BIODIVERSITY NET GAIN GUIDANCE NOTE

Advice to help applicants seeking planning permission secure net gain in biodiversity within their development

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Version: Cabinet Version

Date: July 2022

1. Introduction

1. This guidance note has been prepared to ensure that all new development in the BCP Council area, where practical, contributes towards biodiversity net gain. Biodiversity net gain is an approach which aims to leave the natural environment in a measurably better state than beforehand.

2. This guidance expands upon emerging government proposals in the Environment Act 2020. The Environment Act 2020 sets out the Government's intention to make it mandatory for eligible planning applications to provide a demonstrable 10% net gain in habitat value compared to the pre-development baseline. The exact details of how and when the legislation will be implemented is still subject to Government consultation, but it is understood that the requirements will become mandatory from the end of 2023, and that secondary legislation will be provided which will set specific criteria that will apply. It is understood that some exemptions will be made from the compulsory 10% habitat gain requirements, and these will likely be for householder and other small-scale development. However, it is considered that these applications can make an important and valuable contribution to biodiversity recovery, particularly in terms of the addition of species-based features that can help local wildlife.

3. The BCP Council area supports a wide range of habitats and wildlife, many of which are of principal importance for the purpose of conserving biodiversity under section 41 of the NERC Act (2006). While some may only be found on nature reserves, which there are many, ranging from Sites of Special Scientific Interest (SSSIs), Special Protected Areas (SPAs), Special Areas of Conservation (SACs), Ramsar sites, Sites of Nature Conservation Interest (SNCIs) and Local Nature Reserves (LNRs), some are found in built up areas and in buildings. These species, habitats and designated sites may be affected by development, but are also a priority to improve their conservation condition, they are listed on the website (link).

4. While BCP Council currently has a wide range of biodiversity, there is a risk that without correct actions there could be loss, hence BCP Council declared a climate and ecological emergency on 16 July 2019.

5. To help combat the ecological emergency this guidance note sets out how an applicant can ensure that their development complies with the principles of Biodiversity Net Gain. It will also help the applicant to meet the requirements of the biodiversity policies within the three currently adopted local plans within the BCP Council area. Providing details in accordance with this guidance will assist the Council's planning team and biodiversity team to understand how the planning application will provide a net gain in biodiversity.

6. This guidance will require regular updating as advice, guidance and standards are released by the Government and Department for Food and Rural Affairs (DEFRA).

2. Policy context

7. The policies that this document refers to consist of the following:

   National Planning Policy Framework (2021)

   Paragraph 174: Enhancing the natural and local environment

   Paragraph 179: Protect and enhance Biodiversity

   Paragraph 180: Enhancing biodiversity in planning decisions

   Paragraph 185 (c): Limit the impact of light pollution from artificial light

   Bournemouth Local Plan: Core Strategy (2012)

   Policy CS30: Promoting Green Infrastructure

   Policy CS35: Nature and Geological Conservation Interests

   Christchurch Core Strategy (2014)

   Policy ME1: Safeguarding Biodiversity and Geodiversity

   Poole Local Plan (2018)

   Policy PP24 Green infrastructure (2) (b)

   Policy PP33: Biodiversity and geodiversity

8. Paragraph 174 of the NPPF is clear that local planning authorities should be doing what they can to ensure that planning policies and decisions contribute to and enhance the natural and local environment by minimising impacts on and providing net gains for biodiversity.

9. Paragraph 180 sets out the principles that should be applied when considering applications for planning permission in terms of biodiversity which in general seeks to avoid harm where possible, particular in relation to protected sites and species. It also states that where possible, opportunities to improve biodiversity in and around developments should integrated into the design, especially where this would result in measurable net gains for biodiversity

10. In recognition of this and taking account of the impending requirements of the Environment Act, BCP Council will now expect all applications, where practical, to demonstrate a measurable contribution towards biodiversity net gain.

3. Planning Application Requirements

11. The requirements will differ and be proportionate to the scale of development proposed, but as set out below, all applications relating to a site of 0.1 hectares or above will be required to include a Biodiversity Plan and where appropriate a Landscape Ecological Management Plan. Smaller scale applications under 0.1 hectares will need to complete the Biodiversity

Validation Checklist to identify potential harm and will also be expected to deliver a net gain.

12. A flowchart is located at Appendix 1 to establish whether your development will need to demonstrate a contribution towards biodiversity net gain.

Applications of more than 0.1 hectares

13. All applications with a site area of 0.1 hectares or greater must provide the following information as part of a Biodiversity Plan / Landscape Ecological Management Plan. This must be submitted alongside the planning application for the Council to register the application:

    - Details of any existing ecological features within the site, e.g., hedgerows, trees ponds, and how they are likely to be affected by the development;
    - How the development has taken steps to avoid and minimise adverse impacts on biodiversity;
    - The proposed approach to enhancing biodiversity on-site;
    - The pre-development and post-development biodiversity value of on-site habitats (this will need to be calculated using the most up to date version of the DEFRA biodiversity metric at time of submission);
    - Any proposed off-site biodiversity enhancements (including the use of credits) that have been planned or arranged for the development; and
    - Any UK Government-provided statutory biodiversity credits purchased for the development.

14. Any Biodiversity Appraisal report submitted should be compliant with CIEEM'S 'Advice Note On The Lifespan of Ecological Reports & Surveys', April 2019.

Applications of less than 0.1ha

15. Applications relating to small scale development on sites of less than 0.1 hectares including householder applications will be expected to complete the validation checklist at Appendix 2 to determine any impact on existing habitats and species. This checklist has been designed to provide more detailed guidance on the level of information and additional survey work that may be required to support the application. Any Ecological Impact Assessment or Survey work should be carried out by a suitably qualified ecologist.

16. Where the checklist indicates that no additional surveys or reports are required, a copy of the completed checklist should be submitted with the planning application. This will then be reviewed by the Council's Planning team, who may request further information and/or photographs to complete the review. It should be noted that incorrect information may delay the application process.

Applications affecting locally designated sites

17. Proposals for development that affects biodiversity, and any sites containing species and habitats of local importance, including SNCI, LNR, ancient woodland, veteran trees and species and habitats of principal importance must:

    - demonstrate how any features of nature conservation and biodiversity interest are to be protected and managed to prevent any adverse impact;
    - Incorporate measures to avoid, reduce or mitigate disturbance of sensitive wildlife habitats throughout the lifetime of the development; and
    - Seek opportunities to enhance biodiversity through the restoration, improvement or creation of habitats and/or ecological networks.

18. The removal or damage of features of nature conservation/biodiversity interest will only be acceptable in exceptional circumstances.

19. A biodiversity appraisal should be submitted where there are protected, or important species and habitat features either within the site or in close proximity to it. The appraisal will need to demonstrate that the development will not result in any adverse impacts

20. In addition to ensuring the protection of and minimising harmful impact on existing habitats and species (in accordance with Biodiversity Validation Checklist), all applications for development will also be expected to demonstrate how they intend to enrich biodiversity and wildlife habitats by seeking to incorporate ecological features. There are numerous additions and adaptations that can be made to development, and these should be considered at an early design stage to ensure maximum benefit and are detailed below in section 6.

21. To fully assess the potential impact of a development and scope for biodiversity net gain the existing and potential ecological networks around the application site need to be considered. Dorset Environmental Records (DERC) have mapped these networks for the whole of Dorset, including BCP Council, at present this is available on https://explorer.geowessex.com/. From the menu choose the layer option required and then 'Environmental Records' and open 'Eco-networks – Existing Ecological Networks and Eco-networks -Higher Potential Ecological'. This mapping will be made available via the BCP website in the future.

22. Defra's website https://magic.defra.gov.uk/ should also be consulted as this provides mapping on nationally and internationally designated terrestrial and marine sites for nature conservation, SSSI Impact Risk Zones and species and habitat information.

23. Developments should accord with the following British Standards:

    - BS 42020:2013 Biodiversity – Code of practice for planning and development.
    - BS 8683:2021 Process for designing and implementing Biodiversity Net Gain-Specification.
    - BS 42021: 2022 Integral nest boxes – Design and installation for new developments – Specification.

4. DEFRA Biodiversity Metric

24. If you are using the DEFRA metric, please use the latest version, current at time of submission of planning application. This version will then need to be used for lifetime of the development.

25. The DEFRA small site metric should be used when DEFRA publishes it, for sites that meet its requirements.

5. Provision of On-Site Biodiversity Net Gain

26. Suitable on-site net gain could include, but is not limited to:

- Green roofs/walls;
- Brown roofs;
- Tree and hedge planting;
- Pond creation;
- Installation of bird and bat boxes;
- Hedgehog friendly fences;
- Insect and bee hotels;
- Reptile habitats; and
- Grass and shrub planting

6. Detailed guidance on suitable on-site net gain

Grass and shrub planting

27. Planting and seed mixes should be of native species appropriate to this area. Use of non-native species should be limited to only ones that provide known benefit to wildlife such as provision of nectar and pollen. Plants listed on Schedule 9 of Wildlife and Countryside Act 1981 (as amended) must not be used at all.

28. Providing planting for wildlife, and especially for pollinators forms a key part of the Green Net and significantly adds to nature reserves and forms a key component of habitat connectivity. Advice can be found at Pollinator Guidance - Buglife.

Tree/hedge planting

29. Tree and hedge planting should wherever possible be mainly if not wholly of native species, at a planting density to ensure a healthy hedge can be maintained, or to allow trees to be grouped together to maximise benefits for wildlife.

30. Tree replacement should follow the recommended levels set by Bristol City Council Planning Obligations Supplementary Planning Document, 2012, which depends on size being removed, as in table below:

Trunk Diameter of tree lost to development (cm measured at 1.5 metres above ground level)	**Number of replacement trees**
Less than 15	0-1
15 -19.9	1
20 – 29.9	2
30 – 39.9	3
40 – 49.9	4
50 – 59.9	5
60 – 69.9	6
70 – 79.9	7
80 +	8

Birds

31. Swift bricks should, wherever possible, be included within the fabric of new buildings making them more durable. As they have an opening from the outside which leads to a self-contained chamber, there is no risk of birds entering the inside of the building. Swift bricks are also suitable for other species and have been found to be regularly occupied by Starlings and House Sparrows (which are also on the RSPB's Birds of Conservation Concern Red list) as well as Blue Tits.

32. Swift bricks should:

- Be positioned at a minimum height of 4.5m above ground level;
- Be positioned out of direct sunlight; swift (universal bird) box location on northern aspect is best with locations on east and west only if well shaded; southern aspect to be avoided if possible and only built-in boxes to be used on that aspect and never external wooden ones, as they will overheat;
- Have a clear entrance path not obstructed by trees, cables, creepers or aerials; and
- Be installed at a ratio of 1-4 swift bricks on a development of a single house; 4-10 swift bricks on a small block of flats; and 10-20 swift bricks on larger buildings/site.

33. Further guidance is available at:

- swift conservation guidance http://www.swift-conservation.org/OurLeaflets.htm
- swiftmapper https://www.swiftmapper.org.uk/

34. In addition, there are a variety of bird boxes available suitable for different species.

35. Swift boxes can be retrofitted onto existing development where Swift bricks are not an option. Swifts, House Sparrows and Starlings will nest under the eaves and in colonies, so 2 or 3 boxes can be sited, spaced out, on the same side of the house but should avoid south facing elevations and should ensure a clear, unobstructed entrance path.

36. The entrance hole size for bird boxes depends on the species you hope to attract:

    - 25mm for Blue Tit and Coal Tit;
    - 28mm for Great Tit;
    - 32mm for House Sparrow and Nuthatch;
    - 45mm for Starling;
    - Boxes should be fixed 2-4 metres up a tree or wall, and unless the box would be shaded by trees or buildings, the box should ideally be positioned to face north or east to avoid strong sunlight and the wettest winds; and should have a clear flight path with no obstructions;
    - Tilt the box forward slightly so that driving rain will hit the roof and bounce clear; and
    - Make sure the box is out of reach of local cats.

37. Open fronted bird boxes include:

    - A small box with a 100mm high open front for Robin or Pied Wagtail;
    - A small box with a140mm high open panel for a Wren; and
    - Open fronted boxes for Robin and Wren should be well hidden in vegetation and below 2 metres.

38. The RSPB also gives detailed guidance on bird box sizes, materials and locations, including for other birds such as owls, Kestrel etc. https://www.rspb.org.uk/birds-and-wildlife/advice/how-you-can-help-birds/nestboxes/

Bats

39. Built in provision for bats in way of bricks/tubes/tiles is preferred as these will last for the lifetime of the building unlike boxes attached to a building or trees which are more susceptible to being removed and effects of weather.

40. Bat bricks/tubes/tiles/boxes to by installed in compliance with Bat Conservation Trust http://www.bats.org.uk/pages/bat_boxes.html

41. External lighting schemes shall be compliant with 'Bats and artificial lighting in the UK' by Institution of Lighting Professionals with BCT, Guidance Note 8, 2018 and subsequent new versions of this guidance.

Hedgehogs

42. Hedgehogs travel 1-2km a night, but their movement and journey options can be greatly inhibited by the presence of close boarded fences in gardens, resulting in many crossing the highway. The provision of a small hole at the bottom of the fence (13cm x 13cm) will allow access for hedgehogs but not most pets.

43. Provision of hedgehog homes is also appropriate, providing that they are sourced from a reputable wildlife box provider. Further information may be found on https://www.hedgehogstreet.org/help-hedgehogs-this-autumn/freeadvice/

Reptiles

44. In areas where reptiles are known the provision of hibernacula/hibernaculum (underground chambers for use by amphibians and reptiles during the winter) should be created. The following provides information on construction https://www.wiltshirewildlife.org/how-to-build-a-hibernaculum-for-amphibians-and-reptiles

45. Part of the site around hibernacula should be managed to provide cover and food for reptiles, by way of longer vegetation that is not cut while reptiles are active.

Amphibians

46. Provision of pond(s) will help support these species as will provision of hibernacula (See Reptiles)

47. Ponds are not to be built in existing wet areas unless an invertebrate survey shows that area is of low interest or that only portion of wet area affected. Building ponds in dry area adjacent to a wet area is ideal, with shallow margins for small mammals to access and egress the pond, and an area of deeper water, greater than 0.5 metres.

Invertebrates

48. Provision of wildflower (flower and grass species) areas comprised of native species suitable for soil on site will support range of invertebrate species and species that feed upon them (birds, hedgehogs, reptiles and bats). These areas to be subject to long term management that will maintain the condition of the area, options for how area may be managed are provided at https://meadows.plantlife.org.uk/3-maintaining-meadows/

49. BCP Council area is a key area for Stag Beetle, which are a species of principal importance as per NERC Act 2006. To protect and increase this species, developments should endeavour to protect any existing features and provide new features as follows:

    - Retain as much dead wood (logs and stumps the larger the better) as possible on site;
    - Provide new features by building log piles, see How to build a log pile - Stag Beetles (ptes.org) or breeding boxes from preferably natural wood (do not use softwoods (conifers) or treated timber), these need to be on woodland edges where some degree of shade;
    - Ensure that a buffer zone is managed around large dead wood so that the soils and vegetation are protected as much as possible from disturbance; and
    - Avoid stump-grinding tree stumps wherever possible.

50. Provision of habitat/log piles will aid a wide range of invertebrates and may also be used by amphibians and reptiles. Guidance on construction is available at

https://www.rspb.org.uk/birds-and-wildlife/advice/gardening-for-wildlife/dead-wood-for-wildlife/#:~:text=Woodpiles%20are%20a%20valuable%20habitat,the%20wood%20into%20small%20pieces.

51. For further information on biodiversity options see Cornwall Planning for biodiversity guide. https://www.cornwall.gov.uk/environment-and-planning/planning/planning-policy/adopted-plans/planning-policy-guidance/cornwall-planning-for-biodiversity-guide/

Green roof and walls

52. Adding green roofs or walls adds additional habitat value for invertebrates, pollinators and supports birds and bats. These features need to be considered and designed at an early stage to ensure adequate building design is incorporated. On development sites with limited space these features provide additional value, have urban cooling effects, slow down surface water flows and provide many benefits for wildlife.

53. Advice on green roof design can be found at Creating-Green-Roofs-for-Invertebrates_Best-practice-guidance.pdf (buglife.org.uk)

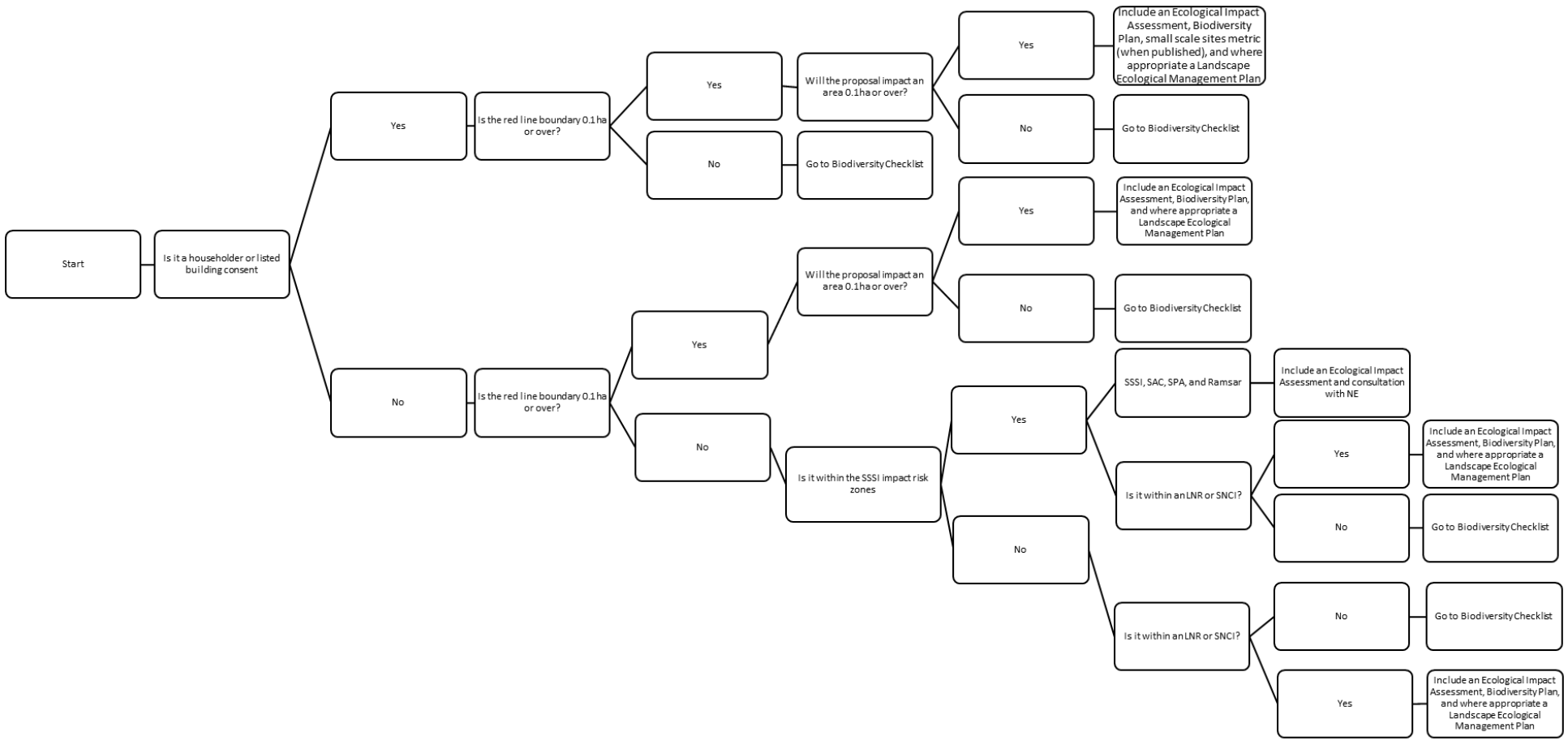
54. Suitable planting for a green wall can be found at The Perfect Pollinator Living Wall - Landscape & Urban Design (landud.co.uk)

7. Delivering Biodiversity net gain information.

55. Information showing biodiversity enhancements shall be supplied in specific drawings on this element and not to be part of drawings detailing other features, e.g. location of electric car charger, bin stores, brick type, etc.

56. For developments that biodiversity cannot be addressed on site, payments for off-site compensation for biodiversity loss and enhancement will be examined on a case-by-case basis.

Appendix 1: Flowchart to determine whether your application will need to provide biodiversity net gain



Appendix 2: Planning application checklist for use as directed by the flow chart and for all applications for sites of less than 0.1ha, including householder applications

Biodiversity features		Yes	No	Consider impact on the following:	Survey required
Trees/vegetation	Small areas of woodland or thick scrub, orchards within the site or immediately adjacent to the site			Nesting birds, Bats and bat roosts, Other notable species	Preliminary Ecological Assessment (minimum)
	Mature trees with a circumference greater than 1 metre at chest height or trees likely to exhibit holes, cracks, splits, cavities etc				
	Mature/overgrown garden, rough grassland, derelict land, brownfield railway sidings, allotments			Nesting birds, Notable species	
	Shrubs/bushes/climbing plants/hedgerows				
	Species rich meadow or grassland or coastal grassland on or directly adjacent to site				
Watercourses	Watercourse within 25 metres of application site			Amphibians (Note: Great Crested Newts have been recorded with the BCP area but are rarely found)	Preliminary Ecological Assessment (minimum)
	Ponds within 100 metres, particularly where connected to the application site by hedgerows, woodland, grassland or field boundaries				

When considering applications for demolition of buildings, conversion of current enclosed loft/roof space, and underground structures (e.g. cellars/caves) a Preliminary Ecological Assessment (minimum) may be required but will be decided upon submission of a planning application on a case by case basis.