

# **Biodiversity Net Gain**

## **Supplementary Planning Document**

**DRAFT FOR CONSULTATION**

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## **1. Purpose of the Document**

1.1 A Supplementary Planning Document (SPD) serves as a detailed guide to support and expand upon the policies outlined in the Local Plan, providing specific advice and direction on particular issues or areas. The Biodiversity Net Gain (BNG) SPD for Nottinghamshire County Council aims to enhance local biodiversity through the planning process, ensuring that development results in a net positive impact on the environment. As a draft document, this SPD is in the preliminary stages and will undergo a thorough consultation process with stakeholders and the public. Feedback gathered during this period will be integral to refining and finalising the document before it is formally adopted, ensuring it effectively addresses community needs and environmental goals.

1.2 This Draft SPD has been prepared by Nottinghamshire County Council to provide advice and guidance on how planning applications can meet the new statutory requirement for delivering BNG where Nottinghamshire County Council is the Local Planning Authority (LPA).

1.3 From April 2024 it is a statutory requirement that all development, unless [exempt](#), must achieve a minimum BNG of 10%. Where there are significant on-site and for all off-site gains the biodiversity, once created must be managed and maintained for a period of at least 30 years.

1.4 This Draft SPD provides additional guidance on BNG to supplement policy SP2 and DM4 of the adopted Minerals Local Plan (Biodiversity Led Restoration) and policy DM5 of the Joint Waste Local Plan (Protecting and enhancing Biodiversity and Geodiversity). When approved the SPD will be a material planning consideration in decision making for the County Council as the mineral and waste planning authority. It also applies to other planning applications for which the County Council is the determining authority where the development is to be carried out by the County Council such as school facilities, care facilities and development of countryside facilities.

1.5 Nottinghamshire County Council has had a long tradition of seeking to improve biodiversity through new development, particularly arising from mineral development. There are a legacy of new lakes and semi wet habitats in the Trent Valley plus heathland habitats in the Sherwood Forest area which owes their origin to former sand and gravel extraction and the County Council continues to pursue a “biodiversity led” approach to restoration of mineral workings once active quarrying has been completed.

1.6 This SPD also highlights the importance for all applications to begin from a presumption of protection for existing nature conversation features within proposed developments, following best practice guidance and the biodiversity mitigation hierarchy. This seeks in the first instance to avoid biodiversity loss, then minimise impacts through mitigation, and as a last resort provide ecological compensation for any, biodiversity loss. Developers must make up for any habitat loss as well as delivering a minimum of 10% BNG. This SPD details what the County Council requires a developer to consider when incorporating ecological compensation through BNG within their development scheme.

1.7 As the BNG process is new, this guidance document will be reviewed in light of experience with the new system and will be revised as necessary.

## **2. Local principles and priorities for Biodiversity Net Gain**

2.1 BNG is a new statutory obligation that seeks to deliver measurable improvements for the natural environment, by creating or enhancing habitats in association with development. It will help developments to contribute positively to wildlife by delivering more habitat in better condition, that are connected in bigger areas.

2.2 Under the statutory framework, every planning permission subject to BNG, is deemed to have been granted subject to the condition that the biodiversity gain objective is met (“the biodiversity gain condition”). This objective is for development to deliver at least a 10% increase in biodiversity value relative to the pre-development biodiversity value of the onsite habitat. This increase can be achieved through onsite biodiversity gains, registered offsite biodiversity gains or the use of statutory biodiversity credits as a last resort, if onsite and offsite BNG cannot be achieved.

2.3 The biodiversity gain condition is a post permission matter and controlled through a pre-commencement condition: once planning permission has been granted, a Biodiversity Gain Plan (BGP) and Habitat Management and Monitoring Plan (HMMP) must be submitted and approved by the planning authority before commencement of the development. In some cases, where complex habitat creation is proposed the council may ask for these documents in draft form prior to the determination of an application. There are exemptions and transitional arrangements which disapply the condition from certain planning permissions, as well as special modifications for planning permissions for phased development and the treatment of [irreplaceable habitats](#) (Ancient woodland, Lowland fens, Ancient and veteran trees).

2.4 BNG can be attained through a variety of methods which include, on-site, off-site or through a combination of on-site and off-site measures. Developments may deliver biodiversity gain by:

- Providing enhancements to habitats on-site including through retaining and improving the condition of existing habitats or the creation of new habitats.
- Providing enhancements to habitats at an off-site location (i.e., outside the planning red line boundary), including improving the condition of retained habitats and habitat creation.
- Purchasing [statutory biodiversity credits](#), as a last resort if on-site and off-site BNG cannot be achieved.

2.5 The mandatory requirement for BNG in the Environment Act is a minimum of 10% and for sites to be managed for a period of not less than 30 years where there are significant on-site and for all off-site gains. However, Nottinghamshire County Council and its Local Planning Authority partners support an aspirational target of 20% BNG where feasible, reflecting the historic need to reverse damage to Nottinghamshire's habitats. All developments should aim to exceed the statutory minimum where possible, particularly for strategic sites and large-scale developments.

2.6 Improving local biodiversity has been a longstanding objective in Nottinghamshire with a partnership of local authorities and Nottinghamshire Wildlife Trust working through the Nottinghamshire Biodiversity Action Group to pursue a high-quality wildlife-rich environment, which will contribute to a greatly improved quality of life and health and wellbeing outcomes for the County's residents. BNG can also be embedded within proposals for open space, fostering community engagement, education, and promoting sustainable patterns of development.

2.7 In Nottinghamshire, efforts to improve biodiversity are important in view of the county's diverse ecosystems, including woodlands, wetlands, grasslands, and urban areas. These ecosystems provide habitat for a wide range of species and contribute to the overall ecological health of the county. By also embedding BNG within open space development, these areas can serve not only as wildlife habitats but also as community spaces that support education and sustainable development practices. By implementing BNG and other conservation initiatives, Nottinghamshire can protect and enhance its natural heritage and ensure a sustainable future for both people and wildlife.

2.8 The principle of a statutory system for BNG was introduced in the Government paper "A Green Future: our 25-year Environment Plan to improve the Environment" launched in 2018. Following on from this, the Environment Act 2021 set out how the government plans to protect and improve the natural environment in the UK. It introduced a mandatory requirement for a minimum of 10% BNG in the planning system, to "*ensure that new developments enhance biodiversity and create new green spaces for local communities to enjoy*". It also lays the foundation for the Nature Recovery Network and introduced provisions requiring the development of Local Nature Recovery Strategies (LNRS) across England.

2.9 Nottinghamshire County Council is the responsible authority for developing a LNRS across the county of Nottinghamshire including Nottingham City. The LNRS is a spatial strategy which will establish priorities for nature recovery and identify locations to create or improve habitat most likely to provide the greatest benefit for nature and the wider environment. The LNRS will set out priorities for nature recovery and map the most valuable existing areas for nature as well as specific proposals for creating or improving habitat. The LNRS will be a statutory document which should be taken account of in planning decisions.

2.10 The LNRS will provide the context in which BNG is implemented and will inform delivery of all new investment in biodiversity in Nottinghamshire and Nottingham. Areas identified in the LNRS will be considered of strategic significance (see Section 3.10). The draft Strategy is expected be ready for public engagement in late Spring 2025 and the final Strategy published in Summer 2025. More details are available [here](#).

2.11 Pending the finalisation of the LNRS, Nottinghamshire County Council and partners (Nottinghamshire's LPAs, the Nottinghamshire Wildlife Trust, the Nottinghamshire Biodiversity Action Group, Natural England and the Environment Agency) have developed the Nottinghamshire and Nottingham BNG Framework, which establishes the principles under which BNG will be pursued. This document, which informs the development of planning guidance such as this SPD, sets out a shared aspiration across all LPAs for 20% BNG where feasible, reflecting the need to restore Nottinghamshire's habitats.

2.12 The Nottinghamshire and Nottingham BNG Framework and this SPD adopts the following principles for any work involving BNG in Nottinghamshire as contained in the document [Biodiversity Net Gain: Good Practice Principles for Development, a practical guide](#) published by the Chartered Institute of Ecology and Environmental Management:

Principle 1. Apply the Mitigation Hierarchy

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

Principle 3. Be inclusive and equitable

Principle 4. Address risks

Principle 5. Make a measurable Net Gain contribution

Principle 6. Achieve the best outcomes for biodiversity

Principle 7. Be additional

Principle 8. Create a Net Gain legacy

Principle 9. Optimise sustainability

Principle 10. Be transparent

2.13 National policy requires a net gain of at least 10% and this will therefore be the minimum provision that is achieved on individual development sites. Nottinghamshire County Council will seek to achieve a higher percentage wherever possible in line with the Nottinghamshire and Nottingham BNG Framework and the adopted Minerals Local Plan. It is recognised that this may not be achievable on every site. However, on some large strategic sites, or for certain types of development such as new mineral extraction, it should be possible to achieve substantially higher than this, which will also benefit local communities further, through access to wildlife-rich greenspaces, and consequent improved outcomes for health and wellbeing. These gains will be reviewed and secured in the same way as the statutory 10%.

2.14 A range of options for the management of onsite BNG features (such as local management groups, or management companies) will be acceptable as appropriate to each application, with all costs to be borne by the developers and suitable legal agreements in place to ensure long term effective delivery and security of outcomes. This may include requirements for upfront maintenance contributions from developers, as commuted sums. The levels of maintenance contribution will of course relate to the nature of the net gain and many features can be integrated into on-site green and blue infrastructure. BNG sites can also be integrated into green infrastructure provision, as outlined in Natural England's Green Infrastructure Framework: Principles and Standards. More information can be found [here](#). For off-site and significant on-site BNG, the use of S106 Agreements and Conservation Covenants will be essential using the relevant guidance and documentation as available from DEFRA as referenced in the following section.

### **3. Guidance for all applications to the County Council**

3.1 National Planning Practice Guidance (PPG) for BNG has been published by the Government. Guidance on specific matters can be found by following the links:

[About biodiversity gain](#)

[Statutory Biodiversity Metric User Guide](#)

[Biodiversity net gain: Submitting a planning application](#)

[Determination of the planning application](#)

[Submission of the Biodiversity Gain Plan](#)

[Determination of the Biodiversity Gain Plan](#)

[Appeals on a Biodiversity Gain Plan](#)

[Phased development](#)

3.2 The Government has also published a collection of general resources containing all the information needed for developers, land managers and local planning authorities to operate the BNG requirement. The following links will take you to individual resources.

[What biodiversity net gain is](#)

[Land manager guidance](#)

[Developer guidance](#)

[Local planning authority guidance](#)

[Calculate biodiversity value Legal agreements](#)

[Habitat management and monitoring plans](#)

[Manage biodiversity gains](#)

#### **Pre-Application Advice**

3.3 The County Council offers a discretionary, paid-for service to applicants seeking planning permission where BNG will apply, to discuss proposals and gain an understanding of the Council's expectations in terms of information submission requirements relating to BNG, and common mistakes to avoid. This is with the aim of allowing successful validation of the application and to reduce the likelihood of delays occurring during the determination period as a result of further information or clarifications being required. A separate document outlining further details will be provided by the County Council.

#### **Validation Requirements**

3.4 Where BNG is required, the County Council will require the submission of a correctly completed [Statutory Biodiversity Metric spreadsheet](#) (using the most up to date approved version of the statutory biodiversity metric). This should be completed by a suitably qualified and where relevant, an accredited, ecologist. The County Council may also request a copy of the metric in a different format (such as a PDF) for the



purpose of publishing it to the web.

3.5 Applications will need to be accompanied by relevant information as set out in Paragraph 011 of the [PPG](#) on BNG, as referred to above. This will include a completed biodiversity metric and habitat plan detailing the pre-development biodiversity value of the site. Relevant questions in the planning application form will also need to be answered as well as additional information provided as set out below in the Determination Requirements.

3.6 For more information, please refer to the Council's Validation Guidance, which may be found at the following address: [Apply for planning permission | Nottinghamshire County Council](#)

### Determination Requirements

3.7 In addition to the minimum information requirements to validate the application, further information will likely be required in order to assist the consideration of BNG as part of the planning application. This is in particular consideration of any significant on-site biodiversity enhancement (see Paragraph 3.9 For more information to what is considered a significant enhancement) and any off-site biodiversity areas.

3.8 The Government Guidance also allows LPA's to provide local lists of information requirements which will allow the LPA to fully understand, assess and determine the application's proposals to feasibly provide a net gain. This also includes the checking of habitat surveys and metric calculations.

3.9 In line with Government Guidance, particular consideration must be given to aerodrome safeguarding zones when designing significant onsite biodiversity enhancements. This is particularly relevant within the East Midlands Airport aerodrome safeguarding zone, where the risk of bird strike must be avoided. It is crucial that developers understand their obligations and consult with the Civil Aviation authority before finalising any BNG plans within these areas. The authority must ensure that the proposed enhancements do not inadvertently increase the population of hazardous bird species. In these circumstances, any legal agreements associated with BNG will include provisions ensuring that the habitat enhancements will not negatively affect aviation safety, and that species hazardous to aircraft operations are not encouraged within these areas.

3.10 The County Council has provided a list of Information Requirements which can be found in Appendix 1. This additional information should be submitted with the Statutory Metric to provide more information and allow a thorough assessment of the proposals.

### Definitions of Significant Enhancement

3.11 Government guidance states that 'Significant Enhancement' will vary depending on the scale of development and existing habitats, but they would normally be:

- Habitats of medium or higher distinctiveness in the biodiversity metric.
- Habitats of low distinctiveness which create a large number of biodiversity



- units relative to the biodiversity value of the site before development.
- Habitat creation or enhancement where distinctiveness is increased relative to the distinctiveness of the habitat before development.
- Areas of habitat creation or enhancement which are significant in area relative to the size of the development.
- Enhancements to habitat condition, for example from poor or moderate to good.

3.12 The County Council will determine significant enhancement for each development on a case-by-case basis, using the most up to date government guidance.

### Definitions of Strategic Significance

3.13 Strategic significance is the local significance of a habitat based on its location and type and is determined when the Statutory Biodiversity Metric is completed, and is determined for each individual habitat parcel, at baseline and post-intervention, for on-site and off-site.

3.14 When an LNRS has been published, this should be used, with reference to the descriptions provided in Table 7 of the [Statutory Biodiversity Metric User Guide](#). The Nottinghamshire and Nottingham City LNRS is currently in preparation and should be used when published.

3.15 In the absence of an LNRS, an LPA should specify which alternative documents can be used for assigning strategic significance, where such documents map and describe a habitat type within a specific location. The [Nottinghamshire Biodiversity Opportunity Map](#) (including opportunity areas and focal areas) is a suitable document for this purpose, especially as this document is likely to be an important evidence base for the LNRS. The [Biodiversity Opportunities Mapping Reports](#) show the location of these focal areas and list the priority broad habitat types. The County Council considers these to all be habitats of high strategic significance.

3.16 In addition, any draft outputs from the LNRS available prior to publication can also be used. However, other documents which could be used include:

- Local Plans and Neighbourhood Plans
- Tree Strategies
- The Nottinghamshire Local Biodiversity Action Plan
- Species conservation and protected sites strategies
- Woodland strategies
- The Greenwood Community Forest Plan
- Green and blue infrastructure strategies
- River Basin Management Plans
- Catchment Plans

The specified alternative documents should then be used with reference to the descriptions provided in Table 8 of [The Statutory Biodiversity Metric User Guide](#).

3.17 When the 'Medium' strategic significance category is used (which can occur when an LPA has not identified a suitable document for assessing strategic significance), those completing the Metric are required to:

Explain how the habitat type is ecologically important within a specific location.

Demonstrate the importance of that habitat in providing ecological linkage to other strategically significant locations.

Use professional judgement.

This can be done with reference to resources such as Magic.gov.uk and the Nottinghamshire BOM.

3.18 Any habitat of the type for which a site has been specifically designated (either mentioned in the site citation, or where it can be shown that the site meets the current selection criteria) which is created or enhanced, and which is situated immediately adjacent to the designated site boundary is to be considered as being of **'High' Strategic Significance**. Where such habitats are not immediately adjacent to the designated site boundary, but are within 100m of the boundary, these are to be considered as being of **'Medium' Strategic Significance**. This is because these habitats will represent ecological linkage to important locations, i.e., sites designated for their nature conservation importance.

3.19 All other habitat types not meeting the above criteria for 'High' and 'Medium' strategic significance are to be considered as being of 'Low' strategic significance.

#### Post-Determination Requirements

3.20 Once planning permission has been granted, developers are required to submit two key documents to ensure that BNG commitments are effectively implemented, sustained, and managed for at least 30 years.

3.21 **The BGP** must detail how the developer will achieve the minimum 10% BNG as outlined in the approved planning application. This plan should include specific actions, timelines, and methods for delivering the biodiversity enhancements promised during the planning process. The BGP should also clearly demonstrate how the proposed gains will be integrated into the development and how they will contribute to the overall ecological value of the site.

3.22 **A HMMP** should be produced using GOV's templates, this plan should outline the management practices that will be implemented to sustain the habitats created or enhanced as part of the development. It should include a detailed monitoring schedule to assess the success of these measures over time, with provisions for adaptive management if targets are not being met. The HMMP must also specify the responsible parties for carrying out the management and monitoring activities, ensuring accountability and continuity.

3.23 The County Council has a duty to monitor significant on-site and all registered off-site BNG, ensuring that landowners meet their obligations over the 30- year period as secured through the legal agreement. As part of this duty, the County Council requires monitoring reports to be submitted in line with the approved HMMP.

3.24 Where the net gain has been secured through a S106 Agreement, the County Council will require these monitoring reports to ensure compliance with the BNG condition. In the case where a conservation covenant has been used to secure the net gain, the monitoring responsibility will fall to the relevant Responsible Body rather than the County Council. In these cases, the landowner will not be required to submit

monitoring reports or fees to the County Council, as the obligation to monitor the site will lie with the Responsible Body.

3.25 The County Council will review all monitoring reports and undertake Site visits to check that the targets set out in the HMMP are being met. Where the targets set out within the HMMP are not being met, the County Council will take enforcement action in line with the [County Council's Local Enforcement Plan](#).

3.26 As part of the County Council's duty a monitoring fee (which will be payable to the County Council in one lump sum, at the start of the 30-year monitoring period) will be charged for each development subject to the BNG condition. The fee rates will be dependent on the scale and size of the site with mineral sites charged on a bespoke basis. Where a conservation covenant has been used to secure the net gain, monitoring fees will not be required by the council, as monitoring responsibility will lie with the Responsible Body. A separate document outlining the monitoring fees will be provided by the County Council.

#### Other matters

3.27 The County Council is currently developing standard text for inclusion within a S106 agreement to ensure delivery of a BNG Plan where a pre-commencement condition would not be appropriate. Applicants may also enter into conservation covenants in respect of BNG with designated responsible bodies and the County Council is considering whether to apply to be such a body.

3.28 The County Council is currently assessing the state of the emerging off-site BNG market within Nottinghamshire with a view to collating this and hosting information about which land managers are offering land for BNG across Nottinghamshire (otherwise known as a habitat bank). We will update this aspect of the SPD when more information is available. Whilst delivery of on-site measures, made accessible to future occupiers of new development, is the Council's preferred outcome, a network of different BNG sites where net gain can be achieved cost-effectively may compliment this and be extended as further opportunities arise.

3.29 The County Council has much experience in using its own land for Green Space and nature conservation. As landowner it is exploring how it might be able to offer its own land for habitat/BNG creation, but no decisions have yet been taken. We will update the SPD on this when more information is available.

3.30 By understanding and addressing spatial risks, it becomes possible to effectively plan and implement measures to mitigate negative impacts on BNG. Spatial risk should be applied as per Table 9 of the [Statutory Biodiversity Metric User Guide](#), whereby:

- Off-site compensation delivered within the same LPA area or National Character Area (NCA) as the impact site is given a multiplier score of 1.0
- Off-site compensation delivered within an LPA/NCA that neighbours the LPA/NCA within which the impact site is located is given a multiplier score of 0.75
- Off-site compensation delivered elsewhere is given a multiplier score of 0.5

3.31 Every effort should be made to locate off-site BNG within the same LPA or NCA as the source of the impact. Ideally, off site compensation should occur as close to the development site to which it relates as possible, prioritising areas within the same village, town or community and within a similar landscape setting where feasible . In

addition, the historic landscape context should also be considered when selecting off-site BNG locations to ensure that any new biodiversity initiatives complement and enhance the area's cultural and historical significance. Developers will be required to provide evidence as to why off-site compensation does not adhere to this approach

#### Further advice and information

3.32 The County Council welcomes the opportunity to discuss projects and proposals to create biodiversity prior to BGPs being prepared. For specific advice on BNG matters if you are preparing a planning application and wish to seek advice on preparing a BGP, please contact [conservation@nottsc.gov.uk](mailto:conservation@nottsc.gov.uk)

## **4 Guidance on specific types of application: Mineral Development**

4.1 Mineral planning plays a pivotal role in leading the efforts to enhance biodiversity in our county through biodiversity-led restoration of mineral sites. For many years the County Council has adopted a restoration led approach when considering mineral workings which addresses restoration and future use of land as sites are allocated. The adopted Minerals Local Plan sets out a “biodiversity led” approach to restoration as quarries are worked out.

4.2 Policy SP2 – Biodiversity Led Restoration, states:

- 1. Restoration schemes that seek to maximise biodiversity gains and achieve a net gain in biodiversity, in accordance with the targets and opportunities identified within the Nottinghamshire Local Biodiversity Action Plan, will be supported.*
- 2. Where appropriate, schemes will be expected to demonstrate how restoration will contribute to the delivery of Water Framework Directive objectives.*
- 3. Restoration schemes for allocated sites should be in line with the relevant Site Allocation Development Briefs contained within Appendix 2.*

4.3 By incorporating biodiversity-led restoration strategies into mineral planning processes, mineral development not only mitigates the impacts of mineral extraction on biodiversity but also actively contributes to its improvement. Had the BNG metric been in place before now, it is likely to have indicated that a typical quarry restoration can often achieve BNG well in excess of the mandatory 10% by prioritising restoration practices that prioritise the creation, restoration, and enhancement of habitats conducive to diverse flora and fauna.

4.4 In recognition of adopted policy SP2 of the Minerals Local Plan, the County Council strongly believes that mineral operators should continue to achieve high levels of biodiversity gains to realise a future where our mineral extraction activities continue to contribute significantly to the total gain of biodiversity in our region.

4.5 Where the application site is an allocation in the Plan the Site Allocation development briefs contained in Appendix 2 to the Local Plan provide specific guidance on the type of habitat which should be created through the proposed restoration scheme and a BGP.

4.6 Applicants for Mineral Development will be required to follow the same statutory BNG obligations as outlined for all other forms of development in this document. Additionally, they must develop a BGP and HMMP alongside their application. These plans may then be subject to a pre-commencement condition, as with all other forms of development. This is notwithstanding that mineral development is a temporary use and has been delivering BNG as part of restoration for many years.

4.7 The County Council as mineral planning authority (MPA) supports early engagement between applicants, the MPA and other relevant bodies such as Natural England and Nottinghamshire Wildlife Trust to agree the habitat types to be prioritised in the site’s restoration and agreement over desired outcomes.

4.8 BNG from mineral restoration often exceeds the minimum obligation set out in Policy SP2. Whilst this SPD does not alter existing local planning policy or national guidelines regarding BNG, the County Council does not support the use of BNG from restoration schemes - agreed as a condition of a mineral planning permission - for off-site mitigation for other mineral developments, either within or outside the county, or for off-site BNG for non-mineral developments.

4.9 Mineral operators may of course become “land managers” for the purpose of BNG and sell biodiversity units to other developers in Nottinghamshire. However, this must always be done to create larger and more effective biodiversity schemes – such as extensions to already approved mineral restoration schemes - and must result in a genuine overall net gain, as intended by the legislation.

## 5 **Guidance on specific types of application: Waste development**

5.1 Recycling and waste management operations are industrial in nature, involving large-scale machinery, incineration, and other chemical processes to convert or treat waste. Typically, these operations take place within industrial areas or, alternatively, in remote locations where impacts on receptors are minimised. However, it should be noted that waste development can deliver significant biodiversity gains in a variety of ways, not just through landfilling for mineral restoration. Approaches such as the use of green roofs can also contribute to achieving BNG. Waste management operators are encouraged to explore and incorporate on-site BNG measures, with a positive framework for securing these enhancements as part of their development proposals.

5.2 Waste development is subject to the BNG obligations. The new Nottinghamshire/Nottingham Joint Waste Local Plan which is currently at examination stage contains a policy in relation to waste development and biodiversity which includes the following:

*Proposals should enhance biodiversity and geological resources by ensuring that waste development:*

*a) Retains, protects, restores and enhances features of biodiversity or geological interest, and provides for appropriate management of these features, and in doing so contributes to targets within the Nottinghamshire Local Biodiversity Action Plan and maximises gains in accordance with local plan targets and as a minimum provide 10% as per national requirements*

*b) Makes provision for habitat adaptation and species migration, allowing species to respond to the impacts of climate change; and*

*c) Maintains and enhances ecological networks, both within the County and beyond, through the protection and creation, where appropriate, of priority habitats and corridors, and linkages and steppingstones between such areas, contributing to the creation of the national Nature Recovery Network*

5.3 Applicants for waste development will be required to follow the same statutory BNG obligations as outlined for all development in this document as well as seek to develop a BGP and HMMP alongside their application which then, can be subject to a pre-commencement condition as with other forms of development.

5.4 In line with the Biodiversity Gain Hierarchy<sup>1</sup>, applicants will be required to demonstrate how their proposed BNG meets the hierarchy. Wherever possible, biodiversity gain should be delivered on-site. If on-site delivery is not feasible, applicants must provide clear justification for why off-site units are being considered, ensuring that the proposed off-site solution offers wider biodiversity benefits and supports projects aligned with the LNRS once developed.

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<sup>1</sup> GOV UK Guidance: Biodiversity Net Gain -Paragraph: 008 Reference ID: 74-008-20240214  
<https://www.gov.uk/guidance/biodiversity-net-gain>



## **6 Guidance on specific types of application: Other County Council developments**

6.1 The County Council is the planning authority for a variety of proposals where the County Council is the developer of projects related to its services. Examples of such developments include:

Primary school development

Development or use of property as a children's home or for adult social care

Development of land used for informal public access / Country Park

6.2 Such applications will be required to follow the statutory BNG obligations and seek to develop a BGP alongside their application which can be then subject to a pre-commencement condition as with other forms of development.

6.3 It will be preferable for biodiversity gain units to be delivered on site wherever possible. The purchase of off-site units from a third-party landowner will only be supported where the proposed solution is located within the same LPA or NCA as the source of the impact and would clearly offer wider benefits to biodiversity and deliver the priority habitats as set out in existing documentation or the LNRS when it is produced.

6.4 In line with Sport England's policy, the provision of BNG on playing fields is generally discouraged. If there is no viable alternative and BNG must be provided on a playing field, the applicant must demonstrate that the proposal complies with the requirements of the NPPF and Sport England's Playing Fields Policy. In these instances, the County Council will ensure that the development does not prejudice the use of the playing field and that any proposed BNG is compatible with the intended use of the playing field.

## APPENDIX 1: APPLICATION INFORMATION REQUIREMENTS

Table 1 below provides the information requirements for each application that is subject to the BNG Condition and is required to submit a biodiversity metric. The information outlined within Table 1 below should be submitted together in a suitable report format and contain the following information separately to other ecology information (EcIA, ES, EIA, PEA reports).

**Table 1: Application Information Requirements**

Item	Description
Surveys	All surveys should be undertaken using the latest version UKHabs <sup>2</sup> and undertaken within an appropriate time of year in line with best practice guidelines provided by CIEEM <sup>3</sup> .
Survey information	The report should include information on when the habitat condition assessment survey or surveys were undertaken. Including dates, timings, weather conditions, access restrictions, surveyors and relevant experience. Any information regarding habitat degradation should also be provided with supporting justification and aerial imagery as appropriate.
Strategic Significance	A section on strategic significance and justification for how each habitat type has been categorised must be provided in line with the Guidance provided within the main section of the BNG SPD.
Baseline habitats	The report should provide a description of all of the baseline habitats, with each parcel separate and include justification of how each habitat fits into the UKHab type i.e., which criteria it meets. Where possible each habitat should be categorised to level 5 in line with the guidance provided within The Statutory Biodiversity Metric – Technical Annex 1: Condition Assessment Sheets and Methodology <sup>4</sup> .
Plans	The following plans must be provided as separate documents and be in a suitable format and quality: <ul style="list-style-type: none"><li>• A baseline plan or plans showing all of the site habitats with labelled parcel references/hedgerows in UKHabs.</li><li>• A post-development plan showing the post-development layout including parcel references in UKHabs. This should include areas retained and subject to enhancement.</li><li>• Any plans for any off-Site areas in the same UKHabs format.</li></ul>
Habitat Condition Assessment	Full results of the habitat condition assessment for each habitat type and parcel should be provided. This should include which habitat condition assessment sheet was used and which criteria has been passed or failed with justifications / relevant descriptions provided.

<sup>2</sup> UKHab Ltd (2023) UK Habitat Classification version 2.0.

<sup>3</sup> CIEEM, CIRIA & IEMA (2024) Mandatory Biodiversity Net Gain In England: A Guide

<sup>4</sup> DEFRA (2024) The Statutory Biodiversity Metric – Technical Annex 1: Condition Assessment Sheets and Methodology V1.0.2.

	Completed condition assessment sheets for each habitat and parcel can also be provided.
Post-development habitats	Further details to how the proposed habitats will be created and meet their proposed target condition should be provided. Especially for any habitats of medium distinctiveness or higher, or where a significant enhancement/gain <sup>5</sup> is proposed. This enables us to assess the feasibility of the enhancement and creation proposals prior to the HMMP and BNG Gain Plan being submitted.
BNG Hierarchy	Details of how The Biodiversity Gain Hierarchy <sup>6</sup> has been followed for the development proposals should be provided within the report.
BNG Principles	The proposals will need to demonstrate how they have considered and applied all ten Biodiversity Net Gain Good Practice Principles. <sup>7</sup>

Table 2 provides additional guidance for each application subject to the Biodiversity Net Gain Condition and required to submit a biodiversity metric.

**Table 2: Additional Guidance**

Item	Description
Watercourses	<p>All applications for which the redline boundary includes land that is within 10m from watercourse bank tops will be expected to include the watercourse as part of the metric. The River Condition Assessment methodology as set out in the Biodiversity Metric User Guide<sup>8</sup>.</p> <p>A credited MoRPH surveyor must complete the condition assessment of the watercourse.</p> <p>Full details of the methodology including number of modules, location, results of the surveys and desk study using Cartographer etc, must be provided within a suitable report.</p> <p>A Water Framework Directive (WFD) Assessment should also be provided where necessary.</p>
Modified Grassland	<p>In line with the UKHabs<sup>2</sup> description for g4 modified grassland, only grasslands which are intensely managed for amenity purposes or intensive agricultural production with species poor abundance (less than 9 species per m<sup>2</sup>) dominated by a few fast-growing grasses on fertile neutral soils with an abundance of rye grasses <i>Loliumn spp.</i> and white clover <i>Trifolium repens</i> will be accepted as the modified grassland. All other grasslands should be categorised under the relevant grassland type and to level 5 in UKHabs wherever possible in line with the Instructions Page (Step 1) in The Statutory Biodiversity Metric –</p>

<sup>5</sup> What is defined as Significant Enhancements/Gains will be assessed by the County Council on a case-by-case basis.

<sup>6</sup> Article 37A of the Town and Country Planning (Development Management Procedure) (England) Order 2015

<sup>7</sup> Baker, Hoskin & Butterworth (2019) Biodiversity Net Gain: Good Practice Principals for Development: Practical Guide. CIEEM, IEMA, CIRIA and CIEEM, CIRIA & IEMA (2016) Biodiversity Net Gain: Good practice principles for development.

<sup>8</sup> DEFRA (2024) The Statutory Metric User Guide. Latest version July 2024.

	Technical Annex 1: Condition Assessment Sheets and Methodology V1.0.2 <sup>4</sup> .
Other Neutral Grassland	<p>We would like to see a specific type of other neutral grassland to be created or enhanced at the site which is appropriate/characteristic for the area, and soil type, rather than a grassland created with a widely available standard seed mix. See the article from CIEEM below for more information:</p> <p><a href="#">What exactly is 'Other Neutral Grassland' and how should we make the best of it?- By Richard Gowing   CIEEM</a></p>
Habitat Management and Monitoring Plan (HMMP)	<p>In some cases, the council may request further information, such as a draft HMMP where significant gains have been proposed or where the proposed creation of habitats is more difficult i.e. habitats of high or very high distinctiveness.</p> <p>The HMMP should contain all information, as set out within the latest version of the HMMP template<sup>9</sup>.</p>
Biodiversity Gain Plan	The BGP must contain all information as provided within the latest version of the BGP template <sup>10</sup>

<sup>9</sup> <https://publications.naturalengland.org.uk/publication/5813530037846016>

<sup>10</sup> [Biodiversity gain plan - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/biodiversity-gain-plan)