Buckinghamshire Council

Biodiversity Net Gain - Supplementary Planning Document

Adoption

Last updated on: 19 July 2022 by Simon Meecham

Version: 20

This supplementary planning document has been adopted by Buckinghamshire Council to aid decision making on Planning Applications submitted under the Town and Country Planning Act 1990 (as amended). Its aim is to ensure that development within the county provides an increase in biodiversity post development compared to what existed prior to the new development. Which is otherwise known as biodiversity net gain.

Please note: References to Option 1 – the Buckinghamshire Council off-setting scheme is not available at the point of Adoption of this Supplementary Planning Document.

Contents

1. Biodiversity Net Gain Supplementary Planning Document

1.1. Why is Biodiversity Important to Planning in Buckinghamshire?

> **Biodiversity is a shorter way of saying Biological Diversity. The term given to "… the variety of life on Earth and the natural patterns it forms. The biodiversity we see today is the fruit of billions of years of evolution, shaped by natural processes and, increasingly, by the influence of humans. It forms the web of life of which we are an integral part and upon which we so fully depend" (Convention on Biological Diversity).**

Biodiversity has a natural and intrinsic value to all life. It is important because it provides essential human services such as food production, climate change adaptation, flood regulation, crop pollination plus numerous other benefits including enhancing human mental and physical well-being. Developments, no matter how small, can provide additional biodiversity which can help link to other habitats and areas of ecological importance providing opportunity for genetic diversity across Buckinghamshire's landscapes and beyond.

1.2. Why is Biodiversity Loss an Issue?

Biodiversity has declined over many years as a result of human activity. In 1992, the UK government signed up to the United Nations Convention on Biological Diversity; this committed the UK to reverse the loss of biodiversity. Successive governments have produced plans to stem and reverse the loss of biodiversity and have committed to higher targets to achieve this reversal. Measures to protect biodiversity include laws, such as the Natural Environment and Rural Communities Act (2006) which protects species and habitats.

The National Planning Policy Framework (NPPF) has also been strengthened over the years with regards to biodiversity, moving from aspiring for 'no net loss' of biodiversity to requiring a 'biodiversity net gain'. This is in line with the Government's 25 Year Environment Plan, and strengthened by the requirement for a minimum 10% net gain under the Environment Act (2021) and changes to the Town and Country Planning Act (1990).

1.3. About this Supplementary Planning Document

This Supplementary Planning Document has been produced with advice from the Buckinghamshire and Milton Keynes Natural Environment Partnership. It sets out guidance on how biodiversity net gain can be delivered in Buckinghamshire.

The guidance is to support:

- **planning applicants to follow the national requirement to ensure their development would result in a biodiversity net gain;**
- **a Buckinghamshire process for achieving biodiversity should that net gain not be achievable on their development site; and**
- **a process by which landowners can offer their land for consideration as a potential site for hosting biodiversity net gain than cannot be met on a development site.**

This document has been produced to provide guidance in support of the following development plans and national guidance. The policies are provided in full in Appendix 1 of this document.

Figure 1- The Development Plan for Buckinghamshire

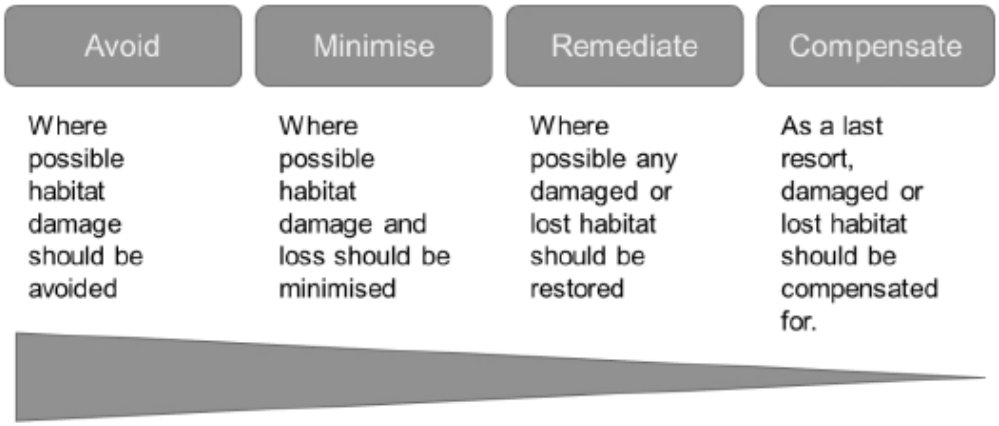
Development Plan	Policy References
Neighbourhood Plan	Made Neighbourhood Plans form part of the Buckinghamshire Development Plan – the coverage of these plans is increasing – please also refer to the policies in these plans when developing your planning application.
Chiltern Core Strategy 2011	Policy CS24: Biodiversity

Development Plan	Policy References
South Bucks Core Strategy 2011	Core Policy 9: Natural Environment
Vale of Aylesbury Local Plan 2013-2033	NE1: Biodiversity and Geodiversity
Wycombe Local Plan 2019	Policy CP7: Delivering the Infrastructure to Support Growth Policy CP10: Green Infrastructure and the Natural Environment DM34: Delivering Green Infrastructure and Biodiversity in Development
Delivery and Site Allocations Plan for Town Centres and Managing Development 2013	DM11 Green Networks and Infrastructure DM13 Conservation and enhancement of sites, habitats and species of biodiversity and geodiversity importance. DM14: Biodiversity in Development
Buckinghamshire Minerals and Waste Local Plan	Policy 18: Natural Environment Policy 21: Green Belt Policy 24: Environmental Enhancement Policy 25: Delivering High Quality Restoration and Aftercare

2. Biodiversity Net Gain and the Planning Process

2.1 A key goal of biodiversity net gain is to achieve that gain within the development site. This includes avoiding any on-site loss, mitigating any loss if it cannot be avoided, remediating any lost or damaged biodiversity on-site and as a last resort, compensating for any on-site loss off-site. Figure 2 illustrates this hierarchy for the prioritisation of achieving net gain on-site.

Figure 2 – The Mitigation Hierarchy



Source: Natural England – Biodiversity Metric User Guide 2021

2.2 The latest government metric must be used by applicants as was available in the most recent survey season prior to application unless an alternative is agreed by the council prior to application submission. The calculation is derived by use of a Biodiversity Metric set by the government. This is a spreadsheet-based tool; and can be used in conjunction with a qualitative ecological assessment. The metric is used to calculate the units of biodiversity gained or lost as a result of development on a site, and that which can be gained on a potential off-set site.

The government's Biodiversity Metric is subject to a series of 8 Principles and 6 Rules which are summarised in Figure 3 below and are listed in full in Appendix 2. The government's metric guidance and the prevailing law should be consulted to establish if there is an exemption from the biodiversity net gain assessment for the proposed development.

Figure 3 – Principles and Rules of the Biodiversity Metric

PRINCIPLES	
Principle 1	The metric does not change the protection afforded to biodiversity.
Principle 2	Biodiversity metric calculations can inform decision-making where application of the mitigation hierarchy and good practice principles conclude that compensation for habitat losses is justified.
Principle 3	The metric's biodiversity units are only a proxy for biodiversity and should be treated as relative values.
Principle 4	The metric focuses on typical habitats and widespread species; important or protected habitats and features should be given broader consideration.
Principle 5	The metric design aims to encourage enhancement, not transformation, of the natural environment.
Principle 6	The metric is designed to inform decisions, not to override expert opinion.
Principle 7	Compensation habitats should seek, where practical, to be local to the impact
Principle 8	The metric does not enforce a mandatory minimum 1:1 habitat size ratio for losses and compensation but consideration should be given to maintaining habitat extent and habitat parcels of sufficient size for ecological function.
RULES	
Rule 1	Where the metric is used to measure change, biodiversity unit values need to be calculated prior to the intervention and post-intervention for all parcels of land / linear features.
Rule 2	Compensation for habitat losses can be provided by creating new habitats, or by restoring or enhancing existing habitats. Measures to enhance existing habitats must provide a significant and demonstrable uplift in distinctiveness and/or condition to record additional biodiversity units.
Rule 3	'Trading down' must be avoided. Losses of habitat are to be compensated for on a 'like for like' or 'like for better' basis. New or restored habitats should aim to achieve a higher distinctiveness and/or condition than those lost. Losses of irreplaceable or very high distinctiveness habitat cannot adequately be accounted for through the metric.
Rule 4	Biodiversity unit values generated by biodiversity metric 3.0 are unique to this metric and cannot be compared to unit outputs from version 2.0, the original Defra metric or any other biodiversity metric. Furthermore, the three types of biodiversity units generated by this metric (for area, hedgerow and river habitats) are unique and cannot be summed.
Rule 5	It is not the area/length of habitat created that determines whether ecological equivalence or better has been achieved but the net change in biodiversity units. Risks associated with creating or enhancing habitats mean that it may be necessary to create or enhanced a larger area of habitat than that lost, to fully compensate for impacts on biodiversity
Rule 6	Deviations from the published methodology of biodiversity metric 3.0 need to be ecologically justified and agreed with relevant decision makers. While the methodology is expected to be suitable in the majority of circumstances it is recognised that there may be exceptions. Any local or project-specific adaptations of the metric must be transparent and fully justified.

2.3 All development proposals that require biodiversity net gain can use the government's metric to support their biodiversity impact assessment; this will indicate whether the

resultant development is likely to be positive (gain), negative (loss) or neutral in its impacts on biodiversity.

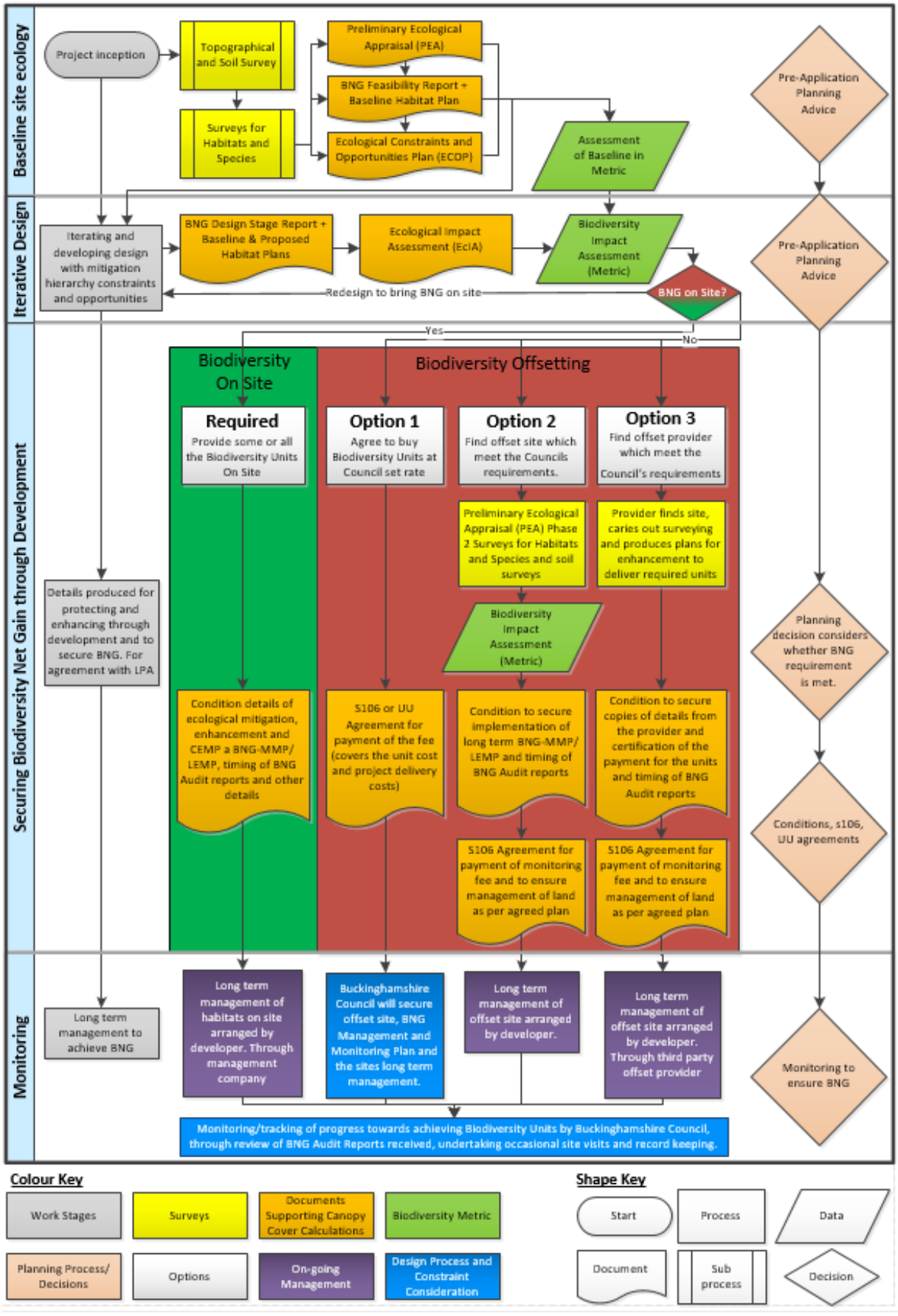
2.4 The requirements for biodiversity net gain do not replace or undermine existing habitat and species protection for protected sites or irreplaceable habitats, or for existing requirements for ecological assessments and species surveys. Decisions relating to habitats or species subject to statutory protection under national legislation remain subject to those requirements. Similarly, impacts to irreplaceable habitats shall be considered outside the biodiversity net gain system.

3. Biodiversity Net Gain Assessment Process

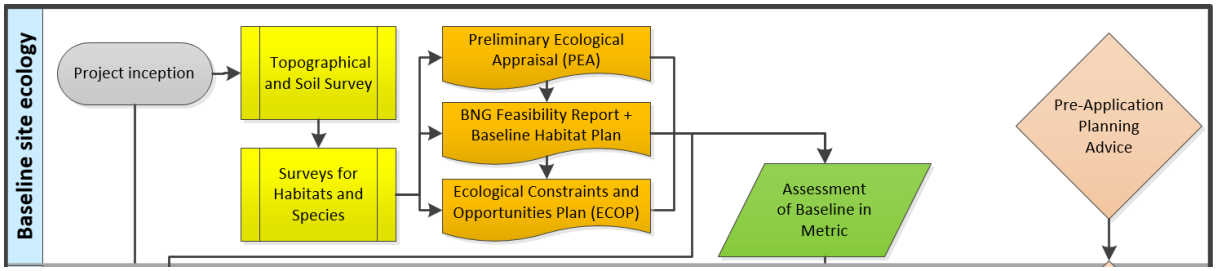
3.1 Figure 4 on the next page is a flow chart which sets out the end to end process for achieving biodiversity net gain. The stages in this flow chart are set out in more detail in this section. The meaning of acronyms in this section are provided below:

BMERC	Buckinghamshire and Milton Keynes Environmental Records Centre
NEP	Buckinghamshire and Milton Keynes Natural Environment Partnership
BNG	Biodiversity Net Gain
BNG-MMP	Biodiversity Net Gain – Management and Monitoring Plan
CEMP	Construction Environmental Management Plan
CIEEM	Chartered Institute of Ecologists and Environmental
ECOP	Ecological Constraints and Opportunities Plan
JNCC	Joint Nature Conservancy Council
LEMP	Landscape and Ecology Management Plan
PEA	Preliminary Ecological Appraisal
S106	Section 106 of the Town and Country Planning Act 1990
UKHab	United Kingdom Habitats (survey methodology)
UU	Unilateral Undertaking

Figure 4 – Biodiversity Net Gain Process [Option 1 is not available until further notice]



3.1.Baseline Site Ecology



At the very start of a development project there is often a stage called 'project inception'. During project inception several surveys and reports will be needed to inform how biodiversity is factored into the design.

3.1.1. Topographical and Soil Surveying

Topographical surveying is an important starting point as it allows further accurate surveys to be undertaken and plans to be produced. Soil surveys are important for a range of disciplines but for biodiversity net gain it informs decisions on the types of habitat which can be (and would be most appropriate to be) created on site. Applicants should discuss this with council to determine what, if any, soil surveys should be undertaken.

3.1.2. Surveys for Habitats and Species

Habitat and species surveys need to be undertaken to inform the ecological reports which will be produced for a site. It is typical for a 'walk over' survey to be undertaken initially; this might have included a 'Phase 1 Habitat Survey' to the Joint Nature Conservation Committee JNCC standard. However, the UKHab is now the default format for habitat surveying to work with the government's metric.

During the walk over survey, signs which might mean that more detailed habitat or species surveys could be required, would be collected. The need for further surveys will also be informed by carrying out a search using the Buckinghamshire and Milton Keynes Environmental Records Centre database. Further surveys will need to be undertaken in accordance with industry best practice, these must be undertaken by a qualified and experienced ecologist, CIEEM consultant ecologists can be found here.

Surveys to inform the completion of the metric will need to:

- be carried out by suitably qualified and experienced persons;
- be carried out at the appropriate time of the year for the habitats in question. The botanical survey season (late March/Early April through to mid-October) although this can be longer or shorter in any given year);

- justify the categorisation of distinctiveness and condition of baseline habitats with the aid of descriptions, photographs and species lists; and
- if it is clear that habitats have been recently changed to their detriment, it will be necessary to make an informed assessment of what the best condition and distinctiveness of that habitat would have been, prior to the change. This will need to be justified to the Council and agreed by them.

3.1.3. Preliminary Ecological Appraisal

A Preliminary Ecological Appraisal is a consolidation of desk study work and initial survey works. It is to be produced in accordance with the CIEEM guidelines for a Preliminary Ecological Appraisal and will contain recommendations with regards to its findings. If further surveys are required, these will need to be undertaken to inform design.

3.1.4. Biodiversity Net Gain Feasibility Report

A biodiversity net gain feasibility report is one of the reports listed in the CIEEM resource Biodiversity Net Gain Report and Audit Templates; the structure and guidance set out in this resource should be used.
A biodiversity net gain feasibility report is used at a pre-application planning stage. This will outline the feasibility of biodiversity net gain resulting from the potential development. This can be contained within or be separate to a Preliminary Ecological Appraisal Report. Within these reports there will be a Baseline Habitats Plan which will link to the biodiversity metric to show the baseline conditions and help in designing what is feasible for biodiversity net gain on-site. It is recognised that sufficient information may not be available at this stage for a final measure of biodiversity net gain to be provided.

It is vital that potential impacts upon irreplaceable, vulnerable, designated and priority habitats are highlighted at this stage as this could constrain the potential for delivering biodiversity net gain. Even where biodiversity net gain is not deliverable because of losses of irreplaceable habitats, a commitment to quantifiable compensation for impacts that can be mitigated is strongly recommended. Good practice would be to involve the council at this stage to help guide the design process. Clause 5.2 in British Standard 8686:2021 sets out important further guidance to be take into account when assessing biodiversity net gain feasibility.

3.1.5. Ecological Constraints and Opportunities Plan

The identification of biodiversity constraints and opportunities and an assessment of likely ecological impacts will be useful when considering the design of a site; the production of an Ecological Constraints and Opportunities Plan should be considered throughout the design and development process.

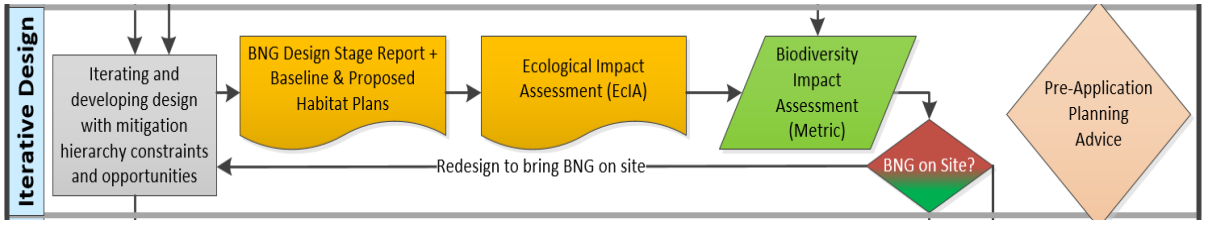
3.1.6. Assessment of Baseline in the Metric

Through accurate surveying and assessment, and by following government guidance when completing the metric, a clear understanding of the baseline biodiversity value can be reached. This will be the foundation for the successful design of a site for biodiversity net gain. Applicants should contact the council or its website for guidance on the local nature priorities for the assessment of the land parcels and their strategic significance to biodiversity.

3.1.7. Planning Advice

Following the collection of the above information it is advisable to seek planning advice from Buckinghamshire Council.

3.2.Iterative Design



This part of the project covers the iterative process of design from initial concept design, through developed design towards technical design. The design process is informed by the collation of ecological information in the earlier stage and the bringing together of a multi-disciplinary approach to ensure the best outcomes can be achieved.

3.2.1. Biodiversity Net Gain Design Stage Report

A Biodiversity Net Gain Design Stage Report, is one of the reports listed in the document "Biodiversity Net Gain Report and Audit Templates", CIEEM. The structure and guidance set out in that document should be used. If a BNG feasibility report has not been provided, it may be necessary to adapt the structure to include key information from the feasibility stage.

A Biodiversity Net Gain Design Stage Report is produced to inform the planning application and its determination by the council. This will include a fully completed biodiversity metric and will be considered alongside an Ecological Impact Assessment.

A description of the current on-site baseline conditions must be provided, and it must directly relate to a Baseline Habitat Plan (this should reflect the biodiversity net gain feasibility report). Reference numbers for each habitat parcel must be given which cross reference with the metric.

Full details covering the retention, restoration and enhancement of existing habitats as well as the creation of new habitats must be provided clearly in a Proposed Habitats Plan showing the impact of development for the site. The existing and proposed site conditions (soil, aspect, intended use, proposed management regime, etcetera) must be taken into account when justifying the proposed distinctiveness and condition for habitats post-development.

Outline applications may not have the layout finalised. Here, a Proposed Habitats Plan and the biodiversity metric can be based upon a realistic scenario, taken from a parameters plan and/or an illustrative masterplan or landscape scheme. It is important that the requirements for allotments, sports pitches, play areas, natural green spaces, etc. are taken into account so that proposals are achievable.

Demonstrating the net biodiversity condition within the planning application enables the council to assess whether further net-gain could be achieved on-site. Where this is not possible, the council may require the applicant to secure off-set net gain with long-term management and monitoring through a legal agreement and, where relevant, secure further details and associated updated biodiversity metric calculations through reserved matters applications.

Where a development is to be phased, a biodiversity net gain strategy must be submitted at the outline stage, which shows how individual phases deliver a predetermined proportion of the biodiversity value. Reserved matters applications will then be required to demonstrate exactly how each phase will meet its biodiversity requirements.

3.2.2. Ecological Impact Assessment

An Ecological Impact Assessment is a document which explains the effects that a development could have on ecology. This assessment is focused on specific impacts which will occur through a range of different identified actions and which affect different identified species or habitats of importance. Whereas, biodiversity net gain assessments provide a more generalised overview of aggregated biodiversity value as measured through habitats, hedgerows and watercourses.

The ecological impact assessment must be produced in accordance with CIEEM guidance. This assessment is a complimentary document to be considered in the design process alongside the consideration of biodiversity net gain. The assessment will address impacts that have not been considered through biodiversity net gain assessment. This is important as it would be possible to address the needs of biodiversity net gain but fail to address the needs of this assessment and vice versa. When considered together the proposals should achieve additional ecological benefits.

3.2.3. Biodiversity Net Gain Impact Assessment

An assessment of biodiversity net gain Impact Assessment using the Biodiversity Metric must be submitted as a spreadsheet with the planning application so that it can be assessed. It is expected that the council's guidance regarding strategic significance on biodiversity is used. Applicants should contact the council or its website for guidance on the local nature priorities for the assessment of the land parcels and their strategic significance to biodiversity.

3.2.4. Biodiversity Net Gain On-site Decision Making.

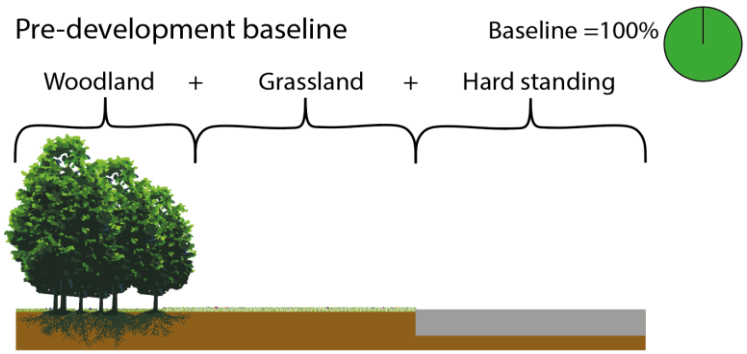
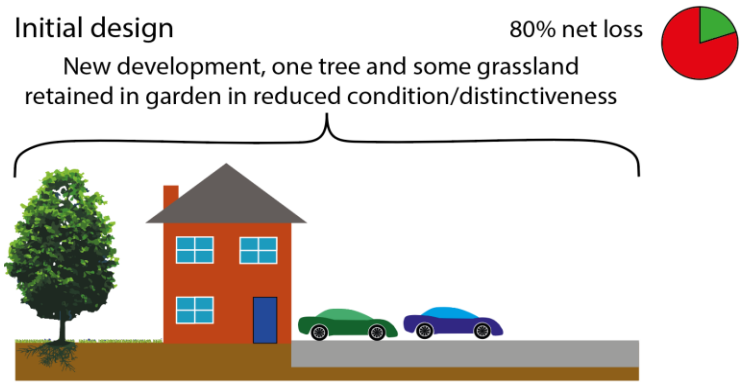
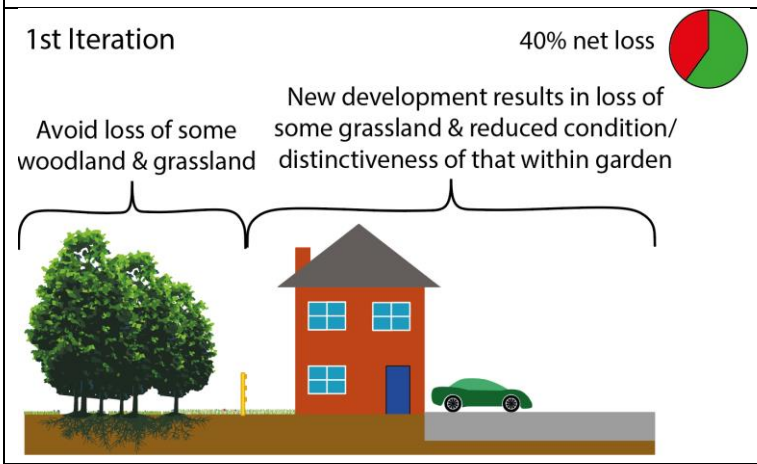
The pre-application iterative design phase should follow the principles of the mitigation hierarchy as set out below:

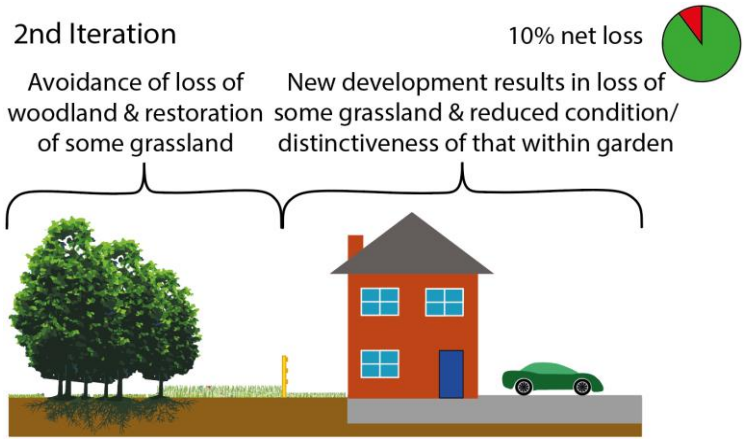
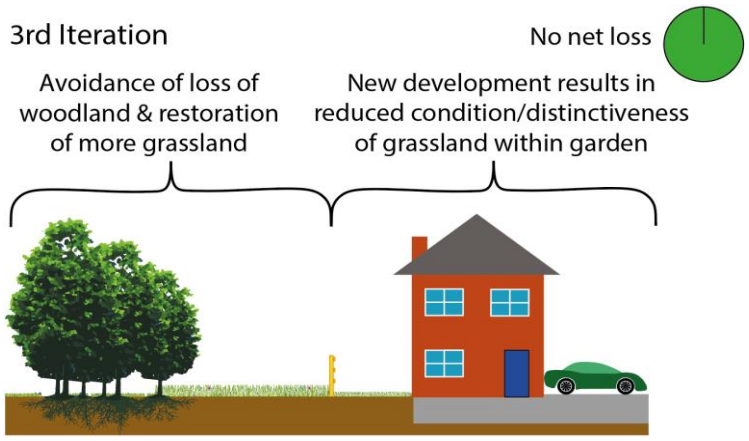
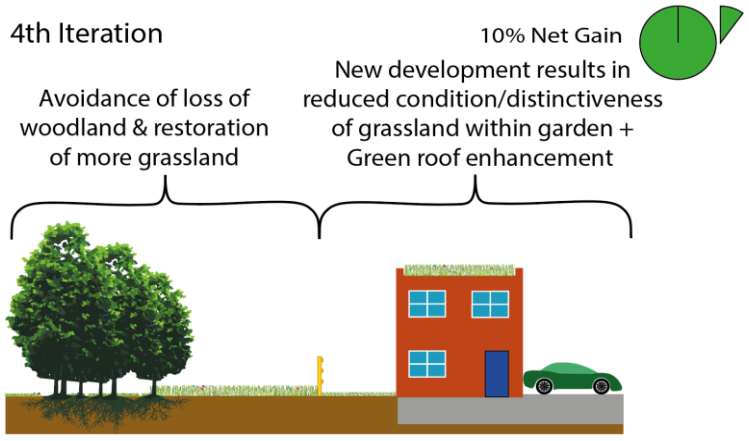
If biodiversity net gain is not being met on site, opportunities for redesigning the proposals should be sought before consideration of offsetting is given. This may include:

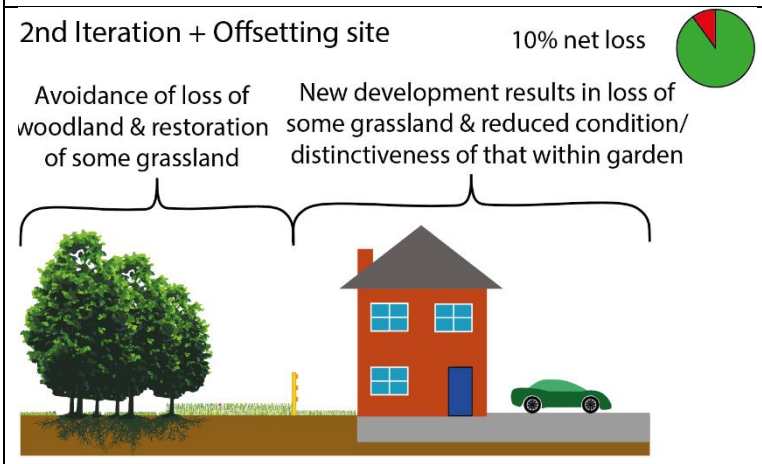
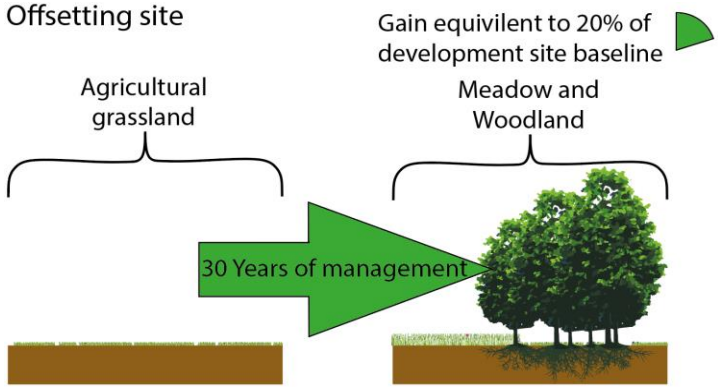
- reducing the extent of proposed development, this may be the number of units or through making efficiencies in building and hard surfacing layouts.
- retaining and enhancing habitats which have higher distinctiveness values.
- adding features such as green roofs and green walls which are valued in a Biodiversity Metric and have other additional benefits.
- taking a multi-disciplinary approach e.g., dealing with surface water run off through a feature which has both landscape and biodiversity value, rather than using underground tanks.
- following the Mitigation Hierarchy (as set out on the next page).

3.3.Mitigation Hierarchy

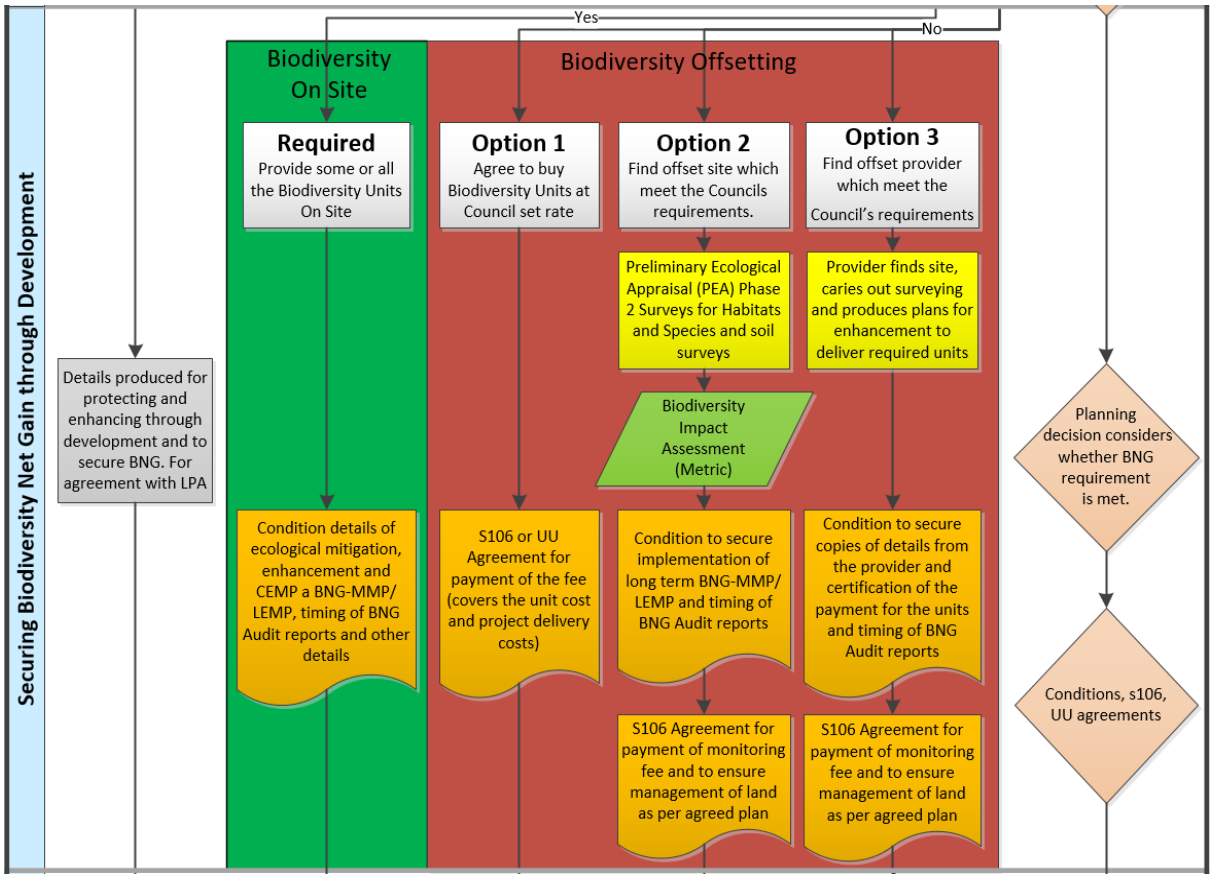
Figure 5 – Mitigation Hierarchy

Mitigation Hierarchy	Explanation
	The baseline biodiversity value is worked out in the Biodiversity Metric. This sets the level from where a net gain is measured from. The baseline unit value for different sites will vary but it will always be 100%.
	An initial design with little consideration of biodiversity will likely result in a significant percentage loss in biodiversity. This design has only **avoided** the loss of one tree.
	Iterating design with the Mitigation Hierarchy improves the situation for biodiversity. **Avoidance** is the first step on the Mitigation Hierarchy, in this case development in the woodland and some of the grassland has been avoided; and through the restriction of access to the retained habitat, **Mitigation** has been achieved.

Mitigation Hierarchy	Explanation
	The second iteration shows greater **Avoidance** and some **Restoration** of the grassland and woodland (in **Compensation**), as well as **Mitigation** Measures.
	The third iteration shows even greater **Avoidance** and **Restoration** of the grassland and woodland (in **Compensation**), as well as **Mitigation** Measures. Some of the grassland will be turned into garden lawn which a lower biodiversity value but this is compensated through the restoration of areas to give 'No net loss' overall.
	The fourth iteration builds upon the third iteration but it includes a green roof as an **Enhancement**. This scenario achieves an onsite biodiversity net gain. Achieving the biodiversity net gain on site is preferable over to resorting to offsetting.

Mitigation Hierarchy	Explanation
2nd Iteration + Offsetting site 10% net loss  	In some situations, where the mitigation hierarchy has been followed, it might still not be possible or appropriate to achieve a biodiversity net gain on site. In this situation it might be appropriate to allow the required net gain to be achieved through **Biodiversity Offsetting**.
Offsetting site Gain equivilent to 20% of development site baseline  	Offsetting can be arranged in several different ways, but the end result must always mean that enhancements which are created and maintained off site will not only compensate for onsite losses but also achieve the required biodiversity net gain.

3.4.Securing Biodiversity Net Gain



It is necessary for the council to be confident that biodiversity net gain requirements will be achieved as a result of the development. The way this will be achieved is examined and then secured during this stage.

3.4.1. Biodiversity On-Site [Green column Required in Figure 5]

As set out in Figure 2, biodiversity net gain on-site is the primary goal for any development. However, if this is not possible, after the designs have been iterated within the mitigation hierarchy, it is highly likely that at least some of the biodiversity units can be provided on-site. Providing biodiversity on-site enables the benefits of biodiversity to be experienced by those occupying the development and the local community.

3.4.2. Conditions for On-Site Biodiversity

Planning conditions attached to a planning application can secure the implementation of on-site mitigation, compensation and enhancement measures.

The format in which details are provided can vary depending upon the scale of the development. Documents may include a Construction Environmental Management Plan and a Landscape and Ecology Management Plan.

Where there is a need for full details of the management and monitoring required to achieve and maintain the suggested distinctiveness and condition for habitats, over a period of at least 30 years (as set out in a metric), this must be provided in a Biodiversity Net Gain Management and Monitoring Plan which follows good practice guidance. Details contained within this plan may overlap with those contained in a landscape maintenance plan or a Landscape and Ecology Management Plan; these documents can be combined to ensure consistency.

More details of what might be expected in the biodiversity net gain management and monitoring plan can be found at the bottom of Table 2 of the CIEEM resource biodiversity net gain report and audit templates, more details are included in section 8 of British Standard 8693:2021, extracts are included in Appendix 3.

The delivery of biodiversity net gain takes time, and it is reliant on a biodiversity net gain management and monitoring plan being implemented successfully. It will therefore be necessary to include the source of funding for its management and maintenance and to identify who will be responsible for achieving the target condition and who will carry out the work.

To ensure progress is reported, it is essential that future audit reporting is secured through planning conditions. It will be important to secure who is responsible for the production of the reports and what details they will contain. Details of what should be included in an audit report are contained in Table 3 of the biodiversity net gain report and audit templates.

The frequency of audit reporting will depend upon the scale of the project, but in all cases they will be needed:

- following any changes to project design post-consent - significant changes may require a full review of earlier stages of the process;
- immediately following project implementation, for example, the completion of construction or at the end of a landscape establishment phase; and
- when the majority of created habitats are expected to have reached their target condition.

Where there are large gaps in time between different habitats reaching their target condition, it may be necessary to timetable additional audit reports. To ensure biodiversity net gain is being achieved in line with the Biodiversity Net Gain Management and Monitoring Plan, the council needs to monitor and record the progress towards reaching biodiversity net gain wherever and however this is secured.

Monitoring which the site manager undertakes is to enable adaptive management to keep delivery of biodiversity units on track and to provide evidence for audit reporting of the progress towards reaching target conditions. The council will charge a fee for biodiversity net

gain monitoring of on-site habitats in line with the council's schedule of fees and charges. This will be used to review audit reports, make occasional site progress checks, keep track of cumulative gains and losses and report information internally and to government.

3.4.3. Biodiversity Offsetting [Option 1 in Figure 5]

Option 1 is not available at the point of Adoption of this Supplementary Planning Document. *Where biodiversity net gain cannot be achieved on-site, despite iterative design and when on-site opportunities have been exhausted, biodiversity off-setting is required to make up any shortfall. There are three main ways in which biodiversity off-setting can be delivered. Option 1 involves the developer paying the council an amount of money the "Financial Contribution", determined by the council's Biodiversity Accounting Financial Calculator, in exchange for the council taking on the responsibility for securing the delivery of the biodiversity net gain, off-site.*

This option has several advantages for both the developer and the council. The developer can make a payment which covers the cost of off-setting and council project delivery costs, and it discharges the developer's responsibility to provide net gain at that point. The council can manage the creation, restoration and enhancement of habitats in a strategic way in line with the current NEP Biodiversity Action Plan and Local Nature Recovery Strategy.

A planning obligation secured through a Section 106 agreement would be the usual legal method to secure a financial contribution to the council. This will cover both the biodiversity offsetting costs to achieve biodiversity net gain and the council project delivery costs. The Section 106 will be based upon the Buckinghamshire Council biodiversity offsetting Section 106 template. There will be a separate charge to cover legal fees for the drafting of a legal agreement.

3.4.4. Biodiversity Offsetting [Option 2 in Figure 5]

If biodiversity net gain cannot be achieved on-site and a developer has land within their control which is suitable to act as a biodiversity offset site, option 2 might be preferred. However, for a site to be considered suitable it will need to meet several requirements:

- security - it must be possible to secure the land for at least 30 years;
- quantity - it must be possible to achieve the required number of biodiversity units;
- equivalence - it must be possible to secure the biodiversity units in right type of habitats to ensure there is no 'trading down'; and
- proximity – this is determined by the spatial risk categories which are set by the government in their guidance relating to the metric. In reference to how spatial risk is determined in the guidance, the whole of Buckinghamshire Council is the Local Planning Authority.

3.4.5. Surveys

To ensure that the offset site can provide suitable biodiversity units, surveys will need to be undertaken. Surveys will need to be undertaken in the same manner as those for a development site. It will also be necessary to produce details in a report format which cover the same issues as the Preliminary Ecological Appraisal, Biodiversity Net Gain Feasibility Report and Baseline Habitat Plan, Ecological Constraints and Opportunities Plan and also details which would otherwise be found in the biodiversity net gain Design Stage Report including a Proposed Habitat Plan. The Biodiversity Impact Assessment Metric produced would need to show how the required biodiversity net gain will be achieved.

3.4.6. Conditions to Secure Biodiversity Net Gain

Details similar to those in paragraph 3.4.2. will be secured through planning conditions.

3.4.7. Agreement for Payment of Biodiversity Net Gain Monitoring Fee

A monitoring fee will need to be secured to ensure biodiversity net gain is being achieved in line with the Biodiversity Net Gain Management and Monitoring Plan. The council needs to track and record the progress towards reaching biodiversity net gain wherever and however this is secured. The Biodiversity Net Gain Management and Monitoring Plan will set out the frequency for the council to be sent audit reports.

The council will secure a fee to cover the costs of reviewing audit reports, make occasional site progress checks and keep track of cumulative gains and losses as well as report information internally and to government. The council's Biodiversity Accounting Financial Calculator will be used to calculate the council's monitoring cost; this will be secured as a fee to the council through legal agreement with the developer. This is additional to any fees which are paid to the council to determine planning application and legal fees for the drafting of legal agreements.

A legal agreement will need to be completed between the council and the developer which secures the delivery of the biodiversity units to achieve biodiversity net gain and to maintain the land in the long term (for at least 30 years).

3.4.8. Biodiversity Offsetting [Option 3 in Figure 5]

If biodiversity net gain cannot be achieved on-site, a developer might choose to use a third-party off-set provider, broker (or a government scheme). An offset provider or broker will take money from a developer to provide an offset in a similar way to how the council would in Option 1. However, details of how the biodiversity units will be delivered must be provided to the council, and additional conditions and/or legal agreements may need to be put in place.

3.4.9. Details from Offset Provider or Broker

Details will need to be provided of the proposed offset provider, the proposed site for the offset, surveys which the baseline condition and proposals which will ensure the anticipated net gain will be provided. A Biodiversity Metric will need to be completed for the offset site using the same version as that used for onsite calculations.

3.4.10. Conditions for Further Details and Certification

Securing the long term delivery of the offset site will be through planning conditions similar to those set out in 3.4.2. The offset provider will need to certify that they have received the funds to enable the offsetting to take place.

3.4.11. Agreement for Payment of the Biodiversity Net Gain Monitoring Fee

A monitoring fee may need to be secured as per 3.4.7. Where this is with the developer it may likely be through a Section 106 agreement. Where it is with an offset provider it may be through a Section 39 agreement of the Wildlife and Countryside Act, or a Conservation Covenant. If it is with a broker a different type of legal contract may be required.

3.4.12. Planning Decision, Conditions and Legal Agreements

The decision to grant planning permission is dependent upon a range of considerations. The granting of permission may be withheld for several reasons including:

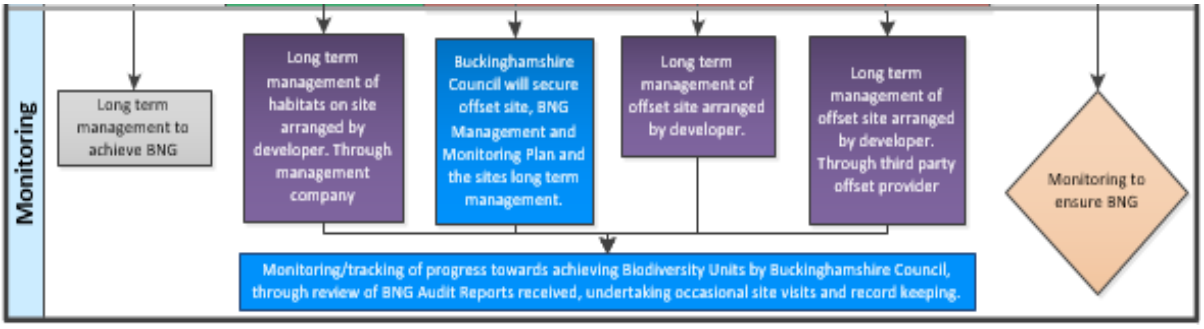
- inadequate information is submitted with regards to demonstrating biodiversity net gain;
- if better outcomes are achievable for biodiversity but a developer will not engage in iterating the design following the mitigation hierarchy;
- if (even after iterating the design following the mitigation hierarchy) biodiversity net gain is not achievable through the proposals on site and the applicant is unwilling to accept necessary pre-commencement conditions relating to biodiversity or sign a legal agreement for Biodiversity Offsetting.

Planning conditions may need to be applied to planning decisions to secure the submission of information and the carrying out of particular actions. There is often also a need to use legal agreements as well as or instead of planning conditions because planning conditions:

- are not appropriate for securing financial contributions;
- may not be able to be applied outside of the development site;
- may be limited in their scope in other ways.

Legal Agreements may include section 106 agreements, Unilateral Undertakings, or Conservation Covenants.

3.5. Long Term Management and Monitoring to Achieve Biodiversity Net Gain



Long term management and monitoring of habitats is essential to ensure that biodiversity net gain is achieved. The four options for achieving biodiversity net gain differ in terms of who will carry out the management of the habitats as set out in a Biodiversity Net Gain Management and Monitoring Plan, but their progress will be tracked by Buckinghamshire Council.

3.5.1. On-site Management – [Green column in Figure 5]

A developer will often employ a management company to manage habitats, however, given the special requirements for managing habitats for biodiversity it may be the case that specialist contractors are required. Auditing should be undertaken by an ecological consultant as they will have greater surveying knowledge and should be independent from the contractor.

Buckinghamshire Council Biodiversity Offsetting [Option 1 in Figure 5] ***Option 1 is not available at the point of Adoption of this Supplementary Planning Document.***

3.5.2 Buckinghamshire Council could deliver offset sites in a number of ways:

- *through management of areas of existing council-owned land;*
- *through purchasing land specifically for the purpose of achieving biodiversity net gain;*
- *through working with partner organisations, securing legal agreements for the management of their land; or*
- *through working with other landowners to secure legal agreements for the management of their land.*

In all instances a biodiversity net gain management and monitoring plan will either be produced by the council or its partners. The carrying out of the land management to provide the offset units will vary in different circumstances.

3.5.2. Developer-Secured Biodiversity Offsetting [Option 2 in Figure 5]

Where a developer provides an offsetting site this will need to have been secured prior to planning application determination, and the means by which it will be managed, monitored and reported on, including arrangements for providing information on progress to the Council, should be set out and agreed with the Council. In most cases this will be as per paragraph 3.4.2.

3.5.3. Offset Provider or Broker Biodiversity Offsetting – [Option 3 in Figure 5]

Where developer sources an offsetting site through an offset provider or broker, the details will have been secured prior to determination along with the means by which it will be managed, monitored and reported on, which should be agreed with the Council, including arrangements for providing information on progress to the Council. The way in which this is arranged will be dependent upon the type of offset provider or broker.

3.5.4. Biodiversity Net Gain Monitoring

Monitoring or tracking of the progress towards achieving the anticipated biodiversity units for both on and off-site habitats will be carried out by the council. This will include the scrutiny of biodiversity net gain auditing reports submitted to the council as well as carrying out occasional site checks. Monitoring details will be used to inform the councils own planning monitoring reports as well as feeding back to government where necessary.
There is an important distinction to be made between this monitoring undertaken by the council and that which forms part of the Biodiversity Net Gain Management and Monitoring Plan which is carried out by the offset provider as part of adaptive management of the habitat.

4. Appendices

4.1.1. Appendix 1 – Adopted Policies related to this Supplementary Planning Document

Chiltern Core Strategy 2011

Policy CS24: Biodiversity

The Council will aim to conserve and enhance biodiversity within the District. In particular

- the Council will work with its partners to protect and enhance legally protected species and all sites and networks of habitats of international, national, regional or local importance for wildlife or geology. development proposals should protect biodiversity and
- provide for the long-term management, enhancement, restoration and, if possible, expansion of biodiversity, by aiming to restore or create suitable semi-natural habitats and ecological networks to sustain wildlife. This will be in accordance with the Buckinghamshire Biodiversity Action Plan as well as the aims of the Biodiversity Opportunity Areas and the Chiltern AONB Management Plan. where
- development proposals are permitted, provision will be made to safeguard and where possible enhance any ecological interest.
- where, in exceptional circumstances, development outweighs any adverse effect upon the biodiversity of the site and there are no reasonable alternative sites available, replacement habitat of higher quality will be provided through mitigation and/or compensation to achieve a net gain in biodiversity.

South Bucks Core Strategy 2011

Core Policy 9: Natural Environment

The highest priority will be given to the conservation and enhancement of the natural beauty of the Chilterns Area of Outstanding Natural Beauty, and the integrity of Burnham Beeches Special Area of Conservation.
The conservation and enhancement of the Chilterns AONB and its setting will be achieved by ensuring that all development complies with the purposes of the AONB and its Management Plan. The conservation and enhancement of Burnham Beeches SAC, and its surrounding supporting biodiversity resources, will be achieved through restricting the amount of development in close proximity to the site, and ensuring that development causes no adverse effect on the integrity of the SAC. Further details on mechanisms for achieving this will be given in the Development Management DPD.
More generally, the landscape characteristics and biodiversity resources within South Bucks will be conserved and enhanced by:

• Not permitting new development that would harm landscape character or nature conservation interests, unless the importance of the development outweighs the harm caused, the Council is satisfied that the development cannot reasonably be located on an alternative site that would result in less or no harm and appropriate mitigation or compensation is provided, resulting in a net gain in Biodiversity.

• Seeking the conservation, enhancement and net gain in local biodiversity resources within the Biodiversity Opportunity Areas, on other non-designated land, on rivers and their associated habitats, and as part of development proposals.
• Maintaining existing ecological corridors and avoiding habitat fragmentation.
• Conserving and enhancing landscapes, informed by Green Infrastructure Plans and the District Council's Landscape Character Assessment.
• Improving the rural/urban fringe by supporting and implementing initiatives in the Colne Valley Park Action Plan.
• Seeking biodiversity, recreational, leisure and amenity improvements for the River Thames setting where opportunities arise, for example at Mill Lane (see Core Policy 15).

Wycombe Local Plan 2019

Policy CP7 – Delivering the infrastructure to support growth.
Provision will be made for new infrastructure to support growth, through planning obligations, the Community Infrastructure Levy (CIL) and other available funding streams as appropriate. Where justified, development will be required to provide or contribute towards delivering the key infrastructure requirements for the District including:
4. Environment a) Green Infrastructure – including landscape, recreation, and biodiversity improvements;

Policy CP 10 – Green Infrastructure and the natural environment.

The Council will promote the conservation and enhancement of the natural environment and green infrastructure of the District through:
1. Conserving, protecting and enhancing the Chilterns Area of Outstanding Natural Beauty and other natural environmental assets of local, national and international importance by:
a) Protecting them from harmful development through development management policies in this Plan and the Delivery and Site Allocations Plan including the protection of biodiversity and landscape designations and landscape character based approach to considering proposals;
b) Working with the Chilterns AONB Board and other agencies to improve the management of the AONB and other natural assets, and help people's enjoyment of them;
c) Taking a landscape character based approach to considering proposals.
2. Ensuring there is a net gain in biodiversity within individual development proposals and across the District as a whole over the plan period.
3. Working with local natural environment partnerships to protect and enhance the green infrastructure network of the District by:
a) Protecting designated sites and through management plans ensuring their biodiversity value will be enhanced;
b) Proactive, early and strategic planning of green infrastructure to maximise its benefits, including a baseline assessment of what exists (function, location, size, connectivity);
c) Keeping under review and updating the extent of the Green Infrastructure network in coordination with the Bucks and Milton Keynes Natural Environment Partnership and other agencies;

d) Ensuring through development management policies that all development is required to maximise the opportunities to protect, enhance, expand, connect, improve and use the existing green infrastructure, including across the border of the development site.
4. Working in partnership with the Environment Agency, Natural England and the water companies to protect, manage and improve water quality in the District, particularly the quality of water bodies which are currently failing to meet the Water Framework Directive (WFD) requirements as set out in the Thames River Basin Management Plan (RBMP).

Policy DM 34 – Delivering Green Infrastructure and Biodiversity in Development

1. All development is required to protect and enhance both biodiversity and green infrastructure features and networks both on and off-site for the lifetime of the development.
2. Developments proposals are required to evidence a thorough understanding of context through the preparation of a proportionate assessment of existing and planned green infrastructure, biodiversity and ecological features and networks both on the site and in the locality, and demonstrate how:

a) Through physical alterations and a management plan for the lifetime of the development:

i. Existing green infrastructure and biodiversity assets will be maximised;
ii. Opportunities to enhance existing and provide new green infrastructure and biodiversity assets will be maximised;
iii. Development will deliver long lasting measurable net gains in biodiversity;
iv. Where appropriate, a monitoring plan will be put in place to review delivery of i - iii.

b) The mitigation hierarchy has been applied by following a sequential approach to avoid, minimise, mitigate, and finally compensate for (on then off-site) any harm to biodiversity. If significant harm cannot be avoided in this way, development will not be permitted. 3. Development (excluding householder applications) is required as a minimum to:

a) Secure adequate buffers to valuable habitats;
b) Achieve a future canopy cover of 25% of the site area on sites outside of the town centres and 0.5 ha or more. This will principally be achieved through retention and planting of trees, but where it can be demonstrated that this is impractical the use of other green infrastructure (e.g. green roofs and walls) can be used to deliver equivalent benefit;
c) Within town centres and on sites below 0.5 ha development is required to maximise the opportunities available for canopy cover (including not only tree planting but also the use of green roofs and green walls);
d) Make provision for the long term management and maintenance of green infrastructure and biodiversity assets;
e) Protect trees to be retained through site layout and during construction.

Delivery and Site Allocations Plan 2013

Policy DM14 Biodiversity in Development

1. All development proposals should be designed to maximise biodiversity by conserving, enhancing or extending existing resources or creating new areas or features.

2. Where potential biodiversity interest is identified on a site or the development creates an opportunity to increase biodiversity, the Council will require an ecological survey and report to be submitted which demonstrates how this will be addressed.

Vale of Aylesbury Local Plan 2021

Policy NE1

Protected Sites

Internationally or nationally important Protected Sites (SACs and SSSIs) and species will be protected. Avoidance of likely significant adverse effects should be the first option. Development likely to affect the Chiltern Beechwoods SAC will be subject to assessment under the Habitat Regulations and will not be permitted unless any significant adverse effects can be fully mitigated.

Development proposals that would lead to an individual or cumulative adverse impact on an internationally or nationally important Protected Site or species, such as SSSIs or irreplaceablehabitats such as ancient woodland or ancient trees, will be refused unless exceptional circumstances can be demonstrated as follows:

a. the benefits of the development at this site significantly and demonstrably outweigh both theimpacts that it is likely to have on the features of the site that make it internationally or nationally important and any broader impacts on the national network – for example of Sites of Special Scientific Interest, and
b. the loss can be mitigated and compensation can be provided to achieve a net gain inbiodiversity/geodiversity

Sufficient information must be provided for the council to assess the significance of the impact against the importance of the Protected Site and its component habitats and the species which depend upon it. This will include the area around the Protected Site and the ecosystem services itprovides and evidence that the development has followed the mitigation hierarchy set out in (d) below

Protection and enhancement of Biodiversity and Geodiversity

Protection and enhancement of biodiversity and geodiversity will be achieved by the following:

c. A net gain in biodiversity on minor and major developments will be sought by protecting, managing, enhancing and extending existing biodiversity resources, and by creating new biodiversity resources. These gains must be measurable using best practice in biodiversity and green infrastructure accounting and in accordance with any methodology (including a Biodiversity Impact Assessment) to be set out in the Buckinghamshire Biodiversity AccountingSPD.
d. If significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or as a last resort, compensated for, then development will not be permitted. If a net loss in biodiversity is calculated, using a suitable Biodiversity Impact Assessment (see c) then avoidance, mitigation and compensation, on site first, then offsite must be sought so the development results in a net gain (percentage of net gain to meet any nationally-set minimum standard and or as detailed in an SPD) in order for development to be permitted. Mitigation, compensation and enhancement measures must be secured and should be maintained in perpetuity. These assessments must be undertaken in accordance with nationally-accepted standards and guidance (BS 8683 Biodiversity net gain in project design and construction; and CIRIA Biodiversity Net Gain Good practice principles for development).
e. Development which would result in damage to or loss of a site of biodiversity or geological value of regional or local importance (such as Local Wildlife Sites or Local Geological Sites) including habitats of principal importance (known as Priority Habitats) or the habitats of species of principal importance (Priority Species) or their habitats will not be permitted exceptin exceptional circumstances where the need for, and benefits of the development significantly and demonstrably outweigh the harm it would cause to the site, and the loss can be mitigated and compensation provided to achieve a net gain.
f. The Council will, where appropriate, expect ecological surveys for planning applications. These must be undertaken by a suitably qualified person and consistent with nationally accepted standards and guidance (BS 42020: Biodiversity – Code of Practice for planning anddevelopment; and CIEEM Ecological Report Writing guidance) as replaced.

g. Where development proposals affect a Priority Habitat (As defined in the Buckinghamshire Biodiversity Action Plan or UK Biodiversity Action Plan and as listed in accordance with s41 of the NERC Act 2006) then mitigation should not be off-site. Where no Priority Habitat is involved then mitigation is expected to follow the mitigation hierarchy, where options for avoidance, mitigation and compensation on- site, and then offsite compensation, should be followed in that order as outlined in d. When there is a reasonable likelihood of the presence of protected or priority species or their habitats, development will not be permitted until it has been demonstrated that the proposed development will not result in adverse impacts on these species or their habitats. The only exception will be where the advantages of development to the protected site and the local community clearly outweigh the adverse impacts. In such a case, the council will consider the wider implications of any adverse impactto a protected site, such as its role in providing a vital wildlife corridor, mitigating flood risk orensuring good water quality in a catchment.

h. Development proposals will be expected to promote site permeability for wildlife and avoid the fragmentation of wildlife corridors, incorporating features to encourage biodiversity, andretain and where possible enhance existing features of nature conservation value on site. Existing ecological networks should be identified and maintained to avoid habitat fragmentation, and ecological corridors including water courses should form an essential component of green infrastructure provision in association with new development to ensurehabitat connectivity.

i. Planning conditions/obligations will be used to ensure net gains in biodiversity by helping to deliver the Buckinghamshire and Milton Keynes Biodiversity Action Plan targets in the biodiversity opportunity areas and other areas of local biodiversity priority. Where development is proposed within, or adjacent to, a biodiversity opportunity area, biodiversity surveys and a report will be required to identify constraints and opportunities for biodiversity enhancement. Development which would prevent the aims of a Biodiversity Opportunity Area from being achieved will not be permitted. Where there is potential for development, the design and layout of the development should secure biodiversity enhancement and the council will use planning conditions and obligations as needed to help achieve the aims of the biodiversity opportunity area. A monitoring and management plan will be required for biodiversity features on site to ensure their long-term suitable management

(secured throughplanning condition or Section 106 agreement).

j. Development proposals adversely affecting a Local Nature Reserve will be considered on a case-by-case basis, according to the amount of information available about the site and its significance, relative to the type, scale and benefits of the development being proposed and any *mitigation. Any mitigation strategy will need to include co-operation with the nature reserve managers.*

4.2. Appendix 2 - Principles and Rules for Biodiversity Assessment

Principles

Principle 1: The metric does not change the protection afforded to biodiversity. Existing levels of protection afforded to protected species and habitats are not changed by use of this or any other metric. Statutory obligations will still need to be satisfied.

Principle 2: Biodiversity metric calculations can inform decision-making where application of the mitigation hierarchy and good practice principles conclude that compensation for habitat losses is justified.

Principle 3: The metric's biodiversity units are only a proxy for biodiversity and should be treated as relative values. While it is underpinned by ecological evidence the units generated by the metric are only a proxy for biodiversity and, to be of practical use, it has been kept deliberately simple. The numerical values generated by the metric represent relative, not absolute, values.

Principle 4: The metric focuses on typical habitats and widespread species; important or protected habitats and features should be given broader consideration.

- Protected and locally important species needs are not considered through the metric, they should be addressed through existing policy and legislation.

- Impacts on protected sites (e.g. SSSIs) and irreplaceable habitats are not adequately measured by this metric. They will require separate consideration which must comply with existing national and local policy and legislation. Data relating to these can be entered into the metric, so as to give an indicative picture of the biodiversity value of the habitats present on a site, but this should be supported by bespoke advice.

Principle 5: The metric design aims to encourage enhancement, not transformation, of the natural environment. Proper consideration should be given to the habitats being lost in favour of higher-scoring habitats, and whether the retention of less distinctive but well-established habitats may sometimes be a better option for local biodiversity. Habitat created to compensate for loss of natural or semi-natural habitat should be of the same broad habitat type (e.g. new woodland to replace lost woodland) unless there is a good ecological reason to do otherwise (e.g. to restore a heathland habitat that was converted to woodland for timber in the past).

Principle 6: The metric is designed to inform decisions, not to override expert opinion. Management interventions should be guided by appropriate expert ecological advice and not just the biodiversity unit outputs of the metric. Ecological principles still need to be applied to ensure that what is being proposed is realistic and deliverable based on local conditions such as geology, hydrology, nutrient levels, etc. and the complexity of future management requirements.

Principle 7: Compensation habitats should seek, where practical, to be local to the impact. They should aim to replicate the characteristics of the habitats that have been lost, taking account of the structure and species composition that give habitats their local distinctiveness. Where possible compensation habitats should contribute towards nature recovery in England by creating 'more, bigger, better and joined up' areas for biodiversity.

Principle 8: The metric does not enforce a mandatory minimum 1:1 habitat size ratio for losses and compensation but consideration should be given to maintaining habitat extent and habitat

parcels of sufficient size for ecological function. A difference can occur because of a difference in quality between the habitat impacted and the compensation provided. For example, if a habitat of low distinctiveness is impacted and is compensated for by the creation of habitat of higher distinctiveness or better condition, the area needed to compensate for losses can potentially be less than the area impacted. However, consideration should be given to whether reducing the area or length of habitat provided as compensation is an appropriate outcome.

Species Rules	
Species Rule 1	Species metric(s) are a distinct entity and an evaluation of 'species biodiversity units' must be kept separate in any 'account' of the effects of an intervention on biodiversity. You must not sum habitat and species units to derive a total biodiversity unit value.
Species Rule 2	Species metric(s) can be used as an additional source of information to complement information provided by biodiversity metric 3.0. It is important that the habitat-based metric is used as the primary tool for evaluating biodiversity change. Using a species metric in isolation can result in significant risk of net loss in biodiversity
Species Rule 3	A species metric needs to be consistent with all key principles of the biodiversity metric 3.0, particularly the principle that the metric does not change the protection afforded to biodiversity (Principle 1).
Species Rule 4	The legal provisions that apply to protected species (and habitats) take precedence in designing and planning the approach used to mitigate or compensate for impacts on species. An acceptable design must satisfy these legal requirements, even if this does not result in the best possible biodiversity unit outcome (based on evaluation using the biodiversity metric 3.0).
Species Rule 5	It is acceptable for the same area of habitat to be separately scored using the biodiversity metric 3.0 and one or more species metrics. Because each metric describes the value of that habitat from a distinct perspective the corresponding outputs represent a different 'biodiversity currency' and must not be summed.

4.2.1. Appendix 3 - Pertinent Clauses from BS 8683:2021

Clause 5.1

Recording a commitment to achieving BNG shall include:

- commit to the implementation of the BNG Good Principles [N1], especially the application of the mitigation hierarchy throughout the project's lifecycle with an emphasis on avoiding impacts to biodiversity include a measurable target for BNG describe the project team's intended resource and funding streams to design and implement BNG to maintain and monitor BNG over the long-term;

- reference the driver(s) for achieving BNG, such as a company's voluntary commitment to BNG or a policy requirement;

- state that project-wide claims of BNG cannot be made for projects that affect irreplaceable habitats; and

- maximise opportunities for BNG to generate positive social outcomes.

Clause 6.2.12 Finalise BNG design outputs

In addition to the evidence and documents required in 6.2.1 and 6.2.11, the outputs of the BNG design shall include the following:

All predicted biodiversity outcomes: this shall include a qualitative and quantative assessment of all the project's predicted biodiversity outcomes (i.e. both losses and gains and the timing of these) with evidence that associated social impacts have been considered.

Separately to BNG, negative impacts on biodiversity features for which net gain outcomes are not possible: this shall include biodiversity features for which any negative impacts after following the mitigation hierarchy cannot be restored or offset to achieve BNG. The BNG plan shall incorporate or refer to a specific compensation and or management strategy for these features separate from the specific biodiversity features for which BNG targets are set.

BNG design specification: this shall include specifications of all BNG design measure whether on- or off-site (e.g. a planting specification), a detailed programme of delivery during implementation and post-implementation stages, sand scaled drawings.

A description, with justification of the method or metric used for measuring BNG and the data limitations and assumptions used to measure the baseline, impacts and post-project predicted BNG outcomes.

A detailed breakdown of the measurement of BNG, including data collection methods and findings (e.g. full results of habitat condition assessments and the method used to measure area of habitats) and any limitations encountered or assumptions made about the data. The

results shall include specific biodiversity features (e.g. broad habitat types) showing how negative impacts on specific biodiversity features have been addressed and counterbalanced by a set of commensurate net gains by applying the 'like for like or better' principle (see 6.22)

BNG Management and Monitoring Plan (MMP) (see 8.1)

The BNG MMP shall include:

The project's biodiversity baseline assessment against which BNG outcomes are assessed and monitored;

The project's BNG targets;

The number of years to achieve and then maintain the BNG targets;

A programme detailing the long-term phases of the management and monitoring activities;

A monitoring plan to inform decisions about management, whether assessing progress towards the BNG targets is on track and whether changes to management are required to achieve the targets; and

The roles and responsibilities and required competencies of those involved with implementing and monitoring the BNG design during implementation and post-implementation stages.

Resources: evidence shall be documented of the resources confirmed to the implemented BNG design and the BNG MMP for the lifetime of the BNG MMP

Spatially referenced BNG data: spatially referenced data on the project's biodiversity baseline and BNG design measures shall be submitted in digital format to all organisations involved with the practical implementation and monitoring of BNG. The data shall also be submitted to relevant stakeholders.

Clause 7.6 Biodiversity Net Gain Agreement

The BNG project developer, consenting authority (where applicable) and organisations(s) responsible for BNG outcome delivery shall establish between themselves a written BNG agreement. This BNG agreement shall contain, as a minimum the following information:

The names and signatures of the parties, or their representatives, entering into the BNG agreement;

The duration of the BNG agreement (in years), including the start and anticipated end date (if relevant) of the agreement;

The proposed mechanisms for securing delivery of the proposed outcome(s), for example, through a planning obligation or other legal contract between the parties to the agreement;

Where payments are involved relating to the delivery of the BNG outcome, an agreed payment mechanism shall be stipulated and agreed payment schedule shall be included with the agreement;

Confirmation of the type, format and frequency of any monitoring or reporting, in relation to the BNG outcomes, to be undertaken over the duration of the agreement and detail set out as to whom the recipient of such reporting information is;

Information in relation to the mechanisms for resolving disputes between the parties to the BNG agreement; and

A summary of the BNG outcomes to be achieved [detail set out in the management and monitoring plan (MMP)] for which the agreement covers, as a minimum to include ether percentage gain to be delivered.

The completed BNG agreement shall be added to the MMP & shall be retained for the duration of the BNG project.

Clause 8.1 Implementation of the Management and Monitoring Plan (MMP)

In accordance with 7.6, the Biodiversity net gain agreement shall establish mechanisms to enable the management, monitoring, maintenance and monitoring of the biodiversity features within the MMP.

These mechanisms shall be sufficient to meet the BNG outcomes for the project for the duration of the biodiversity net gain agreement. A nominated person or body responsible shall be appointed for ensuring that the MMP is implemented; monitoring shall be designed and undertaken by a competent person who is able to apply the methodology required.

Activities shall be documented and costed when planning management arrangements and handing over responsibilities to third parties.

The project shall employ adaptive management (see 3.1.1), informed by periodic monitoring and evaluation of results. Monitoring activity shall evidence assessments of whether site management has delivered, or is on target to deliver, the planned habitat outcomes.

If management is not delivering the biodiversity outcomes, or is deemed unlikely to (on the basis of trajectory of change in condition and known time to target condition), changes in the management regime shall be implemented to deliver a successful outcome. There shall be no ‘trading’ of offset types, i.e. failure of one habitat features cannot be offset by a quicker than planned improvement in the condition of another.

Clause 8.2 Monitoring

The monitoring aspects of the MMP shall be implemented to:

Cover all habitats and features that have contributed towards the BNG calculations;

Check that habitats types and features are achieving the planned condition and functioning ecologically as intended according to timescales anticipated in the calculations;

Provide information to aid future interpretation and assessment of the change; and

Meet MMP requirements for survey methods, timing and frequency of resurvey, qualifications and experience required of surveyors and arrangements for retaining and sharing raw survey data to aid future interpretation and assessment of change.

Any changes to survey methods, frequency and timing etc. From those envisaged in the original MMP shall be recorded and justified.

Survey records shall be retained and handed over to any parties undertaking subsequent management and monitoring in accordance with 8.3 to 8.5.

Clause 8.3 Reporting

Reporting requirements shall be agreed at the outside of a project and shall be undertaken at least until all obligations to BNG are fulfilled. the MMP shall specified the reporting frequency.

Report content shall be defined in the design and the MMP.

Monitoring reports and updated MMP shall be submitted to the body specified in planning conditions, or to the commissioning agency.

Clause 8.4 Record Management

BNG records shall be kept and maintained, as specified in the MMP, for at least the full duration of the project. Records relating to the biodiversity outcomes delivered shall be made available to third parties as required.

Simon Meecham – Lead Local Plan Consultant