

# **Gedling Borough Council**

## **Biodiversity Net Gain Interim Planning Policy Statement**

### **January 2024**





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## **Introduction**

### **Purpose of the Interim Planning Policy Statement**

1. This Interim Planning Policy Statement (IPPS) seeks to add further detail to the requirements of the Environment Act 2021 in relation to achieving Biodiversity Net Gain (BNG) from the development of land. Secondary Legislation in the form of Draft Regulations on Biodiversity Net Gain have been published by Government and these are reflected in the IPPS. The IPPS will also support adopted local plan policy set out in Aligned Core Strategy Policy 17 (Biodiversity) and Local Planning Document Policy LPD 18 (Protecting and Enhancing Biodiversity). The provisions of the Environment Act 2021 to secure mandatory biodiversity net gain from qualifying developments is expected to come into force from January 2024 for major sites and from April 2024 for small sites.
2. The IPPS is based on a common framework prepared by Nottinghamshire Councils in partnership with the Nottinghamshire Wildlife Trust, supported by Natural England. This common framework seeks to ensure a consistent and coordinated approach to biodiversity net gain across Nottinghamshire.
3. This IPPS is intended to fill the policy gap in the interregnum prior to the adoption of the Greater Nottingham Strategic Plan anticipated to be adopted during 2025 and the subsequent adoption of supplementary planning document(s) dealing with biodiversity. In the meantime, from January 2024, the IPPS will provide more detailed planning guidance in order to support planning applications being submitted. This IPPS is intended to provide more certainty to developers by adding more detail to the national requirements for BNG where there is a preference for on-site provision and where this is not possible for all or some of the BNG to be provided as off-site provision. The IPPS reflects the national mandatory requirements at the time of writing and may need to be read together with any new guidance issued by Government since its adoption.

### **Planning status**

4. Unlike supplementary planning documents, there are no regulations covering the preparation of IPPSs. It is being prepared in the context of evidence on the current state of biodiversity within Gedling Borough, relevant national legislation covering BNG including the Environment Act 2021, secondary legislation set out in Regulations, the National Planning Policy Framework (2023), and National Planning Practice Guidance. It also conforms to adopted Local Plan policies and relevant national and local BNG strategies (set out in the policy context section below).

## **What is biodiversity net gain?**

5. BNG is an approach to development that aims to leave the natural environment in a 'measurably better state' than it was beforehand. BNG seeks to deliver 'measurable' improvements for biodiversity by creating or enhancing habitats in association with development. BNG can be achieved solely on-site, solely off-site or through a combination of on-site and off-site measures. The term relates only to habitats, with protected/priority species and designated sites being covered by other legislation/policy requirements.

## **Current state of biodiversity in the UK, Nottinghamshire and Gedling Borough**

6. The UK generally, Nottinghamshire and Gedling Borough have seen a decline in species and habitats. Nottinghamshire has witnessed the extinction and / or substantial contraction in the population size and range of many species. For instance, since 1970, 41% of species have declined and since 2009, 37% of species are now less widespread. Remaining habitats are often small and fragmented, with less than 2% of the county's habitats legally protected, 85% of heathland lost since 1920, and only around 250ha of calcareous grassland surviving.
7. This decline of wildlife and habitats results from many factors including agricultural management, urbanisation, pollution, hydrological change, woodland management and invasive non-native species. Climate change is also resulting in widespread changes in the abundance and distribution of wildlife. A profile of the condition of biodiversity in Gedling Borough is set out in **Appendix 1**.

## **Proposed guidance areas to be covered by the Interim Planning Policy Statement**

8. Policies set out in the IPPS Guidance are to cover:
  - Setting minimum BNG requirement of 10%;
  - Setting thresholds for specific development types;
  - Measuring net gain;
    - Use of DEFRA metric;
  - Information required to support a planning application;
  - The Approach to securing BNG and its future maintenance;
  - Monitoring; and
  - To provide guidance on the location of compensatory sites in Gedling Borough.

## **Policy context, national and local**

9. The Environment Act 2021 (“the Act” amends the Town and Country Planning Act 1990 (as amended)) to require that a minimum mandatory 10% biodiversity net gain must be sought on all “qualifying” sites. This is to ensure that new developments enhance biodiversity and create new green spaces for local communities to enjoy. Regulations prescribe the types of “qualifying” developments. Development that is exempt from providing the mandatory BNG include:
  - Development which is de de-minimis does not impact a priority habitat and impacts on the habitat of an area below a threshold of 25 sq. m or 5m for linear habitats such as hedgerows;
  - Householder development;
  - Self-build and custom build development (subject to conditions);
  - Development granted permission by a development order under section 59 of the Town and Country Planning Act 1990 (as amended) including permitted development rights;
  - Development of a biodiversity gain site (where habitats are being enhanced for wildlife); and
  - The High speed rail transport network.
10. The Act introduces the concept of a National Nature Recovery Network (NNRN) and the development of Local Nature Recovery Strategies (LNRS) across England. Nottinghamshire County Council is the lead authority for the preparation of this strategy in partnership with other organisations, including the Borough and District Councils. Work has commenced on the preparation of this strategy including evidence gathering and this IPPS is likely to require revision once this strategy reaches a more advanced stage.
11. BNG does not apply to statutory designated sites or irreplaceable habitats. These are now defined in the regulations and include ancient woodland and ancient and veteran trees amongst other habitats. The requirement for BNG does not over-ride the legal protections that are afforded to these sites through various legislation including:
  - Natural Environment and Rural Communities Act (NERC 2006); and
  - Conservation of Habitats and Species Regulations 2017 (as amended).
12. Section 40 NERC (2006) Act inserted by Section 102 of the Environment Act 2021 came into force in January 2023 imposing a duty on local authorities to consider what action they may take to further the biodiversity objective which is to be reported on a regular basis. The preparation of this IPPS seeks to fulfil this duty.

## **The National Planning Policy Framework (NPPF 2023)**

13. In addition to setting out the overall objective of the planning system to achieve sustainable development, key sections of the NPPF in relation to biodiversity are:
  - section 8: promoting healthy and safe communities;
  - section 14 meeting the challenge of climate change, flooding and coastal change; and
  - section 15: conserving and enhancing the natural environment.
14. Section 15, paragraph 180 sets out the overall aims of planning policy in relation to the natural and local environment including the protection and enhancing of valued local landscapes, sites of biodiversity or geological value commensurate with their statutory status or identified quality in the local plan. Paragraph 180 d) specifically refers to minimising impacts on and providing net gains for biodiversity including by establishing coherent ecological networks that are more resilient. Paragraph 185 provides specific advice on habitats and biodiversity. Paragraph 185 b) states that development plans should 'identify and pursue opportunities for securing measurable net gains for biodiversity'.
15. Importantly, the new mandatory requirement for BNG does not change existing legal protections for protected sites and species and NPPF paragraph 186 sets out that local planning authorities should refuse permission if significant harm to biodiversity cannot be avoided or properly mitigated or, as a last resort compensated for.

## **The Planning Practice Guidance (PPG)**

16. The National Planning Practice Guidance (PPG) encourages Local Planning Authorities (LPAs) to:
  - consider the opportunities that individual development proposals may provide to conserve and enhance biodiversity and geodiversity and contribute to habitat connectivity in the wider area.
17. The guidance also sets out the mitigation hierarchy (paragraph: 024 Reference ID8-024-20190721) and provides advice on how to achieve biodiversity net gain (paragraph: 023 Reference ID: 8-023-20190721).

## **Relevant strategies, national**

### **UK A Green Future: Our 25-Year Plan**

18. The 25 Year Environment Plan (25 YEP) sets out government action to help the natural world regain and retain good health and the approach to maintaining and enhancing the natural environment over a 25-Year period from 2018.



## UK 30 x 30 target

19. The UK 30 x 30 target is a global initiative that has been endorsed by the UK Government. It seeks to conserve at least 30% of the world's lands, freshwater and oceans by 2030. The UK Government committed to the protection of at least 30% of the UK for nature, in Nottinghamshire this equates to 64,800 ha.

## Local Plan

20. Policy 17 of the Aligned Core Strategy states that biodiversity will be increased over the plan period by protecting, restoring, expanding and enhancing existing areas of biodiversity interest and in particular seeking to ensure new development provides new biodiversity features, and improves existing biodiversity features wherever appropriate. Local Planning Document Policy LPD 18 states that wherever possible, development proposals will be expected to take opportunities to incorporate biodiversity in and around development and contribute to the establishment and maintenance of green infrastructure.

## Nottinghamshire Local Biodiversity Action Plan (NLBAP)

21. The Nottinghamshire local biodiversity action plan (NLBAP) seeks to focus resources to conserve and enhance biodiversity through local partnerships. It is part of a national approach to biodiversity and identifies important species and habitats in the County, giving each one an action plan to aid their conservation.
22. The NLBAP assesses the current ecological situation and identifies the main threats to species and habitats. It sets targets for their conservation and restoration and outlines the required actions necessary to protect these elements of our environment.
23. The NLBAP identifies the diverse range of habitats and species that exist across Nottinghamshire generally, including in Gedling Borough. The NLBAP provides a useful reference for developers seeking to identify some of the main biodiversity issues.

## Biodiversity Opportunity Mapping

24. The Nottinghamshire Biodiversity Opportunity Mapping Project includes a Biodiversity Opportunities Map for Gedling Borough (2021). This work was undertaken to support Gedling Borough Council in carrying out its services and functions to benefit biodiversity where relevant and also to underpin the work of the Nottinghamshire Biodiversity Action Group and implementation of the Local Biodiversity Action Plan. The Biodiversity Opportunities Map for Gedling Borough is available from the link below.  
[Nature conservation and geological sites - Gedling Borough Council](#)

25. A key aim is to underpin the preparation of the Nottinghamshire Local Nature Recovery Strategy which is under preparation.

### **Nottinghamshire Local Nature Recovery Strategy**

26. Established under the Environment Act 2021, Local Nature Recovery Strategies are spatial strategies that seek to establish priorities and map proposals for specific actions to drive nature's recovery and provide wider environmental benefits. In addition to setting out priority actions for habitat creation, they may also be used to identify potential sites for biodiversity offsetting.

## **Nottinghamshire BNG Framework**

### **Priorities for Net Gain in Nottinghamshire and Nottingham**

27. All Local Planning Authorities (LPAs) in Nottingham and Nottinghamshire have agreed to work together in order to develop an aligned approach to delivering BNG. Partnership members will endeavour to pursue a higher target to seeking 20% BNG but may need to consider some local factors informed by evidence and viability. Currently, for Gedling Borough the more aspirational target for BNG of 20% is a matter for consideration in the emerging Greater Nottingham Strategic Plan which will set a local target for the Plan Area to be applied from its adoption. In the meantime, Gedling Borough Council will apply the national mandatory minimum of 10% BNG in this IPPS.

### **Principles**

#### **Principle 1. Apply the Mitigation Hierarchy**

The mitigation hierarchy is a key principle underpinning BNG in relation to new development. The hierarchy sets out the preferred approach to delivery of BNG in sequential order:

1. **Avoid** harm to biodiversity.
2. **Minimise** harm and address issues on-site where impacts are unavoidable.
3. **Compensation off site.** Where impacts cannot be avoided or minimised on site compensation should be delivered offsite and should be encouraged to contribute to the Nature Recovery Network.

#### **Principle 2. Avoid losing biodiversity that cannot be offset by gains elsewhere**

All new development should seek to avoid impacts on irreplaceable biodiversity. Some habitats and biodiversity features are irreplaceable or unique and impacts cannot be offset to achieve Net Gain. These include Ancient Woodland, veteran trees and the calcareous grasslands of the Magnesian limestone.

#### **Principle 3. Be inclusive and equitable**

It is important for developers to seek to achieve net gain in partnership with other stakeholders where possible and engage early in the design of new developments with ongoing engagement in the implementation, monitoring and evaluating of BNG.

It is important that restored and newly created habitats are fairly and equitably located to ensure no community is deprived of the benefits of nature's recovery. The emerging Nottinghamshire Local Nature Recovery Strategy (LNRS) seeks to be inclusive and developers should be mindful of the strategy once it is available. Currently, the LNRS is in preparation and as an interim measure this IPPS identifies local priorities for locating offsite BNG where this method of provision is considered

appropriate which, in accord with the Nottinghamshire BNG Framework, should be as close as possible to the development site.

#### **Principle 4. Address risks**

Achieving BNG has associated risks. In order to mitigate any potential difficulties and uncertainty in delivering BNG, a contingency should be added when calculating biodiversity losses and gains in order to account for any remaining risks and to compensate for the time between the losses occurring and gains being fully realised.

#### **Principle 5. Make a measurable Net Gain contribution**

Net gain needs to be measurable while directly contributing towards nature conservation priorities. Developments should deliver 'additionality' for biodiversity whilst contributing to nature's recovery. The use of the latest Defra Biodiversity Metric should be used to measure the amount of net gain (see Interim Policy 2 for links to the two metrics).

#### **Principle 6. Achieve the best outcomes for biodiversity**

In order to achieve the best outcomes for biodiversity it is essential to use robust, credible evidence. This will ensure that:

- Compensation is ecologically equivalent in type, amount and condition and accounts for the location and timing of biodiversity losses.
- Providing for a different type of biodiversity to that which is lost delivers greater benefits for nature conservation.
- Net Gain 'locally' also contributes towards 'nature conservation priorities' at local, regional and national levels.
- Existing habitats are enhanced or new habitats created.
- Ecological connectivity is enhanced by creating more, bigger, better and joined areas for biodiversity.

#### **Principle 7. Be additional**

Seek to achieve nature conservation outcomes that demonstrably exceed existing obligations, not simply deliver something that would occur anyway.

#### **Principle 8. Create a Net Gain legacy**

Seek to ensure that Net Gain generates long-term benefits.

#### **Principle 9. Achieving High Quality Design**

Seeking to secure BNG should be an integral part of achieving high quality urban design and place making. A holistic approach should be pursued that aims to deliver high quality places for people and nature.

#### **Principle 10. Optimise sustainability**

Seek to ensure that Biodiversity Net Gain contributes to and optimises wider environmental benefits for a sustainable society and economy. This includes the important role that biodiversity has to play in climate change mitigation, adaptation

and resilience and our ability to meet our global and local climate change ambitions which will, in turn, protect biodiversity.

**Principle 11. Be transparent**

Communicate all Net Gain activities in a transparent and timely manner, sharing the learning with all stakeholders.

## **Interim Planning Policy**

### **BNG Target**

28. Policy 17 of the ACS seeks to increase BNG requirements in the Plan Area but does not set a target. The Environment Act 2021 sets out the legislative framework for the introduction of a mandatory minimum 10% biodiversity net gain for qualifying sites / developments.
29. In line with the Nottinghamshire Framework for BNG, developers are encouraged to provide above the minimum although it is acknowledged that the Council cannot insist on this aspiration. In the future, policy requirements for BNG will be set out in the emerging Greater Nottingham Strategic Plan and subsequent supplementary planning document(s) that will supersede this IPPS.

### **Interim Policy 1: Minimum net gain**

All impacts to biodiversity caused through development (net gains and net losses) should be measurable.

In accordance with national legislation, development proposals will be supported where they demonstrate a minimum of 10% biodiversity net gain.

### **Setting thresholds for types of development**

30. Legislation and guidance states that biodiversity net gain is required for all development with some exemptions. For major schemes, the use of the biodiversity metric version 4.0 and any future revisions to this metric is mandatory.
31. A small sites biodiversity metric is available from Natural England for use on smaller sites that fall below the threshold size and where the following criteria are met. The Council encourages developers of small sites to use the small sites metric for sites where:
  - For residential proposals of between one and nine dwellings on a site having an area of less than one hectare
  - For residential proposals where the number of dwellings to be provided is not known but the site area is less than 0.5 hectares; or,

- For other forms of development, the site area is less than 0.5 hectares; or less than 500 sq. m

## **Interim Policy 2: Qualifying development**

In accordance with national legislation, all large development proposals of

- 10 or more dwellings on a site of more than 1 hectare of land,
- where the numbers of dwellings to be provided are not known ,
- a site area of over 0.5 ha or
- for non-residential uses where the floorspace is over 1,000sqm or over 1 hectare

will be required to use the Biodiversity Metric 4.0, or the latest adopted version of the Metric, in order to demonstrate compliance with the minimum requirement of 10% biodiversity net gain.

[The Biodiversity Metric 4.0 - JP039 \(naturalengland.org.uk\)](https://naturalengland.org.uk/jp039)

Small site development proposals of

- between one and nine dwellings on a site having an area of less than one hectare,
- where the number of dwellings to be provided is not known, a site area of less than 0.5 hectares.

will be encouraged to use the “Small Sites Metric” in order to demonstrate compliance with the minimum requirement of 10% biodiversity net gain.

[The Small Sites Metric \(Biodiversity Metric 4.0\) - JP040 \(naturalengland.org.uk\)](https://naturalengland.org.uk/jp040)

## **Achieving biodiversity net gain**

32. Applicants are expected to demonstrate how their proposals meet the requirements set out in the legislation. The use of the DEFRA biodiversity metric to measure net gain is required through Government legislation and guidance. This measures biodiversity both pre-development and post development and uses habitat as a proxy for wider biodiversity value (adjusted depending on the condition and location of the habitat). Biodiversity units are calculated for the specific project or development based on criteria such as habitat distinctiveness, condition and extent. The Metric includes three separate calculations in a standard spreadsheet for area-based habitats, linear

hedgerows and water courses.

33. The Metric scores biodiversity for both the pre-development and post-development phase with the difference being a net loss or net gain. It follows that an iterative process is required to reformulate the scheme layout and design to achieve the necessary 10% BNG to be required on site or where this is not possible off site. It is advised that the assessment is carried out by a suitably qualified ecologist or competent person in accordance with the Metric and survey work based on current best practice standards at the time. Appointing an ecological consultant early on in the process is advised as achieving biodiversity net gain should be integral to the whole development, from the pre-application phase to the submission of the planning application.
34. At the outset it is necessary to survey the site in order to understand the type and value of biodiversity being affected by the development proposal. This is dependent on the location of the site within the ecological network and the type, area and quality of ecological assets that are present, as determined by using the Defra Biodiversity Metric 4.0. Site surveys and assessments of habitats and species should be carried out at the appropriate times of the year, using best practice methodologies in line with the latest standards.
35. The site survey should cover the whole of the development boundary (within the red line). However, there may be cases where adjacent or nearby habitats such as local wildlife sites could be impacted upon both directly and indirectly and will need to be included within the survey. If it is suspected that the baseline value of the site has been affected negatively prior to assessment, the Council will require an assessment of the site based on the condition of the site immediately prior to its degradation in accordance with the Act. This assessment may be based on aerial photos and historic information. The objective would be to deliver a minimum of a 10% net gain.
36. The Biodiversity Metric 4.0 tool (or subsequent versions) published by Natural England and DEFRA is the prescribed tool for measuring BNG. Natural England has published a user guide containing the key principles and rules in applying the metric. These principles and rules should be used by prospective developers and will be used by the council in considering development proposals. Guidance by Natural England on the latest biodiversity Metric is available here:

[Statutory biodiversity metric tools and guides - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/statutory-biodiversity-metric-tools-and-guides)



### **Interim Policy 3: Process for measuring net gain from pre-application stage to submission of Biodiversity Gain Plan**

- At the outset use a suitably qualified ecologist to survey the site and prepare the BNG Plan, metric spreadsheets and Habitat Management and Monitoring Gain Plan
- Conform with the process specified in the latest Natural England / DEFRA user guidance for Biodiversity Net Gain.
- Use the British Standard for designing and implementing Biodiversity Net Gain – BS8683 and guidance offered through the Construction Industry Research and Information Association (CIRIA) Biodiversity Net Gain: good practice principles for development C776a.
- Take an iterative approach that seeks to optimise delivery of BNG at all stages of the design process including application, development and post development.
- Submit the biodiversity calculations for validation, including full versions of the biodiversity metric spreadsheet along with other information required in support of the planning application (see Appendix 2).
- The BNG Plan to be submitted following the granting of conditional planning permission should set out key stages including:
  - Calculation of the baseline Biodiversity Unit Score (pre-development)
  - Design net gains as required for development proposals
  - Calculate the Predicted Biodiversity Unit Score (post development)
  - Formulate a construction and post construction Environmental Management Plan
- The Biodiversity Net Gain Plan should set out the process followed including how the assets were identified, how design has integrated net gain into the development; and how the mitigation hierarchy has been applied.
- Formulate a Habitat Management and Monitoring Gain Plan that sets out how the net gains are to be provided and monitored in the long term.

37. Prospective developers should communicate BNG activities in a transparent and timely manner that can be understood by all stakeholders. Whilst Gedling Borough Council as the local planning authority will consider the BNG report, there is expertise available from other bodies that can help inform the evidence and advise on implementation such as Nottinghamshire Wildlife Trust,

Nottinghamshire County Council Ecological Officers and the Nottinghamshire Biological and Geological Records Centre. The information required in support of planning applications is set out in **Appendix 2** and contact details for nature organisations is set out in the **Glossary**.

## **BNG hierarchy**

38. The biodiversity gain hierarchy is set out in the Biodiversity Gain (Town and Country Planning) (Modification and Amendments) (England) Regulations 2023 at regulation 30A. A key principle of BNG set out in regulation 30 A is to 'avoid' adverse impacts on-site and if this cannot be avoided to take action in the following priority order:
- If adverse effects cannot be avoided mitigating those effects;
  - If those effects cannot be mitigated, habitat enhancement of onsite habitat;
  - So far as there cannot be enhancement, creation of new onsite habitat;
  - So far as there cannot be creation the availability of registered offsite credits; and
  - So far as offsite habitat enhancement cannot be secured purchasing statutory biodiversity credits.
39. As set out above the priority for habitat enhancement and creation is on site. Where a developer cannot achieve BNG wholly or partly on site, then the developer can secure the unit shortfall by securing a bespoke site for BNG or from appropriate sites on the local net gain habitat market from other landowners. If a residual shortfall remains, then the Act provides for the Secretary of State to set up a system of national biodiversity credits that will be invested in habitat creation. This scheme allows the government to sell biodiversity credits to developers if required where onsite and off-site provision locally cannot be achieved but as a last resort. The price of national biodiversity credits is set higher than prices for equivalent biodiversity units on the market.
40. Where impacts on biodiversity are unavoidable, the hierarchy indicates that these should be minimised and addressed on-site. If there are impacts that cannot be mitigated through BNG on or off-site, then the development should be refused. Each development proposal should include a clear reasoned statement on how the mitigation hierarchy has been applied. Guidance on off-site provision is set out below.
41. Impacts on irreplaceable biodiversity in all but exceptional circumstances should be avoided – these impacts cannot be offset by BNG and require a bespoke approach. Irreplaceable habitats are defined in the regulations including for example, ancient woodland and ancient and veteran trees. The regulations prescribe that the loss of irreplaceable biodiversity should be considered separately and adequately compensated for. This should be on a

like for like basis or on a like to better basis. The requirement for a 10% net gain is an additional requirement and the information provided should account for this separately. The local planning authority must be satisfied that as a minimum, the mitigation or compensation plan meets requirements in relevant policy and guidance, and decisions on planning applications should be made in line with the National Planning Policy Framework (NPPF).

42. It is important to note that existing levels of protection afforded to protected species and legally designated sites such as Sites of Special Scientific Interest, Local Nature Reserves and Local Wildlife Sites are not changed by the requirement for BNG and the relevant parts of the NPPF, ACS Policy 18 and ACS Policy 19 will continue to apply. Statutory obligations and other policy protections will still need to be satisfied for these, requiring separate mitigation or compensation.

### **Ways to achieve Biodiversity Net Gain.**

43. Guidance on incorporating biodiversity into developments is set out in the Biodiversity Net Gain Framework for Nottinghamshire and Nottingham which is included as **Appendix 3**.
44. In all cases, the delivery of BNG should seek to contribute towards design quality and a sense of place. A holistic approach to BNG should align with achieving good design in terms of high-quality streets, open spaces, Green Infrastructure and soft landscaping. Gedling Borough Council is preparing a Supplementary Planning Document on Design Codes for the Borough.

### **Interim Policy 4: Approaches to securing BNG**

- Qualifying developments should seek to incorporate BNG consistent with the principles of securing a high-quality design and sense of place. Developers should consider how BNG could deliver other benefits relating to peoples' wellbeing and to address climate change.
- Developers should
  - Seek to replace habitats being lost with the same or similar habitat where possible and practical.
  - Consider providing a higher value habitat (as defined in the Metric) which would not be out of place or compromised by their location.
  - Where it is not possible to pursue a like for like replacement developers are encouraged to consider on site BNG features that are locally suitable and result in an uplift in BNG value
- Developers should consider the direct and indirect impact on rare and endangered species in the Borough in accordance with LPD Policy 18.

## **Designated sites**

45. The adopted Local Plan sets out the policy approach for development which may impact on designated sites. Designated sites have a higher level of protection and the application of BNG policies on such sites is applied differently. The fundamental principal is that designated sites are avoided. Adverse impacts on 'Irreplaceable habitats' such as ancient woodland and veteran trees resulting in the loss, deterioration and/or fragmentation of habitats should also be avoided.

### **Interim Policy 5; Designated sites**

Developments which have an impact on designated sites should be considered against ACS Policy 17 and LPD Policy 18.

The 10% BNG proposed on sites that abut designated sites should, where possible, seek to complement the habitat typology that underpins the designation.

## **How BNG will be secured?**

46. All planning applications for development (including outline and detailed applications) should include a net gain assessment using the most up to date metric as part of the submission. In most cases, Gedling Borough Council will apply a condition or section 106 obligation to ensure conformity with the agreed Biodiversity Gain Plan and Metric spreadsheets.
47. For phased development an overall biodiversity gain plan must be submitted with the outline planning application. A phased Biodiversity Net Gain Plan for each phase must be submitted to and approved by the Council before the development of that phase can be begun.
48. Where a full Biodiversity Net Gain Plan has been submitted and agreed, the mechanism for securing the delivery of BNG onsite will normally be through planning conditions and Section 106 Planning Obligations. For off-site delivery of BNG will be secured by a Section 106 Planning Obligation.

## **Future Maintenance of BNG**

49. The Environment Act requires that BNG is secured for a minimum of 30 years. Management and monitoring arrangements are to be:
- legally binding.

- adequately funded.
  - informed by regular proportionate monitoring.
50. The financial contributions required in order to deliver and subsequently maintain BNG will be secured through a Section 106 agreement. The amount of contribution will be dependent on the scale and nature of development. Where off-site units are proposed on Council owned land, the contribution will be sought in line with the latest agreed biodiversity unit costs. For both on-site and off-site BNG, a monitoring fee will also be required which would be additional to the costs of providing the BNG to cover the Council's costs for monitoring the delivery of BNG see paragraph 53 below for more detail.
  51. The legislation and guidance seek to secure BNG for a minimum period of 30 years. In order to secure ongoing monitoring, the Council will require submission of ecological reports at agreed intervals in order to evidence maintenance of the habitats that have been secured as part of the BNG. In all circumstances, a legal agreement between the council and developer will be drawn up requiring that the actions of the Biodiversity Net Gain Plan are undertaken and ensuring that the responsibility of undertaking the Biodiversity Net Gain Plan is to be passed onto any subsequent landowner.
  52. Where biodiversity offsetting is being proposed, a legal agreement between the Council and interested developer parties will be required. In such circumstances, the legal agreement may seek to secure the actions required to deliver the BNG and any financial sums to cover the costs of this work – including the transfer of funds from the developer to the offset provider.

#### Monitoring fees

53. Whilst the developer is responsible for delivering the actual habitat, responsibility for monitoring its delivery rests with the local planning authority and specific and proportionate monitoring requirements as part of planning conditions or legal agreements will be used to secure BNG. Typically, this is likely to be a series of progress reports on BNG delivery to be submitted to the Council at agreed intervals for review and audit and may necessitate the Council's planning officers to undertake site visits. Gedling Borough Council already has a policy on Monitoring Fees for Section 106 Agreements and it is proposed to base the cost of monitoring BNG on this established policy. See **Appendix 5** for more detail.

#### **Offsite locational guidance**

54. Nottinghamshire County Council is the responsible body for preparing the Local Nature Recovery Strategy (LNRS), which is anticipated to be published in 2024/25. When available, the Local Nature Recovery Strategy will inform a

future review of this IPPS. This strategy is likely to identify potential locations and priorities for offsetting biodiversity.

55. However, the general principle as set out in the Nottinghamshire BNG Framework is that offsite biodiversity units should be located close to the development site and this principle is likely to be enshrined in the forthcoming LNRS. As an interim measure, criteria for locating offsite BNG are set out in the Interim Policy below. The preference is for onsite provision of BNG, however, in certain cases it may be appropriate or necessary to provide off site BNG as close to the development site as possible.
56. The potential of a development site to provide BNG is very much dependent on its individual site characteristics and to a degree site size. Although small sites can deliver the required BNG it is likely to be more challenging, especially on very small sites, for example housing sites with capacity for only a few dwellings. It is feasible to provide BNG in garden areas, but this cannot be enforced and so is likely to be discounted and would in any case be taken into account in the Metric scoring.
57. For sites where there is a requirement for amenity space (10% of the site area for sites of 0.4 ha and above) it is feasible to provide some or all of BNG within the area of public amenity space but this must be additional to the prime purpose and use of this space e.g. for recreation / amenity bearing in mind its prime use for public enjoyment is likely to affect its future condition for BNG and this factor is taken into account in the Metric scoring. . More guidance on this is expected from DEFRA. The Council would also need to be satisfied that the amenity space and BNG is designed and managed to achieve its dual purpose if this approach is taken. More guidance on open space provision is set out in Gedling Borough Councils Open Space provision for New Housing Development Supplementary Planning Guidance which is being updated.

[Supplementary planning documents and guidance - Gedling Borough Council](#)

58. In all likelihood suitable sites for offsite BNG are likely to be required. The BNG regulations permit Councils to use their own land for biodiversity offsetting, but they cannot insist on this and they may also act as a broker for third party land. In this context, such an approach would also be consistent with Section 40 of the NERC Act 2006 for local authorities to take active steps towards biodiversity enhancement. Council owned sites must also be registered in the same way as private providers. Factors for determining the selection of offsite options include the ecological characteristics of the site, capacity to accommodate BNG and its location amongst others. Interim Policy 5 sets out key criteria for selecting sites for off-setting within Gedling Borough. Designated nature conservation sites in close proximity to the proposed development are considered to be a strong candidate priority for off-setting. Developers should agree the location of offsite contributions to BNG in advance

of a decision on the planning application being made. Potential locations are identified in **Appendix 4** and will be reviewed once the forthcoming LNRS is available.

#### **Interim Policy 6: off-site: locational criteria**

Where on-site provision of net gain is not possible, off-site habitat enhancement should be made.

The preferred site for off-site BNG arising from a specific development will be considered against the following criteria:

- The proximity of the compensatory site to the development proposed with suitable offsetting sites adjoining or those in close proximity being most favoured.
- The best location to maximise BNG.
- The type of biodiversity that is being lost as part of the proposed development and propensity of the compensatory site to compensate for this lost habitat.

**Appendix 4** includes a list of potential sites.

## **Appendix 1: Condition of biodiversity in Gedling Borough**

### Condition of Biodiversity in Gedling Borough

The Natural History Museum has assessed the UK is one of the most nature deprived countries in the world (NHM, 2020).

Biodiversity has declined in the East Midlands... to the lowest level for any English region (Regional Spatial Strategy for the East Midlands RSS8) (NE, 2009).

#### Designated Sites

In the UK (as at 31 March 2022) there are 2.594 Million ha of land designated as 'protected areas' including Special Sites of Scientific Interest (SSSI), Marine Conservation Zones (MCZ), Nature Conservation Marine Protected Areas (NCMPA), National Nature Reserves (NNR), Ramsar Sites (protected wetland sites), Special Areas of Conservation (SAC) and Special Protection Areas (SPA), covering 10.6% of the UK (JNCC, 2023). In Gedling there is one (in 2023) Site of Special Scientific Interest (SSSI) and no other 'protected areas', this covers 38.7 ha or 0.003 % of Gedling Borough. The majority of this site (81%) is in favourable condition with the remainder being in unfavourable condition.

Locally designated nature conservation and geological sites include Local Nature Reserves, Local Wildlife Sites and Local Geological Sites. Together this totals 1,449 ha covering 12% of Gedling Borough. There are 78 Local Wildlife Sites in Gedling Borough amounting to 1250 ha covering 10% of Gedling Borough slightly higher than the Nottinghamshire average (8.59% with Ashfield District having the highest coverage at 17.25%) although only approximately 30% of these LWSs were under a positive management regime (Authority Monitoring Report 2019 - figures for 2018/19). In addition, there are five Local Geological Sites.

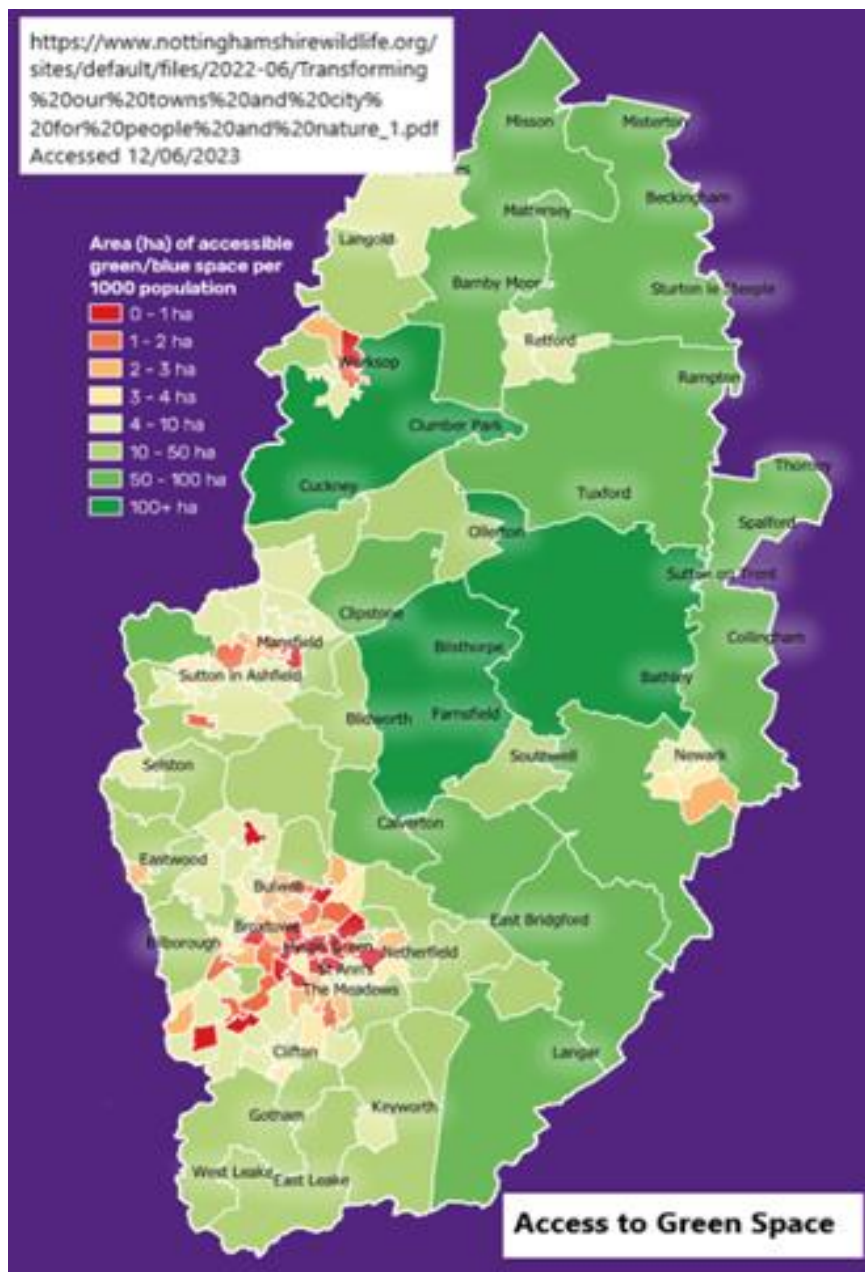
#### Plants, birds and mammals in Gedling Borough

Recording by the National Biodiversity Network (NTN) indicates that in Gedling Borough there are 365 occurrences of plant species compared to Nottinghamshire Borough/District average of 683. The same source indicates 271 occurrences of bird species compared to Nottinghamshire Borough / District average of 256; and 42 occurrences of mammal species compared to the Nottinghamshire Borough / District average of 44.

#### Access to nature

Natural England has carried out an assessment of access to nature across England. NWT published the following map in its document Transforming our towns and city for people & nature (NWT, 2022), using this data:





The red hues indicate the areas within Nottinghamshire that have the least access to green/blue space. This shows that the Nottingham City area has the worst access to green space in Nottinghamshire, but this is closely followed by the urban parts of Broxtowe, Gedling and Rushcliffe.

### Environmental Inequalities & Risk Scorecard

The Environment Agency in 2022 produced Environmental Scorecards for Nottinghamshire, the Gedling Environmental Inequalities section of the scorecard, provides a matrix of environmental inequality indicators; for Plants and Animals, which considers the percentage of the authority's area covered by local or national nature conservation designations and Gedling scores 174 (the higher the score the worst the result), which is slightly better than the average across Nottinghamshire of 209 with the best score (Ashfield) being 152 (EA, 2022). The Environmental score card also assesses the proportion of woodland, public parks gardens, play space,

playing fields, allotments and community growing space in “large” urban areas and this indicates that Gedling has the worst score of all Nottinghamshire Districts – 310 compared to the Nottinghamshire average of 180.

### Gedling Biodiversity Mapping (BOM)

The BOM maps indicate that Gedling is a particularly important area for its biodiversity and that this part of Nottinghamshire supports a diverse range of habitat types.

#### Woodland

Opportunities for woodland are widespread across Gedling. The BOM identifies that the greatest concentrations of existing woodland are in the northern part of the Borough. In the south of the borough the existing woodland resource is much less widespread and greatly fragmented.

#### Heathland and Acid Grassland

Acid grassland and heathland habitat are limited to the northern half of Gedling Borough due to the influence of the underlying geology (Sherwood Sandstone). As a result, all the opportunities for this important broad habitat type are restricted to the north of Gedling Borough with clusters of opportunities identified around Bestwood, Calverton, Newstead and Ravenshead.

#### Other Grassland

Grassland opportunities tend to be spread across Gedling. This reflects the fragmented nature of the existing grassland resource. There are clusters of existing grassland habitat that are present in the River Leen catchment and in areas surrounding Lambley and Burton Joyce. These offer opportunities to maintain and reconnect this resource.

#### Wetland

The wetland opportunities identified in the Gedling BOM are associated with the main river catchments within the district. These include the short section of the River Trent (between Gunthorpe and Netherfield), the River Leen (including the Daybrook), Cocker Beck, Dover Beck, Rainworth Water and the Ouse Dyke.

### Nottinghamshire Local Biodiversity Action Plan

The Nottinghamshire Local Biodiversity Action Plan document contains Habitat Action Plans for types of priority woodland, grassland, wetland and farmland habitat. Priorities for individual districts are also included in this document. For Gedling Borough, priorities include:

- Lowland neutral grassland;
- Mixed Ash-dominated woodland;
- Oak-Birch woodland;
- Lowland dry acid grassland;

- Lowland calcareous grassland;
- Open mosaic habitat;
- Reedbeds; and
- Rivers and streams.

## Appendix 2: Information required in support of a planning application

Type of report	Detail Required
Statement	<p>A statement as to whether the applicant believes that planning permission, if granted would be subject to the biodiversity condition.</p> <p>Where the applicant believes that planning permission if granted would not be subject to the biodiversity gain condition, the reasons for this.</p> <p>A statement as to whether the biodiversity of the site is lower than it otherwise should have been due to degradation of the site.</p>
<p>Biodiversity Net Gain Information required in support of a planning application.</p> <p>(May form part of the Ecological Appraisal or Ecological Impact Assessment).</p>	<p>Information provided should:</p> <ul style="list-style-type: none"> <li>○ Be based on a survey.</li> <li>○ Establish the base line position on site including the area of each habitat and length of each linear feature present within the application site.</li> <li>○ Identify the habitat type and condition.</li> <li>○ Demonstrate the baseline value of the site (prior to development) and the post development value using the biodiversity metric.</li> </ul> <p>The written information should set out how the mitigation hierarchy has been applied.</p> <p>Clear scaled maps will be required showing precisely where the Biodiversity Unit scores occur for both the Baseline and post-development scenarios.</p> <p>Submit the Biodiversity calculations for validation including full versions of the Biodiversity metric spreadsheets</p> <p>A description of any irreplaceable habitat as defined in the Biodiversity Gain Requirements (irreplaceable habitat) Regulations 2024 is present on site at the relevant date.</p>

## **Appendix 3 – incorporating biodiversity into developments (Extract from the Nottinghamshire Biodiversity Framework)**

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 4: Interim Priority Locations for offsite BNG**

Gedling Country Park and Local Nature Reserve

Gedling House Wood Local Nature Reserve

Gedling House Meadow Local Nature Reserve

Netherfield Lagoons Local Nature Reserve

The Hobbucks Local Nature Reserve

Local Wildlife sites with a suitable management plan in place (including proposed Local Wildlife Sites where these are likely to be confirmed and would be subject to suitable management plans)

Bestwood Country Park

Burnstump Country Park

Newstead Country Park

## Appendix 5 Monitoring Fees

Monitoring Area	Monitoring activity	Quantity of monitoring (triggers)	Monitoring Fee
BNG	Review report submitted by developer/landowner and check for compliance. This will be done in perpetuity which is 30 years	Review of monitoring reports at completion of development then at 2, 5, 10, 20 and 30 years after completion date.  Site visits as part of review of submitted reports at completion of development then at 2, 5, 10,20 and 30 years after completion date..	In accordance with GBC S106 and Unilateral Undertaking Monitoring Fee Policy Statement.  Indexing will be applied to all fees.

### Note

The monitoring charge per trigger is based on Gedling Borough's current Monitoring Fee Policy which will be subject to change annually on 1st April each year and will be indexed against the RPI Index.

The number of triggers is typically reports at completion date then years 2, 5, 10, 20 and 30 years after completion date but this may vary depending upon the characteristics of the site in question and would be agreed as part of the planning obligation.

## **Glossary**

**Avoidance** – measures taken to avoid creating impacts from the start, for example, by changing the location of the development or development activities within the site to avoid the habitats present.

**Biodiversity Credits** - a system of national biodiversity credits that will be invested in habitat creation. This scheme allows the government to sell biodiversity credits to developers if required where onsite and off-site provision locally cannot be achieved but as a last resort.

**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.

**Biodiversity Metric** – A biodiversity accounting tool that 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 published Metric. The Biodiversity metric measures habitat in terms of Biodiversity Units which is the number of BNG units to be provided on site or nearby off site as compensation.

**Biodiversity offset** – compensatory habitat outside the development boundary (red line)

**Biodiversity Units** – see Biodiversity Metric above.

**Condition** - A measure of the habitat against its ecological optimum state. Condition is a way of measuring variation in the quality of patches of the same habitat type.

**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.

**DEFRA** – the Department for Environment, Food and Rural Affairs

**Ecological Network** – An ecological network comprises a series of ecological sites which collectively contain the diversity and area of habitat that are needed to support species, and which have ecological connections between them facilitating the movement of species.

**Habitat creation** - The removal or the loss of the present habitat in the action of creating the new one or creating habitat where none was previously present (including bare ground).

**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 Wildlife Site (LWS)** – a site of local importance for the conservation of biodiversity. LWSs receive no legal protection but are given some degree of protection through the planning system. They are of substantive value for the conservation of biodiversity, and are home to rare and scarce species, or represent the best surviving examples of habitats that were once widespread. Previously known as Sites of Importance for Nature Conservation (SINCs).

**Marine Conservation Zone** – an area that protects a range of nationally important, rare or threatened habitats and species in the marine environment.

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

**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.

**National Planning Policy Framework (NPPF)** - a national statement of planning policy in England, which includes policy on biodiversity (and geological conservation)

**Natural England** – government's adviser for the natural environment in England

**Nottinghamshire Biological and Geological Records Centre (NBGRC)** – Nottinghamshire's local records centre, which administers the LWS/LGS system in the county.

[Biological Recording in Nottinghamshire – Nottinghamshire Biodiversity Action Group \(nottsbag.org.uk\)](https://nottsbag.org.uk)

**Nottinghamshire County Council** – ecological advice general contact details:

[Contact us | Nottinghamshire County Council](#)

**Nottinghamshire Wildlife Trust** - Nottinghamshire Wildlife Trust is the county's leading conservation charity run by local people for the benefit of local wildlife, with nature reserves across the county.

[Homepage | Nottinghamshire Wildlife Trust](#)

**Site of Special Scientific Interest (SSSI)** – nationally important and legally protected sites that represent the finest sites for wildlife and natural features in Britain, supporting characteristic, rare and endangered species and habitat.

**Special Areas of Conservation (SACs)** are protected areas in the UK designated under the Conservation of Habitats and Species Regulations 2017

**Special Protection Areas** - A Special Protection Area (SPA) is the land classified under Directive 79/409 on the Conservation of Wild Birds.