

BIODIVERSITY NET GAIN

Frequently Asked Questions

Purpose

This document has been created to collate frequently asked questions and should be consulted before contacting the planning team with any further queries

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VALIDATION

1. When did BNG become mandatory?

BNG became mandatory for all major application in February 2024 and for all minor applications on 02 April 2024.

2. What do I need to submit at Validation?

- Statutory Metric; the excel spreadsheet WITH the Condition assessments
- Biodiversity net gain statement

Where you have a high baseline or are likely to be providing significant net gain compared to the baseline you may be asked for the Habitat Mitigation and Monitoring Plan (HMMP) and Net Gain Plan (BGP) during the decision making stage so we can be sure the BNG is deliverable. This will certainly be required for major developments and those relying on delivering BNG within blue line land.

To discharge the BNG condition you will need to provide:

- Biodiversity Net Gain Plan
- Habitat Mitigation and Monitoring Plan
- Statutory Biodiversity Net Gain Metric

3. Is BNG required at Outline?

Yes, BNG is required with an Outline application. Even where you have provided documents at Outline you will still need to provide these detail with further application type associated with your development i.e. a Reserved Matters application. All BNG documents must be updated and match the masterplan.

4. Is BNG required on Reserved Matters applications?

If your Outline consent was granted prior to BNG becoming mandatory you will NOT be subject to the general Biodiversity Net Gain condition. If your Outline was submitted after BNG became mandatory you will need to provide BNG on your development.

5. If I provide everything up front can I avoid the condition?

No-

General condition of planning permission

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

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

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

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

The information cannot be submitted as part of the planning application to avoid the condition as the legislation automatically put the condition in place. So if the BNG plan is submitted as part of the application text, it will need to be submitted again as part of a condition discharge.

"The plan must be submitted in writing, no earlier than the day after planning permission has been granted" Biodiversity net gain - GOV.UK.

EXEMPTIONS

6. Where can I find information on exemptions?

The regulations on exemptions can be found here: [The Biodiversity Gain Requirements \(Exemptions\) Regulations 2024 \(legislation.gov.uk\)](#). Information can also be found here: [Biodiversity net gain: exempt developments - GOV.UK \(www.gov.uk\)](#)

7. How do I prove De Minimis?

If you are claiming De Minimis exemption you should provide enough information for the Validation team to confirm you are eligible for this exemption. This will include photographs and measurements of your development. How much habitat are you impacting? What is it? Provide a photograph.

The most effective way to do this is to put the information in a small sites metric. If you do not provide enough information this will delay validation and determination.

8. The small sites temporary exemption is still an option on the application form. Can I use this if I have a small site?

No. This exemption was a temporary option for the time period between February 2024 and 01 April 2024. BNG became mandatory for small sites on 02 April 2024 which signalled the retirement of this exemption. Any application claiming this exemption will be rejected at validation straight away.

9. Self build / custom housing

If you have ticked the `self` build` exemption under BNG and have also ticked market housing in other parts of the application form you will be asked to clarify by the Validation team. Full details should be provided within the exemption justification.

If you claim the exemption but do not intend to go forward with the development as a self build after planning permission is granted you may have to purchase units from the BNG market to fulfil the BNG condition on all development. A legal agreement confirming self-build may be requested and/or additional conditions put on any consent to ensure any development complies with the self-build exemption claimed.

This exemption does not preclude the requirement for every development to provide a measurable net gain under NPPF requirements.

10. Are Change of Use applications exempt?

No, change of use applications are not exempt. If the development is entirely contained within the footprint of the current building then you may be exempt under the De Minimis exemption. Change of use on its own is not an exemption.

11. All the impacts are temporary. Is the application exempt?

No, temporary impacts are still impacts so unless the application meets any other exemption it will not be exempt from BNG.

SPECIFIC HABITATS

TREES

12. If I only have a tree that will be impacted on my site will it be De Minimis?

No, even considering that small trees generally have low condition you would still have 41m² of habitat onsite. This may not seem obvious but there is a tree counter built into the Statutory Metric which takes into account biomass and tree root protection zones.

Individual trees are classified as a habitat of medium distinctiveness and would score the same as 41m² of neutral grassland, but it is more difficult for habitat creation of trees to reach good condition or even moderate.

Even whips that meet breast height should be small trees – a tree is a tree when its 7cm DBH (1.5cm from the ground).

The more trees you can keep on site, the smaller your BNG losses will be and the fewer additional biodiversity units you will need to reach your target 10% net gain. Individual trees, lines, blocks or groups of trees found within and around the perimeter of urban land are all counted.

Retaining as many existing trees on the site as possible and minimising the impact the development will have on them is therefore beneficial. They will count towards your site's baseline BNG value, and any that are retained will also count towards its post-development value.

13. What about if it's a dead tree?

Dead trees often provide higher biodiversity value than live trees and are not excluded from the Metric. More guidance is required from Defra on trees felled for safety or because of disease.

14. What about ancient trees?

If you have ancient or veteran trees on your site, these are considered irreplaceable habitats and already have special protection through the planning system. Development should not result in loss or deterioration of these habitats, unless there are wholly exceptional circumstances, and a suitable compensation strategy exists. Assessment of the impacts on irreplaceable habitats and what constitutes suitable compensation sits outside the BNG process.

You should still include ancient and veteran trees in your biodiversity metric calculation and select the option that identifies them as an irreplaceable habitat. This takes them out of the baseline calculation, and you will need to agree compensation for any impacts separately with the local planning authority. You can find out more in the government guidance explaining how BNG applies to development on irreplaceable habitats here: <https://www.gov.uk/guidance/irreplaceable-habitats>.

Particular note of the definition of veteran trees should be taken as the Biodiversity Gain Requirements (Irreplaceable Habitat) Regulations 2024 defines this habitat under a lower threshold than the NPPF. You can review these regulations here: <https://www.legislation.gov.uk/uksi/2024/48/contents/made>.

15. If the tree was removed under a tree application, does it still need to be considered in the baseline?

Yes, trees removed after January 2020 will still need to be considered within the baseline.

16. What about trees in private gardens?

Normally habitats within private gardens are not assessed separately for BNG purposes – they are recorded as either 'vegetated' or 'unvegetated' gardens. However, for trees this is slightly different; you must include all garden trees in your baseline assessment that have a trunk diameter of 30cm or more (measured 150cm from

the ground). This is regardless of whether they have a Tree Preservation Order on them or not (an order made by a local planning authority to protect specific trees in the interests of amenity).

This is to ensure that the biodiversity value of significant trees in gardens is properly accounted for in the BNG calculation and to encourage their retention.

Tree creation post development

While established trees within gardens should be recorded in a site baseline, any tree planting within the created garden should not be included within post-development sheets of the metric. The habitat type 'Urban – Vegetated garden' should be used.

Trees within private gardens cannot be included unless there is a restrictive covenant on the property to ensure that trees are not removed. This is not considered a realistic option as it is unduly restrictive on new property owners and difficult to monitor or enforce.

The vegetated garden habitat type account for some loss/degradation of habitat i.e. people putting decking down or paving, removing trees or hedgerows ect once they move in.

17. What about hedgerows?

Hedgerow units that form a boundary with private residence, if the landowner has no means by which to maintain the units in their HMMP and the unit will fall to the homeowner, then it should be recorded as lost and scooped into the garden measure (this may not apply when other protection measures are in place).

WATERCOURSES

18. How do I know if I have a watercourse on site?

If there is any watercourse within your red line boundary then you have a water course on site. If you have a ditch or drain within 10m or any other type of water course within 5m of your site boundary you have a watercourse on site. The 5m and 10m measurements relate to the riparian zone of a watercourse which are crucial to their ecological functions.

Please consult the Metric user guides for full details on water courses and how they must be entered into the Statutory Metric: [Statutory biodiversity metric tools and guides - GOV.UK \(www.gov.uk\)](http://www.gov.uk)

19. I have a water course on site.

All watercourse data must be entered into the watercourse module of the Statutory Metric. Any Ecologist completing this module must have a MoRPH certificate and should submit evidence of this with the metric to prove competency. You should ensure that your Ecologist has access to both banks of the river for any ecological survey.

20. I have a water course/ditch is within 10/5m but no habitat will be impacted

If your site is under any BNG exemption the water course will not need to be considered within a Metric. This is because exemption do not need to provide the same documentation as those that are not exempt.

Example: A new commercial unit is proposed for the Hardwick. The extension is proposed next to a existing unit and the footprint and access will be entirely on hardstanding. However, a ditch is present within 5m of the red line boundary. You will not be impacted any area within 5m of this ditch.

In this scenario you would chose a De Minimis Exemption on your application form as less than 25sqm of area habitat (remembering that hard standing has a 0 value so does not count as

`habitat`) is being impacted and there is no impact to the ditch or its riparian zone (habitat within 5m of it).

Example 2: A new commercial unit is proposed for the Hardwick. The extension is proposed next to an existing unit and the footprint and access will be mostly hardstanding but some of it will fall on grassland. The grassland area is measured as 10sqm. A ditch is present within 5m of the red line boundary. A section of your development falls within this 5m riparian zone BUT the habitat here is hardstanding.

In this scenario you would choose a De Minimis Exemption on your application form as less than 25sqm of area habitat (remembering that hard standing has a 0 value so does not count as `habitat`) is being impacted, only 10sqm of grassland, and there is no impact to the ditch or its riparian zone (habitat within 5m of it) as the part of the riparian zone that falls within your footprint is all hardstanding.

OFFSITE NET GAIN

21. Do I need to put my BNG into my red line?

BNG should be delivered onsite as the first option as fits the BNG hierarchy. Where BNG cannot be provided on site it may be provide offsite as the next best option. Off site net gain under the same landownership does not have to be included in the red line where planning permission is not required to undertake works that are specifically for net gain.

You may wish to put your mitigation area within a blue line boundary. This is `off site Biodiversity Net Gain`. Information to decide how to deliver your net gain can be found here: <https://www.gov.uk/guidance/meet-biodiversity-net-gain-requirements-steps-for-developers>.

22. What happens if I put my BNG into my blue line?

The blue line land that you intend to deliver net gain on will need to be baselined and the enhancement added into the Metric offsite tabs. You will need to provide this information during the determination stage of the application as the details will be required to inform a legal agreement (S106). You will need to register the site on the Natural England Biodiversity Net Gain Register which has a cost (£639 at the time of publication).

The Natural England register can be found here: <https://www.gov.uk/guidance/register-a-biodiversity-gain-site>.

23. What happens if I put my BNG into my blue line?

The blue line land that you intend to deliver net gain on will need to be baselined and the enhancement added into the Metric offsite tabs. You will need to provide this information during the determination stage of the application as the details will be required to inform a legal agreement (S106). You will need to register the site on the Natural England Biodiversity Net Gain Register which has a cost (£639 at the time of publication).

The Natural England register can be found here: <https://www.gov.uk/guidance/register-a-biodiversity-gain-site>.

24. How much does a Unit cost?

Habitat Banks are in control of how much a Unit costs and this will depend on demand, type of habitat being created ect. From what is being reported across LPA's it's thought that one Unit of grassland type habitat could cost ~£25,000 which aligns with a report released recently by the Biodiversity Units UK. Snips from that report are provided below for reference:

BNG Pricing - England (South)



Habitat Type	Habitat Distinctiveness	In LPA / NCA Price	Supply Levels
Other Neutral Grassland	Medium	£28,875	Abundant
Woodland and forest	Medium	£33,075	Uncommon
Heathland & Scrub	Medium	£31,500	Abundant
Lakes / Ponds Non Priority Habitat	Medium	£65,625	Uncommon
Lowland Meadow	Very High	£39,375	Uncommon
Watercourses - All Watercourses	High	£164,575	Very Rare
Individual Trees'	Medium	£33,075	Uncommon
Woodland and forest	High	£48,300	Scarce
Traditional Orchard	High	£42,425	Scarce
Wet woodland	Medium	£38,325	Scarce
Mixed Deciduous Woodland	High	£55,125	Uncommon

Some resources which may be useful:

[Statutory biodiversity credits - GOV.UK \(www.gov.uk\)](https://www.gov.uk)

[Biodiversity Units UK — The BNG Report: Pricing & Key Insights - July 2024 \(biodiversity-units.uk\)](https://biodiversity-units.uk)

OTHER QUESTIONS

25. How do we deal with retained habitats?

Within a development project boundary, habitats that are not adversely or positively affected by the project can be marked as retained in a Statutory biodiversity metric calculation. These retained habitats can carry over their habitat units, and so these count towards BNG.

Government guidance states that retained habitats are not `on site significant enhancements`. This means no need for a legal agreement for 30 years.

But retained habitats might well need enhancement and maintenance for the minimum 30-years of BNG, under a Habitat Management and Monitoring Plan (HMMP).

For example, within a development boundary there is woodland of medium distinctiveness in good condition. This woodland is marked as retained in the statutory Metric calculation. Left unchecked without management for 30 years, the woodland condition could decline (for example by spread of invasive species). If this is the case, then the decline in condition should be entered into the metric calculation rather than the woodland shown as retained. So, in this instance, management and maintenance under the HMMP is required to keep the retained woodland in the same woodland type and condition over 30 years of BNG.

26. How much is one Unit?

The Metric uses various parameters to calculate the value of a habitat and this includes Habitat Type, Area (ha), Distinctiveness, Condition and Strategic Significance. Therefore area of habitat calculated as a Unit will vary depending on this factors. Broadly speaking the following applies to the calculation of a single Unit in the Metric:

Distinctiveness	Condition	Strategic Significance	Area (ha) resulting in one Unit	Example Habitat
Low	Poor / N/A	Area/compensation not in local strategy/no local strategy	0.500	Cereal crop, bracken, modified grassland, watercourse footprint, individual tree – rural, Woodland and forest – other coniferous woodland/ broadleaved/ mixed
	Fairly Poor		0.334	
	Moderate		0.250	
	Fairly Good		0.200	
	Good		0.166	
Medium	Poor		0.250	Coastal lagoons, Heathland and shrub – hazel /willow scrub/ dunes with sea buckthorn (H2160), Pond (priority habitat), artificial unvegetated, unsealed surface, biodiverse green wall, SuDs, Wet woodland
	Fairly Poor		0.166	
	Moderate		0.125	
	Fairly Good		0.100	
	Good		0.083	
High	Poor		0.166	Floodplain wetland mosaic and CFGM, Lowland calcareous & dry acid grassland, Lowland heathland, Felled woodland, lowland beech and yew woodlands, native pine woodlands
	Fairly Poor		0.111	
	Moderate		0.083	
	Fairly Good		0.06661	
	Good		0.0553	

Very High	Poor		0.125	Littoral seagrass on peat, clay or chalk, Aquifer fed naturally fluctuating water bodies, Blanket bogs, Wood pasture and parkland
	Fairly Poor		0.083	
	Moderate		0.0628	
	Fairly Good		0.050	
	Good		0.0415	

The distinctiveness of a Habitat Type can be found on Tab G-3 of the Metric.