

Biodiversity Net Gain

Biodiversity Net Gain (BNG) is an approach to development that aims to leave the natural environment in a measurably better state than it was beforehand. BNG is a legal requirement introduced with The Environment Act 2021 and implemented by Schedule 7a of the Town and Country Planning Act 1990.

Every eligible planning permission for the development of land in England shall be deemed to have been granted subject to the following general biodiversity gain condition:

Development may not be begun unless—

- a. a biodiversity gain plan has been submitted to the planning authority, and*
- b. the planning authority has approved the plan.*

Biodiversity Net Gain is **in addition to** any other biodiversity measures that may be required e.g. requirements to provide compensatory habitat for protected sites, habitats or species. Exemption from BNG does not necessarily mean that ecological matters can be discounted.

A minimum of 10% BNG is mandatory for all new applications unless they meet the following exemption criteria:

Exemption	Details
<i>Existing planning applications</i>	If a planning application for a development was made before day one of mandatory BNG on 12 February 2024, the development is exempt from BNG.
<i>Variations of planning permission</i>	Transitional arrangements also apply for variations to existing planning permissions. There is more information in the planning practice guidance .
<i>Developments below the threshold (de minimis)</i>	<p>A development that does not impact a priority habitat and impacts less than:</p> <ul style="list-style-type: none">▪ 25 square metres (5m by 5m) of on-site habitat▪ 5 metres of on-site linear habitats such as hedgerows <p>A development ‘impacts’ a habitat if it decreases the biodiversity value. Find out more about this exemption.</p>
<i>Householder applications</i>	These are applications made by householders as defined within article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015 .

	It includes, for example, small projects like home extensions, conservatories or loft conversions.
Self-build and custom build applications	<p>You must meet all of the following conditions to qualify for an exemption as a self-build or custom build.</p> <p>The development must:</p> <ul style="list-style-type: none"> ▪ consist of no more than 9 dwellings ▪ be on a site that has an area no larger than 0.5 hectares ▪ consist exclusively of dwellings that are self-build or custom housebuilding as defined in section 1(A1) of the Self-build and Custom Housebuilding Act 2015 <p>Find out more about what qualifies as self-build and custom housebuilding.</p>
Biodiversity gain site	Developments undertaken mainly for the purpose of fulfilling the BNG planning condition for another development are exempt.

Validation requirements for BNG

To allow the Council to assess BNG submissions at application stage, it will be necessary for applicants to provide appropriate information. BNG guidance from His Majesty's Government states *'when a planning application is submitted, there are minimum national information requirements related to biodiversity net gain for those applications which, if planning permission was granted, would be subject to the general biodiversity gain condition. This will allow consideration of existing habitat baselines. Local planning authorities may also seek further information about the proposed strategy to meet the biodiversity gain objective for the development'*.

Information required at Application stage

For any new planning application in Havant Borough to which BNG applies, applicants are expected to provide the following information at the point of application: failure to provide this information will delay validation.

- A statement confirming whether the applicant believes that planning permission, if granted, would be subject to the biodiversity gain condition. Where an applicant believes that their development is exempt, evidence to justify the claimed exemption will be required.

- A completed Statutory Biodiversity Metric spreadsheet, including the existing baseline and post-intervention habitat calculations: screenshots or PDFs will not be accepted. The spreadsheet must include full details of the assessor and their relevant experience.
- The pre-development biodiversity value of the on-site habitat on the date of application (or an earlier date) including the completed Biodiversity Metric calculation (showing the calculations, the publication date and version of the biodiversity metric used to calculate that value).
- Where the applicant wishes to use an earlier date, the proposed earlier date and the reasons for that date.
- A statement confirming whether the biodiversity value of the on-site habitat is lower on the date of application (or an earlier date) because of the carrying on of activities ('degradation').
- Where unauthorised degradation has taken place between 30 January 2020 and the submission of the planning application, the relevant date should be immediately before these activities were carried out.
- A description of any [irreplaceable habitat](#) on the land, that exists on the date of application (or an earlier date).
- A plan drawn to an identified scale (including the direction of north), showing on-site habitat existing on the date of application (or an earlier date), and any irreplaceable habitat.

Supplementary Information

Havant Borough Council acknowledges that finalised BNG measures will be presented within a post-permission Biodiversity Gain Plan subject to the pre-commencement BNG condition. For all but the simplest sites it would be beneficial for applicants to include additional information to assist the Council in assessing BNG measures.

The Council considers that information in addition to the minimum national requirements will, where provided, help to improve the efficiency and effectiveness of the planning application process and improve the quality of the application. This may help reduce any problems or delays when considering Biodiversity Gain Plans at pre-commencement condition stage.

Applicants are strongly encouraged to provide as much BNG detail as possible at application stage. This will:

- Allow early consideration of whether the 10% requirement can be met;
- Avoid delays in condition discharge permissions;
- Ensure consideration of how BNG accords with the Local Nature Recovery Strategy or other relevant strategies.

Information recommended at Application stage

For any new planning application eligible for BNG, it is recommended that the following information (in addition to the statutory minimum requirements) would be helpful at the point of application:

- A statement describing how the 10% BNG minimum will be achieved;
- An indication of how BNG will be delivered – on-site, off-site or both;
- For off-site BNG, a statement on intended location, area and habitat type where known;
- A statement on how the BNG Hierarchy has been considered.

This information can be presented in the form of a **Draft Biodiversity Gain Plan** or **BNG Strategy report**. This document can include:

- Indication of whether 10% BNG can be met on-site
- Baseline habitat plan and calculations using the Statutory Biodiversity Metric – for all on-site and (where available) off-site BNG
- Habitat condition assessments – for all on-site and (where available) off-site BNG
- Post-intervention habitat plan and calculations – for all on-site and (where available) off-site BNG
- Statement of ‘significant on-site BNG’ – where BNG is being delivered on-site, which components does the applicant consider to be ‘significant’ and therefore to be secured through legal agreement or another mechanism?

Significant on-site BNG

Significant on-site BNG means areas of habitat enhancement which contribute significantly to the proposed development’s BNG, relative to the biodiversity value before development.

Retention of existing habitat does not count as an on-site enhancement.

What counts as a significant enhancement will vary depending on the scale of development and existing habitat, but examples may include:

- 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

The maintenance of any significant on-site BNG must be secured with a legal agreement (planning obligation or conservation covenant) or planning condition for 30 years in the same way as off-site gains. The Council will consider the most appropriate mechanism, and this will need to be agreed at the planning permission stage.