BNG, the use of Section 106 Agreements and Conservation Covenants will be essential and the relevant guidance and documentation from DEFRA will be adopted.

Therefore, the approach to these issues in Nottinghamshire and Nottingham is as follows:

Nottinghamshire and Nottingham Approach

- In accordance with legislation, relevant development will need to provide measurable BNG of at least 10%.
- LPAs in Nottinghamshire & Nottingham will endeavour to pursue a higher target, seeking 20%, or higher, wherever possible, subject to local evidence and plan-based or site-based viability assessments.
- For new minerals development, LPAs will pursue an ambitious approach to BNG to deliver the best outcomes possible in line with Minerals Local Plan policy.

Measuring Biodiversity Using the Biodiversity Metric

The Biodiversity Metric 4.0 is the latest version of the DEFRA metric at the time of writing, but all references to the Biodiversity Metric in this document relate to the latest version of the adopted Biodiversity Metric published by the Secretary of State. It uses habitat as a proxy for wider biodiversity with different habitat types scored according to their relative biodiversity value. This value is then adjusted, depending on the condition and location of the habitat, to calculate 'biodiversity units' for that specific project or development, based on criteria such as the habitat distinctiveness, condition and extent.

The Biodiversity Metric can be used to measure both on-site and off-site biodiversity changes for a project or development and can be used to measure the change in biodiversity achieved by different land management interventions. Guidance for the proper application of the Biodiversity Metric can be found online[10] and the principles are described in Appendix 1 to this Framework.

It is important to note that achieving gains in biodiversity from the calculation does not necessarily mean a development meets any wider requirements of planning policy or law relating to nature conservation or biodiversity, and should only be used after the application of the mitigation hierarchy.

The Biodiversity Metric calculations should be made by a suitably qualified (and where relevant, accredited) ecologist who will need to undertake an appropriate on-site ecological appraisal (to best practice standards) with the evidence base supported by robust and transparent survey information and justification.

All Nottinghamshire LPAs will ensure that they have access to advice from suitably qualified ecologists in the scrutiny of Biodiversity Metric calculations, Biodiversity Gain Plans and associated information, so that it can be applied consistently across Nottinghamshire and Nottingham, and can ensure the delivery of high quality BNG in the most appropriate locations.

Pre-application Advice

Given BNG should be considered from the outset of a project, LPAs encourage that information that is proportionate to the proposal and stage of the project should be submitted with requests for pre-application advice. Equally, with Outline or Reserved Matters applications, the information provided should be relevant and proportionate to the matters for consideration.

Biodiversity Net Gain on Major Developments

Applicants will be expected to demonstrate how they have integrated biodiversity into the development proposal at the earliest stages by following the process set out below.

The Wildlife Trust publication *'How to build housing in a nature friendly way'*[11] identifies some methods that BNG can be designed into a scheme, with other useful guidance available from the RTPI/RSPB[12]. Other ways of designing schemes that promote biodiversity and deliver opportunities for net gain are listed in Appendix 2 to this Framework.

[10] The Biodiversity Metric 4.0 - JP039 (naturalengland.org.uk)
[11] Homes of People and Wildlife.pdf (wildlifetrusts.org)

[12] Site Level Design Code.pdf

Once the scheme has been designed and it can be demonstrated that BNG is being achieved, the management of the biodiversity on-site will need to be considered. In line with legal requirements, LPAs need to consider whether the on-site enhancements are 'significant in relation to the pre-development biodiversity value'. The 'significant' threshold/definition is expected to be defined within forthcoming secondary legislation and guidance. If it is 'significant' then the LPA needs to legally secure maintenance of on-site habitat enhancement through a planning condition, planning obligation or Conservation Covenant, and the LPA has the discretion to secure this for more than 30 years, as well as requiring monitoring. If on-site provision is not 'significant' there is no specific legal requirement to secure maintenance of on-site habitat, and requirements are left to an LPA's discretion.

The costs of any on-site habitat management and monitoring should be borne by the developer. The obligations and funds for management may be passed to the landowner or a third party, but this must be secured by a suitable legal agreement, which has been approved by the LPA. The costs of monitoring for planning purposes may be provided as a financial contribution to the LPA, subject to local arrangements.

Only once options for on-site retention, reduction, mitigation and on-site compensation have been fully explored should the applicant take forward measures for the creation of compensatory biodiversity units on separate land to the application site. Such off-site compensation must demonstrate the re-creation of the unit value of the biodiversity lost, plus the additional 10% BNG enhancement as a minimum, with a target of 20% or higher. It must also demonstrate the provision of replacement habitats that are either of the same habitat type or of a higher distinctiveness. The replacement with larger areas of habitats of lower condition and/or distinctiveness is referred to as 'trading down' and is not allowed.

Where compensation for losses or BNG cannot be delivered on-site, there will be a clear requirement for off-site biodiversity to deliver towards a strategic vision to ensure that benefits to biodiversity are maximised and that there is a clear mechanism for delivery. The Government's Planning Practice Guidance[13](Paragraph: 023 Reference ID: 8-023-20190721) identifies that such "off-site measures can sometimes be secured from 'habitat banks', which comprise areas of enhanced or created habitats which generate biodiversity unit 'credits'." In Nottinghamshire and Nottingham, the location of potential suitable receptor sites for off-site BNG (including so-called 'habitat banks') should be informed by the BOM and the LNRS.

Part 7 of the Environment Act provides the legislative support for Conservation Covenants. These are private agreements between a landowner and a "responsible body" that can be used as an alternative way to create and retain habitats for the 30-year period recommended by DEFRA. It is expected that applicants will be able to include draft Conservation Covenants with their applications.

Biodiversity Net Gain on Small Sites

The Small Sites Biodiversity Metric (SSM) is being developed and provides a way to measure biodiversity and the impact that small development projects may have upon it in a consistent way. Whereas larger developments or conservation projects will use the main Biodiversity Metric SSM can help those delivering smaller developments or projects to take biodiversity into account.

It is important to note that existing levels of protection afforded to trees, protected species and designated sites are not changed by use of this or any other metric. Statutory obligations and

[13] Planning practice guidance - GOV.UK (www.gov.uk)

other policy protections will still need to be satisfied in addition to the calculated biodiversity impacts using the SSM.

The SSM can only be used when the development is either:

- A residential development where the number of dwellings to be provided is no more than nine on a site area less than one hectare, or if the number of dwellings to be provided is not known, the site area is less than 0.5 hectares.
- A non-residential development where the site area is less than 1 hectare or the floorspace to be created is less than 1000 square metres.

However, the SSM cannot be used where:

- Habitats not available in the SSM are present.
- Priority habitats (excluding some hedgerows and arable field margins) are present within the development site.
- European protected species are present within the development site.
- Any offsite interventions are required.

The SSM must not be used for assessing biodiversity outside the development area. Any habitat creation or enhancement outside the development site must be assessed using the Biodiversity Metric. The SSM is very similar to the main Biodiversity Metric for larger development but is a simplified process. Nevertheless, it is preferable for the assessment to be undertaken by a suitably qualified ecologist.

Environmental Benefits from Nature Tool

The Environmental Benefits from Nature (EBN) tool is designed to work alongside the Biodiversity Metric and provide developers, planners and other interested parties with a means of enabling wider benefits for people and nature from BNG.

The EBN tool is biodiversity-led and recognises that healthy, diverse and resilient ecosystems are essential to underpin the long-term delivery of multiple ecosystem services considering multiple objectives, for example siting new woodland in an optimum location for flood protection or air quality regulation, improving public access for recreation, creating flower-rich grassland to benefit pollinators, providing green roofs for cooling, and planting the right tree species with maximum potential for carbon storage.

Pre-emptive Clearance

Pre-emptive clearance is strongly discouraged, with the deliberate clearing of habitats, prior to planning permission being sought or obtained, penalised under the Environment Act 2021 (Schedule 7A, Part 1, Paras 6a-b), such that if activities are carried out on land (on or after 30 January 2020) which do not benefit from planning permission or any other kind of permission then the biodiversity value of the on-site habitats is taken to be its biodiversity value before those activities were carried out.

Local Plan Policies

Local Plan Policies and/or associated statutory documents to support the Local Plan, should encompass the principles and targets in national Guidance and Regulations, and this

Framework, in order to ensure a consistent approach to delivering high quality BNG across the county and contributing to NRN in the most effective way.

Implementation

The Nottinghamshire LPAs will work together through the BNG Working Group to:

- Seek to develop a list of potential BNG receptor sites agreed consistently and equitably with regard to the agreed spatial /habitat priorities
- Undertake a consistent assessment of sites and their potential BNG value in order to be in the list
- Use the recommended DEFRA figures for habitat creation where possible and/or bespoke agreements if necessary.
- Ensure that the Biodiversity Metric will be used consistently and assessed by someone with an appropriate level of training and expertise, and preferably by a suitably qualified ecologist.
- Ensure that where appropriate, a monitoring contribution will be secured from developers in accordance with their obligations.

Appendix 1 – use of the Biodiversity Metric

Use of the Metric:

In order to demonstrate how proposals meet the requirements for Biodiversity Net Gain (BNG), relevant applications will be expected to:

1. **Establish Baseline Biodiversity Unit Score** (Pre-development)

Assess the existing number of Biodiversity Units on the site using the statutory Biodiversity Metric as part of on-site ecological appraisals performed by a suitably qualified ecologist.

2. **Design net gains into development proposals**

Use the information to design the site layout using the principles of the Mitigation Hierarchy. All schemes need to evidence base early consideration of habitat retention and enhancement of the best quality habitats on site. This should already be evidenced through an appropriate ecological assessment.

3. **Calculate Projected Biodiversity Unit Score** (Post-development)

Calculate the Headline Results of the Biodiversity Metric for the completed development (final scheme design) alongside standard environmental reporting such as Environmental Impact Assessments and ecology surveys. This must demonstrate how a minimum 10% net gain, with a target for 20% or higher, will be achieved over a 30-year time period. If it does not, return to stage 2 and re-design the scheme to create additional BNG. This applies to non-minerals sites, as substantively higher BNG will be expected on new minerals sites and extensions

4. **Submit Biodiversity calculations for validation**

Submit a stand-alone document that shows a minimum 10% net gain (target 20% or higher) increase in biodiversity from the Biodiversity Metric, along with its associated calculations, provided within a BNG Statement (with a Biodiversity Gain Plan submitted for approval before development commences).

5. **Formulate a Habitat Management and Monitoring Plan**

Submit and agree a Habitat Management and Monitoring Plan for offsite and significant on-site BNG provision that describes habitat management prescriptions and responsibilities in order that the LPA can assess whether the target habitats and conditions are achievable and realistic. The Plan will also ensure that the post development enhanced habitats can be effectively managed to achieve their target condition for a minimum 30-year period in line with DEFRA recommendations. This may be secured by way of planning condition.

Appendix 2 – incorporating biodiversity into developments

The following are simple measures which can be used to design biodiversity into developments (noting that not all of these can be delivered through BNG).

Planting and Landscaping

- Design landscaping with biodiversity in mind
- Use native species of seasonal value and importance to local wildlife in planting schemes
- Create rough grassland areas as wildlife corridors with appropriate mowing regimes
- Plant nature depleted open spaces with native grass and wildflower mixes
- Encourage allotment creation with hedgerows, fruit tree avenues, beetle banks and other wildlife corridors
- Create environmental features in parks and open spaces, including copses, ponds, ditches, rough areas and dead wood piles
- Where appropriate and safe to do so, provide some standing dead wood or lying dead wood.
- Maximise tree canopy cover with the aim of covering no less than 20% of the developed area
- Link site to a network of green corridors within the locality and seek to complement the Nature Recovery Network by delivering habitats that can provide connectivity and function
- Provide wildflower meadows, grass-cut mazes or verges that are appropriate in a semi-urban context.
- Consider the potential for planting new community orchards using local varieties of apple, pear and plum

Drainage and Water Management

- Include reedbed and willow filtration systems within sustainable drainage systems (SuDS)
- Provide soft-edged drainage ditches in place of underground pipes where possible.
- Provide rough grass and scrub as habitats for amphibians when in their terrestrial phase.
- Where there are natural streams or rivers adjoining the development retain rough riparian grassland or sandy banks with some overhanging trees to encourage kingfishers, sand martins, water voles and otters.
- Consider soft engineering options instead of canalising watercourses.
- Consider building a sand martin wall in a relatively undisturbed area

Habitat Creation

- Incorporate green walls by providing wildlife-friendly climbing plants on unused walls and boundary fences as nesting habitat for birds, bat roosts and for invertebrates
- Install hibernacula, insect hotels, hedgehog shelters and corridors, habitat piles / compost heaps
- Consider the use of green or ‘living’ roofs that feature local native vegetation.

Habitat Enhancement

- Provide integral house ‘bricks’ for swifts and bats, or integral nest boxes and ledges for barn owls
- Encourage the use of durable bat boxes, house sparrow boxes, house martin/swallow nests etc.

Appendix 3 – putting the right habitat in the right place

Spatial location of habitats

Some habitats are appropriate to particular locations in the county, and some are not. To ensure that the habitats are correctly located, Natural England's National Character Area (NCA) approach will be followed. The NCA's covering Nottinghamshire are:

- Nottinghamshire, Derbyshire and Yorkshire Coalfield
- Southern Magnesian Limestone
- Sherwood
- Humberhead Levels
- Trent and Belvoir Vales
- Leicestershire and Nottinghamshire Wolds
- Trent Valley Washlands

The table below indicates which habitats, as identified in the Local Biodiversity Action Plan, are appropriate within each NCA.

LBAP habitat	**Notts, Derbys & Yorks Coalfield**	**Southern Magnesian Limestone**	**Sherwood**	**Humberhead Levels**	**Trent and Belvoir Vales**	**Leics & Notts Wolds**	**Trent Valley Washlands**
Lowland calcareous grassland		✓			(✓)	(✓)	
Lowland neutral grassland	✓	(✓)			✓	✓	✓
Lowland wet grassland	✓	(✓)	(✓)	✓	✓		✓
Lowland dry acid grassland			✓	(✓)	(✓)		
Lowland heathland			✓				
Mixed ash-dominated woodland	✓	✓			✓	✓	
Oak-birch woodland			✓		(✓)		
Wet broadleaved woodland	✓	(✓)	(✓)	✓	✓		✓
Wood pasture & parkland	✓	✓	✓	✓	✓	✓	✓
Fens, marshes & swamps	✓		(✓)	✓	✓		✓
Reedbed	(✓)			✓	✓		✓
Eutrophic & mesotrophic standing water	✓	✓	✓	✓	✓	✓	✓
Open mosaic habitat on Previously Developed Land*	✓	✓	✓	✓	✓	✓	✓
Hedgerows**	✓	✓	✓	(✓)	✓	✓	(✓)

* restoration only / ** creation only

✓ = Habitats which are an important and characteristic part of the NCA and should be the focus of habitat restoration and creation efforts

(✓) = Habitats which are a lesser component of the NCA, and are often only relevant in very specific cases – local advice should be sought

Size of habitats

Development proposals should seek to ensure that habitats which are created, as well as being correctly located in the County, are of a sufficient size to enable effective and efficient management, and ecological functioning.

For habitat restoration projects, there is no minimum size constraint on what can be delivered – the area of habitat that will be restored will be dictated by the number of BNG units that are required.

For habitat creation projects, a more structured approach is necessary to avoid the creation of small and fragmented habitat blocks which have impaired ecological functioning and are difficult to manage. The table below shows the preferable minimum habitat sizes which should be sought for the broad habitat categories for BNG habitat creation projects. This identifies:

- The preferable minimum habitat size where the habitat forms an extension to an existing area of the same habitat
- The preferable minimum habitat size where the habitat forms an extension to an existing area of a different habitat
- The preferable minimum habitat size where the created habitat is physically removed from any other areas of habitat and forms a 'stand-alone' habitat block

	Preferable minimum habitat size		
Habitat	Extension (same habitat)	Extension (different habitat)	Stand-alone
Grassland	No min. size	0.5ha	1ha
Heathland	0.25ha	1ha	2ha
Woodland	No min. size	0.5ha	1ha
Wetland (ex. ponds)	No min. size	0.5ha	1ha

A different approach is required for ponds and hedgerows, which is outlined below:

- Ponds (as a sub-set of eutrophic and mesotrophic standing water) - should be of a sufficient size to ensure their long term survival and ideally created in clusters.
- Hedgerows - can be delivered either as contiguous lengths of new hedgerow, or as smaller sections used for gapping-up existing hedgerows.

Glossary

Biodiversity Gain Plan - a document which sets out how a development will deliver biodiversity net gain and allows the planning authority to check whether the proposals meet the biodiversity gain objective, to be secured pre-commencement of development.

Biodiversity Net Gain (BNG) - a way to contribute to the recovery of nature while developing land. It will ensure that habitat for wildlife is in a better state than it was before development. This will apply from January 2024 for developments in the Town and Country Planning Act 1990, unless exempt. It will apply to small sites from April 2024.

Biodiversity Net Gain (BNG) Statement - a new planning document which will be required to accompany all planning applications subject to mandatory BNG (rather than a complete Biodiversity Gain Plan).

Biodiversity Metric – a biodiversity accounting tool that is used for the purposes of calculating Biodiversity Net Gain. At the time of publication, the current version of the Metric is version 4.0, but all references to the Metric relate to the latest version of the statutory Biodiversity Metric as published by the Secretary of State.

Conservation Covenants – a new type of voluntary but legally binding agreement enabled through the Environment Act (2021). They are designed to secure the long-term conservation of the natural or heritage features of the land covered by the agreement.

Habitat Management and Monitoring Plan – a plan which sets out how the improved significant on-site and off-site habitats will be managed for the long term.

Local Biodiversity Action Plan (LBAP) – the Nottinghamshire LBAP is a framework for the conservation and recovery of nature, comprising of Species Action Plans and Habitat Action Plans.

Local Nature Recovery Strategy (LNRS) - a new England-wide system of spatial strategies established by the Environment Act 2021 with the purpose of helping to reverse the ongoing decline of nature in England by establishing priorities for nature recovery and identify locations to create or improve habitat most likely to provide the greatest benefit for nature.

Mitigation hierarchy – a framework used to avoid, mitigate against or compensate for impacts on biodiversity, and embedded in the National Planning Policy Framework.

National Character Area (NCA) – a subdivision of England based on a combination of landscape, biodiversity, geodiversity and economic activity following natural, rather than administrative, boundaries.

Nature Recovery Network (NRN) – a commitment in the Government's 25 Year Environment Plan and enacted by the Environment Act (2021), the NRN will be a national network of wildlife-rich places which will be expanded, improved and connected across cities, towns, countryside and coast.

Section 106 agreement – an agreement made pursuant to Section 106 of the Town and Country Planning Act 1990 to secure planning obligations.