

Providing Biodiversity Net Gain



Supplementary Planning Guidance

April 2023



Derby City Council

Contents

1.	Introduction	1
2.	Policy Context	1
	National Planning Policy Framework.....	1
	Planning Practice Guidance	1
	Derby City Local Plan Part 1.....	2
3.	What is Biodiversity Net Gain?	2
	Protected Habitats and Species.....	3
	Householder or Permitted Development Applications	4
4.	Derby’s Approach to Delivering Biodiversity Net Gain.....	4
5.	What Information do You Need to Supply?	4
	Minor Applications	4
	Major Applications.....	4
	Off-site Mitigation	5
6.	Ongoing Management, Maintenance and Monitoring	6
	Appendix 1: How BNG Applies to different types of application.....	7

1. Introduction

- 1.1. The natural environment has always been important but, as we grapple with the loss of habitats and the decline in species, climate change and development pressures, we have come to appreciate its importance; never more so than during the Covid pandemic.
- 1.2. Derby has a rich and diverse range of biodiversity and geodiversity assets. From the River Derwent, brooks and streams to the Site of Special Scientific Interest at Boulton Moor; from Local Nature Reserves to sites of wildlife interest; from mature trees and hedgerows to farmland and our open spaces; all make a positive contribution that makes Derby such an attractive City to live and work.
- 1.3. The Council's Local Plan was adopted in 2017 and it seeks to protect, enhance, manage and restore habitats across the City. However, the Government's 25 Year Environment Plan sets out an ambitious, post Brexit strategy to improve the natural environment.
- 1.4. In order to conserve our remaining biodiversity and reverse the recorded decline, the concept of Biodiversity Net Gain (BNG) was introduced to the planning process through the Environment Act. The Act makes it mandatory, from November 2023, for development to provide a minimum 10% net gain for biodiversity; until then developers can provide BNG voluntarily. BNG will ensure important ecosystem services are maintained and improved, as future developments look to, not only conserve valuable habitats and species, but enhance biodiversity via demonstrable measurable net gains. Such net gains could be achieved on-site, off-site, or through a combination of on-site and off-site measures.
- 1.5. Prior to Biodiversity Net Gain becoming mandatory in 2023, Derby City Council are urging developers to incorporate BNG into their proposals.
- 1.6. The purpose of this guidance is to outline how Biodiversity Net Gain is to be achieved by development within Derby during the transition period. This guidance will be subject to review following any changes to legislation and national, or local policy.

2. Policy Context

National Planning Policy Framework

- 2.1. The National Planning Policy Framework (NPPF) 2021, paragraph 8, states that the planning system has three overarching objectives (social, economic and environmental) which need to be pursued in mutually supportive ways to help achieve sustainable development. This includes, in criterion (c) to protect and enhance the natural environment.
- 2.2. Paragraph 174 states that planning policies and decisions should contribute to and enhance the natural and local environment by '*minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures*'.

Planning Practice Guidance

- 2.3. The Planning Practice Guidance (PPG) was updated on 21 July 2019 to include Government guidance on how Net Gain for Biodiversity should be approached.

- 2.4. Paragraph 009 places a duty on all public authorities to have regard to conserving biodiversity. A key purpose of this duty is to embed consideration of biodiversity as an integral part of policy and decision-making which should be seeking to make a significant contribution to the achievement of the commitments made by government in its 25 Year Environment Plan.

Derby City Local Plan Part 1

- 2.5. Spatial Objective 7 of the plan aspires to ‘protect and improve Derby’s natural environment by developing a network of green infrastructure based around our parks and other green open spaces, wildlife sites and open corridors such as the River Derwent, the Former Derby Canal, cycleways and walkways. These will improve biodiversity’.
- 2.6. Policy CP16: Green Infrastructure states that ‘the Council will seek to maintain, enhance and manage Derby’s green infrastructure to ensure that everyone has access to high quality natural and semi-natural habitats, green space and sport and recreation facilities. The Council will ensure that land is available and managed to assist in adapting to and mitigating against climate change’.
- 2.7. Policy CP19: Biodiversity states that ‘nature is a sensitive, complex and interconnected system which is often taken for granted. The Council recognises the importance biodiversity plays in delivering an urban renaissance and plays an important part in creating safe and sustainable communities. It continues by stating that ‘biodiversity and geodiversity assets across the City will be protected, enhanced, managed, restored, strengthened and created in a manner appropriate to their significance’.

3. What is Biodiversity Net Gain?

- 3.1. The Planning Practice Guidance states that "net gain in planning describes an approach to development that leaves the natural environment in a measurably better state than it was beforehand. Net gain is an umbrella term for both biodiversity net gain and wider environmental net gain".

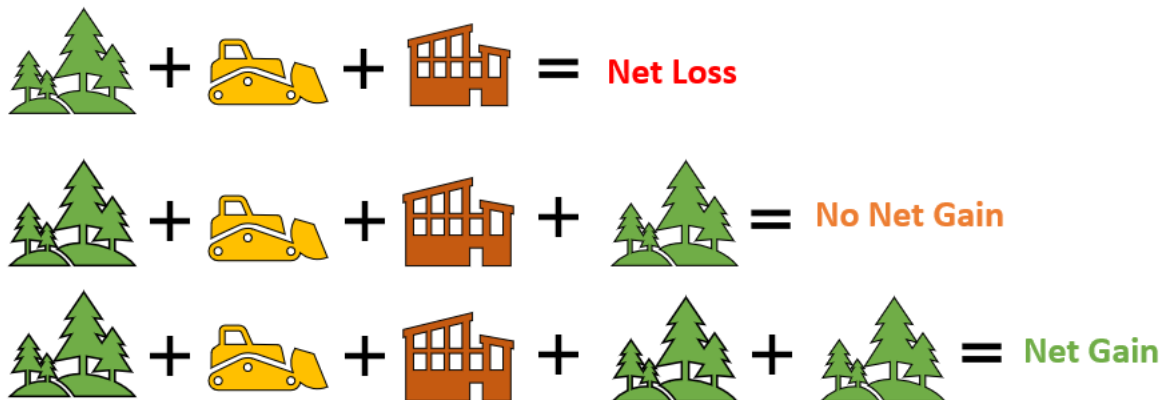


Figure 1. The Principle of Biodiversity Net Gain

- 3.2. Derby City Council requires the use of [DEFRA’s Biodiversity Metric](#) to assess the baseline ecological condition of a site and post-development impacts of the proposal.
- 3.3. The DEFRA Metric is a means of calculating losses and gains resulting from a proposed development, or other land use changes. The metric is based on habitats and incorporates

separate modules for habitats measured in area (such as woodland and grassland) and linear habitats measured in length (such as hedgerows). In addition to area or length, the metric uses a function of distinctiveness, condition, strategic significance and connectivity to calculate value. The metric is accompanied by a user guide that describes in detail how each of these attributes is determined.

- 3.4. A simpler Small Sites Metric has also been produced for applications of fewer than 10 dwellings or a site area of under 0.5 hectares. This is a BETA version and designed to simplify the process of calculating Biodiversity Net Gain on smaller development sites.
- 3.5. Both Metrics provide results which are expressed as ‘biodiversity units’. By comparing the biodiversity units on the site prior to development and the number of units post-development, we can determine if there has been a net loss or a net gain.
- 3.6. Biodiversity net gain will be achieved where a positive change occurs. If a positive change cannot be achieved within the application area, the net gain approach requires developers to secure offsite compensation. Habitat creation and enhancement also takes into account the difficulty, time and ‘spatial risk’ (such as the distance any off-site mitigation measures are from the application site and the time taken for these measures to successfully establish).
- 3.7. The use of the Biodiversity Metric does not remove the requirement to follow the mitigation hierarchy set out in the NPPF and the Local Plan, shown below in Figure 2. Through the hierarchy, significant harm should be avoided in the first instance, mitigated where impacts cannot be avoided and compensated for only as a last resort.

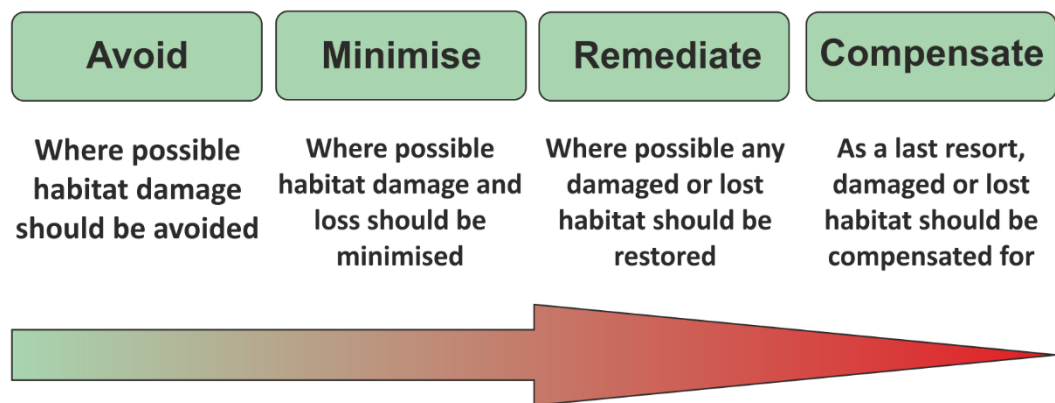


Figure 2. The Mitigation Hierarchy.

Protected Habitats and Species

- 3.8. The requirement to provide Biodiversity Net Gain does not replace existing protection for habitats and species that exists within legislation and planning policy. This includes the legal protections afforded to species and sites, which are separate from the planning process, and the policy requirements that relate to priority habitats and species, irreplaceable habitats and protected sites, whether these be through direct or indirect impacts. Impacts to these features will continue to be considered in accordance with the policy requirements, and relevant legislation.

- 3.9. Losses to irreplaceable habitats, including habitats within Sites of Special Scientific Importance (SSSI) or Local Wildlife Sites, Ancient Woodland and other habitats considered to be of high distinctiveness cannot be accounted for within the metric.

Householder or Permitted Development Applications

- 3.10. Householder applications and permitted development are exempt from the requirement to deliver net gain. However, we encourage householders to consider biodiversity impacts and potential for net-gains, when designing their scheme. A brief statement outlining what enhancements you can provide should ideally be included in your application. This could be achieved through small interventions such as the use native planting, bat roosting, bird nesting features or bee bricks. More ambitious interventions could include green roofs or green walls. A separate guidance note for householders has been prepared which provides some simple suggestions.

4. Derby's Approach to Delivering Biodiversity Net Gain

- 4.1. Prior to Biodiversity Net Gain becoming mandatory in November 2023, the Council will aspire to delivering a 10% gain as a minimum.
- 4.2. Appendix 1 sets out how Biodiversity Net Gain applies to different types of development.
- 4.3. Development should demonstrate a positive net gain for biodiversity through the use of DEFRA's Metric and the actual amount of net gain will be negotiated on a case-by-case basis.
- 4.4. Where it has been demonstrated that net gain for biodiversity is not deliverable on-site (to be agreed with the Council), this may involve off-site compensation on nearby land owned by the developer, or locally on land owned by the Council. Where appropriate, this may be secured through conditions and Section 106 legal agreements. This will include the requirement for positive biodiversity management for a minimum period of 30 years, with appropriate regular monitoring and reporting as required in the Environment Act.

5. What Information do You Need to Supply?

- 5.1. Derby City Council advises that all applicants enter into pre-application discussions prior to submitting an application. These discussions will help to determine the potential impact of a development and help to determine the scope of surveys and assessments required to support an application. A schedule of costs associated with pre-application advice can be found on the [Council's website](#).

Minor Applications

- 5.2. A proportionate approach will be taken for minor planning applications, based on the ecological sensitivity of the application site. But all minor applications should as a minimum use the [DEFRA Small Sites Metric](#) to identify the level of impact from the development on ecology and to determine biodiversity net gain required.

Major Applications

- 5.3. All major planning applications should be supported by an appropriate ecological assessment and a habitat survey, to identify the level of impact from the development on ecology and to determine biodiversity net gain required.

5.4. Applications must include:

- a) The pre-development biodiversity value of the site as calculated using DEFRA's metric (provided Excel format). For the main metric this should be assessed using the DEFRA condition sheets. Any habitats damaged or destroyed prior to the submission of the application will defer to the habitat of January 2020 (officers should refer to our aerial photos) and include in the Metric.
- b) The project design steps taken to avoid and minimise adverse biodiversity impacts should be stated
- c) The proposed approach to enhancing biodiversity on-site
- d) Any proposed off-site biodiversity enhancements (including the use of credits) that have been planned or arranged for the development
- e) A working assessment of the expected Biodiversity Net Gain
- f) The completed metric spreadsheets used to calculate the pre-development biodiversity value and to approximate the post development value (provided Excel format)
- g) Habitat condition sheet assessment with justifications
- h) Maps of baseline habitats, an annotated Ecological Mitigation Map and illustrative post-development habitat proposals including retained and proposed new features (required as separate document with imagery produced using GIS software). Ideally, to help us populate our own register, GIS information should also be provided.

Off-site Mitigation

- 5.5. In the event a development proposal is unable to demonstrate a biodiversity net gain within the application site, following the correct application of the mitigation hierarchy and justification using the metric, it will be necessary to secure biodiversity net gain off-site. In these circumstances applicants will need to demonstrate that sufficient offsite habitat creation or enhancement has been secured to achieve a minimum 10% biodiversity net gain.
- 5.6. Following the application of the mitigation hierarchy, it may be necessary to secure biodiversity net gain off-site. Applicants will need to demonstrate that sufficient off-site habitat creation or enhancements have been secured to achieve a minimum 10% net gain. Details of off-site compensation must be demonstrated in a measurable way, following the same methodology as for on-site creation and enhancement.
- 5.7. There may be instances where some net gain can be secured on-site and some may need to be delivered offsite.
- 5.8. During the transition period between the Environment Bill gaining Royal Assent and the requirement for Biodiversity becoming mandatory in November 2023, the Council will accept the following options for delivering off-site net gain:

Option 1: Off-site land under control of the applicant, where this is in the in the same Ward (or immediately adjacent Ward) as the development site where the impacts occur (subject to agreement with the Council). This will be subject to a Section 106 legal agreement and

conditions to ensure the delivery and positive biodiversity management for a minimum period of 30 years.

Option 2: A financial contribution Secured via Section 106 agreement towards off-site delivery of net gain on Council owned land.

6. Ongoing Management, Maintenance and Monitoring

- 6.1. In line with Government proposals, habitat creation and enhancement will need to be secured for a period of at least 30 years. This will allow habitats to mature and contribute to Derby's natural capital.
- 6.2. The metric calculation, whether undertaken for on-site or off-site areas, will specify a habitat type and target condition for each habitat parcel. To ensure these targets are met, and that a genuine net gain is achieved, periodic monitoring and reporting will be necessary. This reporting will be secured through conditions and Section 106 agreements.
- 6.3. Reporting to the Council will be undertaken every five years up to and including year 30 and will include a survey of the relevant areas using the [UK Hab classification](#), together with an assessment of the condition of all habitat parcels entered into the metric calculation for the post development site. Condition will be defined with reference to the technical guidance supporting the Biodiversity Metric.

Appendix 1: How BNG Applies to different types of application

Application Type	Formal Requirement	Comments
Permitted Development	Exempt from BNG	Encourage to deliver proportionate habitat or species enhancements
Householder Applications	Exempt from BNG	Encourage to deliver proportionate habitat or species enhancements
Change of Use	Exempt from BNG as the majority will fall under the de minimis habitat exemption (see below)	Encourage to deliver proportionate habitat or species enhancements
Small-Scale Self Build and Custom-Build	Exempt from BNG	Encourage to deliver proportionate habitat or species enhancements
Applications impacting habitat with an area of below 25m ² or below 5 liner metres	Exempt from BNG	Encourage to deliver proportionate habitat or species enhancements
Biodiversity Gain Sites (where habitats are being enhanced for wildlife)	Exempt from BNG	N/A
Minor Applications	Measurable and appropriate BNG using the Small Sites Metric*	<ul style="list-style-type: none"> • BNG information required on submission • Biodiversity Gain Plan to be approved prior to commencement
Major Applications	Minimum of 10% Net Gain required using DEFRA's Metric	<ul style="list-style-type: none"> • BNG information required on submission • Biodiversity Gain Plan to be approved prior to commencement
Outline Applications	Measurable and appropriate net gain sought for Minor application and minimum of 10% required for Major applications	<ul style="list-style-type: none"> • Biodiversity Gain Information required at application stage • Biodiversity Gain proposals secured by appropriate condition/legal clause to secure mitigation and BNG policy compliant proposal
Reserved Matters	Measurable and appropriate net gain sought for Minor application and minimum of 10% required for Major applications	<ul style="list-style-type: none"> • Biodiversity Gain Information required at application stage • Biodiversity Gain Plan to be approved prior to commencement

* If a UK priority habitat is present on site (other than hedgerow or arable habitats), DEFRA's Main Metric 3.1 or latest equivalent should be used. For any off-site gain calculations Main Metric 3.1 or the latest equivalent should also be used.

We can give you this information in any other way, style or language that will help you access it. Please contact us on **01332 640807** or **derby.gov.uk/signing-service/**

Punjabi

ਇਹ ਜਾਣਕਾਰੀ ਅਸੀਂ ਤੁਹਾਨੂੰ ਕਿਸੇ ਵੀ ਹੋਰ ਤਰੀਕੇ ਨਾਲ, ਕਿਸੇ ਵੀ ਹੋਰ ਰੂਪ ਜਾਂ ਬੋਲੀ ਵਿੱਚ ਦੇ ਸਕਦੇ ਹਾਂ, ਜਿਹੜੀ ਇਸ ਤੱਕ ਪਹੁੰਚ ਕਰਨ ਵਿੱਚ ਤੁਹਾਡੀ ਸਹਾਇਤਾ ਕਰ ਸਕਦੀ ਹੋਵੇ। ਕਿਰਪਾ ਕਰਕੇ ਸਾਡੇ ਨਾਲ ਇੱਥੇ ਸੰਪਰਕ ਕਰੋ: **01332 640807** ਜਾਂ **derby.gov.uk/signing-service/**

Polish

Aby ułatwić Państwu dostęp do tych informacji, możemy je Państwu przekazać w innym formacie, stylu lub języku. Prosimy o kontakt: **01332 640807** lub **derby.gov.uk/signing-service/**

Slovak

Túto informáciu vám môžeme poskytnúť iným spôsobom, štýlom alebo v inom jazyku, ktorý vám pomôže k jej sprístupneniu. Prosím, kontaktujte nás na tel. č.: **01332 640807** alebo na stránke **derby.gov.uk/signing-service/**

Urdu

یہ معلومات ہم آپ کو کسی دیگر ایسے طریقے، انداز اور زبان میں مہیا کر سکتے ہیں جو اس تک رسائی میں آپ کی مدد کرے۔ براہ کرم **01332 640807** یا **derby.gov.uk/signing-service/** پر ہم سے رابطہ کریں

