

Biodiversity Net Gain, Technical Advice Note, February 2024

1. Introduction

What is Biodiversity Net Gain?

The idea behind Biodiversity Net Gain (BNG) is that development should leave biodiversity in a measurably better state than it was before any development took place. BNG is defined as leaving more, bigger or better habitats for biodiversity and is demonstrated by using the DEFRA Statutory Biodiversity Metric for major applications and the DEFRA Small Sites Metric for minor applications.

Paragraph 180 of the [National Planning Policy Framework](#) (NPPF, 2023) requires biodiversity net gains to be achieved and the Government has made it a mandatory requirement for certain development to achieve a minimum 10% BNG through the Environment Act 2021. Mandatory BNG is required for major developments from 12th February 2024 and for minor developments from 2nd April 2024; secondary legislation and guidance has been published to support implementation.

Purpose of this Technical Advice Note

The purpose of this Technical Advice Note (TAN) is to provide guidance for planning applicants and decision makers on how BNG will be achieved in Brighton & Hove to meet the requirements for mandatory BNG as well as policy requirements of City Plan Part 1 and 2. This TAN explains:

- The type of development required to provide BNG
- The amount of BNG required
- How BNG should be measured
- The information required to be submitted with your planning application
- Information on the types, locations and extent of habitats that can provide BNG
- How BNG will be secured
- How BNG will be monitored

This TAN only provides guidance on BNG. The council has produced an updated [Biodiversity and Nature Conservation SPD11](#) to assist planning applicants to better understand the importance of biodiversity more generally and ensure they meet legislative and policy requirements.

The SPD provides a step-by-step guide for ensuring biodiversity is properly considered throughout the planning process. The SPD should therefore be referred to for all other matters concerning biodiversity, including the overarching principles that apply to development, such as the mitigation hierarchy which must be addressed prior to the provision of any BNG.

Local policy requirements

The key local planning policies which require BNG are City Plan Part 1 Policy CP10 Biodiversity; and City Plan Part 2 Policy DM37 Green Infrastructure and Nature Conservation. Both policies seek BNG from development, with DM37 requiring BNG to be measurable. Section 4.2 of [SPD11](#) provides more details on the local policy requirements relating to BNG and biodiversity.

2. Biodiversity Net Gain requirements

When will BNG be required in Brighton & Hove?

The requirement to provide measurable BNG was implemented in Brighton & Hove ahead of the mandatory requirement. Initially, only major planning applications submitted after the adoption of City Plan Part 2, 20th October 2022 were required to provide measurable BNG.

Minor applications will be required to provide measurable BNG from April 2024, in line with national implementation of mandatory BNG. This TAN will be updated and reviewed as necessary.

How much BNG is required?

A minimum 10% BNG is required reflecting the requirements of the Environment Act.

Net gains are additional to any mitigation or compensation that is required to address development impacts. Development must therefore accord with the mitigation hierarchy **and** additionally achieve net gains for biodiversity. This is explained further in Section 5 of [SPD11](#).

What type and scale of development does BNG apply to?

Table 1 sets out the BNG requirements for various types and scales of development and shows how this should be measured. Table 2 sets out the national exemptions from BNG.

BNG does not apply to any development where the on-site habitat includes irreplaceable habitats, as defined in the NPPF Annex 2, nor does it replace existing protections, for example for designated sites or protected species.

Table 1 – BNG requirements

Type of development	Scale of development	Requirement	Biodiversity Metric
Residential Development	Major: Development of 10 or more dwellings; OR, the number of dwellings is not known and the site area is greater than 0.5 hectares.	Minimum 10% BNG; on site opportunities maximised	Statutory Biodiversity Metric
Non-residential development	Major: Floorspace is 1,000m ² or more; OR, the amount of floorspace is not known and the site area is greater than 1 hectare.	Minimum 10% BNG; on site opportunities maximised	Statutory Biodiversity Metric
Residential development	Minor: Development of between 1-9 dwellings; OR, the number of dwellings is not known and the site area is less than 0.5 hectares	From 2nd April: Minimum 10% BNG; on site opportunities maximised	Small Sites Metric (provided no priority habitat or European species are on site)
Non-residential development	Minor: Floorspace is less than 1,000m ² ;	From 2nd April: Minimum 10% BNG; on site opportunities maximised	Small Sites Metric (provided no priority habitat or European Species are on site)

	OR, the amount of floorspace is not known and the site area is less than 1 hectare		
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Please note, the requirements for minor development apply to applications made after the 2nd April 2024.

Table 2 - Exemptions from 10% BNG

Type of development	Requirements
<ul style="list-style-type: none"> Householder development Permitted development and prior approvals Development that does not impact priority habitat and impacts less than 25sqm of habitat that has a biodiversity value greater than zero or 5m of linear habitat such as hedgerows Self-build and custom build development providing no more than 9 dwellings on a site no larger than 0.5ha Sites developed to provide off-site BNG 	<p>10% BNG not required.</p> <p>Proposals should still include application of the mitigation hierarchy and appropriate measures that support the enhancement of biodiversity, e.g. bee bricks, swifts bricks, biodiverse landscaping.</p> <p>See SPD11 Section 6 for guidance.</p>

DEFRA has produced some [guidance on exemptions](#).

How is BNG measured?

BNG should be measured using the most recent version of the relevant Biodiversity Metric. The Biodiversity Metric calculates a proxy biodiversity value based on the type and condition of habitats present on site prior to development and proposed through development. This allows the pre and post development biodiversity value to be calculated by an ecologist.

The Statutory Biodiversity Metric should be used for all major applications. Once applicable, the Small Sites Metric should be used for minor planning applications, unless the site contains priority habitat or supports European Protected Species, in which case the Statutory Metric should be used.

[Biodiversity Metrics and user guides](#)

Further details on carrying out the BNG assessment can be found in Section 7 of [SPD11](#).

At what point in the planning process should BNG be considered?

BNG needs to be considered at the very start of the design process with baseline habitat surveys informing the design in accordance with the mitigation hierarchy.

Further details on the mitigation hierarchy, BNG and when to consider BNG can be found in Sections 5 and 7 of [SPD11](#).

Where should BNG be provided?

[Government guidance](#) confirms that BNG should be achieved in a way that is consistent with the Biodiversity Gain Hierarchy. This emphasises that onsite biodiversity gains should be considered first, followed by offsite biodiversity gains on registered sites, with biodiversity credits as a last resort.

BNG should therefore be provided on-site in the first instance and be designed appropriately for the development and local situation. The priority in Brighton & Hove will be for onsite BNG.

What if BNG can't be achieved on site?

Where it is clearly demonstrated that meaningful on-site BNG cannot be achieved, off-site opportunities should be pursued. [SPD11](#) indicates that off-site BNG could be provided for at 'local strategic sites', having regard to any emerging Local Nature Recovery Strategy (LNRS). A LNRS for East Sussex and Brighton & Hove is in preparation with a target publication date of summer 2025. Prior to this, certain sites are regarded as having strategic significance such as Local Wildlife Sites. In the interim, the council is considering how it can provide a role in facilitating the provision of BNG in those instances where it cannot be delivered on site.

3. What is required at planning application stage

The following mandatory information must be submitted with the planning application and will be required for validation purposes. In addition, BHCC require some additional information which should also be submitted at planning application stage:

Mandatory Validation Requirements

- A statement confirming whether BNG is applicable and the reasons why not, where relevant;
- The completed Biodiversity Metric showing the pre-development biodiversity value of onsite habitat on the date of application (or earlier date) (to be submitted in excel and PDF format);
- Where an earlier date is proposed, the proposed earlier dates and the reasons for proposing that date;
- A statement confirming whether the biodiversity value of the onsite habitat is lower on the application date due to any degradation activities;
- A description of any irreplaceable habitat on the site;
- A scale plan showing onsite habitat on the date of application (or earlier date), including irreplaceable habitat

Local Validation Requirements

A draft Biodiversity Gain Plan which sets out the following additional information:

- The approach to how adverse effects have been avoided and minimised
- The baseline habitat conditions survey
- The proposed post-development biodiversity value of on-site habitat, calculated using the Biodiversity Metric
- Any off-site BNG proposed and its value
- A description of arrangements for habitat management and monitoring

Where on-site BNG is proposed:

- A scale plan showing the proposals for habitat enhancement or creation required to meet post-development value

Requirements for outline and reserved matters applications

Outline applications are subject to the same provisions for BNG as described above.

Reserved Matters applications should continue to demonstrate how BNG will be achieved and should add more detail to the Biodiversity Metric and other required evidence as appropriate, based on finalised layout plans.

4. What is required before development can commence?

Once planning permission has been granted and prior to the commencement of development, a finalised [Biodiversity Gain Plan](#) must be submitted and approved by the council. The Biodiversity Gain Plan will be secured by condition. The final Gain Plan must include:

- A statement which sets out steps taken to minimise adverse effects on biodiversity;
- The completed biodiversity metric showing pre and post development biodiversity value;
- Any registered off-site BNG units allocated to the development and their value;
- Any biodiversity credits purchased
- A description of arrangements for maintenance and monitoring habitat enhancements for a minimum of 30 years;
- How the Biodiversity Gain Hierarchy will be followed
- Pre-development and post-development plans, to scale, showing onsite habitat
- Arrangements for compensation for any irreplaceable habitat, where relevant

There are also additional requirements including name and address of person completing the plan, the planning reference number and a description of the development to which the Plan relates. A [Biodiversity Gain Plan template](#) has been produced by DEFRA to bring some of these requirements together.

Requirements for Phased Development

A phased development is a development that has outline planning permission where the permission identifies clear phases for development, which would be subject to subsequent reserved matters approvals. These requirements do not apply to outline and reserved matters applications where the development is not delivered in phases.

Phased development must submit:

- An Overall Biodiversity Gain Plan prior to the commencement of any development
- A Phase Biodiversity Gain Plan for each phase prior to the commencement of that phase

The Overall Biodiversity Gain Plan should set the framework for how the minimum 10% BNG is expected to be achieved across the entire development. Each Phase Biodiversity Gain Plan should set out each phase's contribution and track progress towards the overall biodiversity gain objective. It is envisaged that the Phase Biodiversity Gain Plan would be submitted at Reserved Matters stage for each phase.

Further details of what each Biodiversity Gain Plan should include are set out in [Government Guidance](#).

5. How to complete the Biodiversity Metric

Defra have produced a comprehensive user guide for completing the [Statutory Biodiversity Metric](#); this includes nine principles and four rules which must be followed. Key points include:

- The Metric must be completed by a suitably qualified and experienced ecologist.
- The Metric does not change existing protection or obligations, and good practice guidance and professional codes still apply.

- Habitat interventions must be deliverable and realistic.
- Biodiversity unit outputs for each type of unit (area habitat, linear habitat and watercourse) cannot be summed, traded or converted between types.

Strategic Significance

The Metric includes a section on strategic significance. Strategic significance is whether the location of each habitat parcel is identified in a local plan or other strategic document as an important area for biodiversity. Strategic documents for biodiversity often include planning documents such as supplementary planning documents and local plans, or within local nature recovery strategies, biodiversity opportunity areas and biodiversity action plans.

Prior to the production and adoption of a Local Nature Recovery Strategy, the following are considered to be “high” or “medium” strategic significance in Brighton & Hove:

High significance

- Special Areas of Conservation
- Sites of Special Scientific Interest
- Local Nature Reserves
- Local Wildlife Sites

Medium significance

- Biodiversity Opportunity Areas

Biodiversity Opportunity Areas are shown in Section 4 of [SPD11](#). Within the Brighton & Hove Urban Green Network Biodiversity Opportunity Area (which is also the Nature Improvement Area (NIA)), any enhancements should meet the objectives of the NIA (see City Part 1 policy CP10 Biodiversity).

6. Which types of biodiversity enhancement count as measurable BNG

Measurable BNG is based on enhancements to existing habitats or the creation of new habitats.

The Biodiversity Metric lists all the different types of habitats that can either be present within the application site, or that could be provided as measurable BNG. This includes locally important habitats such as lowland calcareous grassland, broadleaved woodland and mixed scrub.

The Metric also lists a variety of habitats that are specifically found or could be provided as BNG within an urban context. This includes allotments, biodiverse green roofs, green walls, shrubs, urban trees and sustainable urban drainage features. Some of these habitats and measures may be more achievable for proposals situated within the built-up area of Brighton and Hove.

All proposed measures should be appropriate to the development, site location and surroundings.

Although species-based measures such as swift bricks do not count as measurable BNG, these types of measures are still important for biodiversity and should be provided where possible.

Various examples of species and habitat-based measures that can help incorporate biodiversity into development can be found in Section 6 of [SPD11](#).

7. Management and monitoring

Significant on-site BNG and all off-site BNG will be required to be managed and monitored for a period of 30 years. Whether on-site habitat is considered to be significant will vary depending on the scale of development and existing habitat but 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 value of the site before development
- Habitat creation or enhancement where distinctiveness is increased relative to the distinctiveness of the habitat before development
- Area of habitat creation which are significant in area relative to the size of the development
- Enhancements to habitat condition, for example from poor or moderate to good.

Further local guidance may be produced to help identify whether habitat is considered significant.

It will be the landowner or developer's responsibility to ensure monitoring and reporting obligations are fulfilled. Monitoring should be proportionate. The number of monitoring assessments will depend on the size of the proposal, and the habitat types and extent, but it is envisaged that typically reports will be required for years 2, 5, 10, 15, 20, 25 and 30.

As a minimum, reports should include a summary of habitat type, extent and condition, with a comparison against the expected condition proposed within the submitted Biodiversity Gain Plan.

A [Habitat Management & Monitoring Plan](#) (HMMP) template is available for use.

8. Securing BNG

The implementation of non-significant on-site BNG will be secured through planning conditions.

The implementation and monitoring of significant on-site and all off-site BNG will be secured through a Section 106 Agreement or conservation covenant. A conservation covenant is a legally binding agreement between a landowner and a designated "responsible body" to provide BNG on their land. It will be the developer's responsibility to take out a conservation covenant. Forthcoming government regulations will set out provisions for the use of conservation covenants.