

Mansfield District Council Planning Policy Guidance

Defining significant onsite enhancements for Biodiversity Net Gain

Introduction

[Paragraph 9 of Schedule 7A of the Town and Country Planning Act 1990](#) requires that where an applicant relies upon a significant increase in onsite habitat biodiversity value, the “significant habitat enhancement” must be subject to a planning condition, section 106 agreement, or conservation covenant requiring that habitat enhancement to be maintained for at least 30 years after the development is completed.

The following guidance note is designed to provide planning applicants in Mansfield with details of when onsite enhancement of biodiversity will be considered as ‘significant’. It also sets out guidance on the circumstances under which significant onsite enhancements will be secured via a condition and when a s106 agreement will be required.

Criteria used to define significant onsite enhancement

The following criteria set out what are considered significant onsite enhancements in Mansfield, and hence where the LPA would expect such enhancements to be monitored (with monitoring reports submitted periodically to the LPA) for at least 30 years.

Criteria 1: Onsite creation, improvements in condition, or retention, of habitats assigned medium distinctiveness or higher in the Statutory Biodiversity Metric, will be considered as significant.

Rationale: Medium or higher distinctiveness habitats, by their nature as higher value, are likely to contribute a larger number of biodiversity units towards the delivery of the biodiversity net gain objective. It is therefore important that their creation or enhancement is fully secured to ensure the biodiversity net gain objective is met. In addition, the retention of medium or higher distinctiveness habitats contributes significantly to achieving the biodiversity net gain objective. In light of this, their management must also be secured as part of a 30 year Habitat Management and Monitoring Plan, so the units delivered through such habitat retention are maintained.

Criteria 2: The onsite creation or improvement in condition of low distinctiveness habitats (excluding units delivered from by vegetated gardens), will be considered significant, where either:

- A) the combined number of units delivered is equal to or greater than 0.5; and/or**
- B) the combined number of low distinctiveness units is equivalent to 10% or more of the baseline biodiversity unit value of the site,**

Rationale: The goal of Biodiversity Net Gain is to deliver measurable gains in biodiversity as a result of development. Low distinctiveness habitats can represent an important part of a development’s Biodiversity Net Gain Plan. If creation or enhancement of low distinctiveness habitats account for more than 10% of the baseline value of the site then they are considered to be delivering a significant proportion of the Biodiversity Net Gain Objective. Were these units not to be delivered, development would not secure a measurable net gain. In addition, large areas of low distinctiveness habitats can also be considered as significant, simply due to their scale. For example, 0.5 units of good condition modified grassland covers just over 1000m. This is considered a significant area of habitat so would also need to be secured as part of a 30 year Habitat Management and Monitoring Plan to ensure that the biodiversity net gain objective is achieved.

How will significant onsite enhancements be secured?

On sites where medium, high or very high distinctiveness habitats are involved, 30 year maintenance and monitoring will usually be secured using a Section 106 Agreement. Exceptions may be made to this in some circumstances. For example, a condition may be appropriate if the only medium distinctiveness habitat being delivered is urban trees.

In cases where onsite enhancements involve only low distinctiveness habitats, then, for habitats listed in Table 1, if the target condition is moderate or good, a s106 will usually be used to secure the 30 year management and monitoring. In all other instances a condition will normally be the chosen mechanism.

Table 1
Grassland – modified grassland
Lakes – ornamental lake or pond
Urban – bioswale
Urban – façade bound green wall
Urban – ground based green wall
Urban – intensive green roof
Urban – rain garden
Urban – sustainable drainage system
Woodland and forest – other coniferous woodland

Rationale: Where a target condition of moderate or good is proposed, habitat management will normally be required in order to achieve the proposed condition. Advice from the LPA on changes to the management regime may be required and ecological expertise needed to assess monitoring reports. In contrast, when poor condition is the target for a low distinctiveness habitat, monitoring will not require consideration of condition assessment criteria and changes to ecological management plans. As such monitoring intervals may be less frequent and reviewing monitoring work will not require staff with ecological expertise.

Monitoring Requirements within a Habitat Management and Monitoring Plan

Habitat Management and Monitoring Plans should be proportionate to complexity of the habitats being created. The scope of monitoring needed will vary on a case-by-case basis depending on what is being proposed.

Where significant onsite enhancements are secured via a condition, monitoring is likely to be less frequent and focus on demonstrating at the start of the 30 year period that all the proposed habitats on the site have been created as was planned. Subsequent monitoring reports would mainly need to show that the habitats were all still present.

Monitoring Costs

Monitoring costs to cover the Local Planning Authorities time taken to oversee monitoring of significant on-site enhancements secured via s106 agreements will be published in due course.