

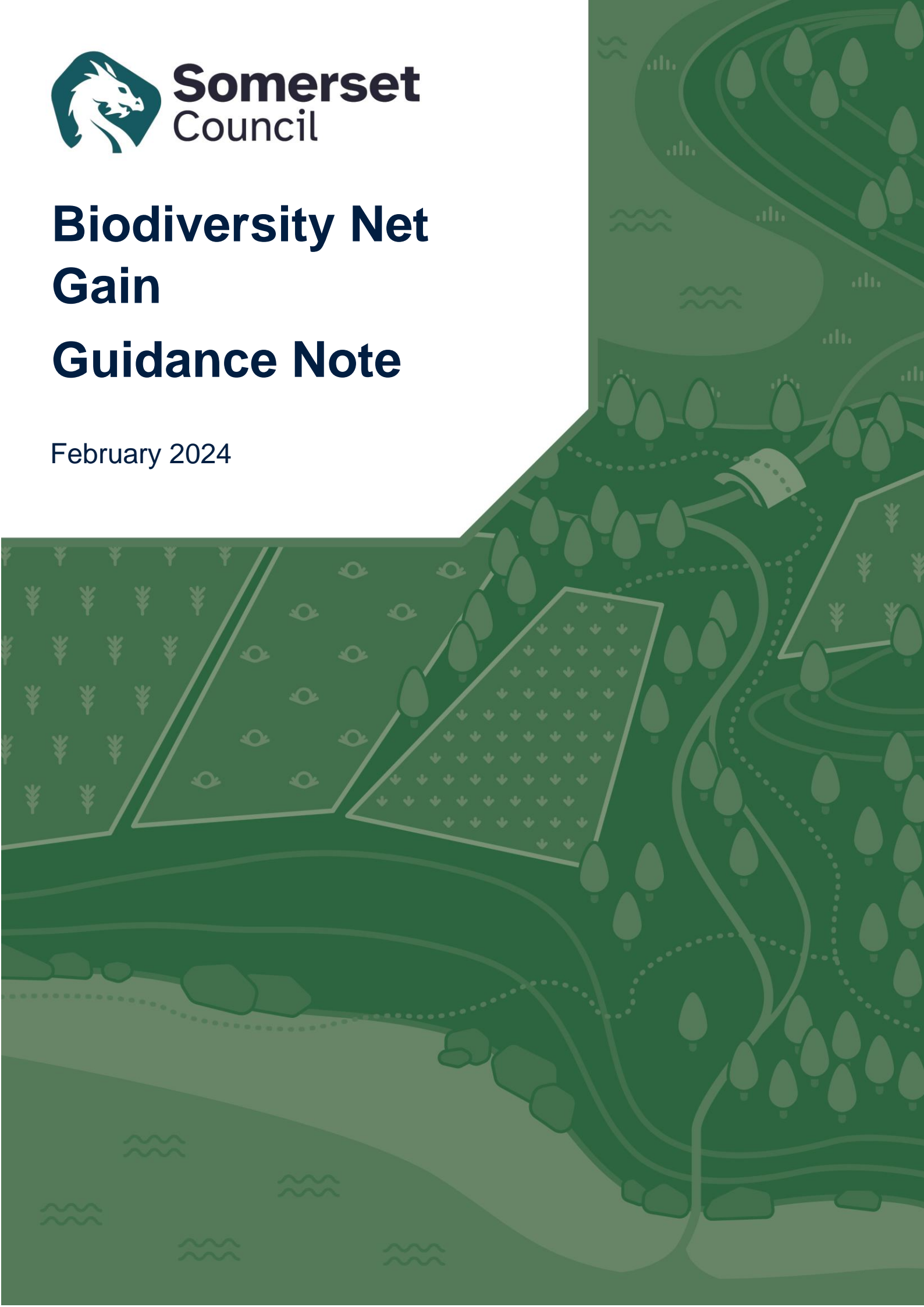


**Somerset**  
Council

# **Biodiversity Net Gain**

## **Guidance Note**

February 2024



# Version control

Version	Purpose	Date
0.1	Internal legal review	10/10/2023
0.2	Consultation with Lead Members and Chair of Scrutiny	18/10/2023
0.3	Publishing for public consultation	30/10/2023
0.4	Post-consultation and Regulations amendments for internal review	05/01/2024
0.5	Draft for Programme Board	18/01/2024
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Role	Name	Date
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# Executive Summary

Biodiversity Net Gain (BNG) is an approach to development, and/or land management, that aims to leave the natural environment in a **measurably** better state than it was beforehand. It is intended to deliver measurable improvements for biodiversity by creating or enhancing habitats in association with development. A **national mandatory BNG requirement came into effect from 12 February 2024**.

The requirement to demonstrate and deliver at least 10% BNG and the core processes involved in doing so are set nationally, predominantly via The Environment Act 2021, The Biodiversity Gain (Town and Country Planning) (Modifications and Amendments) (England) Regulations 2024 and The Biodiversity Gain Requirements (Exemptions) Regulations 2024. As a result, BNG will be mandatory for most development proposals approved for planning permission in England. The Government has set out national guidance in relation to BNG at <https://www.gov.uk/government/collections/biodiversity-net-gain>.

However, there are limited areas where the requirement can be tailored to local circumstances. **This document provides guidance and advice on calculating and delivering BNG in a Somerset context**. It aims to ensure a consistent and efficient approach aligned to local policy context, by making clear the requirements and processes in Somerset, whilst being aligned with the national requirement and guidance.

The document is intended to provide technical guidance and is primarily aimed at the **development industry** (in relation to housing, non-residential, minerals and waste) as well as anyone considering **promoting land for habitat creation and enhancement** in Somerset. As such the primary audience for the document is planning applicants, developers, planning agents, ecologists, landowners, land managers, land agents and site promoters. It may also be of interest to a wide range of conservation bodies and other technical stakeholders and the general public. The document is technical by its nature and requires an element of awareness and understanding of the planning system to be fully understood. However, a non-technical summary has been provided along with a series of Frequently Asked Questions (FAQs) on the Council website at <https://www.somerset.gov.uk/planning-buildings-and-land/biodiversity-and-planning/biodiversity-net-gain/>.

The intention is that this Guidance Note and the accompanying non-technical summary and FAQs **will be updated as necessary** to respond to changes in national guidance, local policy development (including Local Nature Recovery Strategy and Local Plan), teething issues and challenges which arise, and other national and local context changes as considered necessary and appropriate.

The document provides information on:



- The policy context for BNG and how its delivery fits with national and local plans, strategies and objectives ([chapter 2](#));
- What BNG is, the basics of how it works and when it applies ([chapter 3](#));
- The key stages of the process in relation to planning applications ([chapter 4](#));
- A sequential approach to be followed in determining whether BNG should be provided on-site, off-site or via statutory credits ([chapter 5](#));
- A holistic approach to BNG with alignment to six Somerset BNG Principles, linked to objectives in existing adopted plans, strategies and projects ([chapter 6](#));
- How to consider 'strategic significance' within the BNG Metric in order to deliver nature recovery in Somerset ([chapter 7](#));
- How BNG will be secured from new development ([chapter 8](#));
- How the Council will enable off-site delivery mechanisms to come forward in Somerset ([chapter 9](#));
- How monitoring and enforcement of BNG is proposed to work ([chapter 10](#)); and
- Planning validation requirements ([Appendix 4](#)).

### Earlier consultation

A Draft Guidance Note including the proposed planning validation requirements was consulted on publicly from 6<sup>th</sup> November 2023 to 4<sup>th</sup> December 2023. Comments and responses received have been taken into account in the production of this final Guidance Note. Further information on the consultation undertaken, comments received and how they affected the final document can be viewed in the accompanying Consultation Statement.



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# 1. Introduction

- 1.1 Biodiversity refers to the biological diversity or the variety of life found in a particular place across all its genetic, species and ecosystem forms. The biodiversity of an area is a direct indicator of its natural health and vitality. Biodiversity provides essential services for humans including food production, climate change adaptation, flood regulation, crop pollination plus numerous other benefits including enhancing human mental and physical well-being.
- 1.2 Biodiversity Net Gain (from here on referred to as BNG) is an approach to development, and/or land management, that aims to leave the natural environment in a **measurably** better state than it was beforehand. It is intended to deliver measurable improvements for biodiversity by creating or enhancing habitats in association with development. A national mandatory BNG requirement came into effect from 12 February 2024. The Government has set out national guidance in relation to BNG at <https://www.gov.uk/government/collections/biodiversity-net-gain>.
- 1.3 This document provides guidance and advice on calculating and delivering BNG in Somerset, ensuring a consistent and efficient approach aligned to local context, making clear requirements and processes for BNG in Somerset, whilst being aligned with the national requirements and guidance.

## Purpose and audience

- 1.4 This Guidance Note is primarily aimed at planning applicants, developers, planning agents, ecologists, landowners, land managers, land agents and site promoters to help guide them through the consideration of BNG in relation to their proposals and the planning system. However, it also deals with off-site delivery mechanisms and so will be of relevance to landowners and promoters of habitat banks and other off-site solutions creating biodiversity units to order. Some prior knowledge of the subject is necessary.
- 1.5 Furthermore, the document sets out the Council's approach to aligning BNG with other plans and objectives in Somerset, particularly in advance of publishing the Local Nature Recovery Strategy. As such, the document may be of interest to a wide range of conservation bodies and other technical stakeholders as well as the general public.



- 1.6 The document sets out Somerset Council's approach for BNG in Somerset. Somerset Council is the Local Planning Authority (LPA) for most of the county. However, it should be noted that Exmoor National Park is a separate LPA. Somerset Council as Minerals and Waste Planning Authority covers the full Somerset Council area. As such, this document is relevant to planning applications within Somerset Council's remit as both Local and Minerals and Waste Planning Authority. Reference to the LPA implies the Council's dual statutory roles unless otherwise specified. This Note will, however, guide the Council's approach and roles in BNG delivery across the full Council area.

## Non-technical summary and FAQs

- 1.7 This document is technical by its nature and requires an element of awareness and understanding of the planning system to be fully understood. However, a non-technical summary has been provided along with a series of Frequently Asked Questions (FAQs) on the Council website at <https://www.somerset.gov.uk/planning-buildings-and-land/biodiversity-and-planning/biodiversity-net-gain/>

## Future updates

- 1.8 This Guidance Note builds on relevant legislation and national guidance and also draws on a number of other sources of information including that of other bodies and local authorities. Further information is provided within the policy context section (Chapter 2).
- 1.9 The intention is that this Guidance Note will be updated as necessary to respond to changes in national guidance, local policy development (including Local Nature Recovery Strategy and Local Plans including Minerals and Waste Plans), teething issues and challenges which arise, and other national and local context changes as considered necessary and appropriate.

## Structure of the document

- 1.10 This document provides information on: the policy context for BNG (chapter 2); what BNG is and the basics of how it works (chapter 3); the key stages of the process in relation to planning applications (chapter 4); whether BNG should be provided on-site, off-site or via statutory credits (chapter 5); the key principles which should underpin delivery of BNG in Somerset (chapter 6); how to consider strategic significance in Somerset (chapter 7); how BNG will



be secured (chapter 8); off-site delivery mechanisms (chapter 9); and how monitoring will work (chapter 10).





# 2. Policy context

## National context

- 2.1 The **Environment Act 2021** achieved Royal Assent in November 2021. It is game-changing legislation for improving the environment and leaving it in a better state than we found it. Part 6 refers to biodiversity gain in planning. Schedule 14 of the Act makes provision for at least 10% biodiversity gain to be a deemed condition of planning permission in England, demonstrated using the national Biodiversity Metric and approval of a Biodiversity Gain Plan, and maintained for at least 30 years after the development is completed. It establishes that biodiversity gains can be delivered on-site, off-site on sites registered on the national Biodiversity Gain Site Register, or through purchasing of national Biodiversity Credits. Secondary legislation is required to make the provisions in Schedule 14 a statutory requirement and to make provisions about a number of matters.
- 2.2 The Government published draft **secondary legislation** at the end of November 2023, which was laid before Parliament on 19<sup>th</sup> January 2024, and this comes into effect from 12 February 2024. Secondary legislation of relevance includes:
- The Biodiversity Gain (Town and Country Planning) (Modifications and Amendments) (England)
  - The Biodiversity Gain Requirements (Exemptions) Regulations 2024
  - The Biodiversity Gain Requirements (Irreplaceable Habitat) Regulations 2024
  - The Biodiversity Gain Site Register Regulations 2024
- 2.3 The Government also published **national guidance**, initially at the end of November 2023 including:
- [BNG Guidance Collection](#) including:
    - What BNG is
    - Land manager guidance
    - Developer guidance
    - Local Planning Authority guidance
    - Guidance on calculating biodiversity value
    - Guidance on legally securing BNG



- Guidance on preparing a Habitat Management and Monitoring Plan
- Planning Practice Guidance

The Government guidance helps to clarify how the above Regulations are envisaged to be implemented and how they interact with other regimes. The Planning Practice Guidance in particular provides further explanation of how requirements within the National Planning Policy Framework interact with mandatory BNG and how BNG should be considered through the planning system.

- 2.4 The Environment Act 2021 also introduced changes to the **Natural Environment and Rural Communities Act 2006** which strengthen the duty on local authorities to conserve *and enhance* biodiversity as well as establish what actions they need to take to comply with this duty and monitor and report on actions taken and the specific expected gains in relation to approved Biodiversity Gain Plans.
- 2.5 The **National Planning Policy Framework (December 2023, NPPF)** sets out expectations in relation to local planning policy and the determination of planning applications within the scope of contributing to the achievement of sustainable development (economic, social and environmental). Paragraph 186(a) establishes a requirement for development to follow the mitigation hierarchy (1. Avoid, 2. Mitigate unavoidable impacts, 3. As a last resort and if unavoidable, compensate for impacts). Paragraph 186(d) states that *“opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate”*. Paragraph 185(b) states that Local Plans should *“promote the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species; and identify and pursue opportunities for securing measurable net gains for biodiversity”*. The National Planning Practice Guidance for BNG sets out further information and guidance on how BNG fits with the determination of planning applications. This states in paragraph 74-002-2023 that *“When determining a planning application, biodiversity net gain will often be a material consideration, and local planning authorities will want to consider, where relevant, whether the general biodiversity gain condition is capable of being discharged successfully through the imposition of conditions and agreement of section 106 planning obligations to secure significant onsite biodiversity gains and registered offsite biodiversity gains.”*



2.6 The **25 Year Environment Plan** published in 2018 sets out government action to help the natural world regain and retain good health. It aims to deliver cleaner air and water in our cities and rural landscapes, protect threatened species and provide richer wildlife habitats. It calls for an approach to agriculture, forestry, land use and fishing that puts the environment first. It establishes a series of environmental goals to be achieved over the 25 years of the plan:

1. Clean air.
2. Clean and plentiful water.
3. Thriving plants and wildlife.
4. A reduced risk of harm from environmental hazards such as flooding and drought.
5. Using resources from nature more sustainably and efficiently.
6. Enhanced beauty, heritage and engagement with the natural environment.
7. Mitigating and adapting to climate change.
8. Minimising waste.
9. Managing exposure to chemicals.
10. Enhancing biosecurity.

The Plan sets out key areas for actions to be focused around:

- Using and managing land sustainably
- Recovering nature and enhancing the beauty of landscapes
- Connecting people with the environment to improve health and wellbeing
- Increasing resource efficiency, and reducing pollution and waste
- Securing clean, productive and biologically diverse seas and oceans
- Protecting and improving the global environment.

2.7 Through the 25 Year Environment Plan the Government set out policy and aspiration to (amongst other things):

- Embed a net environmental gain principle for development, with an immediate ambition to mainstream use of existing biodiversity net gain approaches within the planning system, before in the future expanding the net gain approaches used for biodiversity to include wider natural capital benefits, such as flood protection, recreation and improved water and air quality. The implementation of BNG in February 2024 is the first step in responding to this Government policy ambition.
- Develop a Nature Recovery Network to protect and restore wildlife, and provide opportunities to re-introduce species that we have lost from our countryside. The development of Local Nature Recovery Strategies (LNRS) stems from this ambition.
- Establish a new Environmental Land Management system (ELMs) of paying farmers public money for public goods, with the principal public



good to invest in being environmental enhancement. This included using private payments for eco-system services, reverse auctions and conservation covenants. BNG and the LNRS are key opportunities to focus efforts from multiple different rural payment schemes, including ELMs, towards achieving local environmental objectives.

- 2.8 The Government's **Environmental Land Management system (ELMs)** is effectively a mechanism for implementing new agricultural and rural payments policy. The schemes will pay land managers and farmers for providing environmental goods and services alongside food production. The schemes included within ELMs are still under development, with a transitional period between former and current rural payment schemes and the new schemes underway. The three schemes currently anticipated from Government include:
- Sustainable Farming Incentive (SFI),
  - Countryside Stewardship (CS), and
  - Landscape Recovery.

A series of Test and Trial schemes are underway and in development to help understand how parts of the future schemes could work across a range of regions and sectors. It is important to consider the relationship between BNG and ELMs to optimise delivery of both schemes. Further information about local Test and Trial delivery as well as successful Landscape Recovery bids for Somerset are included within the local context section below.

- 2.9 Natural England's [National Habitat Networks Mapping](#) seek to apply the best evidence and principles and to use the best available nationally consistent spatial data to map habitats at a national scale alongside areas where action may be undertaken to build greater ecological resilience. This national level habitat data will be key to focusing BNG in the right locations in the interim before the Local Nature Recovery Strategy is in place.

## Local context

### Somerset State of Nature

- 2.10 The first [Somerset State of Nature Report 2023](#) provides an important benchmark of how wildlife is faring across our county and follows the national State of Nature Report launched in September 2023. Some of the highlights include:
- From 15,775 species recorded in Somerset over 150 years, 313 species are on the IUCN Red List, and 37 species are considered invasive to the UK.



- Climate change, land development and pollution are impacting Somerset's ecosystems, with invasive species an additional threat.
- Terrestrial insects are faring particularly badly, with butterfly distribution declining by 874km<sup>2</sup> over 30 years (including a 60% decline for fritillary butterflies and the extinction of the Marsh Fritillary from Somerset).
- Common mammal species like rabbits, foxes and dormice are in decline, whilst others are thriving.
- Non-native invasive species cover has increased by 260% between 1990 and 2021.
- Somerset habitats have declined in species richness, quality and quantity.
- Priority habitats are increasing.
- Out of 420km<sup>2</sup> of Sites of Special Scientific Interest (SSSIs), just under 90km<sup>2</sup> is in 'unfavourable declining' condition.

2.11 The delivery of meaningful and strategically aligned BNG proposals is of great importance to improving the state of nature in Somerset.

### Council Plan

2.12 The [Somerset Council Plan 2023-2027](#) sets out the Council's overarching vision for the next four years: "*Somerset Council will build a fairer, greener, resilient, more flourishing Somerset that cares for the most vulnerable and listens to you*". It sets clear priorities against which the Council will measure all our policies and actions over the coming years against the backdrop of four overarching priority themes:

- A Greener, More Sustainable Somerset
- A Healthy and Caring Somerset
- A Fairer, Ambitious Somerset
- A Flourishing and Resilient Somerset

2.13 Biodiversity Net Gain (BNG) clearly responds to the corporate priority to build a greener, more sustainable Somerset. This priority explains that addressing the climate and ecological emergencies will be at the heart of the Council's decision making. In particular, BNG will help to ensure healthy ecosystems, but if utilised effectively to deliver improvements in the right locations and with the right mix of associated actions and benefits, it can also build a more equitable society, increase wellbeing, improve resilience to future challenges, and develop a thriving green economy.

2.14 The Council Plan expects action on addressing the climate and ecological emergencies to be integrated into all its work, and for this to underpin its aspiration for Somerset to become a leader in green technologies, the circular



economy and renewable energy. It expects that where the Council has control, it will manage landscapes to protect habitats and improve biodiversity and use its policies and voice to support and encourage others to do the same. It recognises the potential value of farming and food production in developing natural capital responses and delivering ecosystem services including improvements for biodiversity. It recognises the critical role of planning in supporting nature restoration and recovery.

- 2.15 On its own, delivering BNG purely for the purpose of increasing biodiversity by (at least) 10% to meet a mandatory requirement, will deliver upon the first Council Plan priority, but is unlikely to deliver significantly on other priorities. However, taking a holistic view and actively planning to deliver on other complementary objectives alongside, can in turn enable BNG to respond to other Council Plan priorities, and in some cases all three other priorities. Examples of this more holistic consideration are indicated in Figure 1, below:

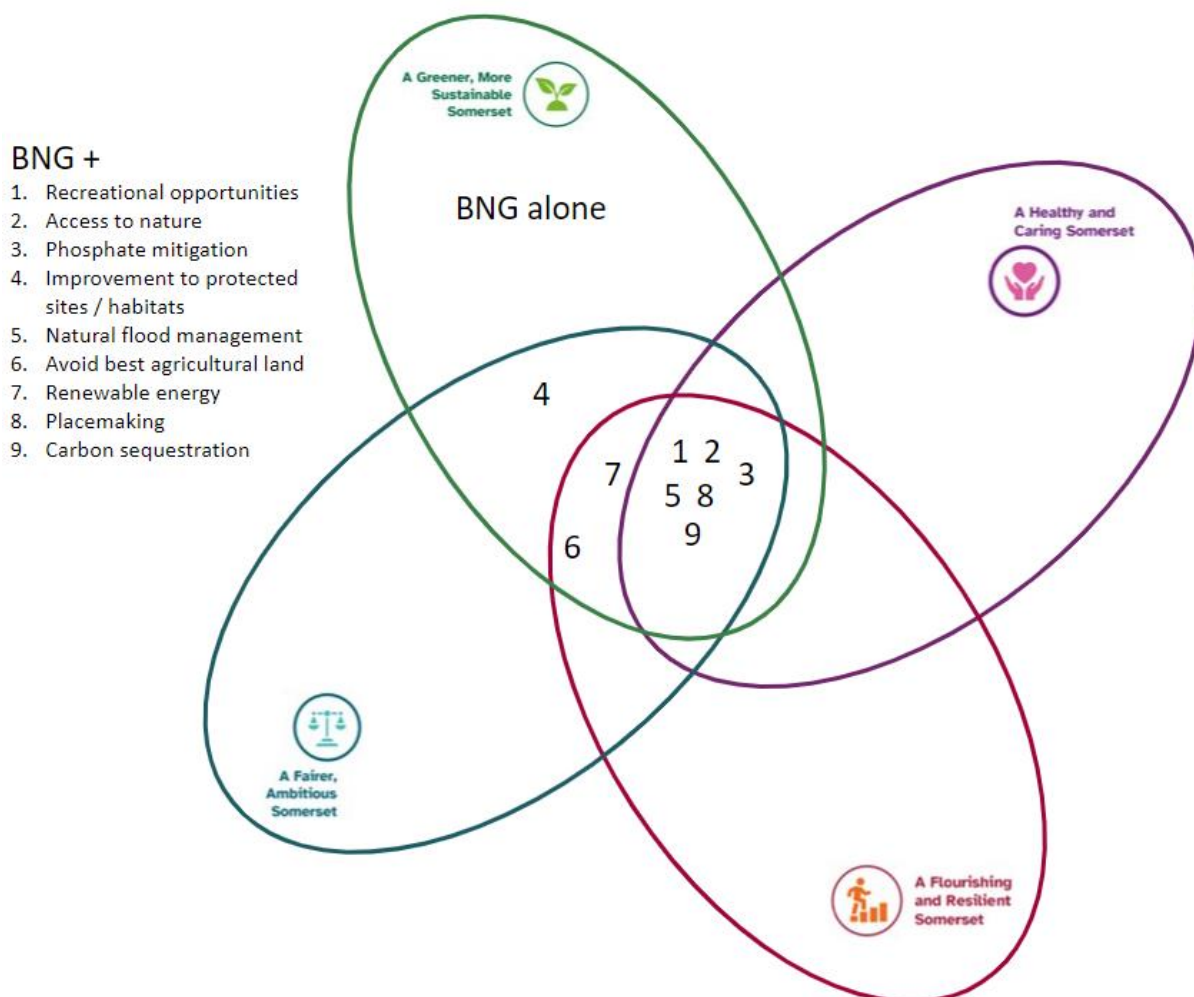


Figure 1 – The Council Plan encourages holistic consideration of BNG alongside other priorities

- 2.16 There are a wide range of existing and emerging strategies, plans and projects taking place within Somerset which it will be important to take account of and begin to explore opportunities for alignment with. Doing so will improve the Council's ability to optimise BNG delivery as part of a holistic, landscape scale approach, and in turn deliver improved outcomes for biodiversity, bioabundance and wider natural capital value.
- 2.17 In addition, it is important to remember that sustainability is defined by three mutually dependent and interrelated objectives: environmental, social and economic. The Council Plan and its priority themes respond directly to this. Delivering BNG in the right places with the right objectives and through the taking into account of wider sustainability in land-use decisions, it can be ensured that BNG contributes towards a sustainable future.

### Local Nature Recovery Strategy

- 2.18 The Environment Act 2021 sets out that a network of Local Nature Recovery Strategies will be produced to cover the whole of England. **A Local Nature Recovery Strategy (LNRS)** must be prepared and published by the 'responsible authority', which was recently confirmed as being Somerset Council. Regulations and national guidance have now been published setting out what is expected to be included within an LNRS and the procedure for their development. It is currently anticipated that the Somerset LNRS will be published in September 2024 following close working with the Somerset Local Nature Partnership, engagement and consultation with the public and interested parties, and undertaking of the statutory steps for production.
- 2.19 The LNRS must include:
- A *statement of biodiversity priorities* for the strategy area, incorporating a description of the area and its biodiversity, opportunities for recovering or enhancing biodiversity in terms of habitats and species, the priorities in relation to these, and proposals as to potential measures relating to those priorities.
  - A *local habitat map(s)* for the whole strategy area, incorporating national conservation sites (SSSIs, NNRs, Ramsar sites, Marine Conservation Zones and European Sites), nature reserves and other areas which in the opinion of the responsible authority are or could become of particular importance for biodiversity, or where the recovery or enhancement of biodiversity could make a particular contribution to other environmental benefits



- 2.20 An LNRS is expected to identify where action to achieve BNG will have the most impact and encourage action in these locations through the way BNG is calculated (strategic significance score). All public authorities will also have to have regard to the relevant LNRS under the strengthened biodiversity duty under the Natural Environment and Rural Communities (NERC) Act 2006.
- 2.21 The Government intends for LNRS's to inform the local planning process. There is a requirement in the Environment Act 2021 for the Secretary of State to issue guidance to local planning authorities as to how they must have regard to an LNRS in complying with the strengthened biodiversity duty, though this has not yet been published. The Levelling Up and Regeneration Act 2023 strengthens the legal links between Local Nature Recovery Strategies & local plans.
- 2.22 Mapped outputs for the Somerset LNRS are unlikely to emerge until Summer 2024, but work has begun, through a series of thematic groups, to establish a list of draft priorities, outcomes and measures. As these begin to emerge, they may hold increased weight in determining the strategic significance score of BNG proposals, however in the meantime an interim approach to assessing strategic significance will be required.

### Somerset Nutrient Strategy

- 2.23 The Somerset Levels and Moors Ramsar Site is in an unfavourable condition due to nutrient loading, particularly phosphates. The Council as Local Planning Authority is currently unable to determine any planning application that may give rise to additional phosphates within the catchment unless supported by an Appropriate Assessment under the Habitat Regulations and where an adverse impact is identified appropriate mitigation is secured to enable the development to demonstrate 'nutrient neutrality'. A similar issue applies in relation to the River Axe which flows south into Devon, and the small part of Somerset which lies within the River Axe catchment.
- 2.24 A **Somerset Nutrient Strategy** is in development, which will identify both short-term solutions to help clear the current backlog of planning applications held in abeyance, as well as longer term solutions to address existing and future growth commitments. The [Somerset Levels and Moors Phosphate Mitigation Solutions Report](#) published in February 2022 provides an interim review of potential phosphate mitigation options for new development. This refers to a range of nature-based solutions and non-catchment based interventions. A number of potential options in both categories have potential to also deliver other biodiversity enhancements as well as mitigation for impacts on biodiversity within the Levels and Moors themselves. For instance,





taking land out of agricultural use, cessation of fertiliser, installation of riparian buffer strips, beaver reintroduction, wetland creation, woodland/orchard creation and installation of Sustainable Urban Drainage Systems (SuDS) could all potentially lead to enhancement of biodiversity over the status quo in a specific location, if appropriately located, designed, and delivered. The Government has confirmed that biodiversity gain units and nutrient mitigation credits can be 'stacked' on the same piece of land. However, a precautionary approach must be taken; it must align with the mitigation hierarchy, and true additionality must be demonstrated.

- 2.25 The Council submitted a bid to the Government's Nutrient Mitigation Fund (NMF) in partnership with the Farming and Wildlife Advisory Group (FWAG), Plymouth University, Salinity Solutions, and Dorset Council in 2023 proposing a number of projects for delivery in Somerset which would assist in mitigating phosphates impacts and simultaneously deliver added value around BNG and other objectives. In December 2023, the Government announced that the Council's joint bid had been successful and secured a total of £9.6m to deliver phosphate mitigation measures which will unlock the delivery of new homes across the area and provide for long term nature recovery. As part of this, the partners have the opportunity to seek strategic alignment and build BNG into nature-based solutions arising from the programme alongside nutrient benefits.

### Somerset Tree Strategy

- 2.26 In June 2023, the Council published the [Somerset Tree Strategy](#), designed to help trees be a thriving part of our landscape, our ecology and our society. The strategy is comprised of five key objectives:
- Create a wood culture where everyone understands the importance of trees to the County, its natural environment, and its communities.
  - Make our trees resilient and adaptable to climate change by protecting, expanding, managing, and diversifying our existing treescapes.
  - Expand the number of trees in Somerset in urban and rural areas through planting initiatives to create cohesive connected treescapes that include woodland, parks, roadsides, and urban spaces.
  - Create a range of services and products that allow our treescapes to contribute to society through local supply chains and creating natural capital opportunities.
  - Create a sustainable and flexible governance structure that ensures successful implementation of the strategy over the next ten years.



- 2.27 The strategy sets a framework to create a coordinated and collaborative approach to increase Somerset's tree / canopy coverage whilst providing a wide variety of benefits, including alleviating flooding, increasing biodiversity and sequestering carbon and delivering on the commitment to plant 150,000 trees per year.
- 2.28 The Tree Strategy provides a useful framework which can help guide delivery of BNG in Somerset. Whilst tree planting is only one form of measure to enhance biodiversity, and it will not be appropriate in all cases, it does offer a way to deliver on multiple objectives in cases where tree planting is appropriate.

### ELMs: Test and Trial

- 2.29 In July 2023, it was confirmed that a bid to the Government's **Environmental Land Management (ELMs): Tests and Trials** fund by FWAG SW in partnership with Somerset Wildlife Trust, Terranomics, University of Exeter Centre for Rural Policy Research and Somerset Catchment Partnership had been successful. The successful proposal seeks to establish a local delivery model for ELMs across Somerset, investigating the potential to partner with the Local Nature Partnership to deliver on four objectives:
- Using local priorities to set strategic direction
  - Broker private finance and wider funding opportunities.
  - Enable effective partnership working and accountability (with arm's length bodies (ALBs)).
  - Support and enable the existing collaboration and advice models in the local area
- 2.30 Within this, there are a number of anticipated project tasks and milestones envisaged including:
- Engage with key stakeholders (including farmers and landowners) to identify local ELMs priorities and how best to communicate them to different stakeholders.
  - Research the possible role of a strategic land use framework that goes beyond nature. Provide support to Somerset Council to take forward development of a Somerset Land Use Strategy.
  - Explore potential structures for Special Purpose Vehicles to facilitate and manage nature-based solutions projects.
  - Create Somerset Natural Capital investment prospectus to promote the county and the impact of investments to help in brokering funding from both public and private investors. Provision of menu of options of readily available investment opportunities for small/medium and large investors.



- Explore how Local Delivery models can support the governance of ELMs stacked with other investment schemes.

- 2.31 Linkage with the LNRS is key to the proposals, as is securing external investment partners. As such Somerset Council is a key stakeholder in the project.
- 2.32 It is highly likely that this project will further help to develop the local priorities for the LNRS and for delivery of BNG in Somerset, aligned with other opportunities and constraints identified and explored through a Somerset Strategic Land Use Framework and through stacking of other investment schemes. Furthermore, it may assist in the consideration of options for development of off-site delivery mechanisms in Somerset.

### ELMs: Landscape Recovery Projects

- 2.33 Landscape Recovery supports landowners and managers to take a large-scale, long-term approach to producing environmental and climate goods on their land. Three projects based in or partly in Somerset were successful in the first round of Landscape Recovery Projects announced by Government in September 2022. As part of this announcement a total of 22 projects across the country were awarded a share of around £12 million in development grants to help them finalise their delivery plans. The projects are at different stages of development and each have different objectives, but all demonstrated that they have pioneering ideas that will improve the rural landscape and reverse the decline in nature.
- 2.34 The **Somerset Landscape Recovery Projects** present an opportunity for BNG delivery to align with other green finance initiatives and wider landscape recovery objectives in order to deliver multiple benefits to Somerset.
- 2.35 The three Landscape Recovery Projects based in Somerset which were awarded funding in round 1 are:
- [Adapting the Levels](#)
  - **Holnicote River Corridors**
  - [The Axe Landscape Partnership](#)
- 2.36 Further bids to round 2 of the Landscape Recovery scheme are currently in development by partners within Somerset.



## Somerset Wetlands super National Nature Reserve

- 2.37 In May 2022, the Government announced the merger of six National Nature Reserves (NNRs) to form the first ‘super National Nature Reserve’ in the country in the **Somerset Wetlands**. This designation combined the previous Bridgwater Bay, Ham Wall, Huntspill River, Shapwick Heath, Somerset Levels and Westhay Moor NNRs. The SNNR protects 6,140 hectares of precious saltmarsh, heath and wetland habitats, home to nationally significant wildlife populations.
- 2.38 The establishment of the SNNR was followed by the announcement of the **Somerset Wetlands Nature Recovery Project (NRP)**. This project has the SNNR at its heart, but is about working with local partners and landowners across a wider 60,000 hectares to enhance nature recovery through habitat creation and investing in strategic solutions that make the wetlands more sustainable and the landscape more resilient to climate change. The NRP is being led by a strong delivery partnership, which includes the Royal Society for the Protection of Birds (RSPB), Somerset Wildlife Trust, Farming and Wildlife Advisory Group South West (FWAG), Hawk and Owl Trust, Wildfowl and Wetlands Trust (WWT) and Environment Agency. Somerset Council have recently joined as an official partner of the project.
- 2.39 The long-term ambition of the project is to restore ecological processes across the whole of the Somerset Levels and Moors landscape – from the peat moors near Taunton, Glastonbury and Muchelney to the sea at Bridgwater Bay. Managing the wetlands sustainably will support livelihoods and the local economy, including boosting green leisure and tourism, and help support farm businesses through the agricultural transition. It will also maintain the extensive peatlands of the Somerset Wetlands as a carbon store, helping to reduce pollution and improve resilience to floods and drought. The project also plans in the future to increase the nature connectedness of communities in the nearby urban centres, such as Bridgwater and Taunton, through increasing access opportunities, interpretation, and outreach to new audiences.
- 2.40 A new management plan for the SNNR and masterplan for the NRP are currently in production. BNG will be a key tool to delivering on the objectives for both.

## Mendip super National Nature Reserve

- 2.41 In May 2023, the Government announced the south facing slopes of the Mendip Hills as one of the ‘King’s Series’ of five new National Nature



Reserves across the country. This new SNNR was officially created in October 2023.

- 2.42 The new **Mendip super National Nature Reserve** draws together all the existing important wildlife sites along the south facing slopes from Brean Down across to Wells, taking in important sites like Crook Peak and Cheddar Gorge, and important grassland and woodland habitats of the National Landscape. The declaration means the land will be managed for conservation for the future. Farmers have been doing important work in-between the wildlife sites and their land supports crucial links for wildlife even though they will not form part of the new National Nature Reserve.
- 2.43 Joining up 1,413 hectares of land managed for nature conservation, the NNR links ecologically important sites along the popular walking route of The Mendip Way for the benefit of wildlife and people. More than 400 hectares will be land that has not previously been managed primarily for conservation.
- 2.44 Nine organisations, (including Natural England, Mendip Hills National Landscape, Somerset and Avon Wildlife Trusts, National Trust, Cheddar Gorge and Caves, Butterfly Conservation, South West Heritage Trust and Woodland Trust) will work in partnership to improve collaboration and management for wildlife and geology. This partnership will be at the heart of nature recovery in the Mendip Hills. It will enable land managers to work together to maximise the benefits for nature, science, and people, improving access and creating more opportunities to connect with the natural world.

### National Landscape (AONB) Plans

- 2.45 In November 2023, all Areas of Outstanding Natural Beauty (AONBs) in England and Wales became known as National Landscapes. These are nationally designated landscapes of exceptional quality, with the highest status protection alongside National Parks. In Somerset there are a total of five National Landscapes of relevance:
- Blackdown Hills
  - Cranborne Chase
  - Mendip Hills
  - Quantock Hills
  - Dorset (note, only a very small area of this National Landscape lies within Somerset, though a larger area may be considered within its setting).
- 2.46 Under the Countryside and Rights of Way (CROW) Act 2000, local authorities and conservation boards must prepare and review Management Plans setting



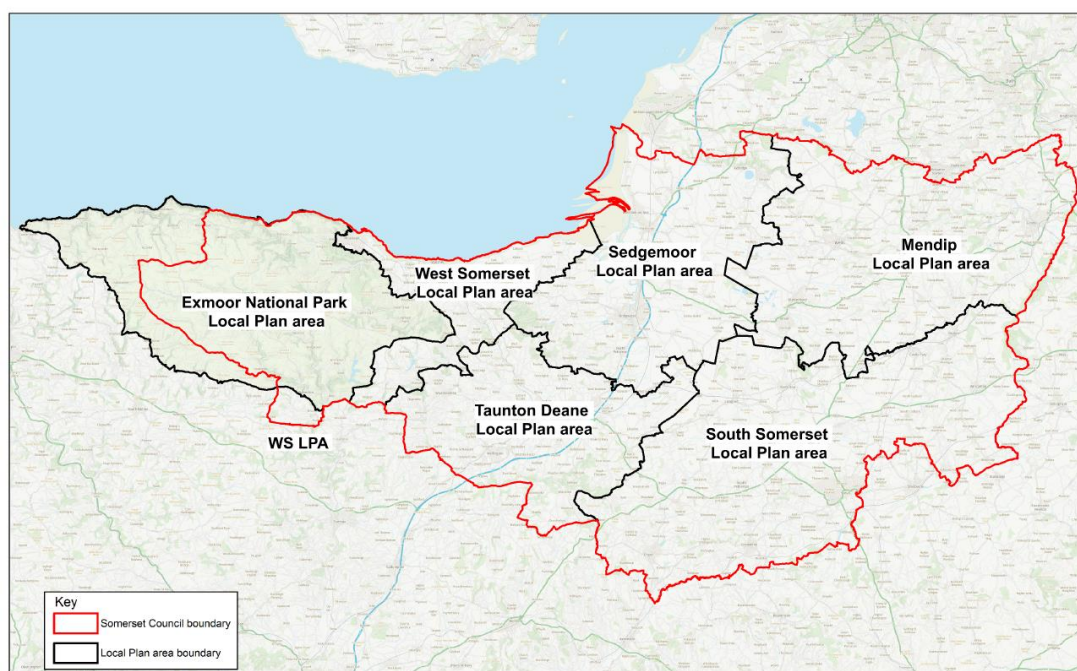
out policy for the management of their area of outstanding natural beauty and for the carrying out of their functions in relation to it. Links to each of the relevant National Landscape (AONB) Management Plans can be found in Appendix 2.

- 2.47 These Management Plans set out statements of significance explaining what is special about the relevant designated area, and management plans with objectives and policies for managing it. Biodiversity and ecology are in all cases intrinsically linked into the purpose of each National Landscape and plans for their management. In addition to this, some areas, (including the Blackdown Hills and Mendip Hills in Somerset) have begun to develop their own Nature Recovery Plans which respond to the biodiversity emergency and set out ambitious plans to recover nature in and beyond protected landscapes, build climate resilience and enhance engagement with people.
- 2.48 The CROW Act, as amended by the Levelling-Up and Regeneration Act 2023, places a duty on public bodies to *further* the purpose of conserving and enhancing natural beauty when exercising or performing any function within or affecting land in AONBs. With this in mind, the Council sets out within this Guidance Note how National Landscapes should be considered in the preparation of BNG proposals through reference within the Somerset BNG Principles and reference across to these within the definition of strategic significance.

### Local Planning Policy Context

- 2.49 In Somerset there are a large number of adopted Local Plans forming the development plan. This is due to the fact that Somerset has only recently become a single unitary authority, and previously there were four separate district local planning authorities alongside the County Council's minerals and waste planning authority functions. Exmoor National Park Authority is also (and remains so) a separate Local Planning Authority in its own right. A [Planning Policy Statement](#) published in March 2023 sets out all of the plans relevant within the Somerset Local Planning Authority area. Figure 2, below identifies the different local plan areas of Somerset alongside the separate Exmoor National Park Authority.





Somerset Local Plan areas

Date: September 2023

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*Figure 2 – Map showing the various local plan areas within Somerset – note Exmoor National Park Authority is a separate Local Planning Authority*

## 2.50 The adopted development plan in Somerset includes the following plans:

- Mendip Local Plan Part I: 2006-2029 (2014)
- Mendip Local Plan Part II: Sites and Policies (2021)
- Mendip Policies Map (2021)
- Sedgemoor Local Plan 2011-2032 (2019)
- Sedgemoor Policies Map (2019)
- Taunton Deane Core Strategy 2011-2028 (2012)
- Taunton Town Centre Area Action Plan (2008)
- Taunton Deane Site Allocations and Development Management Plan (2016)
- Saved Policies from the Taunton Deane Local Plan to 2011 (2004)
- Taunton Deane Policies Map (2016)
- West Somerset Local Plan 2032 (2016)
- Saved Policies from the West Somerset District Local Plan 2006 (2006)
- West Somerset Policies Map (2016)
- South Somerset Local Plan 2006-2028 (2015)
- Saved Policies from the South Somerset Local Plan 1991-2011 (2006)
- South Somerset Policies Map (2015)
- Somerset Minerals Plan to 2030 (2015)

- Somerset Minerals Policies Map (2015)
- Somerset Waste Core Strategy to 2028 (2013)
- “Made” Neighbourhood Plans.

- 2.51 Existing Local Plans in Somerset include various policies in relation to protecting, compensating for loss of, mitigating impacts upon and enhancing wildlife, biodiversity and habitats, as well as wider environmental objectives. However, existing plans were developed before the mandatory BNG requirement was established by the Environment Act 2021 and the latest version of the National Planning Policy Framework. As such, the policy requirements vary between the different former authority plans as to how exacting they are and the range of considerations to be taken into account in designing development proposals. Some policies refer only to protection and mitigation, others refer also to enhancement and provision of net gains.
- 2.52 None of the plans include requirements which go above and beyond the national mandatory requirement for at least 10% BNG. However, they do include other expectations which should influence how development comes forward, such as reference to Local Biodiversity Action Plans, Green Infrastructure Strategies and other environmental strategies as well as general design guidance. In some cases, development plan policies are supplemented with specific guidance documents or Supplementary Policy Documents.
- 2.53 It is important that development proposals respond to development plan policies as well as meeting national mandatory net gain requirements. These policies should inform development proposals and should influence *how* BNG is proposed to be delivered in different parts of Somerset.
- 2.54 Even where planning application sites are exempt from the national mandatory (at least) 10% BNG requirement, the Council still expects applicants to achieve a net gain and other biodiversity enhancements, in line with the NPPF and relevant development plan policy.
- 2.55 In all cases, the requirement for BNG does not change existing legal or policy protections for protected sites or species, or priority species or habitats and the need to follow the mitigation hierarchy.
- 2.56 Please check the Local Plan and any associated guidance relevant to the location of a development proposal. **A full local planning policy review is included in Appendix 1.**
- 2.57 Going forwards, a **new Local Plan** is in preparation covering the Somerset Local Planning Authority area (i.e. Somerset Council area with the exception





of the area covered by the Exmoor National Park Authority). The new Local Plan is expected to supersede existing Local Plans and is required to be in place by 2028. The adopted [Local Development Scheme](#) sets out the latest published timetable for local plan development. This presents an opportunity to ensure the new spatial strategy, plan objectives and associated policies and allocations are made with updated requirements such as BNG taken into account and with up to date local strategies such as the LNRS informing them. The National Planning Practice Guidance confirms that in developing local plans, LPAs need to take account of the statutory framework for biodiversity net gain. As such, the new Local Plan is likely to include policies setting out local priorities and expectations relating to the delivery of both of these, which will evolve over the coming years. It may also include specific environmental-led allocations, for instance identifying areas for protection and enhancement of biodiversity and other environmental objectives aligned with the LNRS and potentially aligned with any Somerset Strategic Land Use Framework that may evolve.

- 2.58 The Somerset Waste Plan and Somerset Minerals Plan are currently under review. In the case of the Minerals Plan in particular, it is important to understand how BNG fits with and works alongside wider policy requirements around site restoration, aftercare and after-use and understanding the role of sites in maintaining the connectivity and resilience of ecological networks.
- 2.59 Neighbourhood Plans are a statutory part of the development plan. The National Planning Practice Guidance confirms that in developing neighbourhood plans, neighbourhood planning bodies need to take account of the statutory framework for biodiversity net gain. In some cases, Neighbourhood Plans may include specific local objectives and policies relating to biodiversity and other environmental protection and enhancement. Where relevant, these should further influence BNG delivery.

### Other local context

- 2.60 There are a wide range of other plans, strategies and projects covering Somerset or areas of, which will have relevance to the delivery of BNG in Somerset. Some are owned by the Council, some are owned by other organisations. Some of these (such as the Exmoor Nature Recovery Vision, Somerset Ecological Network Report and Pollinator Action Plan) are likely to directly influence the priorities and opportunities to be identified by the LNRS. Others are likely to work alongside the LNRS and there may be synergies for delivery between them. The list of relevant plans, strategies and projects are included in **Appendix 2**.



# 3. BNG explained

## The Basics

- 3.1 The purpose of BNG is to ensure that development comes forward in a way which means that habitats for wildlife are left in a measurably better state than they were in before the development.
- 3.2 Achieving BNG means that natural habitats will be extended or improved as part of a development or project. Development will be designed in a way that provides benefits to people and nature and reduces its impacts on the wider environment.

### Moving from “no net loss” to “net gain”

- 3.3 As shown in Figure 3, below, BNG goes beyond compensation for impacts as a result of development (i.e. no net loss), and results in an overall net gain in habitat. The system assumes that increasing the right kind of habitat in the right location with the right management and maintenance arrangements will result in net gains in biodiversity.

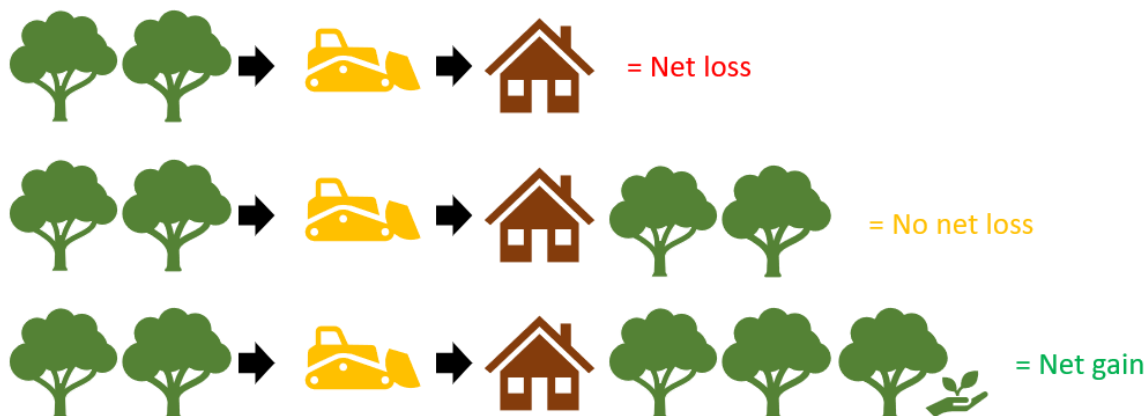


Figure 3 - Moving from "no net loss" to "net gain"

## BNG complements existing protections

- 3.4 The statutory requirement to deliver at least 10% BNG secured for a period of at least 30 years, does not supersede, replace or in any way reduce or undermine existing statutory and policy protections and requirements relating to wildlife, habitats, protected species, protected sites or irreplaceable habitat.
- 3.5 The mitigation hierarchy (see Figure 4, below) remains a critical element of national and local policy and is essential for delivering the most sustainable and appropriate solutions for the natural environment. The mitigation hierarchy requires that developments first seek to avoid impacts on biodiversity; minimise impacts where they cannot be avoided; mitigate any impacts that cannot be avoided or minimised; and as a last resort, compensate for losses which cannot be avoided, minimised or mitigated. Use of the mitigation hierarchy can help to minimise the gains required by a development.

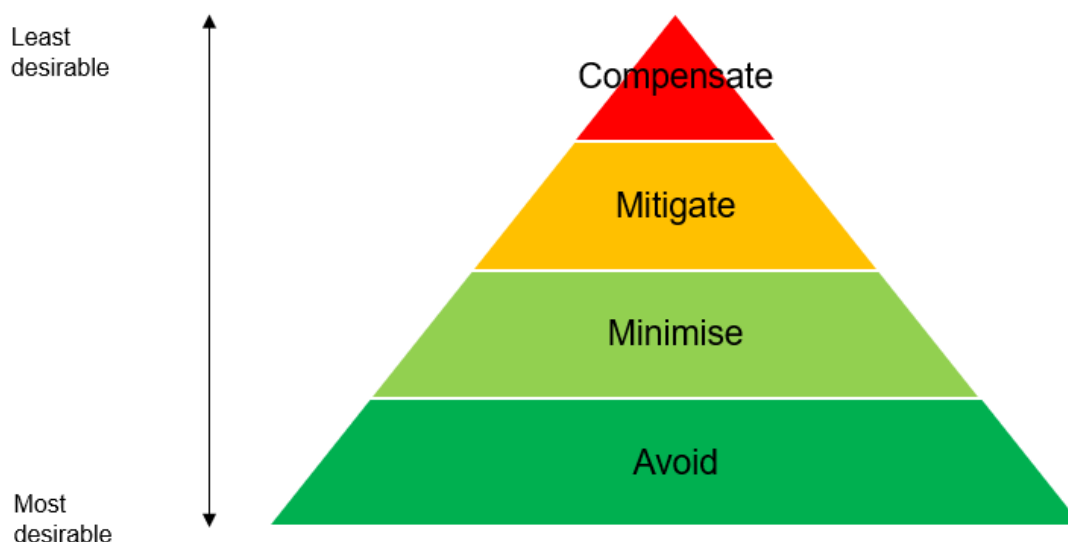


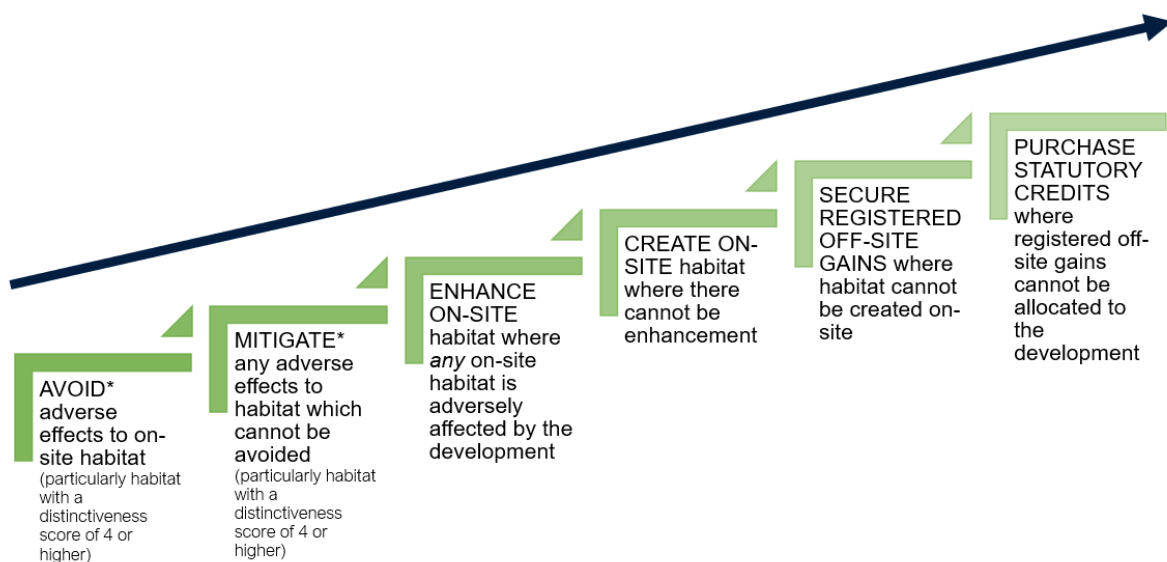
Figure 4 - The mitigation hierarchy

- 3.6 Furthermore, the Biodiversity Gain (Town and Country Planning)(Modifications and Amendments)(England) Regulations 2024 bring in the concept of a Biodiversity Gain Hierarchy. This complements and supplements the wider mitigation hierarchy above and applies specifically to the application of BNG. The Biodiversity Gain Hierarchy (summarised in Figure 5, below) is split into two parts – the first part relating to higher distinctiveness on-site habitats (above level four distinctiveness in the Metric); the second part relating to all on-site habitat adversely affected by the development and requiring compensation. The Regulations set out that the

Biodiversity Gain Hierarchy means the following actions in the following order of priority:

- In relation to on-site habitat with a habitat distinctiveness score of 4 or above:
  - i). Avoid adverse effect of the development, or
  - ii). Where adverse effects cannot be avoided, mitigate those effects.
  
- In relation to *any* on-site habitat which is adversely affected by the development, compensating for that adverse effect by:
  - i). Enhancement of on-site habitat,
  - ii). Create on-site habitat where there cannot be enhancement,
  - iii). Secure off-site gains where there cannot be on-site creation,
  - iv). Purchase statutory credits where off-site gains cannot be allocated to the development.

Whilst within the Biodiversity Gain Hierarchy, reference to “avoid” is only made to on-site habitats of distinctiveness 4 or above, the wider Mitigation Hierarchy still applies in all cases.



\* Note, the Mitigation Hierarchy applies alongside the Biodiversity Gain Hierarchy in all cases

Figure 5 - The Biodiversity Gain Hierarchy

### Where applicable, BNG is mandatory and cannot be negotiated away

- 3.7 Furthermore, the requirement to deliver BNG does not affect the weight that should be given to other planning considerations, matters of planning policy, or legal obligations. Delivering at least 10% BNG as set out in legislation is mandatory and therefore there is no scope to allow a reduction below 10% on viability grounds.

- 3.8 However, this being the case, there is a risk that the costs involved in delivering BNG could impact on the viability of other policy requirements in new development. National BNG policy has been in development for some time, and so costs involved should by now already be getting factored into the price paid for land, but the way that BNG is delivered can have a big effect on the costs involved. This reiterates the importance of considering BNG from as early on in the site selection and acquisition and the design process as possible, and the importance of sufficiently considering emerging BNG proposals through the planning system as part of the application process.

### **BNG should inform location and design of developments**

- 3.9 BNG should not be thought of as an additional requirement of development to be tacked on to a scheme designed through other processes. Consideration of the requirement to deliver BNG should be integral to the site selection and design process.
- 3.10 The Council has a range of existing planning and design guidance documents which should be consulted by applicant teams and used to inform the early stages of developing the design concept and proposals for the site. Following the processes and guidance within these documents can lead to well considered and integrated BNG solutions. Use of national statutory biodiversity credits in particular should be avoided as far as possible and, in line with the statutory Biodiversity Gain Hierarchy (see Figure 5, above), only used as a last resort. This can help to reduce costs and improve outcomes not only for BNG, but also for wider policy aims in new development. We encourage early engagement through the Council's pre-application service as much as possible.

### **The Metric**

- 3.11 BNG utilises a nationally approved Biodiversity Metric which is an assessment and accounting tool designed to assess or audit the biodiversity unit value of an area of land; calculate the losses and forecast gains in biodiversity unit value resulting from interventions which affect habitats; compare different proposals for a site, allowing more objective assessments of potential biodiversity changes; and be used to calculate biodiversity units and percentage biodiversity change.
- 3.12 The Metric uses habitats and 'biodiversity units' as a proxy for biodiversity. These 'units' are the currency of the Metric. The units fall into one of three



'modules': area units, hedgerow units and watercourse units. Each of the three types of units is distinct and must be valued separately. The Metric is used to calculate the total number of 'units' for each habitat category, and the required gain that must be achieved for each.

- 3.13 The Metric is technical by nature and should only be completed by a 'competent person', defined by the Biodiversity Metric User Guide as being "someone who can demonstrate they have acquired through training, qualifications or experience, or a combination of these, the knowledge and skills enabling that person to perform specified tasks in completing and reviewing metric calculations". Somerset Council defines a competent person as being a member of CIEEM or other reputable membership body for ecology professionals (e.g. ALGE, MRSB). Special training and accreditation in the River Condition Assessment methodology is required to undertake a River Condition Assessment, required if completing the Watercourse module of the Metric.
- 3.14 The Metric must be completed in line with the Metric Rules and informed by the Metric Principles. These Rules and Principles are set out within the Biodiversity Metric User Guide along with definitions and requirements and other guidance. This note does not seek to duplicate national guidance. A competent person should always complete the Metric in line with the Metric User Guide. The Metric itself, Metric User Guide and other information is available at <https://www.gov.uk/government/publications/statutory-biodiversity-metric-tools-and-guides>.

## BNG liable developments

### What applications will BNG apply to?

- 3.15 As outlined within the Environment Act 2021 Schedule 14 and enacted through Regulations, achieving at least 10% Biodiversity Net Gain (BNG) is a legal requirement for development granted planning permission under the Town and Country Planning Act 1990 (unless specific exemptions apply). The requirement applies to planning permissions granted in respect to an application made after 12 February 2024. Permissions granted for applications made before this date are not subject to statutory BNG.

Every grant of planning permission in England granted in respect of an application made after 12 February 2024 is deemed to have been granted subject to the general biodiversity gain condition as set out in Schedule 7A of the Town and Country Planning Act 1990 (as amended by the Environment



Act and the Biodiversity Gain (Town and Country Planning)(Modifications and Amendments)(England) Regulations 2024). However, commencement and transitional arrangements, as well as exemptions, mean that certain permissions are not subject to BNG.

Generally, from 12 February 2024, planning applications made for major development will be BNG liable. **Major development** is defined as follows:

- Residential development:
  - 1) Where the number of dwellings being proposed is ten (10) or more;
  - 2) If the specific number of dwellings to be provided is not known, a site area exceeding 0.5 hectares.
- Non-residential development:
  - 1) The provision of a building or buildings where the allocated floor space being created as a result of the development is 1,000 square metres or more;
  - 2) Where the development has an area of 1 hectare or more;
  - 3) Change of use applications over 1,000 square metres or more
  - 4) All full applications concerning mineral extraction and waste development.

### Small development sites

3.16 Initially, small development is subject to a temporary exemption from BNG. However, from 2<sup>nd</sup> April 2024, small development will also be BNG liable. **Small development** is defined as follows:

- Residential development:
  - 1) Development where the number of dwellings proposed is between one and nine inclusive on a site and has an area of less than one hectare;
  - 2) If the number of dwellings is unknown, then the site area must be less than 0.5 hectares.
- Non-residential development:
  - 1) Development defined as less than 1,000 square metres of proposed floor space or
  - 2) Sites smaller than one hectare.

3.17 Small development sites are able to (though do not have to) utilise a simplified Small Sites Metric (SSM) which helps to streamline the process and reduce burdens on such sites, which are more generally delivered by SME developers. If not using the SSM, they must use the full Metric.



- 3.18 However, if a small development site sits within Priority Habitat Protected under Section 41 of the NERC Act 2006; protected sites; and/or European Protected Species site within the site, then the Site will not qualify under the 'Small Site Metric' characterization and instead the full Biodiversity Metric should be used. Small sites must also use the full Biodiversity Metric if they are reliant upon use of any off-site gains.

## Exemptions

- 3.19 There are a number of exemptions to the above as set out in The Biodiversity Gain Requirements (Exemptions) Regulations 2024. Prior to submitting an application, check whether the development may be exempt. In the following circumstances, the national deemed biodiversity gain condition will not apply:
- “small development” (see above) – temporary until 2<sup>nd</sup> April 2024;
  - development impacting habitat of an area below a ‘de minimis’ threshold of 25m<sup>2</sup>, or 5m for linear habitats such as hedgerows<sup>1</sup>;
  - householder applications;
  - development associated with the high speed rail network;
  - development of biodiversity gain sites (where engineering works are required for habitats to be enhanced for wildlife);
  - small scale self-build and custom housebuilding (meaning a development of no more than 9 dwellings and on a site no larger than 0.5 hectares and consisting of exclusively dwellings which are self-build or custom housebuilding).

Further guidance on the applicability of the statutory exemptions can be found in the DEFRA Land Use Blog “BNG – what are the exemptions?” available at <https://defralanduse.blog.gov.uk/2024/01/22/biodiversity-net-gain-what-are-the-exemptions/>.

- 3.20 Mandatory national BNG does not apply where planning permission is not required. As such, it does not apply to permitted development and prior approval applications or Review of Old Mineral Permissions. BNG does not apply to Permission in Principle applications (PIPs), though applications for subsequent technical details consent are subject to the national deemed biodiversity gain condition. BNG will also not apply to listed building consent applications, but please note that if these are made jointly with a full application which is not exempt from BNG, then BNG will be required for the full application.
- 3.21 Mandatory BNG will apply to new applications made from 12 February 2024. This means, only planning applications submitted after the implementation date will be subject to the national deemed biodiversity gain condition. BNG will not be applied retrospectively to planning applications that have been

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<sup>1</sup> However, if an application sits within a Priority Habitat that is protected under Section 41 of the Natural Environment and Rural Communities (NERC) Act, then the development cannot be subject to exemption even if it meets these criteria.





submitted or have already been granted permission prior to the implementation date. For example, if an outline consent for a major application was granted before February 2024 without a requirement to provide at least 10% net gain, the subsequent reserved matters application(s) will not need to incorporate at least 10% net gain. In another example, if an application for major development was submitted in December 2023 but not determined until March 2024, then the national deemed biodiversity gain condition will not apply.

- 3.22 National mandatory (at least) 10% BNG will not apply to Section 73 applications to vary the conditions imposed on an existing permission where that original permission was not subject to the national deemed biodiversity gain condition (i.e. it was submitted or approved prior to the implementation of national requirements). However, where an application for development has been submitted and approved post 12 February 2024 and is therefore subject to the national deemed biodiversity gain condition, any subsequent Section 73 application seeking to vary the conditions imposed on the existing permission and which will alter the post-development biodiversity value, *will* be required to achieve national mandatory (at least) 10% BNG.
- 3.23 Even where planning application sites are exempt from the national mandatory (at least) 10% BNG requirement, the Council still expects applicants to achieve a net gain and other biodiversity enhancements, in line with the NPPF and relevant development plan policy.
- 3.24 In all cases, the requirement for BNG does not change existing legal or policy protections for protected sites or species, or priority species or habitats and the need to follow the mitigation hierarchy.
- 3.25 Applicants are strongly encouraged to make use of the Council's Pre-application Service to further understand the specific requirements in relation to their site. Further information can be found at <https://www.somerset.gov.uk/planning-buildings-and-land/pre-application-advice/>.

### Mineral and waste applications

- 3.26 Minerals and waste planning applications are also subject to BNG requirements. All minerals and waste applications are considered to be major applications. As such, the national requirement for full minerals and waste applications to deliver at least 10% BNG will come in from 12 February 2024 alongside other major development. Reviews of Old Minerals Permissions



(ROMPs) are exempt from the requirement to deliver national mandatory BNG as they do not require planning permission.

- 3.27 Minerals (and some waste) development differ in nature from other forms of development (long-term, phased and temporary developments, able to achieve significantly greater than 10% net gain through restoration, aftercare and after use). The Planning Practice Guidance states that “there are no special provisions set out in regulations for minerals applications, although there are specific provisions for planning permissions (including outline permission) that have the effect of permitting development in phases which may be relevant for many minerals applications”. Given the potential uplifts over 10% BNG that may be provided, there may in some circumstances be potential for such uplifts to be sold as off-site biodiversity units to other developments. This is explored further in chapter 9 of this document.
- 3.28 It is recommended that minerals and waste applicants and agents engage early with Somerset Council as Minerals and Waste Planning Authority in consultation with Somerset Ecology Services to discuss the specifics of their scheme and a case-by-case approach will be taken. In time, the Council may consider setting out further local guidance specifically in relation to BNG and minerals and waste development.

## Further detail

- 3.29 The [Government BNG Guidance](#) should be consulted for further information, but the guidance below pulls out some key aspects.

### Irreplaceable Habitats

- 3.30 BNG does not override existing protections for irreplaceable habitats (such as ancient woodland and ancient or veteran trees), as set out in the National Planning Policy Framework (para 186c). Impacts to these habitats will be considered on a case-by-case basis, outside of the BNG system. In most cases, proposals that would result in the loss or deterioration of irreplaceable habitats, will be refused unless the need for and public benefits of the development clearly outweigh the loss. If you have irreplaceable habitat within your development site, then you should engage with the Council’s ecology service at an early opportunity ahead of submitting any planning application.
- 3.31 The Biodiversity Gain Requirements (Irreplaceable Habitat) Regulations 2024 set out the definition of irreplaceable habitat for the purposes of BNG. The



Regulations also allow for Natural England to provide further guidance on how to identify if habitat falls within the description of irreplaceable habitat, and allow for periodic review by the Secretary of State. DEFRA has published [interim guidance on irreplaceable habitats](#), but DEFRA has stated an expectation to launch public consultation on the definition and list of irreplaceable habitats in the second half of 2024. However, the interim list of habitats considered to be irreplaceable by the Regulations and guidance are:

- Ancient woodland
- Ancient and veteran trees
- Blanket bog
- Limestone pavements
- Coastal sand dunes
- Spartina saltmarsh swards
- Mediterranean saltmarsh scrub
- Lowland fens

3.32 Where irreplaceable habitat is retained and enhanced on-site (as is expected) this should be recorded in the Metric calculations but not assigned any value unless enhancements are proposed. Any enhancements to irreplaceable habitat should also be recorded in the Metric and can count towards meeting the (at least) 10% BNG requirement.

3.33 Impacts on irreplaceable habitats, or indeed losses, cannot be offset by BNG or dealt with through the Metric, and therefore a tailored approach will be required. However, by their nature, such habitats are considered to be irreplaceable and it is extremely difficult and in some cases impossible to re-create. Any compensation plan must meet local policy requirements and should aim to reflect the same type of habitat being lost. Off-site biodiversity units and statutory biodiversity credits will not be able to be used to compensate for the loss of irreplaceable habitat.

3.34 Where irreplaceable habitat forms part of the development site, there are special modifications for the content and approval of the Biodiversity Gain Plan. The Biodiversity Gain Plan must include information about how any adverse effect on the irreplaceable habitat has been minimised and any compensation plan if there are any adverse effects. The Local Planning Authority must be satisfied that the adverse effect is minimised and that appropriate arrangements have been made for the purpose of compensating for any impact which do not involve the purchase of biodiversity credits. For phased developments including irreplaceable habitats, the Local Planning Authority must be satisfied that the Overall and Phase Gain Plans demonstrate that the adverse effect of the development on the onsite habitat's



biodiversity is minimised and appropriate arrangements have been made compensating any impact.

## Protected Species

- 3.35 Development impacts on protected sites and species, as well as priority species and habitats all still need to be considered in relation to habitat losses. Therefore, BNG does not change existing protections, and so the current legal and policy provisions relating to development impacts need to be considered. Section 99 of the Government Circular 2005/06 on biodiversity and geological conservation states that '*It is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision.*' Additionally, Natural England advice requires that all developments likely to affect European Protected Species should have surveys carried out to inform the planning decision. They cannot be conditioned. This was confirmed in case law through *Woolley v Cheshire East Borough Council and Millennium Estates Limited* [2009] EWHC 1227 (Admin). Applicants should use the relevant Biodiversity Checklist to assist in ascertaining whether protected species or habitats which may support protected species might be present on the site.
- 3.36 It is envisaged that BNG will provide a wide scope of benefits to much of the UK's wildlife. However, the successful incorporation of BNG in a proposal cannot be seen as a waiver to the consideration of the proposal's (and indeed, the BNG's) impacts on protected species. If the on-site habitats are used by protected species, then these should be approached and managed following the mitigation hierarchy and taking a precautionary approach. BNG and Species Habitat Evaluation Procedure Metric calculation would then be in addition to these considerations (see below).
- 3.37 The Biodiversity Metric is a habitat-based approach, using habitat as a proxy for biodiversity. Species-based features such as bird and bat boxes are not included within the metric, instead it focuses on the habitats such species need to forage and complete their life cycles. The provision of such species features within developments is still encouraged by Somerset Council through existing policies and design guidance, as does the National Planning Policy Framework (para 180d), and they may be necessary to mitigate impacts. However, such non-habitat species-based features cannot count towards BNG.



## Stacking of environmental benefits

- 3.38 Natural England have stated that it is acceptable to use sites (i.e. the same parcel of land) to generate BNG in addition to nutrient neutrality habitat/credits, Great Crested Newt habitat and Suitable Alternative Natural Greenspaces (SANGs). This has been more commonly referred to as 'stacking' or 'bundling'.
- 3.39 DEFRA and Natural England have provided [further information in relation to the stacking of various green finance initiatives/nature markets](#). This sets out that in addition to the above, under specific circumstances it is possible for land to be used to generate BNG or nutrient mitigation schemes even where the land benefits from the Basic Payment Scheme; Sustainable Farming Incentive, Countryside Stewardship, Environmental Stewardship or Landscape Recovery payments; selling carbon credits under the Woodland Carbon Code or Peatland Code; or sells enhancements for Corporate Social Responsibility. However, in all cases, specific requirements exist in relation to ensuring explicit and demonstrable additionality. Landowners should seek their own advice on whether or not it is possible to stack BNG on their land in their own circumstances.
- 3.40 Beyond these specific schemes, it is important to understand the general opportunity for multifunctional and holistic nature-based solutions. As explained in chapter 2 of this document, the Council expects BNG solutions to consider this wider holistic approach and seek to ensure that multiple benefits are realised through proposals. This is further incentivised through the Somerset BNG Principles (chapter 6) and approach to strategic significance (chapter 7).
- 3.41 DEFRA has also published [guidance on what can count towards a development's BNG](#). This sets out that habitat created or enhanced as part of a development may count towards the sites BNG, even when that habitat is to:
- comply with a statutory obligation or policy, for example green infrastructure, environmental impact assessment (EIA) compensation or sustainable drainage;
  - provide river basin management plan (RBMP) mitigation and enhancement measures;
  - provide mitigation or compensation for protected species or sites (e.g. achieving nutrient neutrality, fulfilling the minimum requirements of a District Level License for Great Crested Newts habitat creation, bat mitigation planting, implementation of SANGs).
- However, in the case of any mitigation or compensation for protected sites and species provided off-site; or to provide river basin management plan



(RBMP) mitigation and enhancement measures; at least 10% of the site's BNG must be achieved through other activities, for example, on-site habitat creation and enhancement. Habitat creation or enhancements required for restocking conditions relating to a tree felling licence or a restocking notice; marine licensing; or remediation under the environmental damage regulations cannot count towards BNG.

### **Relationship with use of the Somerset Species Habitat Evaluation Procedure**

- 3.42 The Government's Environmental Improvement Plan, published in January 2023, sets out plans for significantly improving the natural environment. Some of the Government's commitments include halting the decline in species abundance by 2030, and increase species abundance by at least 10% from 2030, surpassing 2022 levels, by 2042.
- 3.43 The Biodiversity Metric focuses on units being generated through the creation/enhancement of more biodiverse habitats than those lost due to a development, and less so on the abundance of certain habitats that may be important to local species populations. Many species rely more on the abundance of prey or food species rather than diversity, i.e., certain habitat which in turn attract their targeted prey species (for example, Noctuid moth abundance the main prey of female Greater Horseshoe bats during the maternity period and over 90% of the prey hunted by Barbastelle bats are abundant in unmanaged homogenous grassland).
- 3.44 Diverse habitats considered as being of a higher value through the Biodiversity Metric usually result in a smaller area of more diverse plant species than those lost to development. This can result in a reduction in the abundance of important food plants. This could mean that the prey that rely on those specific food plants will not be there in as many numbers as before, as the food source which was once present in abundance may be in part or completely removed. This will likely have a knock-on effect to species of conservation importance, such as bats, as they may not have sufficient prey to hunt, thereby increasing the risk of a population being able to survive.
- 3.45 The Somerset Species Habitat Evaluation Procedure (SHEP) provides a solution to this shortfall. The methodology is employed for calculating the value of the habitats on a site for important species, the result of which is used in determining the amount of habitat replacement that would be required to mitigate for that lost to land use change.
- 3.46 If there are protected species utilising habitat onsite, the SHEP Metric should be completed separately and in addition to the statutory Biodiversity Metric for



BNG purposes, and focus on calculating the required compensatory habitat for the specific species. The SHEP works alongside the Biodiversity Metric to ensure that the 'Favourable Conservation Status' of local populations of important species are not adversely affected. Please note, that the required replacement habitat to achieve 'no net loss' which will satisfy the SHEP, is unlikely to fulfil the proposal's requirements for at least 10% net gain if the replacement habitat is provided off-site, meaning more habitats will likely be required to satisfy those requirements.

- 3.47 The final version of the SHEP is currently in development, and so more information will be released soon. However, the existing HEP is available at <https://www.somerset.gov.uk/planning-buildings-and-land/habitat-evaluation-process/>.
- 3.48 It should be noted that where Habitat Regulations Assessment or other legislative requirement stipulates that an application is also required to deliver mitigation and/or compensation for likely significant effects upon a protected site/species, transparency must be provided over which on-site and off-site enhancements are related to the habitat mitigations and compensations, and which are related to net gains and counted for BNG purposes<sup>2</sup>. This should draw directly on information within any associated Ecological Impact Assessment.

### **Habitat degradation ahead of planning application submission**

- 3.49 Site clearance (in this context, deliberately clearing habitat of value without authorisation, prior to submitting an application) is considered in the Environment Act 2021, under Schedule 14, para 6, meaning habitat condition can be back dated with a cut-off dated of the 30<sup>th</sup> January 2020. Unauthorised degradation is any degradation which is not in accordance with a previous planning permission.
- 3.50 In addition to this, under the British Standard BS42020:2013, section 6.4.8, it states that a retrospective impact assessment will be required where it is obvious that habitats at a site have been cleared or damaged prior to assessment by an ecologist. This means the applicant is not creating a blank slate as far as the updated impact assessment is concerned. If sufficient evidence is provided to demonstrate the deliberate damage or complete removal of habitats on an application site, the worsened condition will not be taken into consideration, and information will be gathered to ascertain the past habitat value of the site, which will form the BNG Baseline that the proposals will have to deliver against.

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<sup>2</sup> The Government has confirmed that off-site mitigation and compensation for protected sites and species may count towards mandatory BNG, but at least 10% of the BNG must be provided through other activities.



# 4. Key stages

- 4.1 The application of BNG to development proposals can be boiled down to six key stages:
- 1) Development site selection
  - 2) Pre-application
  - 3) Submission and validation
  - 4) Consideration
  - 5) Pre-commencement
  - 6) Commencement and Monitoring
- 4.2 This chapter provides a basic introduction to each stage, alongside a process flow diagram to assist landowners, applicants and developers in understanding the steps involved in implementing BNG for their proposals. Further, more detailed information can be found in subsequent chapters relating to application of key aspects. The guidance does not seek to duplicate nationally available information, but rather supplements this with information and process relevant to local application of BNG in Somerset.
- 4.3 Note, for minerals and waste applications, some, though not necessarily all of the process described in this chapter will apply. Applicants /agents should engage early with Somerset Council as Minerals and Waste Planning Authority to discuss the specifics of their scheme and a case by case approach will be taken.

## Process flow diagram

- 4.4 A process flow diagram is included in **Appendix 3**. This summarises the key stages and processes involved in the application of BNG to development proposals. Subsequent sections of this chapter set out further detail.

## Development site selection

- 4.5 The prospective applicant should consider the location, context and appropriateness of developing their site from an ecological perspective. This can help to understand the broad potential feasibility of developing the site and to scope out the range of constraints, opportunities and impacts. Ecological advice should be incorporated into site selection from the outset.





This should include locating and designing development to have minimum impact on existing site habitats and focusing development on areas of low distinctiveness. The mitigation hierarchy should always be applied and impacts upon protected, irreplaceable and priority habitats avoided. Furthermore, the prospective applicant should ensure that development of the site could reasonably justify compliance with the Biodiversity Gain Hierarchy. The applicant should consult the **Somerset BNG Principles** set out in chapter 6 and use these to help inform site selection and option preferences.

- 4.6 If wildlife impacts are likely, the applicant should **appoint an Ecologist**<sup>3</sup> to produce an Ecological Impact Assessment, the scale of which will be proportionate to the scale of potential impacts. Baseline ecological surveys should be undertaken and the statutory Biodiversity Metric used as early as possible to identify options with the least impact. Identify which option will be of greatest benefit to wildlife and reduce the need and cost for additional BNG compensation. Remember the rules around on-site habitat degradation (see 3.49-3.50, above).
- 4.7 Use of the relevant area **Biodiversity Checklist** (below) can be helpful in ascertaining whether protected species or habitats which may support protected species might be present on the site.
- [East area \(formerly Mendip\)](#)
  - [North area \(formerly Sedgemoor\)](#)
  - [South area \(formerly South Somerset\)](#)
  - [West area \(formerly Somerset West & Taunton\)](#)

## Pre-application

- 4.8 Through careful site selection, application of the mitigation hierarchy, consideration of the Biodiversity Gain Hierarchy, application of good practice and design principles, the applicant, developer and consultant ecologist will ensure that ecological impacts are avoided and minimised, appropriate mitigation, compensation and BNG requirements are identified and included from the outset in the project design.
- 4.9 Applicants are encouraged to **make use of the Council's Pre-application Service** to further understand the specific requirements in relation to their site. Further information can be found at <https://www.somerset.gov.uk/planning-buildings-and-land/pre-application-advice/>.
- 4.10 Through the pre-application service, the planning case officer, green infrastructure / landscape officer and ecology case officer will liaise internally, and with any consultant ecologist where such a resource has been appointed

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<sup>3</sup> Somerset Council defines a competent person as being a member of CIEEM or other reputable membership body for ecology professionals (e.g. ALGE, MRSB)



by the applicant to provide advice referencing this BNG Guidance Note and any site-specific habitat retention, enhancement and creation opportunities.

- 4.11 For larger and more complex sites, the LPA may request that the applicant signs up to a **Planning Performance Agreement (PPA)** which can provide improved certainty for both parties and ensure enhanced bespoke levels of service from the Council in exchange for proportionate and reasonable costs being covered by the applicant. PPAs can cover all or just part of a development process, but work best when covering the full period from pre-application through to delivery. Where a PPA is agreed, appropriate and costed LPA and Ecology Service resourcing will be identified within it.
- 4.12 Also for larger and more complex sites, the LPA may request that the development proposal is referred to the Council's **Quality Review Panel**. This provides prospective applicants with a chance to understand how their site can respond to its context and opportunities to deliver high quality development. Engagement with this process at the pre-application stage is the most productive, economic and advantageous way to approach things, as this can assist in designing in appropriate responses from the outset rather than trying to retrofit responses into recommendations around elements of a fixed design. This can be particularly helpful in terms of designing in a site's approach to BNG. Further information can be found at <https://www.somerset.gov.uk/planning-buildings-and-land/pre-application-advice/somerset-quality-review-panel/>.
- 4.13 Prospective applicants should consider the Biodiversity Gain Hierarchy and use the guidance in chapter 5 of this document to understand the most appropriate BNG response for their site. **On-site BNG is the starting point**, but there will be cases and reasons why off-site BNG or a combination of on- and off-site will be necessary or more desirable. The guidance in chapter 5 sets out a sequential approach to be followed which works alongside the Biodiversity Gain Hierarchy. If it looks likely that off-site BNG will be necessary in part or in whole, then applicants should begin to explore options for how and where this will be secured ahead of submitting their application.
- 4.14 Prospective applicants should further refer to the guidance on **Somerset Key BNG Principles** (chapter 6) and **Strategic Significance** (chapter 7) in the evolution of their development design and in arriving at their proposed approach to BNG.
- 4.15 Local communities and relevant stakeholders should also be consulted early on during the pre-application stage in order to understand priorities, constraints, concerns and opportunities in relation to biodiversity. The



development proposal should take responses into account in developing their proposals for submission.

## Submission and validation

- 4.16 An applicant should have established a **proposed approach to delivering at least 10% BNG** by the time a planning application is submitted. This does not mean that the applicant has a fully developed Biodiversity Gain Plan or Habitat Management and Monitoring Plan, but that it has sufficient understanding of how it will approach compliance with the statutory requirement, and justifications associated. There should be a particular focus on the on-site provision, and at least an understanding of the quantum and type of off-site units that may be required and why this is justified as well as proposals for how any such off-site units will be legally secured in relation to the development (see chapter 8 for more information). Ideally, applicants will have an idea of where they plan on sourcing any off-site units, but this cannot be insisted upon at validation.
- 4.17 The general biodiversity gain condition applies to any relevant planning permission and requires the submission and approval of the Biodiversity Gain Plan before commencement of development. As such, the Planning Practice Guidance sets out that *“it would generally be inappropriate for decision makers, when determining a planning application for a development subject to biodiversity net gain, to refuse an application on the grounds that the biodiversity gain objective will not be met. However, decision makers may need to consider more broadly whether the general condition is capable of being successfully discharged.”* It sets out that a number of matters may reasonably be considered in determining the application in this regard including (though not limited to):
- the appropriate balance between on-site, off-site gains and credits, taking account of the biodiversity gain hierarchy;
  - the appropriateness of the type and location of any significant<sup>4</sup> on-site enhancements and associated gains, taking account other policies to support biodiversity (including local nature recovery strategies) and other wider objectives; and
  - any planning conditions or S106 planning obligations which may be needed to secure significant on-site or off-site gains for at least 30 years (including any conditions relating to any subsequent reserved matters in relation to phased developments).
- 4.18 Whilst the Government has set out minimum information requirements to be submitted in order to validate a planning application liable for BNG, the

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<sup>4</sup> The Government has provided guidance on what are likely to be considered “significant” on-site enhancements (see <https://www.gov.uk/guidance/make-on-site-biodiversity-gains-as-a-developer>).



Planning Practice Guidance allows for local planning authorities to seek further information about the proposed strategy to meet the biodiversity gain objective for the development, and explains that such specific further requirements may be set out in the Local Planning Authority's local validation checklist.

- 4.19 In Somerset, a **BNG Statement** must be submitted with the application. This should be a standalone document and contain the core information required nationally by Article 7 of The Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended by the Biodiversity Gain (T&CP)(Modification and Amendments)(England) Regulations 2024) relating to the biodiversity gain condition, and also the information required locally to aid consideration and determination of planning applications in relation to BNG.
- 4.20 Every application for planning permission which is liable for BNG, should be accompanied by a BNG Statement. The content of the BNG Statement will vary depending upon the type of application and whether or not it is BNG liable. The specific requirements relating to the BNG Statement are set out in **Appendix 4** to this Guidance Note alongside other validation requirements.
- 4.21 The full headline list of **validation requirements** below captures both the national requirements and the documents/content which Somerset Council considers necessary to be submitted in order to validate a planning application:
- Wildlife / Ecology Survey
  - Biodiversity Checklist
  - Arboriculture Report
  - BNG Statement
  - Completed Biodiversity Metric
  - BNG plans and drawings
  - Declaration Form
  - Completed SHEP / HEP Metric
- 4.22 **Appendix 4** to this Guidance Note includes further information on each of the individual validation requirements including the specific requirements for inclusion within the BNG Statement, plans and drawings, GIS data and declaration form.
- 4.23 For exempt developments, under the regulations, applicants must confirm whether they believe that planning permission, if granted, would be subject to the biodiversity gain condition, and if not, the reasons for that belief. It is expected that Planning Portal application forms will be amended to capture



this information, but without this, the LPA is not allowed to validate such applications.

- 4.24 The Council consulted on draft BNG validation requirements as part of the draft Guidance Note and form an addendum to each of the Council's adopted area-based and Minerals and Waste Local Validation Checklists. The validation requirements will be absorbed fully into each existing Local Validation Checklist as they are reviewed.
- 4.25 On receiving an application, the LPA's validation officers will check:
- whether an application is BNG 'liable'
  - whether all of the above listed validation requirements have been submitted
  - whether the headline results page of the submitted Metric identifies any errors or red flags
  - whether the declaration form includes all necessary aspects for the type of application submitted.
- 4.26 If any of the above information is missing or inadequate then the application will be returned to the applicant / agent. If all information is provided in a suitable format in line with validation checklist requirements, then the application will be validated and passed to the planning case officer for consideration and ecology case officer consulted.

## Consideration

- 4.27 Once validated, the planning case officer and ecology case officer begin to review the submitted information. Officers will consider whether sufficient information has been provided to answer the following questions:
- Has the Metric been completed properly?
  - Has the mitigation hierarchy been followed?
  - Has the proposal followed the national Biodiversity Gain Hierarchy and Somerset's sequential approach and provided appropriate justification?
  - Does the development and associated BNG align with the Somerset BNG Principles?
  - Has the strategic significance multiplier been applied and justified appropriately?
  - Have they got a clear strategy for securing any off-site gains?
  - Have they been clear about how gains will be achieved across the whole site through future phases (where relevant)?



- Are their proposals for securing the gains, management, maintenance and monitoring appropriate?

If any information is considered missing or sub-standard then further information may be requested and the planning case officer will request an appropriate extension of time to accommodate for this.

- 4.28 If 'significant'<sup>5</sup> on-site gains are planned or there is any reliance upon off-site gains or statutory credits, then the means of securing these gains must be identified in any emerging S106 Heads of Terms.
- 4.29 The ecology case officer reviews the submitted information in detail and will liaise with the planning case officer. The ecology case officer will then confirm whether or not the on-site BNG is acceptable, and whether there is reasonable justification for reliance in part or in whole upon off-site BNG. At this point, the planning case officer and ecology case officer may meet with the applicant and their consultant ecologist to discuss any issues or ways that the BNG response could be improved upon.
- 4.30 For larger and more complex sites, the LPA may request that the development proposal is referred to the Council's **Quality Review Panel**. This provides applicants with a chance to further explain the logic in their approach to BNG alongside other aspects of the development proposal. Panel comments may highlight opportunities and aspects for the development to respond to in order to deliver high quality development. Panel comments are a material consideration in the determination of planning applications. Further information can be found at <https://www.somerset.gov.uk/planning-buildings-and-land/pre-application-advice/somerset-quality-review-panel/>
- 4.31 If revisions are required to the scheme or supporting evidence, these will be requested and an appropriate extension of time to accommodate for this.
- 4.32 Where off-site BNG is adequately justified as being necessary but has not yet been proposed, the developer will need to consider its off-site options in line with the Biodiversity Gain Hierarchy and the guidance set out in chapter 5 of this document. Where the applicant has included a specific proposed off-site solution, the planning case officer and ecology case officer will liaise and confirm whether or not the proposal conforms with the Biodiversity Gain Hierarchy and guidance included within this document. If this cannot be confirmed, then the applicant may need to consider alternative options. Only as a last resort and where appropriate justification is provided in line with the guidance in chapter 5, will the LPA accept a reliance upon statutory credits.

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<sup>5</sup> The Government has provided guidance on what are likely to be considered "significant" on-site enhancements (see <https://www.gov.uk/guidance/make-on-site-biodiversity-gains-as-a-developer>).



- 4.33 Once the planning case officer is satisfied that information is accurate, satisfactory and sufficient with reference to statutory requirements, adopted policy and in relation to this Guidance Note, the application can proceed towards determination. The appropriate route for securing the BNG proposals will be followed (see chapter 8). Sufficient certainty and specificity over the intended BNG solution will be required to include reference to any appropriate conditions or S106 legal agreement as appropriate.
- 4.34 It should be noted that the national general biodiversity gain condition will not be included in the list of conditions imposed upon a planning permission on the Decision Notice. Instead, the LPA will include an informative relating to the Biodiversity Gain Information which must be set out separately in line with the Planning Practice Guidance.

## Pre-commencement

- 4.35 Following determination, the applicant / developer works up the final detail of their BNG proposal in line with the approved BNG Statement and other approved plans of the application. The final Metric is completed in full.
- 4.36 Where reliant upon an off-site solution, the applicant / developer secures the necessary biodiversity units and the off-site provider supplies a proof of purchase / allocation certificate. Note, in order to secure units for a specific development site, the off-site habitat enhancement must have already been legally secured (see chapter 9) and registered on the national biodiversity gain sites register.
- 4.37 Developers should not buy Statutory Credits until they receive confirmation from the LPA that use of Statutory Credits will be acceptable, and they are able to discharge (fulfil) their non-BNG pre-commencement planning conditions.
- 4.38 A Habitat Management and Monitoring Plan (HMMP) and Biodiversity Gain Plan are developed using the national templates. Any agreements or arrangements with third parties relied upon for management, maintenance or monitoring should be established. Once prepared, the applicant / developer submits these documents alongside any other necessary information to the LPA seeking discharge of the national general biodiversity gain condition and any other related conditions and/or S106 legal agreement planning obligations as necessary. Note, the final Biodiversity Gain Plan must be submitted in writing and cannot be submitted earlier than the day after the day on which notification is given of the decision to grant planning permission.



- 4.39 Upon receipt of necessary documentation, the planning case officer and ecology case officer review submitted information.
- 4.40 The general biodiversity gain condition relating to submission and approval of the Biodiversity Gain Plan can only be discharged once the planning case officer is satisfied that:
- Pre-development biodiversity value of on-site habitat is correct.
  - Post-development biodiversity value of on-site habitat is what the BGP says or more.
  - Any reliance upon off-site gain is allocated to the development and has the value as specified in the BGP.
  - Any reliance upon statutory credits have been purchased.
  - The development will deliver at least 10% BNG
  -
- In addition, the planning case officer must take into account how the Biodiversity Gain Hierarchy will be followed, and any reasons provided where it cannot be followed (except in relation to irreplaceable habitats where the Biodiversity Gain Hierarchy does not apply).
- 4.41 The applicant has a right to appeal the non-determination or refusal of the Biodiversity Gain Plan.
- 4.42 Depending on the specifics of the site and the associated planning permission, there may be other BNG and ecology related pre-commencement conditions and planning obligations to be discharged which will be considered and discharged as appropriate.

### Phased development

- 4.43 The general biodiversity gain condition is modified for phased development, reflecting the fact that such developments come forward in stages, often over a long period of time, and often will not have the full detail available for the full site at outline stage. Instead of requiring submission and approval of the full Biodiversity Gain Plan in one go ahead of development commencing:
- an Overall Biodiversity Gain Plan must be submitted and approved before any development can be begun; and
  - a Phase Biodiversity Gain Plan for each phase must be submitted and approved before the development of that phase can be begun.
- 4.44 The Overall Biodiversity Gain Plan should set out a clear upfront framework for how at least 10% gain is expected to be met across the entire





development. The Overall Biodiversity Gain Plan can only be approved once the planning case officer is satisfied that:

- Pre-development biodiversity value of the entire development's on-site habitat in the Plan is correct;
- The combination of post-development on-site biodiversity value, any proposed registered off-site biodiversity gain to be allocated and proposed purchasing of statutory credits will deliver at least 10% gain;
- Any registered off-site gains specified in the Plan as having been allocated to the development are so allocated and have the correct value (and, if the allocation is conditional, whether any conditions have been met or will be met by the time development begins);
- Any statutory credits specified in the Plan as having been purchased for the development have been so purchased; and
- The strategy in the Plan for meeting the biodiversity gain objective if there is change to this combination; and
- Adverse effects upon any irreplaceable on-site habitat's biodiversity is minimised and appropriate arrangements have been made to compensate for any impact.

In addition, the planning case officer must take into account how the Biodiversity Gain Hierarchy will be followed, and any reasons provided where it cannot be followed (except in relation to irreplaceable habitats where the Biodiversity Gain Hierarchy does not apply).

4.45 The Phase Biodiversity Gain Plan should set out a phase's contribution to BNG and track progress towards the overall biodiversity gain objective for the development once clear proposals for each phase have been developed. It is expected that in the case of Outline planning permissions, a Phased Biodiversity Gain Plan would be required to be submitted alongside and approved as part of each application for reserved matters. The Phase Biodiversity Gain Plan can only be approved once the planning case officer is satisfied that:

- Post-development on-site biodiversity value for the phase is correct;
- The post-development on-site biodiversity value for any phase which has been begun is at least the value specified in the biodiversity gain plan most recently approved for that phase;
- Any registered off-site biodiversity gain allocated and biodiversity credits purchased for the development are correct;
- At least 10% gain will be achieved over the development as a whole, taking into account the post-development biodiversity value of the on-site habitat for the overall development, for each phase (whether begun or otherwise), in relation to registered off-site gains allocated and proposed to be allocated to the development, and any statutory credits purchased and proposed to be purchased for the development, and the strategy for



meeting the objective if there has been a change, and reasons for departing from this strategy;

- Adverse effects upon any irreplaceable on-site habitat's biodiversity is minimised and appropriate arrangements have been made to compensate for any impact.

In addition, the planning case officer must take into account how the Biodiversity Gain Hierarchy will be followed, and any reasons provided where it cannot be followed (except in relation to irreplaceable habitats where the Biodiversity Gain Hierarchy does not apply).

## Commencement and Monitoring

- 4.46 The developer must submit a commencement notice to the LPA advising the LPA of the proposed date of commencement. This notice must be received by the LPA prior to development commencing. Understanding an accurate date of commencement is important to monitoring compliance with any BNG associated legal agreements and planning conditions.
- 4.47 On-site biodiversity gains should be secured for work to start as soon as possible or at least within 12 months of the development being commenced. The Government's intention here is understood to be for this to influence application of conditions, planning obligations and conservation covenants rather than for it to be an inflexible rule. Developers must comply with the conditions of planning permission and any associated S106 legal agreement.
- 4.48 Off-site biodiversity gains allocated to a development do not have to have been completed prior to registration on the National Biodiversity Gain Sites Register or sale/allocation to the development. However, in order to minimise delays between development impacts and the delivery of compensatory habitat, the Government state an expectation that off-site habitat creation, enhancement and management work should start within 12 months of allocation.
- 4.49 The development and any associated BNG should be delivered in line with any associated planning conditions, S106 legal agreements and approved Biodiversity Gain Plan and Habitat Management and Monitoring Plan. Monitoring returns should be submitted to the LPA and Ecology Service of Somerset Council as per agreed within the above.
- 4.50 The Council will monitor and enforce compliance as necessary. The Council's monitoring approach is set out in chapter 10 of this document.



# 5. On-site, Off-site or Credits?

## Spatial hierarchy

- 5.1 The national Biodiversity Gain Hierarchy (see paragraph 3.6, above) emphasises that on-site gains should be considered first, followed by registered off-site gains and – as a last resort – statutory Biodiversity Credits. LPAs must take into account this Biodiversity Gain Hierarchy when considering whether the biodiversity objective has been met and when determining whether to approve the Biodiversity Gain Plan. The Biodiversity Metric incentivises off-site provision in close proximity to the development it is serving and in strategically significant locations over solutions further afield or in less strategically significant locations through associated risk and opportunity multipliers.
- 5.2 These approaches, alongside the intentional uncompetitive pricing of statutory Biodiversity Credits, are intended to ensure as much as possible, habitat creation occurs close to where biodiversity is lost, but in appropriate locations.
- 5.3 The Biodiversity Metric User Guide includes a series of Metric Principles. Principle 8 states that “*Created and enhanced habitats should be, where practical and reasonable, local to any impact and deliver strategically important outcomes for nature conservation*”. It also includes two key definitions: “spatial risk”<sup>6</sup>, and “strategic significance”<sup>7</sup>. These are essential for delivering on the above.
- 5.4 The Metric User Guide does not include specific thresholds for when it is appropriate to deliver on-site gains, off-site gains, or rely upon statutory biodiversity credits.
- 5.5 The spatial risk score to be used in the Metric is set out in Table 8 of the Metric User Guide and is effectively fixed. The Council cannot change the definition of spatial risk. However, this Guidance Note sets out guidelines which build on the sequential nature of the national spatial risk definitions and the Biodiversity Gain Hierarchy. These should, in combination with the

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<sup>6</sup> Spatial risk represents the relationship between the location of biodiversity loss (on-site) and where the off-site habitat is being delivered. This is applied to off-site interventions only.

<sup>7</sup> Describes the local significance of the habitat based on its location and the habitat type.



guidance on application of the Somerset BNG Principles (see chapter 6), and Strategic Significance (see chapter 7), further assist in focusing the right kinds of habitat creation and enhancement in the right locations.

## Sequential approach

- 5.6 BNG best practice is to deliver on-site (i.e. within the red line boundary of a planning application). In line with the above, the Council expects, where practical and reasonable, for BNG to be delivered close to any biodiversity losses being incurred. However, the practicality and reasonableness of delivering BNG on-site will vary site by site. As such it is not considered appropriate to establish specific thresholds for when on-site or off-site gains are allowed, rather a sequential approach (identified in Figure 65, below) should inform decision making about what is most appropriate for the delivery of BNG on a given site.
- 5.7 The sequential approach below should be considered alongside the Biodiversity Gain Hierarchy and compliance with the Somerset BNG Principles (see chapter 6) and consideration of Strategic Significance (see chapter 7), which should also help guide appropriate delivery.

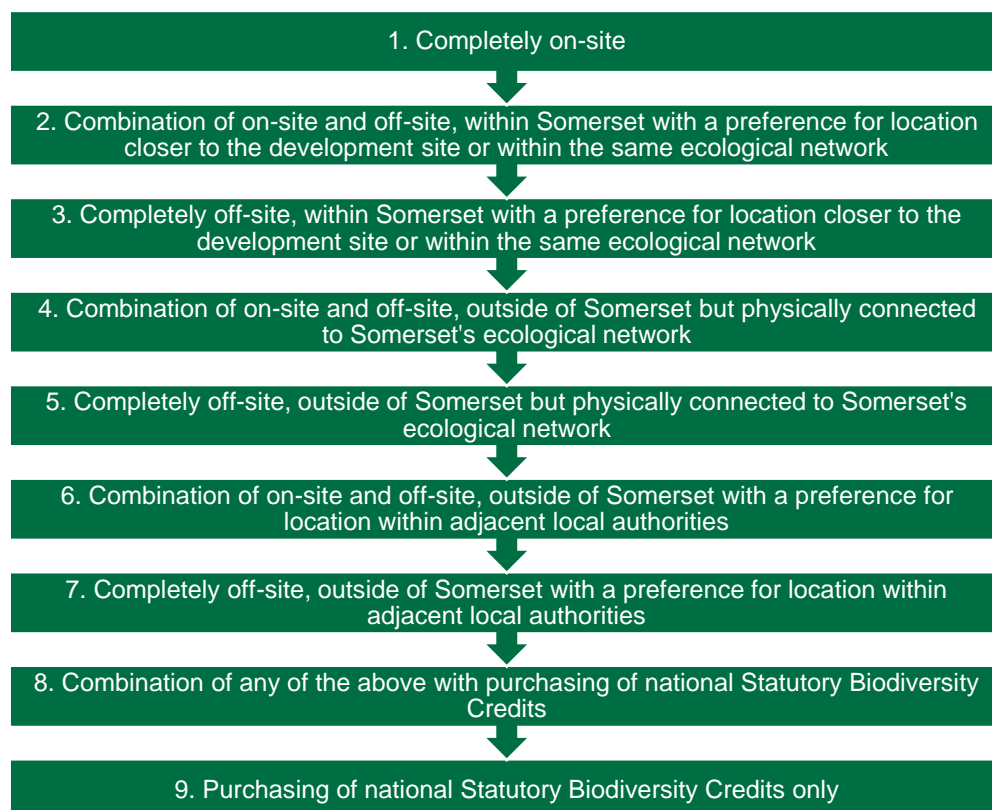


Figure 6 - The sequential approach

- 5.8 The Biodiversity Statement should be used to initially set out and justify the approach to BNG for a development proposal. This should set out how this sequential approach has been followed. This should be refined and updated within the Biodiversity Gain Plan further along the process to reflect and justify any changes in approach.

## On-site considerations

- 5.9 Opportunities are likely to exist within most development proposals to retain, create and manage habitats for biodiversity and provide BNG on-site. Bearing in mind the requirement to comply with the mitigation hierarchy and the Biodiversity Gain Hierarchy, this may be easily achievable in some circumstances through the enhancement of retained habitats, establishment of appropriate buffers and creation of habitats to increase connectivity.
- 5.10 BNG should not be thought of as an additional requirement of development to be tacked on to a scheme designed through other processes. Consideration of the requirement to deliver BNG should be integral to the site selection and design process.
- 5.11 The Council has a range of existing planning and design guidance documents which should be consulted by applicant teams and used to inform the early stages of developing the design concept and proposals for the site. Following the processes and guidance within these documents can lead to well considered and integrated BNG solutions. This can help to reduce costs and improve outcomes. Applicants should make use of the Council's [pre-application service](#) and where relevant the [Quality Review Panel](#) to assist in the on-site design of schemes.
- 5.12 However, it is recognised that on some sites, practical, sustainable ecological enhancement may not always be possible or viable. On-site multifunctional green spaces required by other planning policies will inevitably have potential to deliver some level of habitat and biodiversity enhancement, but this will usually not be the primary function, for example recreational space or Sustainable Urban Drainage Systems. This can have potential to lead to compromises in habitat condition and long-term value of the new habitats. In these circumstances off-site BNG may well provide a more sustainable option. Whilst a key policy aim of mandatory BNG is to improve people's access to nature, this needs to be balanced against the risk of overwhelming the core biodiversity goals of the policy, which may favour placing at least a proportion of BNG off-site, away from such significant/regular public access and other



concerns associated with proximity to urban development including lighting and cat predation etc.

- 5.13 Smaller sites tend to, by their nature, have a lower net to gross ratio in terms of their developable area, meaning they have less opportunity to accommodate BNG on-site. However, smaller sites also may be more likely to lead to lower levels of biodiversity and habitat loss, and therefore may be able to accommodate low level enhancements on-site alongside purchasing of off-site biodiversity units or as a last resort statutory biodiversity credits. However, location of development, and the nature of low level enhancements of on-site gains are likely to mean that it is difficult to achieve higher scores for strategic significance. As such, small sites may in some circumstances, where appropriate, be advised to consider purchasing off-site biodiversity units in place of the on-site element. However, any approach for small sites purchasing off-site units would not be eligible to use the Small Sites Metric (designed to reduce the burdens of the process for SME developers). As such, a pragmatic approach should be taken.
- 5.14 Larger sites tend to, by their nature, have a higher net to gross ratio in terms of their developable area meaning they have greater opportunity to accommodate BNG on-site. In some cases this might be within otherwise planned, multi-functional Green Infrastructure (GI), in others it may be specific dedicated areas for BNG. Larger sites may also be more likely to lead to greater levels of biodiversity and habitat loss and fragmentation. However, the greater population pressures associated with larger developments and potentially reliance upon multi-functional GI also bring risks such as cat predation, general disturbance and maintenance risks. These aspects mean that it may again be difficult for on-site gains to achieve higher scores for strategic significance, as well as being knocked down on other risk multipliers for difficulty of creation or enhancement and potentially temporal risk. As such, whilst larger sites may be more likely to deliver on-site gains, they are also likely to seek off-site biodiversity units. Larger sites tend to be delivered by larger developers with greater access to other landholdings within their company, although this is not always the case. As such, the demand to purchase off-site biodiversity units on the market may be reduced. However, it is important that any off-site units delivered (whether purchased on the market or on other landholdings of the developer) work to deliver in strategically significant locations.



## Off-site delivery

- 5.15 Where justified, and agreed between the Local Planning Authority and site applicant/developer/promoter that on-site options have been exhausted or are otherwise considered to be less sustainable than alternatives, off-site delivery (i.e. beyond the red line boundary of the application) may be permitted. Off-site solutions may be bespoke schemes developed for the applicant (including, but not limited to “blue” land in the same ownership) or through purchase of units from a habitat bank provider. A combination of on-site and off-site gains should be sought wherever possible before an entirely off-site solution is considered.
- 5.16 A key aim is for BNG to be delivered close to any biodiversity losses being incurred, and to deliver strategically important outcomes for nature conservation. As such, the sequential approach set out in Figure 6, above, alongside the Somerset BNG Principles (chapter 6) and consideration of Strategic Significance (chapter 7) set out the process that should be gone through in identifying a suitable off-site solution for a development.
- 5.17 Progression through the off-site steps of the sequential approach should only take place where justified and agreed between the Local Planning Authority and site applicant/developer/promoter that all options have been exhausted or are otherwise considered to be less sustainable than alternatives.
- 5.18 The Council will work to enable sufficient off-site biodiversity units to be delivered in appropriate locations within Somerset reflecting the local interpretation of strategic significance. This will reduce reliance upon off-site solutions outside of Somerset, and on the national statutory biodiversity credits and in turn improve biodiversity and other natural capital benefits locally, contributing to delivery of the emerging LNRS and other plans and strategies. A proposed process for bringing forward different off-site delivery mechanisms in Somerset is set out in chapter 9.

## Use of Statutory Credits

- 5.19 National Statutory Biodiversity Credits can be purchased from Natural England as a last resort. However, these are intentionally uncompetitively priced to encourage on and off-site unit delivery and are intended to be phased out once the off-site biodiversity unit market has matured.



- 5.20 The Government intends to use the revenue from statutory credit sales to invest in strategic habitat creation and enhancement which deliver long-term environmental benefits in line with LNRS priorities. However, this is not guaranteed to be within Somerset and as such benefits will not necessarily be realised locally.
- 5.21 Furthermore, given the legal requirement to deliver at least 10% BNG and the intentionally uncompetitive pricing of the Credits, an unnecessary reliance upon Statutory Credits may in some cases result in viability concerns for developments. This has the potential to undermine delivery against local policy objectives and bring into question whether proposals will result in sustainable development.
- 5.22 As such, there will be a strong assumption against reliance upon statutory biodiversity credits, and in order to rely upon them, an applicant must demonstrate as part of their Biodiversity Statement, and then Biodiversity Gain Plan that they are unable to achieve net gains on-site, or off-site in line with the Biodiversity Gain Hierarchy and sequential approach above.
- 5.23 Given the impact that use of Statutory Credits may potentially have on development viability, and the requirement for the LPA to take into account the Biodiversity Gain Hierarchy and whether the general biodiversity gain condition is capable of being successfully discharged, it is essential that sufficient information about the proposed strategy for delivering at least 10% BNG (including the expected balance between on-site, off-site and credits) is submitted as part of a planning application (see validation requirements at Appendix 4).
- 5.24 If a developer or applicant thinks that they are going to need to rely upon Statutory Credits at all, then they should discuss this with the LPA at the earliest opportunity. Only once it has been sufficiently justified, will the LPA be able to provide confirmation that use of Statutory Credits will be acceptable. Developers should not buy Statutory Credits until they receive this confirmation, and they are able to discharge (fulfil) their non-BNG pre-commencement planning conditions.
- 5.25 Note, some habitat types require bespoke compensation. Where this is the case, Statutory Credits cannot be used.





# 6. Somerset BNG Principles

## Good practice context

### A holistic approach

- 6.1 Somerset Council has established a set of key principles to help guide and inform the development of BNG proposals in Somerset. These Somerset BNG Principles draw upon existing plans, policies and strategies as well as building upon externally produced good practice guidelines. As set out in the context section of this Guidance Note, there are a wide range of existing plans, policies, strategies and projects to which BNG relates. **Appendix 2** lists and provides links to where applicants can find out more about each of these. High quality BNG proposals should be informed by, work with and also in some cases help to deliver on these other strategies through taking a holistic approach. Delivering on multiple benefits and objectives will not be possible or appropriate in all cases, and achieving BNG will remain the primary objective. However, where possible and appropriate, these wider objectives and multi-functionality should be considered and explored. The Somerset BNG Principles encourage such a holistic approach to be taken.
- 6.2 The Somerset BNG Principles set out the key factors the Council want applicants / developers to respond to and use to inform how they develop their on-site design or determine their off-site solution. They help to reinforce the sequential approach (see chapter 5) and are then referenced within the local definition of Strategic Significance (see chapter 7): creating a scoring incentive within the Metric for projects which align with these Principles.
- 6.3 In addition to the specific local plans, policies, strategies and projects set out in **Appendix 2**, the Somerset BNG Principles draw directly on and encourage further alignment with:
- [CIEEM BNG Good Practice Principles for Development: A Practical Guide](#)
  - British Standards Institution (BSI) BS8683:2021 and BS42020:2013
  - [Natural England Green Infrastructure Framework](#)
  - [Building with Nature](#)
  - [RSPB & NHBC Biodiversity in New Housing Developments](#)



Applicants should reference the above and demonstrate within their submissions how they also have been informed by these guidelines.

### The Lawton Principles: *more, bigger, better, and joined-up* habitats

- 6.4 In 2010, Professor John Lawton presented a report to the UK Government, called '*Making Space for Nature*'. The report called for the creation of a healthy ecological network operating across the landscape as a whole, not in isolated reservoirs. The report established that five key components are needed for an ecological network to be effective, as identified in Figure 6:
1. Core areas – these are the areas of highest wildlife value
  2. Corridors and stepping stones – the places that allow movement and interaction
  3. Restoration areas – areas where species and habitats can be restored
  4. Buffer zones – these protect the core areas, corridors, stepping stones and restoration areas from the pressures of human influence
  5. Sustainable use areas – areas of greater human influence and resource use.
- 6.5 To create an ecological network that operates more naturally and effectively, the Lawton report called for simple measures - *more, bigger, better* and *joined-up* sites within the landscape.

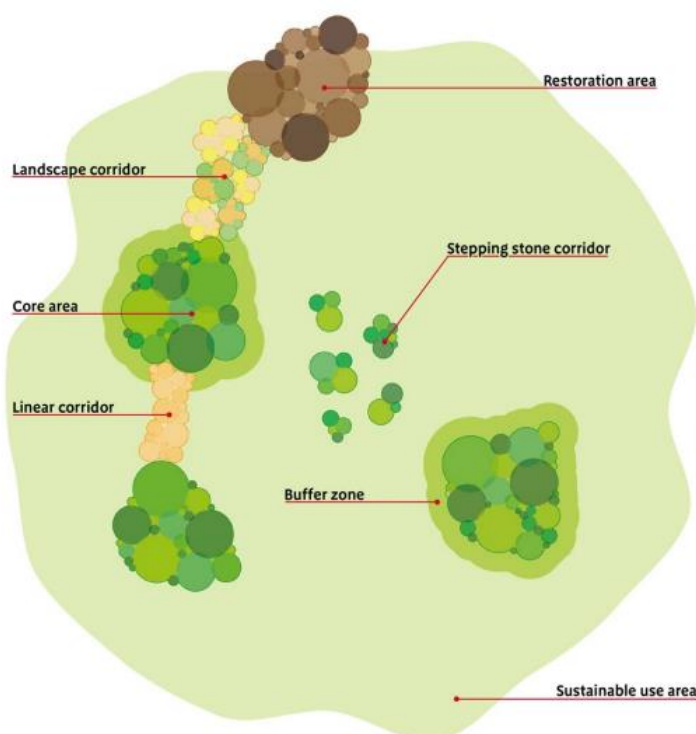


Figure 7 - "The components of ecological networks" taken from '*Making Space for Nature*' (Lawton Review, 2010).

- 6.6 The Lawton Principles directly informed the Somerset Ecological Networks Report published in 2019 and the associated mapping, which is further referred to in relation to Strategic Significance scoring in chapter 7, below.

## Somerset BNG Principles

- 6.7 The Lawton Principles of *more, bigger, better* and *joined-up* habitats can be achieved in Somerset through the delivery of BNG in line with the following key principles:

Somerset BNG Principles	
1	Consider biodiversity early on in site selection and design
2	Pay special attention to habitat retention, compensation and connectivity
3	Respond to heritage and landscape opportunities from the start
4	Enable and deliver appropriate multi-functionality and recreation
5	Build climate resilience through green and blue infrastructure
6	Ensure all proposals are realistic, deliverable and unlikely to fail

- 6.8 These principles and the guidance relating to each (below) arise from consideration of the existing plans, policies, strategies and projects set out in **Appendix 2**, along with the good practice guidance referred to above. BNG proposals in Somerset should be informed by these principles and respond to them accordingly through submission of the BNG Statement and in justifications within the Metric.

- 6.9 Each principle is unpacked further, below.

### 1) Consider biodiversity early on in site selection and design

- Locate and design development to have minimum impact on existing site habitats, focus development on areas of low distinctiveness.
- Use the statutory BNG Metric to identify designs with the least impact. Identify which option will be of greatest benefit to wildlife and reduce the need and cost for additional BNG compensation.



- Avoid impacting on protected, irreplaceable and priority habitats. These cannot be compensated for through BNG. Any agreed loss would require bespoke compensation agreement with Somerset LPA.
- Prioritise retaining existing trees, especially older and native species which will take decades to grow, help people feel more rooted to the place and time, sequester significant levels of carbon and improve groundwater attenuation.
- Consider the potential of natural regeneration for habitat creation.
- Respond to species and habitat recommendations identified by ecology / wildlife surveys, Habitat Evaluation Procedure and ecological impact assessments.
- Identify and control invasive nonnative species on site before they can spread.
- Integrate BNG considerations into site design from the word go, do not treat it as a bolt-on requirement or assume that all impacts can be off-set off-site.
- Reduce light impact on nocturnal wildlife through compliance with [Institution of Lighting Professionals Guidance Note 08/23: Bats and Artificial Lighting](#). Consider dark skies policies and objectives e.g. in National Landscape (AONB) Management Plans where relevant.
- If traditional approaches to protecting and enhancing biodiversity are insufficient, consider innovative solutions to create and or maintain wild corridors such as green bridges, but only where other options have been exhausted and where it can be demonstrated that such options will secure major benefits that cannot be achieved otherwise, and that they are deliverable and reasonable considering wider impacts upon scheme viability.

## 2) Pay special attention to habitat retention compensation and connectivity

- Habitats should be retained and enhanced through good management where possible to generate BNG.
- Wherever possible, wildlife corridors need to be retained, and fragmentation of habitats should be avoided.
- Compensation should be on-site wherever possible as this will be the best outcome for local wildlife directly impacted by a development.
- Compensation must be like for like or better than the habitat lost to the development.
- Downgrading habitats is not acceptable – the value and condition of baseline habitat must be accurate and must not be artificially reduced within the Metric.
- Where possible create functional and structural habitat connectivity within and without the site, building on evidence, environmental records and published aspirations for nature recovery (including national Habitat Networks dataset, Somerset Ecological Networks Report and where appropriate National



Landscape (AONB) Management Plans and Nature Recovery Plans in advance of the Local Nature Recovery Strategy).

- Where compensation cannot be fully achieved on-site, a mix of on-site and off-site may be considered. Maximum on-site delivery is still expected and off-site should be close to any losses where possible, particularly in the case of compensation.
- Utilise the strategic significance scoring criteria to prioritise habitats for retention and enhancement, and the types and locations of habitats that should be used for compensation and new habitat creation.
- Installation of species-based features on buildings/structures and around the site such as swift or house martin nesting bricks, open sided car ports with swallow nests (replicating lost barns), bee bricks, hibernaculum etc. are encouraged to be included as additional measures to support biodiversity and specific species, although these measures are not able to be counted towards BNG.
- Green roofs and walls, and gardens designed using native or wildlife friendly species which can deliver important local benefits to nature and people are encouraged and will count towards BNG. However, their condition and distinctiveness scores are heavily restricted in the Metric to reflect the variability in ways that such spaces will be managed by future residents and that long-term management, maintenance and monitoring of these habitats is not feasible.
- Develop management plans without the use of chemicals such as herbicides, pesticides, fertilizers etc..
- Ensure full consideration of improving management plans in line with best practice to enhance existing habitats on the site, (including by regeneration) and / or create appropriate new habitats.

### **3) Respond to heritage and landscape opportunities from the start**

- The distinctive character of the built and natural setting of the development and the wider landscape character should inform design of the development, as well as the enhancement, creation, and management of the on- and off-site habitats from the outset.
- Composition of created and enhanced habitats should draw on native species in the locale to gauge appropriate habitat size, scale, aspect and composition. This will assist in the development and new habitat blending in with existing.
- Lost habitats such as traditional orchards may be identified on historic maps and reinstated using local varieties.
- Create corridors and join fragmented habitats where possible. Where possible reflect the local features, such as hedge banks or drystone walls (dependent upon location), by using the same local materials and styles. Be guided by



what is cultural and appropriate for the area by referring to relevant Landscape Character Assessment and Design Guidance.

- Explore what wider landscape, heritage, ecology and connectivity opportunities habitat creation and enhancement can help deliver upon by referring to the appropriate area Green Infrastructure Strategy, National Landscape (AONB) Management Plans and Nature Recovery Plans and other plans and projects referred to in **Appendix 2**.
- Traditional and historic buildings support a range of local species including protected species. Consider whether retention is possible and whether appropriate re-use is possible, and otherwise, where appropriate, provide the nesting and roosting capabilities those buildings offered within the new development e.g. bat and bird breeding and roosting site, bee brick for masonry bees, though note such species-based features are not able to contribute to BNG.
- Keep lighting levels appropriate and minimal especially where the character of the surrounding area is low-lit or non-lit, to reduce light pollution impacts on the landscape and nocturnal wildlife.

#### 4) Enable and deliver appropriate multi-functionality and recreation

- Enable more people to have access to good quality green and blue spaces close to home, particularly in more deprived areas or where existing opportunities to connect with nature locally are lower. Refer to local planning policy and Natural England's Accessible Greenspace Standards within their Green Infrastructure Framework.
- Design spaces for people to come into contact with nature (as appropriate) as part of their daily routines to benefit people's wellbeing and mental health.
- Promote and inform future residents and users of the value of the habitats on-site and the reasons for BNG.
- Engage local communities and groups from early on in the design of proposals and ongoing management and maintenance.
- Consider establishing self-guided nature routes, quiet areas and interpretation boards to help people connect with nature and feel safe.
- Encourage users of the site to become involved in care, monitoring and supporting the continued enhancement of the site for the benefit of wildlife and their enjoyment of it, e.g. by encouraging care of newly planted trees.
- Design gardens and allotments with clean soil to encourage local food growing and use of pollinator-friendly species and other measures to attract wildlife and communicate the reasons and benefits to new occupiers.
- Habitat creations such as traditional orchards and food forests can benefit wildlife, provide food for people and support historic landscape regeneration.



- Design SuDS and swales to be landscape-led, multi-functional and attractive to people and wildlife by following the Somerset SuDS Guidance. Water holding swales, planted with native and wetland species will attract wildlife.
- Include nature-based play areas and equipment for children, as well as seating and social areas in green spaces to improve well-being and encourage protection/maintenance of the biodiverse areas.
- Consider how BNG proposals can contribute to multiple priorities in one space through stacking of benefits including nutrient mitigation, flood risk management, landscape enhancement, recreational connectivity etc. Review the plans, strategies and projects within **Appendix 2** for opportunities.
- Restrict access and buffer plant areas intended for species sensitive to human activities and pet impacts. Use Suitable Alternative Natural Greenspaces where appropriate.
- Design safe and accessible walking / cycling routes which dual as habitat corridors where appropriate (carefully balanced needs for lighting and surveillance).
- Consider using motion activated lighting where appropriate to reduce impact on nocturnal wildlife, reduce energy demands and cut carbon emissions.
- Whilst responding to the above, bear in mind that human activity can directly impact upon habitats and their suitability for different wildlife (e.g. through disturbance, cat predation, dog fouling, lighting, vandalism, fires and noise). If multi-functionality reduces the wildlife value of a habitat, then this must be taken into account in Metric scores.

### **5) Build Climate Resilience through Blue and Green infrastructure**

- Consider how BNG can be designed to increase climate resilience and adaptability of the development for wildlife and people from the outset.
- Consider the carbon footprint of proposals (for instance associated with maintenance or emissions from land use changes or ecological features over time).
- Consider the impact on and relationship with active travel routes to ensure benefits are mutual and unintended consequences are not introduced (for instance creating barriers to active and sustainable movements).
- Place appropriate tree species in locations which will provide shade during heatwaves to areas such as buildings, play areas and outside community meeting areas.
- Consider locating trees to provide prevailing wind protection to buildings, assist with noise reduction from transport routes etc. and help mitigating air pollution and particulate matter in the development e.g. from busy roads.



- Ensure tree and other plant species are resilient to anticipated changes in climate and associated impacts including ability to cope with heat and water stress and resilience to current and projected pest species and disease.
- Ensure appropriate aftercare and management are in place, especially for newly planted trees and created habitats, to cope with climatic extremes such as excessive heat. This will aid successful establishment and reduce replacement costs.
- Use of local sustainable wood can support local woodland management, local businesses and reduce the development's carbon costs.
- Where non-native trees and other plant species are used, they should support local wildlife and / or be resilient to climate change.
- Design development and habitats through a holistically considered SuDS strategy to minimise run off and floodwater, make space for water and slow the flow. Utilise the [Somerset Council SuDS Guidance and Design Standards](#).
- Enhance and create riparian and wetland habitat by working with natural lines aimed at slowing flood water on a catchment-wide basis. Consider how such interventions can also assist in mitigating nutrient pollution.
- Design wildlife friendly, vegetated SuDS that capture and slow water flow during excessive rainfall without reliance upon use of piped networks, underground tanks and end-of-pipe storage solutions wherever possible. Consider including green roofs, raingardens, planters, tree pits, swales, ponds, wetlands and basins as well as use of water butts or rainwater harvesting systems to reduce demand for potable water where appropriate.
- Use permeable surfaces wherever possible, e.g., driveways and parking areas, to reduce run off and potential flooding.
- Consider use of systems like gabion walls (where appropriate structurally and from a character point of view) for low retaining walls (soil-dependent) and barriers or seating around the site.
- Use vegetation to stabilise banks (1:3 slope or less) and reduce erosion.
- Explore opportunities for natural filtration which reduces the pollutants carried by runoff and flood water, helping to protect and improve the quality of surface water and ground water and improve climate resilience of freshwater habitats and species.
- Create refuges and corridors to protect for sensitive species from climate change e.g., amphibians.
- Well-designed SuDS can generate additional biodiversity units and benefit developments and users. Retention and creation of natural surfaces such as grassland, trees and scrub can reduce the carbon impact of the development.
- Where appropriate consider enhancement or creation of coastal habitats that assist with coastal erosion protection and tidal flooding.





## 6) Ensure all proposals are realistic, deliverable and unlikely to fail

- Be realistic when setting the target condition. E.g. it is unlikely that habitat on-site will reach a high condition because of disturbance from humans and pets.
- For the majority of on-site proposals, relatively simple, robust, low-maintenance habitats in keeping with the locality are likely to be generally more achievable.
- Consider the practicalities of management and maintenance that habitats may require early on (e.g. grazing, access, water, cutting regimes).
- Consider the cost and operational logistics of maintaining small areas of habitat which might be higher cost and more difficult – does it become more viable by increasing the size of habitat to be maintained?
- Engage specialists for management of high distinctiveness habitats, where these are being relied upon.
- All significant on- and off-site proposals require a Habitat Management and Monitoring Plan (HMMP), supported by adequate funding, appropriate maintenance regimes, achievable and resourced monitoring and contingency planning to ensure the habitat is delivered within the set time frames, in line with the Metric User Guide and current good practice BNG guidance. Use SMART targets. Build feedback loops into the HMMP so that delivery can learn from what is working and what is not.
- Where biodiversity units are to be sold, ensure that the price of a biodiversity unit is set at an appropriate level to support the level of management, maintenance and monitoring set out in the HMMP. All delivery mechanisms must be supported by a sound business plan.
- Habitat viability must be considered. Does the site have suitable conditions to establish the planned habitat to the distinctiveness and condition proposed? Facts that should be considered include: soil pH and type, aspect, drainage, development of tree canopies, size, human impact, predicted risks over the 30 year management period etc. For example, a calcareous grassland needs a thin, nutrient poor soil with a high pH which does not receive too much shading. Even if the conditions at creation are good if young trees have been planted nearby, in time their canopy may make it unviable.
- Have a clear plan for what happens at the end of the minimum 30 year period. Retention and continued enhancement for biodiversity is strongly encouraged.
- Design the site to protect wildlife from crime and disturbance by considering and responding to the risks.
- Private gardens can be counted for BNG purposes, though the condition and distinctiveness scores for vegetated gardens are heavily restricted to reflect the variability in ways that such spaces will be managed by future residents and that long-term management, maintenance and monitoring of these habitats is not feasible. However, gardens do still present opportunities for nature enhancement and continued/improved connectivity through development sites which should be encouraged and enabled.



- Follow the “right tree, right place” guidance and deliver greater after care and management to support young trees rather than relying upon contingency planting to account for high losses.
- Consider what guidance the developer can provide to new residents/occupiers to encourage and facilitate wildlife friendly and sustainable practice going forward (e.g. advice and encouragement about avoiding intrusive external lighting and use of artificial grass, ways to build biodiverse gardens etc. and why this is important.
- Ensure that proposals are informed by and take account of pre-application consultation with other relevant bodies (e.g. Environment Agency, Natural England, Canal and River Trust etc.) and any other permitting regimes which need to be complied with.



# 7. Strategic Significance

- 7.1 Strategic significance is the local significance of a habitat based on its location and habitat type. Assessors should assign a strategic significance category within the Metric for each individual habitat parcel both at baseline and at post-intervention. Assessors should use published plans, strategies or policies which are relevant to the habitat's location to determine the strategic significance of the habitat and reference the relevant documents in their justification.
- 7.2 The Metric User Guide sets out the default definitions for high, medium and low scores of strategic significance. Habitat may be scored as being of high strategic significance where it is of an appropriate habitat in a location identified as ecologically important for the specific habitat type, or where that habitat is otherwise identified as being ecologically important within a local plan, strategy or policy.
- 7.3 In time, the LNRS, and the new Local Plan will likely provide the primary source for identifying strategic significance in Somerset. However, the Somerset LNRS is not expected to be published until later in 2024 and it will be a number of years until the new Somerset Local Plan has progressed sufficiently to hold significant weight in this regard. If an LNRS has not been published, the Metric User Guide sets out that a Local Planning Authority should specify alternative documents for assigning strategic significance.
- 7.4 In the interim, before the LNRS is complete, strategic significance in Somerset will be defined as per the table in Figure 8, below. This approach combines spatially defined areas and the definitions of enhancements which can support them, with reference to the Somerset BNG Principles (as discussed in the previous chapter). Collectively they are intended to guide BNG proposals to take a holistic approach and deliver multiple benefits by incentivising stronger alignment with other plans, strategies and projects.
- 7.5 Applicants must include adequate justification for the strategic significance category applied, referencing the definitions set out below, relevant Somerset BNG Principles and related plans and strategies used to arrive at this.



Strategic significance	Score in Metric	Definition in Somerset (subject to change as the Somerset LNRS emerges)
High	1.15	<p>Only where appropriate habitat enhancement or creation:</p> <ul style="list-style-type: none"> <li>a) Is located within and meets the definition of a Priority Habitat or enhancement, expansion or fragmentation zone as defined by the <b>National Habitat Networks</b> dataset,</li> </ul> <p>or,</p> <ul style="list-style-type: none"> <li>b) Is located within and meets the definitions of the core, stepping stone or dispersal areas identified by the <b>Somerset Ecological Networks Report</b> mapping,</li> </ul> <p>or,</p> <ul style="list-style-type: none"> <li>c) Would support or could support recovery of <b>priority species</b> or <b>protected sites</b>.</li> </ul> <p>This should be supplemented by justification within the comments section of the metric, which should also pick up how the proposals respond to the Somerset BNG Principles. <b>High levels of alignment with the principles</b> are expected for post-intervention habitats.</p>
Medium	1.10	<p>Only where habitat enhancement or creation is clearly justified as <b>contributing to the ecological functionality within the landscape</b> e.g., buffering priority habitats, providing connectivity, supporting, or providing bat flight lines but outside of the areas identified under 'high' above.</p> <p>This should be supplemented by justification within the comments section of the metric, which should also pick up how the proposals respond to the Somerset BNG Principles. <b>General and majority alignment with the principles</b> is expected for post-intervention habitats.</p>
Low	1	<p>Any other habitat enhancement or creation which does not meet the above criteria.</p> <p>This should be supplemented by justification within the comments section of the metric, which should also pick up how the proposals respond to the Somerset BNG Principles.</p>

Figure 8 - Defining Strategic Significance in Somerset



- 7.6 Justification for strategic significance should refer to spatial and habitat considerations, as well as alignment with the Somerset BNG Principles. Assessors should consider other plans and strategies (for instance those set out in Appendix 2 such as National Landscape/AONB Management Plans and Nature Recovery Plans) which may assist in understanding the most appropriate solutions in a specific location.
- 7.7 The definition of areas and associated types of interventions of high strategic significance does not mean that the areas in-between have no ecological relevance. In line with the Lawton Principles (see chapter 6), there is a need to deliver *more, bigger, better* and *joined-up* sites within the landscape, and this requires actions across all core, stepping stone, buffer, corridor, restoration and sustainable use areas. Habitat enhancement and creation outside of the most strategically significant locations will still deliver benefit, particularly where combined with other measures for instance improving local access to nature. However, appropriate actions in certain strategically significant locations will deliver greater benefit to nature recovery overall, and potentially also other policy objectives where closely aligned with the Somerset BNG Principles.
- 7.8 Careful consideration still needs to be given to the location of any habitat enhancements and creation in relation to the development it is serving. Simply because an off-site solution could deliver high strategic significance, does not mean that the Biodiversity Gain Hierarchy and the sequential approach (see chapter 5) can be ignored. BNG solutions should aim to deliver compensation and gains as close to any losses as possible in the first instance.



# 8. Securing BNG from development

## Securing the Biodiversity Gain Plan

- 8.1 As set out in the Environment Act 2021, all relevant planning applications to which BNG applies will automatically be subject to a deemed pre-commencement condition (the general biodiversity gain condition) which ensures that development may not be begun unless a Biodiversity Gain Plan has been submitted to and approved by the Local Planning Authority. The Biodiversity Gain (Town and Country Planning) (Modifications and Amendments) (England) Regulations 2024 modify the general biodiversity gain condition in relation to phased developments to the effect of requiring submission and approval of an overall gain plan prior to commencement of any works on-site, and subsequent submission and approval of phase gain plans prior to commencement of works relating to a specific phase.
- 8.2 In many cases, it is anticipated that it will not be possible to establish all of the necessary detailed aspects of a development and its BNG provision at the point of the planning application being made. As such, the Regulations set out that the final Biodiversity Gain Plan (or Overall Gain Plan) can only be submitted and approved after the application has been determined, and prior to commencement. Therefore, the deemed general biodiversity gain condition will apply in all cases, requiring submission and approval of the Biodiversity Gain Plan prior to commencement (or as modified for phased development). The general biodiversity gain condition will not appear on the Decision Notice alongside other locally derived conditions of planning permission. Instead, the Decision Notice will include an informative drawing the applicant's attention to the fact that the general biodiversity gain condition applies and what is necessary to discharge it.
- 8.3 However, the LPA requires a BNG Statement to be submitted alongside planning applications setting out how a development proposes to discharge the general biodiversity gain condition (see Chapter 4 and in Appendix 4). The BNG Statement will be approved as part of the determination of the application. The LPA will then expect any formal Biodiversity Gain Plan submitted for approval at pre-commencement stage to be broadly in



accordance with the approved BNG Statement. This will likely be explicitly conditioned as part of the planning permission in line with the template conditions to be produced by the Council (see 8.21-8.22, below). This ensures that the overall strategy for meeting the BNG requirements for the site does not change drastically and as such should help to avoid significant post-permission viability issues associated with BNG.

## Securing claimed biodiversity gains

- 8.4 Beyond the deemed general biodiversity gain condition requiring submission and approval of the Biodiversity Gain Plan, the LPA will need to use appropriate measures to secure the gains themselves and their management and maintenance for a minimum 30 year period. The method of securing these gains will vary depending on their nature, representing the appropriate balance between risk and reasonableness as set out below. The Environment Act 2021 requires any off-site biodiversity gains, the use of credits, and *significant*<sup>8</sup> on-site enhancements to be formally secured by condition, planning obligation or conservation covenant.
- 8.5 Planning conditions should be kept to a minimum, and only used where they satisfy the following legal tests:
- 1) necessary;
  - 2) relevant to planning;
  - 3) relevant to the development to be permitted;
  - 4) enforceable;
  - 5) precise; and
  - 6) reasonable in all other respects.
- 8.6 Planning obligations are secured via legal agreement under Section 106 of the Town and Country Planning Act 1990. Regulation 122 of the Community Infrastructure Levy Regulations 2010 states that a planning obligation may only constitute a reason for granting planning permission if the obligation is:
- necessary to make the development acceptable in planning terms;
  - directly related to the development; and
  - fairly and reasonably related in scale and kind to the development.
- 8.7 As a rule of thumb, planning obligations are more easily monitored and enforced due to their nature as legal agreements. Furthermore, it is possible for the LPA to charge an appropriate monitoring fee as part of a planning obligation, which cannot be secured via condition. This monitoring fee can be

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<sup>8</sup> The Government has provided guidance on what are likely to be considered “significant” on-site enhancements (see <https://www.gov.uk/guidance/make-on-site-biodiversity-gains-as-a-developer>).



used to cover overhead costs of resourcing and undertaking the monitoring of the legal agreements and can greatly assist in ensuring the secured gains are adequately monitored and actually delivered.

- 8.8 Somerset Council is not registered as a Responsible Body for the purposes of signing conservation covenants. As such, at this stage conservation covenants cannot be used to secure claimed biodiversity gains. The Council may review its position with regards to conservation covenants and potential status as a Responsible Body in due course, but from day one of implementation, this route will not be available to applicants in Somerset.

### On-site gains

- 8.9 The Government has set out in the [DEFRA Guidance](#)<sup>9</sup> that 'significant' on-site enhancements are areas of habitat enhancement which contribute significantly to the proposed development's BNG relative to the biodiversity value before development. It suggests that exactly what counts as significant will vary depending on the scale of development and existing habitat, though sets out what may normally be considered 'significant'. As such, it is for the applicant to justify what on-site enhancements should be considered 'significant', what should not, and why.
- 8.10 Whilst being able to contribute to the overall BNG requirement, the ability for ongoing monitoring and maintenance of private gardens in line with an overarching Biodiversity Gain Plan is minimal. As such private gardens will only ever be treated as non-significant on-site enhancements, even where they contribute a large proportion of the necessary biodiversity units for a site.
- 8.11 As such at this stage it seems likely that any site capable of achieving significant on-site gains, will be of sufficient scale that it will hit other policy requirement thresholds, for instance around on-site open space and affordable housing. As such, it is envisaged that the use of planning obligations for the securing of 'significant' on-site biodiversity gains through a S106 legal agreement will be most appropriate and also not be overly burdensome.
- 8.12 'Significant' on-site gains secured via S106 legal agreement will likely also need reference within planning conditions relating to any general Landscape and Ecological Management Plan, phasing plan, masterplan or design code/guide, particularly where they are multi-functional in purpose as is promoted through the Somerset BNG Principles. This will include securing management and maintenance of such on-site areas beyond the statutory BNG 30 year period where these are required and relied upon for wider ecological mitigation or compensation or they contribute towards other policy requirements such as open space, amenity, landscaping, SuDS, nutrient

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<sup>9</sup> see <https://www.gov.uk/guidance/make-on-site-biodiversity-gains-as-a-developer>)





mitigation, HRA compensation/mitigation etc.. Where on-site land is secured for BNG purposes alone (i.e. it is not multi-functional and required for other purposes as suggested above), then the applicant will still need to set out broadly what the plan for that land will be at the end of the 30 year period.

- 8.13 On-site enhancements which do not reach the threshold definition of 'significant' do not statutorily need to be secured formally. However, where such non-significant on-site gains are anticipated (beyond private gardens), these may be secured via planning condition and S106 legal agreements as part of any general on-site Landscape and Ecological Management Plan.
- 8.14 Even where planning application sites are exempt from the national mandatory (at least) 10% BNG requirement, the Council still expects applicants to achieve a general net gain and other biodiversity enhancements, in line with the NPPF and relevant development plan policy. In these circumstances, net gains should be on-site only, may be demonstrated more generally through the Ecological Impact Assessment or through the Habitat Evaluation Procedure where required for other purposes anyway (i.e. not necessarily through the statutory Metric) and may be secured via planning condition as part of any general on-site Landscape and Ecological Management Plan.

### **Off-site gains and use of statutory credits**

- 8.15 All off-site gains must be formally secured. Precisely how this occurs depends upon the route taken. Off-site gains may be secured on other adjacent land in the same ownership (i.e. land within the 'blue line'); other land in the same ownership as or also under option by the applicant/developer but further away; or land in a third party ownership.
- 8.16 If, at the point of determining a planning application, it is clear that the development site may need to rely upon a quantum of off-site units or statutory credits, then this should be set out within the BNG Statement along with the appropriate justifications. The LPA will likely condition any permission so that any subsequent Biodiversity Gain Plan is produced broadly in accordance with the submitted BNG Statement. It should not be necessary for planning obligations to require purchase of such off-site units or statutory credits in addition to the deemed general biodiversity gain condition and any local condition requiring the Biodiversity Gain Plan to be in broad accordance with the submitted BNG Statement.
- 8.17 The Council's process for enabling off-site delivery mechanisms is set out in Chapter 9. In summary, in the majority of cases, such sites, the habitat



enhancements on them, their monitoring, management and maintenance, will be legally secured entirely separately from any development which purchases any subsequently created biodiversity units from it.

- 8.18 Where separately legally secured, it will not be necessary to further secure these specific off-site gains in relation to the development in question. The gains are already legally secured, and the national biodiversity gain sites register will make the appropriate linkage with the relevant development. The applicant just needs to provide justification for reliance upon off-site units and evidence that sufficient registered and legally secured units have been purchased and allocated to the development as part of their Biodiversity Gain Plan.
- 8.19 Where an applicant justifies a reliance upon off-site units, but intends to bring these forward on other land in the same ownership or from a bespoke off-site solution (i.e. one serving only the development site in question) and that land has not previously been secured for the necessary habitat enhancements, then this may be dealt with alongside determination of the planning application. In this case, there may be a need for two separate but linked legal agreements, securing the off-site solution and the obligations in relation to the development proposal (see 9.40, below).

## Template conditions and planning obligations

- 8.20 The Council intends to develop template planning conditions and S106 legal agreements, however these are not yet available.
- 8.21 Following the appropriate method for the relevant type of biodiversity gains as set out above, beyond the national deemed general biodiversity gain condition, the Council will need to secure the following in relation to any development proposals:
- A planning condition to ensure that the subsequent Biodiversity Gain Plan will be broadly in accordance with the submitted BNG Statement;
  - A S106 legal agreement in relation to any significant on-site gains covering:
    - Submission of a Habitat Management and Monitoring Plan (HMMP) and approval prior to commencement ;



- Specification of the contents which the HMMP must include in order to demonstrate it as deliverable, adequately resourced and funded;
- Compliance with the approved HMMP for a minimum of 30 years;
- Specification of contingency arrangements;
- Enforcement arrangements and details of how any remedial measures may be required as appropriate;
- Obligation to pay an agreed monitoring fee to the LPA upon completion of the relevant S106 legal agreement, to cover the costs of monitoring the agreement and biodiversity gains secured.



# 9. Off-site delivery mechanisms

## What are off-site BNG solutions?

- 9.1 Development proposals are able to meet their mandatory BNG requirement via use of on-site gains, off-site gains or statutory credits. The appropriate solution will differ from site to site but should be governed by the Biodiversity Gain Hierarchy, the sequential approach set out in chapter 5, above in conjunction with the application of the Somerset BNG Principles (chapter 6) and strategic significance scoring (chapter 7).
- 9.2 Where appropriately justified, development proposals may rely in part or in whole upon an off-site BNG solution. In this situation, the applicant will be expected to set out within their BNG Statement the expected quantum of off-site units they are expecting to require together with necessary justification and as much information as possible about the off-site units they propose to use. The subsequent Biodiversity Gain Statement submitted post-permission to discharge the general biodiversity gain condition must then be accompanied by proof that sufficient and appropriate biodiversity units have been purchased. Note, the Council will have separately conditioned that the Biodiversity Gain Plan should be in broad accordance with the submitted BNG Statement.. Chapter 8 sets out the approach to securing BNG from development proposals including from off-site providers.
- 9.3 Off-site providers effectively enhance or create habitat on a specific piece of land which is entirely separate to any specific development proposal. This habitat generates 'biodiversity units' as measured through the Biodiversity Metric. These biodiversity units can be sold to applicants / developers for reliance upon in meeting their off-site obligations in relation to a specific development proposal.

### Off-site delivery mechanisms

- 9.4 There are two key delivery mechanisms for bringing forward off-site BNG solutions and then selling the resulting biodiversity units:



- **Habitat banks** – where the off-site provider enhances/creates habitat in advance of securing sales of resulting biodiversity units.
- **Habitat to order** – where the off-site provider enhances/creates habitat only in response to a specific requirement from a development.

9.5 Landowners will take a risk-based approach in determining which of the above mechanisms they are most keen to explore.

9.6 Habitat banks can be more cost effective to create and manage; reduce temporal risks (time to target condition and therefore needs less land take); and result in habitat creation ahead of loss on development sites. However, there are risks if demand proves lower than anticipated and initial capital investment can be significant well in advance of receiving income.

9.7 Conversely, habitat to order results in delivery in line with demand and therefore lower commercial risks, with initial capital outlay in habitat creation met by the cost of selling units. However, this approach is less cost-effective, has a greater administrative burden and may result in a time lag between habitat loss on-site and creation off-site.

9.8 A third option would be a hybrid between the two above, whereby some units are created in advance, whilst others are created to order.

9.9 In most cases, habitat enhancements will not in themselves require a planning application / permission. However, where a material change of use or engineering operations are to take place (for instance the creation of constructed wetlands) then this may be required. Developments undertaken solely or mainly for the purpose of fulfilling, in whole or in part, the biodiversity gain planning condition which applies in relation to another development are exempt from the general biodiversity gain condition themselves.

9.10 The price of a biodiversity unit is not set nationally or by the local authority but will instead be determined by the market. This means that, in due course, there may be competition between different off-site providers. However, the price of a biodiversity unit will necessarily need to be set at such a level so as to balance between a viable and attractive cost to developers and the anticipated lifetime costs of creating, managing and maintaining the new habitat including administration, contingency and other overheads and creating a financial incentive for the use of the land for this over another potential purpose. A report by Eftc commissioned by DEFRA and published in 2021 suggested that the market price of a biodiversity unit may settle at around £20-25k. Where schemes have come forward in other areas there is a suggestion that unit prices may be slightly higher in the region of £30-35k.



However, the price is likely highly dependent upon the specifics of the site and supply and demand in the local market.

## Securing off-site delivery mechanisms

9.11 In the case of both habitat banks and habitat to order, an ‘overarching’ legal agreement will be required to secure a Habitat Management and Monitoring Plan for a minimum 30 year period in relation to the land as well as processes for selling and allocation of biodiversity units to development proposals. This may be possible through a S106 legal agreement or a conservation covenant. The legal agreement securing the off-site delivery mechanism would generally be entirely separate from any legal agreements relating to a specific development proposal, particularly in the case of ‘habitat banks’. It may be that ‘habitat to order’ could be secured via a single legal agreement covering both the development site it is to serve and the off-site BNG land in one go. Further detail is provided on the potential routes, below.

### In Somerset

- 9.12 The default method for securing an off-site delivery mechanism within the county of Somerset will be through an overarching S106 legal agreement with Somerset Council. The Council is exploring development of template S106 Agreements for the purpose of securing off-site delivery mechanisms. However, the Council is not obligated to enter into such agreements and will only do so where determined appropriate. The process set out in the next section of this chapter will help determine when the Council will consider entering into such agreements.
- 9.13 If the off-site delivery mechanism is located within Somerset, but within Exmoor National Park, an overarching S106 legal agreement could in theory be signed with either Somerset Council and/or Exmoor National Park Authority.
- 9.14 Conservation covenants present an alternative option for securing an off-site delivery mechanism in Somerset. Conservation covenants are a new enforceable legal structure which will allow landowners to give long term commitments, regarding the use and management of land, which are enforceable by a Responsible Body. Responsible Bodies must be designated



by the Secretary of State for the Department for the Environment, Food & Rural Affairs (DEFRA).

- 9.15 Local Authorities may apply to be designated as a Responsible Body. At this stage, Somerset Council is not registered as a Responsible Body. The Council may review its position with regards to conservation covenants and potential status as a Responsible Body in due course. This means that for now it will not be possible to enter a conservation covenant with the Council in order to secure an off-site BNG delivery mechanism.
- 9.16 However, other bodies (with a main purpose, function or activity relating to conservation) are also eligible to apply to be designated as a Responsible Body. At this stage it is not known whether any other such bodies exist within Somerset, but conceivably they may become designated over the coming months and years. Where this is the case, an off-site provider may choose to explore the potential of entering a conservation covenant with them in order to secure an off-site delivery mechanism as an alternative to entering a S106 legal agreement with the Council.
- 9.17 A provisional off-site provider may want to bring forward an off-site delivery mechanism in phases to help spread risk and respond to demand. In order to assist the streamlining of processes for future expansions, the Council will consider securing entire land holdings under a framework S106 legal agreement, which will enable future phases / expansions within the same land holding to be dealt with through supplemental agreements or deeds of variation rather than having to begin the process 'from scratch' each time.

### **Beyond Somerset**

- 9.18 As set out in the sequential approach (chapter 5), there may be situations where it is acceptable for an applicant / developer to rely on off-site gains beyond the boundaries of Somerset. Off-site delivery mechanisms outside of Somerset must be secured in the same way (i.e. via S106 legal agreement or conservation covenant). However, Somerset Council will not be party to any legal agreements beyond the boundaries of Somerset. Instead, a S106 legal agreement would need to be signed with the relevant Local Planning Authority within which the off-site solution is located, or a conservation covenant with a suitable Responsible Body.



# Demand for off-site solutions in Somerset

## Where does the demand come from?

- 9.19 Engagement with developers in Somerset has suggested that larger regional and national developers are reasonably confident that they will be able to deliver BNG requirements on-site due to their generally larger development sites. Otherwise, they typically have their own banks of land and resources to be able to arrange their own off-site solutions (which would still need to be secured in line with the above guidance) relatively easily.
- 9.20 However, smaller, more local SME developers do have concerns given that they tend to bring forward smaller development sites with less flexibility in land budgets to deliver BNG on-site, yet with minimal other land to call on or resources to arrange their own off-site solutions. This same situation has also been experienced with regards to phosphate mitigation measures, where larger developers are often seeking to develop their own wetlands solutions, whilst smaller developers have been more reliant upon local credit schemes to date. As such, without sufficient local off-site solutions being made available, these SME developers are likely to be more reliant upon more expensive national statutory credits (and therefore be more severely affected in terms of viability). SME developers contribute a significant amount of development including housing delivery in Somerset. It is therefore in the Council's interests to enable and facilitate a reasonable and appropriate flow of available off-site solutions locally in order to avoid unreasonable impacts upon SME developers and knock-on impacts to development delivery.

## Quantum of demand for off-site solutions

- 9.21 A 2022 Bidwells report for Natural England produced in relation to the Somerset Wetlands Nature Recovery Project included a market analysis of demand for off-site biodiversity units over the next ten years. The analysis was based on a broad quantum of annual development likely to come forward in the next ten years which does not already benefit from planning permission, and of that how (at a high level, based on a range of assumptions) it is likely that BNG requirements might be delivered. This suggested that residential development sites might on average be likely to deliver between 38% and 78% of the BNG requirements on-site depending on site size and location (green/brownfield), with the figure for greenfield commercial development much lower around 9%. This led to identification of biodiversity unit deficits





and an overall off-site land-take requirement to meet this biodiversity unit deficit for the next ten years:

- Estimated total biodiversity unit on-site deficit (area habitats) = 1,281.54 area units
- Estimated total biodiversity unit on-site deficit (hedgerows) = 1.67 hedgerow units
- Estimated total off-site land-take to meet biodiversity unit deficit = 701 ha.

9.22 This overall figure is an indicative estimate of the land-take required to meet demand for off-site solutions in Somerset for the next ten years based on a large number of assumptions. However, this figure excludes any BNG requirements associated with infrastructure projects (either relevant to the Town and County Planning Act regime or the Planning Act (NSIP) regime). In addition to this, developments in other areas of the country may need to purchase off-site gains outside of the local authority in which they are being developed (particularly in the case of more tightly constrained urban authorities). Somerset may present an attractive location for such offsets. As such, the requirements may, if anything, be a marginal understatement of demand.

9.23 701 ha of land equates to approximately 0.2% of all the land in Somerset, or approximately 0.27% of all the agricultural land in Somerset (not that all BNG would be delivered solely on agricultural land necessarily).

9.24 The majority of overall demand for off-site biodiversity units was assumed to come from major developments above 100 dwellings in size, and greenfield commercial developments. Whilst these categories represent where the biggest demand for units might come from, by their nature, there are less individual planning applications for these larger development sites. Smaller development sites including minor development of 0-9 dwellings and major development of 99 dwellings or less, as well as business and service industry developments drive a smaller overall quantum of biodiversity unit demand, but by their nature there will be many more applications for such developments occurring more often.

### Timing of off-site solutions in Somerset

9.25 Taking an average of the above estimated ten-year demand for off-site biodiversity units, this would suggest average annual demand of:

- 128.15 area-based units per annum
- 0.17 hedgerow-based units per annum

This might require in the region of 70.1 hectares of land per annum.



- 9.26 The Government's DEFRA Guidance states that off-site habitat creation, enhancement and management work should start within 12 months of allocation to a specific development. Furthermore, earlier delivery is also rewarded within the BNG Metric through the temporal risk score, which penalises delays to delivery.
- 9.27 This may increase demand for habitat bank delivery mechanisms (as opposed to habitat to order, see above) as the habitat would have already been enhanced and simply need allocating to the relevant development. This might suggest a need for at least some off-site solutions to be brought forward sooner rather than later so that they have time to enhance or create the habitat and for it to reach target condition in line with approved plans ready for the market to purchase units when required.
- 9.28 Many larger development sites are broken down into phases of development. Phased development benefits from a modified version of the general biodiversity gain condition which allows for an Overall Gain Plan to be approved prior to site commencement, and then subsequent Phase Gain Plans to be approved prior to start on a specific phase. This may spread demand for off-site biodiversity units arising from larger development sites into smaller peaks across the ten-year period as reserved matters applications for phases of major sites are determined, rather than seeing much bigger front-loaded peaks associated with first commencement on such sites.
- 9.29 However, considering that routine demand for off-site biodiversity units is currently expected to be driven by a larger number of applications for smaller developments, it may be less likely that phasing will be a major influence on the market in Somerset.

## **Process for establishing off-site delivery mechanisms in Somerset**

- 9.30 The Council is regularly being approached by landowners and promoters seeking to establish off-site delivery mechanisms in Somerset. These prospective off-site providers require the Council's assistance to legally secure their proposals and effectively bring the biodiversity units created to market. As set out above, off-site solutions must be secured by either an overarching S106 legal agreement or conservation covenant. Whilst the Council is keen to enable sufficient off-site solutions to be made available in



Somerset at the right time, it is not obligated to enter into such agreements and will only do so where it is determined appropriate to do so.

9.31 When determining whether it is appropriate for the Council to enter into an overarching S106 legal agreement to secure an off-site delivery mechanism in Somerset, it must take account of multiple factors:

- **Compliance with the Natural Environment and Rural Communities (NERC) Act 2006** – the NERC Act 2006 requires local authorities to consider what action they can properly take, consistent with proper exercise of functions, to further the general biodiversity objective (to conserve and enhance biodiversity), then determine policies and specific objectives required. In doing so, the local authority must have regard to any relevant LNRS and any relevant Species Conservation Strategy or Protected Site Strategy prepared by Natural England. These documents do not yet exist, but in the interim, the Council has set out local definitions for the scoring of strategic significance within the Metric, which can be used as a proxy for alignment with these future documents.
- **Resources** – the Council has limited resources which it must prioritise towards discharge of statutory functions. Enabling off-site solutions to come forward is in the Council's interest for the delivery of development. However, the work involved in this is not a statutory duty. The establishment of legal agreements and monitoring compliance with any legal agreements which it is party to will require significant resource from multiple departments and as such it is important that this resource is focused only on suitable sites. The work establishing and monitoring the agreement only arises due to the off-site provider's approach, and as such, it is important that any such agreement is accompanied by an establishment fee and a monitoring fee to cover the full costs involved in establishing and then monitoring it. Given the limited resources of the Council, it is important that it takes opportunities where possible to ensure proposals deliver on multiple objectives of the Council Plan to maximise efficiency of resources attributed to the task.
- **Risk of failure** – the Council must consider whether an off-site proposal is realistically likely to deliver as proposed. This requires clear understanding of land ownership; landowner and site promoter intentions; other consents, covenants, charges etc. affecting the land; financial stability and a business plan for creation, sale, management, maintenance and monitoring of the biodiversity units as well as any contingency plans.

9.32 Taking the above into account, the Council must establish a transparent process and consistent approach to apply in to determining whether third party proposals are appropriate, which should be prioritised, and why the



Council is willing to enter into a legal agreement to secure the site and enable biodiversity units to be sold.

9.33 The Council's process for considering and securing off-site delivery mechanisms for BNG can be summarised as per the bullet points below. This is set out as a process flow diagram in Figure 9, below.

- The Council intends to launch a 'call for sites'. This will seek submissions from landowners / site promoters who are interested in bringing forward off-site delivery mechanisms for BNG. The Council will set out clear requirements on the information which must accompany such submissions, and it will be the responsibility of any landowner / site promoter to ensure that they are providing all of the relevant information in the requested format.
- A minimum site threshold of 10 biodiversity units being created will apply, to help ensure efficient use of Council resources in assessing sites and negotiating S106 legal agreements for the benefits created.
- The Council will then undertake a two-stage assessment process:
  - Stage 1 will assess how the site fares in terms of strategic significance scoring, how it can assist the Council in complying with its NERC Act 2006 duties, and generally help weed out non-starters. Sites providing incorrect or insufficient information will not progress at all. Site submissions providing all appropriate information will then be prioritised through consideration of the above factors alongside the number, type, location and timing of biodiversity units that can potentially be delivered.
  - Stage 2 will then assess the risk of failure. The top prioritised site from Stage 1 will progress to Stage 2 and be asked to submit additional information relating to the above. If a site progressing to Stage 2 later fails to enter a S106 legal agreement, the next priority site will enter Stage 2 in its place. This helps to ensure Council resources are prioritised and capacity is used to get the preferred sites onto the market quicker.
- Once the Council has confirmed that the additional information provided at Stage 2 demonstrates a low risk of failure the site will proceed to negotiation on a S106 legal agreement.
- Once the S106 legal agreement is signed and sealed, the landowner / site promoter must register the site with the national biodiversity gain site register. Only once these steps have occurred can they then begin to allocate and sell biodiversity units in line with the legal agreement. Depending on the type of off-site delivery mechanism (habitat bank or habitat to order) and the specifics of the legal agreement, a landowner / site promoter might begin delivering the habitat enhancements and accompanying Habitat Management and Monitoring Plan straight away, or



they may wait until they have orders to begin this process. Monitoring reports will need to be submitted in line with the legal agreement.

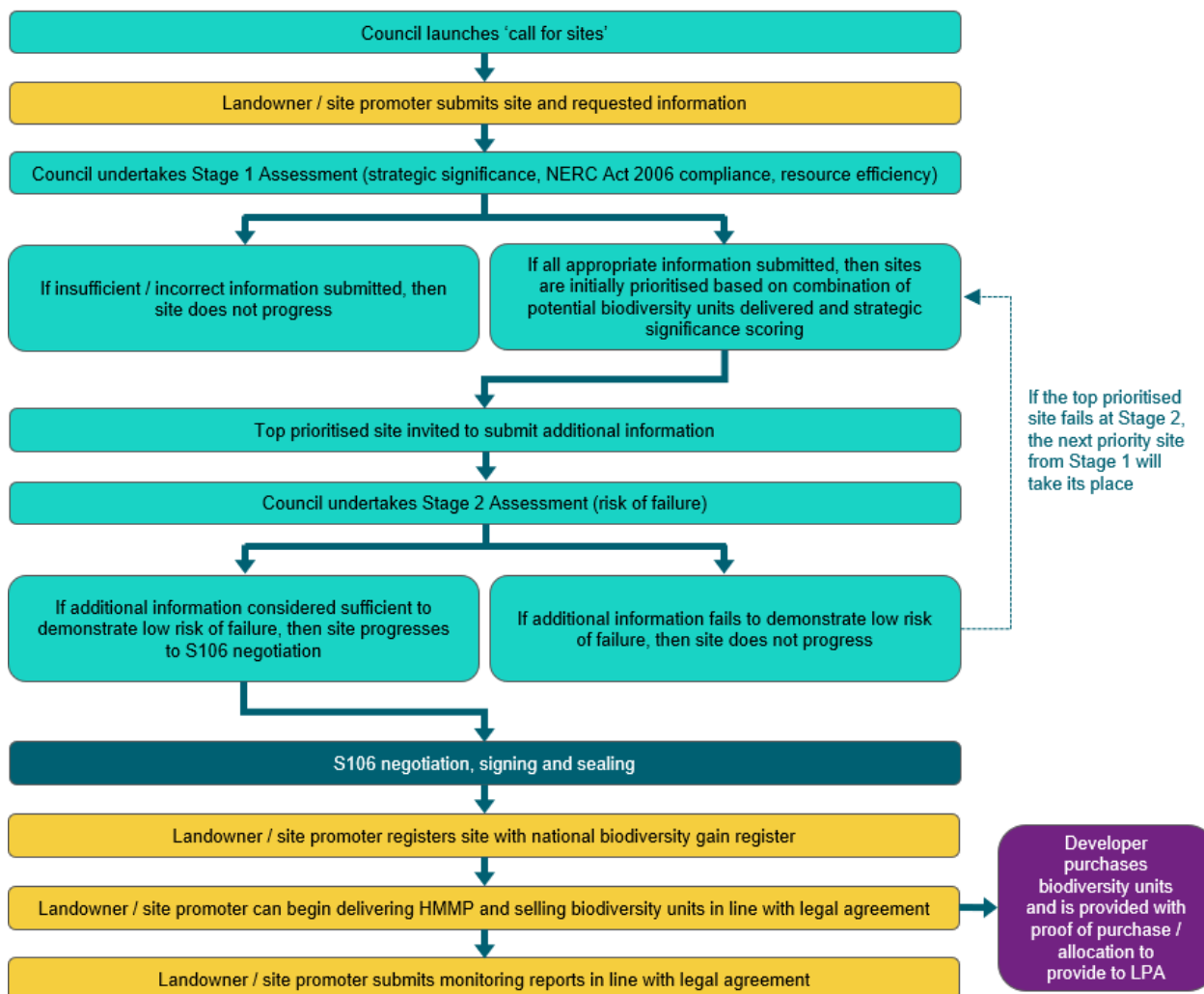


Figure 9 - Somerset Council proposed process for off-site delivery mechanisms for BNG

9.34 Full information requirements will be established over the coming months as part of preparing for the 'call for sites'. However, it is likely that the following information will be required as a minimum to enable officers to reasonably undertake Stage 1 of the above process:

- Location plan
- Farm/land Management Plan setting out how the site has been identified within the land holding, how this fits with wider management and land use opportunities and constraints within the land holding and intentions in relation to stacking or otherwise of other ecosystem services and rural payments such as nutrient mitigation, woodland carbon code, natural flood management etc.)

- Baseline and Potential BNG (and nutrient, carbon, other as necessary) assessments
- Brief history of land use, habitat and biodiversity on the site (importantly identifying any changes since 30<sup>th</sup> January 2020).
- Land ownership details
- Preferred approach in bringing biodiversity units to market (habitat bank / habitat to order / something else)
- Investment / outline business plan
- Evidence of stakeholder engagement and partnership where relevant (e.g. Natural England, Somerset Environmental Records Centre, Somerset Wildlife Trust, other nature conservation and enhancement bodies)
- Biodiversity Gain Plan
- Habitat Management and Monitoring Plan
- GIS data

9.35 Submission of these details should provide sufficient information for officers to understand the broad opportunities and be able to assess the various merits and demerits of different submissions and therefore prioritise sites.

9.36 Further information will need to be submitted at Stage 2 of the above process to support assessment of the risk of failure.

9.37 The Council will likely look to cover the costs associated with assessing and enabling off-site delivery mechanisms through charging a fee for this process.

### **Off-site delivery mechanisms secured as part of a separate planning permission**

9.38 A further route for off-site delivery mechanisms relates to situations where habitat creation and enhancements are secured and delivered as part of or incidental to a planning application. This might include:

- dedicated planning applications relating to habitat creation and enhancement activities;
- bespoke off-site solutions brought forward as part of/alongside a planning application for development; or
- excess biodiversity units generated on-site by a planning application for development.

9.39 **Dedicated planning applications relating to habitat creation and enhancement** may occur where engineering works are required to create new habitat e.g. proposals for constructed wetlands. In these cases, where the application is solely in relation to the construction of such habitat



enhancements, the application will most likely be exempt from the statutory BNG requirement, and it will be appropriate to secure the habitat enhancements, the management, monitoring and future sale of biodiversity units (and other stacked benefits e.g. nutrient credits) arising via S106 Agreement as part of the approval of the planning application. As this process will be related to a specific planning application, such proposals will not be required to go via the proposed 'call for sites' referred to above. However, the same assessment criteria will still apply as indicated in 9.34, above in order to achieve consistency and protect the Council in relation to the key factors it needs to consider before agreeing to sign up to a S106 legal agreement. Proposals will also need to respond to the Somerset BNG Principles and local definition of strategic significance.

- 9.40 Some applicants for development proposals requiring off-site units, will want to propose a **bespoke off-site solution on a specific piece of land** beyond the application red line for delivery of these. Where this land has not already been legally secured for BNG enhancements, it will be necessary to secure this as part of the planning application for development. This might be the case where the applicant wishes to use other land beyond the red line but in the same ownership, or where wider organisational agreements stimulate a developer preference for specific sites. As this process will be related to a specific planning application, such proposals will not be required to go via the proposed 'call for sites' referred to above. However, the same assessment criteria will still apply as indicated in 9.34, above in order to achieve consistency and protect the Council in relation to the key factors it needs to consider before agreeing to sign up to a S106 legal agreement. Proposals will also need to respond to the Somerset BNG Principles and local definition of strategic significance. In this case, the S106 legal agreement will secure the off-site solution for only the development site in question.
- 9.41 Some planning applications for wider development (most likely larger, strategic sites due to the scale of open space and wider landscape enhancements often required and potentially also minerals sites) may be in a position where they can demonstrate a **substantial exceedance of the statutory 10% BNG** for their site. The Government has stated<sup>10</sup> that developers can sell excess biodiversity units as off-site gains for another development, provided that this excess gain is registered with the national biodiversity gain sites register, and that there is genuine additionality for the excess units sold. This means that these units should be delivered above and beyond the gains required by the original development to meet the mandatory BNG requirement and to make the development acceptable to the LPA. Where this is the case, these excess gains must be identified clearly as such in the original development's Biodiversity Gain Plan. The LPA must also be satisfied that the on-site excess gains count as being 'significant' on-site enhancements. Whether or not the excess gains are secured for BNG

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<sup>10</sup> See <https://www.gov.uk/guidance/make-on-site-biodiversity-gains-as-a-developer>.



purposes and future sale of units via the main development S106 legal agreement will be dealt with on a case-by-case basis. In some cases, this may be desirable and appropriate, whilst in others these factors which may not be 'material' obligations (necessary to make the development acceptable in planning terms) may overly complicate already complex decisions and legal agreements and be better dealt with separately. If the excess gains and future sale of units are not secured via the main development S106 Agreement, then these units would need to be submitted to the 'call for sites' process and dealt with accordingly. In order to sell any excess gains, an applicant / developer will need to demonstrate true additionality above 10% BNG using the Metric and consideration of delivery risks and contingency. This will be considered on a case-by-case basis..

## The role of Somerset Council

- 9.42 Beyond being a party to S106 legal agreements, Somerset Council can potentially play a number of other roles in helping to enable the availability of off-site biodiversity units in Somerset, and assisting developers in identifying and securing them. These roles could include:
- Developing a platform for communicating availability of off-site solutions in Somerset
  - Becoming a Responsible Body for the purposes of Conservation Covenants
  - Developing off-site solutions on Council owned land
  - Active promotion of Somerset for inward investment in the area's natural capital across environmental delivery schemes
- 9.43 Each of the above roles present opportunities and risks for the Council and delivery against the Council's responsibilities under the NERC Act 2006 as well as wider responsibilities. As such, the role of the Council in relation to each of the above has not yet been determined but they are actively being explored.
- 9.44 With the advent of statutory BNG, the Council is unable to deal with BNG through a tariff style approach (where a developer pays a set tariff contribution to offset BNG and the Council then invests that money in local schemes to deliver BNG). Instead BNG must be secured through on-site delivery, specific off-site delivery, or purchase of national statutory credits. The Council is considering longer-term the intention to develop off-site solutions on Council land and in time this may become an option, but this would not be on a tariff





style approach and would instead be dealt with like any other off-site solution on a specific unit purchase basis.

## Pilot site

- 9.45 In order to ensure that a limited supply of off-site biodiversity units is progressed and available in the shorter-term, the Council is working to establish a pilot site by working directly with organisations within the [Somerset Local Nature Partnership \(LNP\)](#). This pilot site will enable a limited pool of Somerset-based off-site biodiversity units to be made available on the market through working with trusted partners until such time as other third-party or Council-owned proposals can be assessed and brought to market through the above processes.
- 9.46 By working with trusted LNP partners who are also directly involved with development of the LNRS and furthering of the goals of the LNP, the Council has greater comfort and certainty that the habitat enhancements and creation will deliver benefit to biodiversity and wider objectives in Somerset as well as that the activities will be monitored and reported appropriately.
- 9.47 The pilot site will enable aspects of the above process and mechanism of legally securing the site for BNG purposes as well as future allocations to developments to be tested and inform the final processes for future sites.



# 10. Monitoring and enforcement

10.1 The successful delivery of BNG and its core objectives requires effective monitoring and enforcement. Without this, there is a chance that BNG could become a tick-box exercise and fail to deliver promised gains.

## Monitoring and Enforcement Roles

### What needs monitoring and enforcement?

10.2 There are three key areas of BNG which require monitoring and potentially enforcing:

- Triggers and compliance with planning conditions and S106 legal agreements associated with development (i.e. has the development proceeded in line with conditions and any associated planning obligations);
- Triggers and compliance with S106 legal agreements / conservation covenants relating to off-site delivery mechanisms (i.e. has the off-site provider complied with associated legal agreements);
- Actual habitat enhancements (i.e. are the habitat enhancements themselves being carried out as agreed and are they delivering the promised outcomes). Legal agreements referred to in the above will include specific monitoring requirements with defined responsibilities.

### Who is responsible for each part of the monitoring process?

10.3 It will be the landowner or developer's responsibility to ensure monitoring and reporting obligations are fulfilled, or adequately delegated to another body (with necessary funding). Therefore, landowners / developers will ultimately be responsible for monitoring the habitat enhancements themselves and delivery against the agreed Biodiversity Gain Plan and associated Habitat Management and Monitoring Plan. For on-site gains, the landowner / developer will need to either manage and monitor the habitat creation / enhancement itself or arrange for an appropriate representative management company to undertake this. For off-site gains, it is likely that the management and monitoring will be undertaken by the developer or by a third party off-site landowner. Proposals in this regard should be identified in the BNG Statement submitted as part of the planning application, and will be secured via



conditions and/or S106 legal agreement as appropriate (see chapter 8). Landowners / developers will be required to submit monitoring reports to the Council in line with the agreed Biodiversity Gain Plan, Habitat Management and Monitoring Plan and any relating conditions and/or S106 legal agreements.

- 10.4 For off-site delivery mechanisms, the landowner / off-site provider will be responsible for monitoring the habitat enhancements themselves and delivery against the agreed Biodiversity Gain Plan and associated Habitat Management and Monitoring Plan. Where the intention is to secure the off-site delivery mechanism with the Council through an overarching S106 legal agreement, proposals should be identified in the associated Biodiversity Gain Plan (see chapter 9). Landowners / off-site providers will be required to submit monitoring reports to the Council in line with the agreed Biodiversity Gain Plan, Habitat Management and Monitoring Plan and any relating S106 legal agreements.
- 10.5 Somerset Council has responsibilities in relation to monitoring and enforcement of triggers and compliance with planning conditions and S106 legal agreements relating to development sites. Somerset Council will also monitor and where appropriate enforce in relation to triggers and compliance with S106 legal agreements relating to off-site delivery mechanisms where it is a party to them.
- 10.6 Where an off-site delivery mechanism is secured with another party (e.g. a Responsible Body via a conservation covenant, or another local authority such as Exmoor National Park or a neighbouring authority outside Somerset by either S106 legal agreement or conservation covenant), then the Responsible Body / other local authority party to that agreement will be responsible for monitoring triggers and compliance with the conservation covenant. The landowner / off-site provider will be responsible for managing and monitoring the habitat enhancements themselves and delivery against the agreed Biodiversity Gain Plan and associated Habitat Management and Monitoring Plan and submitting monitoring reports as required to the Responsible Body / other local authority. In this circumstance, the Council will have no role in monitoring or enforcing compliance with the legal agreement or associated plans for the off-site delivery mechanism.
- 10.7 Somerset Council also has duties to report on BNG delivery under the Natural Environment and Rural Communities (NERC) Act 2006 as amended by the Environment Act 2021. The Act requires local authorities (and local planning authorities) to publish a Biodiversity Report by 1 January 2026 (and every 5 years after) containing:



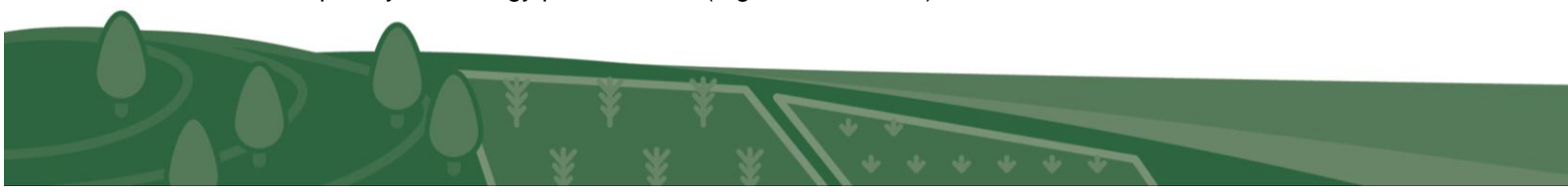
- a summary of the actions taken consistent with proper exercise of functions, to further the general biodiversity objective (to conserve and enhance biodiversity),
- a summary of plans for complying with the duty for next 5 years,
- data required by regulations,
- (for LPAs) action taken in relation to biodiversity gain,
- (for LPAs) expected biodiversity gains resulting from approved Biodiversity Gain Plans,
- (for LPAs) a summary of plans for next 5 years in this regard.

## The Monitoring Report

- 10.8 The specific requirements of any monitoring report required to be submitted by a landowner / developer / off-site provider (see above) will be set out within any planning condition / S106 legal agreement requiring it. However, it is likely that any monitoring report will need to include a certain level of consistent information. The initial report will be expected no later than 12 months after commencement of delivery against the Biodiversity Gain Plan. All Monitoring Reports should be compiled by a competent person<sup>11</sup> .
- 10.9 The report should remind the reviewer of the original habitat baseline conditions prior to the development (including the supporting metric calculations) and this needs to include all created/enhanced habitats that were subject to approval during the application stage, along with the supporting Metric calculations. Furthermore, the report should demonstrate how the implemented habitats are achieving the planned condition at that stage in time.
- 10.10 The report should discuss the current condition of any BNG habitats, and how this will (if at all) influence the assessment and monitoring strategy for the future if changes need to be made to meet the required biodiversity unit value that was agreed at the application stage. Other information in the report should include any survey requirements, the frequency of those surveys and qualifications/relevant experience the surveyors need to competently undertake those surveys. If any changes to the survey methods are deemed necessary, these should be highlighted, and a justification must be provided. Similarly, if the monitoring regime needs to be amended to account for unexpected changes in habitats and their condition (for example, remedial habitat management prescriptive measures that need to be amended/added to achieve the targeted biodiversity unit values) then these must be outlined and justified.

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<sup>11</sup> Somerset Council defines a competent person as being a member of CIEEM or other reputable membership body for ecology professionals (e.g. ALGE, MRSB).



10.11 The monitoring report will need to include the following as a minimum:

- **Non-technical summary** – Highlighting points from the Biodiversity Gain Plan; Have these features now been planted, if not why and when will they be implemented; confirming if any changes to the initial approved Biodiversity Gain Plan<sup>12</sup>; confirmation if the targeted units approved at planning stage are still on track for delivery; if irreplaceable habitats and/or protected species are on-site, how have they been managed; finally, what actions are required from this report to the next years report in order to track compliance.
- **Method statement** – Outlining monitoring/survey methods used, personnel involved, and how any methods specifically relate to the Biodiversity Gain Plan and Habitat Management and Monitoring Plan; evidence of technical experience; any limitations to the monitoring and whether these influence outcomes and the report overall.
- **Site conditions as they are today** – This should delineate the ‘built as of now’ Habitat Plan (i.e. the specific conditions at the time of monitoring report rather than proposed or predicted conditions). A Habitat map should show the specific, measured areas of each habitat that were targeted during this period, and the habitat type that was proposed as part of the original Metric calculations. The same habitat classifications need to be used so that classifications can be cross-referenced easily.
- **Main body of the report** – Information on the habitats that have been created ‘to date’ supported by completed Metric calculations showing progress and directly compared to the original baseline Metric. Any differences need to be scrutinised to demonstrate that the ‘gains’ are on target in relation to the set years to reach target condition as set out in the approved Biodiversity Gain Plan. Clearly outline each section of habitat being created/enhanced during the monitoring period i.e. area/lengths of habitat that are being created and/or enhanced.
- **Detailed evaluation** – Show how the project is complying with the relevant phase of the creation/enhancement required by the approved Biodiversity Gain Plan e.g. in terms of reaching the ‘target year’ condition.
- **Conclusions** – a definitive statement to confirm the final biodiversity units that have been delivered and if this meets the projected units relative to the original baseline condition. If not, how remedial measures have been put in place to increase the deliverance of BNG commitments and thus how they will be implemented.

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<sup>12</sup> Note, if changes are required to the Biodiversity Gain Plan then this will require thorough review from an ecologist to assess if the units originally approved are still valid for this project/phase. Depending upon circumstances, this may require further consideration in relation to amending of approved plans and variation to conditions and S106 legal agreements.



# The Council's monitoring approach

## Frequency of Monitoring Report submissions

10.12 BNG Habitat proposals will, by their nature, be bespoke, and therefore require more bespoke monitoring arrangements. The frequency, extent and specific requirements of the monitoring regime for a BNG proposal will be dependent upon:

- the size of the BNG habitat being enhanced or created,
- the distinctiveness of the habitat,
- the condition that the BNG is targeted to achieve,
- the strategic significance of the enhanced the created habitat,
- and consideration of the difficulty, temporal and spatial risks.

10.13 As a guide, monitoring reports might be expected in Years 1, 2, 5, 10, 20 and 30 for a typical site. However, the factors above will have an effect on the monitoring years, content and scope of the monitoring reports required. Specific high distinctiveness and high-risk sites as well as very large sites and those seeking to achieve target condition in a very short period may require yearly reports initially. Reports will need to cover the period from the previous report to the present and the actions necessary between the present and the next planned reporting interval. The timing of any drop off in reporting frequency may relate to the anticipated year for habitat reaching target condition. Two case studies are set out in the boxes below to help demonstrate how these factors may affect monitoring requirements:

### Case Study 1

One hectare of lowland meadow is being proposed for BNG at a site with optimal mineral soil conditions which is moist with low fertility. The habitat is of Very High Distinctiveness, highly difficult to create and the Ecologist is aiming to achieve 'Good' condition in 15 years. These habitats typically deliver a greater number of units in a shorter time period, and so the applicant should expect the council to request regular monitoring reports as well as undertaking more site visits to assess progress in meeting the required unit value.



### Case Study 2

One hectare of intensive green roof is being proposed for BNG at a site which is being turned into developed land and sealed surfaces. The habitat is of Low Distinctiveness, and these types of habitats are generally very light weight, low difficulty to create and require little maintenance. The Ecologist is aiming to achieve 'Good' condition in 5 years. Green roofs usually comprise of common wildflowers, moss or sedum, and selected species for green roofs are often chosen due to their robustness and low maintenance. The applicant should expect the council to request less monitoring reports and undertake no more than a single site visit during the period.

- 10.14 Competent persons producing the Biodiversity Gain Plan, Habitat Management and Monitoring Plan and completing the Metric for a development should propose appropriate monitoring arrangements and reporting intervals based on their professional opinion, the habitats present/proposed and in consideration of the above factors. The Council will review monitoring proposals and advise if any amendments should be made.
- 10.15 If BNG includes High Distinctiveness habitat, the monitoring strategy for the subject land is expected to be transferred to a specialist nature conversation body or a management company such as an ecologist with suitable experience and accreditations in managing similar habitats – this will increase the likelihood of delivering of the High Distinctiveness target. The reason Somerset Council expects such arrangements is because these habitat types are harder to achieve in a development context.
- 10.16 The direct involvement of a specialist nature conservation body (such as an organisation partner from within the Somerset Local Nature Partnership) in the management, maintenance and monitoring of the site may mean that the Council can agree to reduce the frequency of reporting to some extent over similar habitat enhancements and creations where such bodies are not involved.
- 10.17 Reports will be submitted to Somerset Council as per the approach entailed within any approved Biodiversity Gain Plan and Habitat Management and Monitoring Report as enshrined within any associated S106 legal agreement (or where relevant to the Responsible Body as per any conservation covenant).



## Council monitoring

- 10.18 As outlined above, there are different roles and responsibilities in monitoring BNG. The Council is required to monitor triggers and compliance with planning conditions and S106 legal agreements and also monitor actions taken in relation to BNG and expected biodiversity gains resulting from approved Biodiversity Gain Plans (BNG delivery) as per the Natural Environment and Rural Communities (NERC) Act 2006.
- 10.19 The Council will review monitoring reports submitted to it in line with any approved Biodiversity Gain Plan and Habitat Management and Monitoring Report as enshrined within any associated S106 legal agreement. The details in these reports will be used to inform the Councils own monitoring reports under the NERC Act 2006 and any other relevant legislation.
- 10.20 The same criteria as set out in relation to frequency of reporting will be used to prioritise resourcing and scope of the Council's own monitoring:
- the size of the BNG habitat being enhanced or created,
  - the distinctiveness of the habitat,
  - the condition that the BNG is targeted to achieve,
  - the strategic significance of the enhanced the created habitat,
  - and consideration of the difficulty, temporal and spatial risks.
- 10.21 As well as reviewing submitted monitoring reports, the Council will on occasion undertake site visits to undertake direct spot monitoring to corroborate submitted monitoring details, update BNG habitat records and ensure early identification of concerns. Monitoring is not just about quality control but also identifies the need for early intervention and enforcement.

## Monitoring fees

- 10.22 A monitoring fee will be set during the negotiation of any relevant S106 legal agreement to cover the Council's administrative and technical costs involved in monitoring the agreement and habitat creation or enhancement.
- 10.23 The same criteria as set out in relation to frequency of reporting and prioritisation of Council resources will be used in establishing the appropriate monitoring fee representative of the amount of officer time likely necessary in monitoring the BNG proposals:
- the size of the BNG habitat being enhanced or created,
  - the distinctiveness of the habitat,
  - the condition that the BNG is targeted to achieve,





- the strategic significance of the enhanced the created habitat, and
  - consideration of the difficulty, temporal and spatial risks.
- Any monitoring fees charged will be fairly and reasonably related to Council resourcing of the activity.

10.24 In line with the proposed approach set out in 10.16, above, where a specific nature conservation body is directly involved in the management, maintenance and monitoring of a site, this may mean that monitoring fees may be reduced over situations where such bodies are not involved. This would reflect the reduced level of resource expected to be required in monitoring the site from the Council's perspective.

## Enforcement

- 10.25 Failure to comply with the general biodiversity gain condition by commencing development without approval of the Biodiversity Gain Plan will be a breach of planning control. The LPA has a range of planning enforcement powers available to it and will consider taking enforcement action as may be necessary, in the public interest. Depending on the situation, this may include requiring remedial action to address any failings. Enforcement matters and potential for remedial action will be covered within any associated S106 legal agreement securing the significant on-site / off-site gains in question.
- 10.26 Monitoring is not just about quality control but also identifies the need for early intervention and enforcement. Through the above monitoring approach, the Council expects the landowner / developer / off-site provider to be able to identify potential concerns and necessary mitigations at an early stage so as to avoid breaches and the need to engage enforcement.
- 10.27 Depending on the circumstances, if necessary and appropriate, the Council may use enforcement powers as per its adopted [Planning Enforcement Policy](#) or [Corporate Enforcement Policy](#) as appropriate.



# Appendices

[Appendix 1 – Local Planning Policies](#)

[Appendix 2 – Related plans, strategies and projects](#)

[Appendix 3 – Process Flow Diagram](#)

[Appendix 4 – Validation requirements](#)

[Appendix 5 – Acronym Explainer](#)



# Appendix 1

## Local Planning Policies

The table below summarises adopted planning policies across Somerset with relevance to Biodiversity Net Gain (BNG). It is important that development proposals respond to development plan policies as well as meeting national mandatory net gain requirements. These policies should inform development proposals and should influence how BNG is proposed to be delivered in different parts of Somerset.

The list does not include adopted neighbourhood plan policies due to their very local nature. However, neighbourhood plans also form part of the development plan and relevant policies should be responded to and may influence BNG delivery as appropriate. Adopted Neighbourhood Plan policies are no less important than other policies of the adopted development plan. Applicants should ascertain whether there are relevant neighbourhood plan policies to respond to in addition to the below.

\* Exmoor National Park Authority is a separate Local Planning Authority, part of which is located within the Somerset Council area. The Somerset BNG Guidance Note will be relevant across the whole of the Somerset Council area, but will only be a material planning consideration within the Somerset Local Planning Authority area – all those parts of Somerset Council area outside of the National Park. ENPA Local Plan policies are listed in the table below for completeness.

Plan / Policy	Key points in policy	Commentary
Mendip Local Plan Part 1 DP5 (2014)	<p>"The Council will use the local planning process to protect, enhance and restore Somerset's Ecological Network within Mendip".</p> <p>All development "must ensure protection, conservation and where possible enhancement of internationally and locally designated habitat areas and species".</p> <p>Proposals with adverse impacts on protected/priority sites/species/habitats to be resisted unless criteria met.</p> <p>Offsets to be calculated using SCC Biodiversity Offsetting methodology.</p>	<p>Catch all policy covering protection, conservation and enhancement.</p> <p>Policy and supporting text clearly relate to maintaining and enhancing ecological networks.</p> <p>Clear policy basis to secure enhancement where possible. Supporting text talks about a baseline of "no net loss" and seeking a net gain where possible.</p> <p>Supporting text refers to a forthcoming Ecological Networks and Biodiversity Offsetting SPD which has not been produced, however, the BNG Guidance note will provide this additional guidance now. The Mendip Greenspace SPD was adopted in February 2023 – this provides</p>



		additional guidance as to how developments should respond to a number of adopted policies and includes a set of design principles for new greenspace.
Mendip Local Plan Part 1 DP6 (2014)	Key policy for catching development which may impact on European Sites through impacts on bats.	Key policy for catching development which may impact on European Sites through impacts on bats.
Mendip Local Plan Part 1 DP8 (2014)	"Development (either cumulatively or individually) will be required to demonstrate that it does not give rise to unacceptable adverse environmental impacts on...biodiversity".	Protects against adverse biodiversity impacts.
Mendip Local Plan Part 2 (2021) Various	Most site allocation policies include reference to development requirements and design principles including "opportunities should be taken to maintain or enhance biodiversity" as well as referring to mitigating/offsetting issues / opportunities specific to the site in question.	Site specific expectations to take opportunities to enhance biodiversity on site.
Sedgemoor Local Plan S4 (2019)	"Development proposals will be supported where they contribute to meeting the relevant following objectives:...Protecting and enhancing the quality of the natural...environment...and Creating net gains for nature, ecology and biodiversity".	General policy setting out principles for what constitutes sustainable development, including net gains.
Sedgemoor Local Plan S5 (2019)	"Development should adapt to the effects of climate change by contributing to all of the relevant following objectives:... Ensuring that the ability of landscapes, habitats and species to adapt to the adverse effects of climate change is not affected with compensatory habitats provided".	Clarifies that ecological impacts are intertwined with addressing and building resilience to climate change.  About avoiding potential harm and providing compensation where appropriate.
Sedgemoor Local Plan D2 (2019)	"Development will need to demonstrate how it maximises its contribution to the following relevant principles, with information provided proportionate to the nature, scale and location of proposals:... Landscaping that creates new and retains and integrates existing features and assets to build a coherent structure beneficial to biodiversity and ecology and which integrates innovative and sustainable urban drainage water management techniques".	Design quality policy which clarifies that GI proposed as part of site landscaping should be holistically considered with biodiversity/ecological benefits a key part of this.
Sedgemoor Local Plan D20 (2019)	"Development proposals should contribute to maintaining and where appropriate enhancing biodiversity and geodiversity, taking into account climate change and the need for habitats and species to adapt to it." Particular regard to be had to designated sites, habitats and species.	Protection and where possible enhancement.  Specific reference to ecological networks.



	<p>Ecological Impact Assessments required where reasonably likely impacts from a development.</p> <p>Development will be supported where it ensures protection of locally designated sites, “it retains or enhances features as appropriate...which provide wildlife corridors, links or stepping stones from one habitat to another”, and “it makes appropriate positive provision for wildlife through urban and rural habitat creation/restoration (having particular regard to Ecological Networks)”.</p> <p>Seek to avoid significant harm in the first instance. Mitigation or (as a last resort) compensation calculated using SCC HEP methodology.</p>	
Sedgemoor Local Plan D21 (2019)	“All development proposals should protect and, where possible, enhance the coherence and resilience of Somerset’s Ecological Network within the Sedgemoor District”.	Specific reference to protection and where possible enhancement of ecological networks within Sedgemoor.
Sedgemoor Local Plan D22 (2019)	Development proposals including a planting scheme should be accompanied by a Landscape Masterplan with native tree and hedgerow species which are characteristic of the local landscape and provide benefits to local wildlife.	Ensuring planting is relevant to the place it is being proposed and will benefit, not detract from local biodiversity.
Sedgemoor Local Plan D23 (2019)	Key policy for catching development which may impact on European Sites through impacts on bats.	Key policy for catching development which may impact on European Sites through impacts on bats.
Somerset Waste Plan DM3 (2013)	<p>“Planning permission for waste management development that would have a significant adverse impact on the integrity, character and/or setting of [a list of regionally important sites and considerations]... will only be granted if the applicant demonstrates that...the proposal includes adequate measures to mitigate adverse impacts or, as a last resort, proportionately compensate for or offset any loss of biodiversity, supported by appropriate ecological assessment.”</p> <p>Key policy for catching development which may impact on European Sites.</p>	<p>General requirement to mitigate, compensate or offset losses.</p> <p>Key policy for catching development which may impact on European Sites.</p>
Somerset Minerals Plan SMP8 (2015)	<p>Requirement for minerals sites to be restored to high environmental standards as soon as practicable including phased restoration during operation.</p> <p>Restoration, aftercare and after-use to be determined in relation to characteristics and land-use of site and surrounding environment and any local requirements.</p>	<p>Expectation for mineral site restoration, after-care, after-use to deliver high environmental standards and be determined in relation to characteristics and land uses.</p> <p>Supporting text refers to providing net gains for environment to secure legacy. Biodiversity creation listed as a potential</p>



		after-use depending on type of site and setting.
Somerset Minerals Plan DM2 (2015)	<p>Development proposals must demonstrate they will not generate unacceptable impacts on biodiversity and geodiversity.</p> <p>“measures will be taken to mitigate to acceptable levels (or, as a last resort, proportionately compensate for) adverse impacts on biodiversity and geodiversity. Such measures shall ensure a net gain in biodiversity where possible. The Habitat Evaluation Procedure will be used in calculating the value of a site to species affected by the proposal where the conservation value of the habitat is considered to be replaceable and mitigation techniques have been proven.”</p> <p>Role of site in “maintaining the connectivity and resilience of the county’s ecological networks” key consideration in determining weight of protection.</p> <p>Key policy for catching development which may impact on European Sites.</p>	<p>Protect and mitigate impacts.</p> <p>Net gain in biodiversity where possible.</p> <p>Use of HEP.</p> <p>Ecological networks a key consideration. Supporting text refers to securing net gains in the local ecological network.</p>
Taunton Deane Core Strategy CP1 (2012)	<p>“Development proposals should result in a sustainable environment and will be required to demonstrate that the issue of climate change has been addressed by...incorporation of measures which promote and enhance the resilience of ecosystems and biodiversity networks within and beyond the site”.</p>	<p>Strategic level climate change policy setting out criteria that development proposals will be required to demonstrate their response to.</p> <p>References enhancement of the resilience of biodiversity networks.</p> <p>No explicit reference to how enhancement would be calculated / demonstrated.</p>
Taunton Deane Core Strategy CP8 (2012)	<p>“Conserve and enhance” the natural environment.</p> <p>The Council will “not permit development proposals that would harm these interests...unless material factors are sufficient to override their importance”.</p> <p>Refers to a network of GI assets that should be “retained and enhanced, including through the development of green wedges and corridors as envisaged through the Taunton Deane GI Strategy”.</p> <p>“Development will need to mitigate and where necessary, compensate for adverse impacts on...protected or important species, important habitats and natural networks....so that there are no residual effects”.</p>	<p>Strategic level “Environment” policy.</p> <p>General “conserve and enhance”.</p> <p>Supporting text refers to role that Green Wedges play in providing wildlife corridors and habitats.</p> <p>Supporting text refers to Taunton Deane BAP (2008) and Somerset Biodiversity Strategy (2008).</p> <p>Supporting text refers to role of GI Strategy in habitat enhancement and creation.</p>



	<p>Key policy for catching impacts on European Sites etc. and restricting development accordingly.</p> <p>Sets out criteria for development proposals on unallocated greenfield sites which includes (amongst other things) “protect habitats and species, including those listed in UK and Local Biodiversity Action Plans, and conserve and expand the biodiversity of the Plan Area”.</p>	
Taunton Deane SADMP ENV1 (2016)	“Seek to minimise impact on trees, woodlands, orchards, historic parklands and hedgerows of value to the areas landscape, character or wildlife and seek to provide net gain where possible”.	DM policy relating to protection of trees etc. Seeks net gain in trees etc. (but not in biodiversity).
Taunton Deane SADMP ENV2 (2016)	Tree planting to be sought in new developments “where this would benefit wildlife and biodiversity...”	DM policy seeking new tree planting which will benefit biodiversity.
Taunton Deane SADMP D7 (2016)	“New housing and commercial developments shall create a high standard of design quality and sense of place”.	<p>Refers to criteria taken from Building for Life 12 (now Building for a Healthy Life) – “what green looks like” within BfHL includes enhancement of existing habitats and creating new habitats.</p> <p>Districtwide Design Guide SPD hangs off this policy – includes guidance on how to integrate BNG into site design.</p>
West Somerset Local Plan to 2032 NH6 (2016)	<p>Applications will not generate unacceptable adverse impacts on biodiversity.</p> <p>Measures will be taken to protect, mitigate or compensate for adverse impacts and “ensure a net gain in biodiversity where possible. The Somerset ‘habitat evaluation procedure’ will be used in calculating the value of a site to species affected by a proposal as appropriate”.</p> <p>The local planning process will be used to protect, enhance and restore the ecological network within West Somerset. The weight of protection afforded to a site that contributes to the district’s biodiversity will reflect its role in maintaining connectivity and resilience of the local ecological network.</p> <p>Key policy for catching impacts on European Sites etc. and restricting development accordingly.</p>	<p>DM policy explicitly seeking protection and enhancement of biodiversity.</p> <p>Explicitly references ensuring a net gain in biodiversity where possible and using the Somerset HEP to calculate this.</p> <p>No specific % net gain required.</p>
West Somerset Local Plan to 2032 NH7 (2016)	“The creation and enhancement of a green infrastructure network will be supported”.	<p>Strategic GI policy.</p> <p>Supporting text references linking areas of high value habitat together to increase the quality and resilience of ecosystems.</p>



West Somerset Local Plan to 2032 NH11 (2016)	Key policy for catching impacts on species associated with European Sites etc. and restricting development accordingly.	Policy focuses on mitigating impacts on bats.
West Somerset Local Plan to 2032 NH12 (2016)	Key policy for catching impacts on species associated with European Sites etc. and restricting development accordingly.	Policy focuses on mitigating impacts of wind energy development on waterfowl.
West Somerset Local Plan to 2032 NH13 (2016)	New development to meet highest standards of design. “Landscape proposals have been developed to enhance both the natural and built environment and maximise the potential to improve local biodiversity”.	Districtwide Design Guide SPD hangs off this policy – includes guidance on how to integrate BNG into site design.
Saved Policies of the West Somerset Local Plan (2006)	Policy TW/1 – protection of trees etc. where appropriate requires additional tree planting. Policy TW/2 – protection of hedgerows NC/1 - Key policy for catching impacts on SSSIs and restricting development accordingly – refers to enhancement of site’s nature conservation interest being considered.	DM policies relating to protection of trees etc. Seeks net gain in trees etc. (but not in biodiversity). SSSI enhancement only, not specific to biodiversity.
South Somerset Local Plan EQ4 (2015)	“All proposals for development...will: Protect the biodiversity value of land and buildings and minimise fragmentation of habitats and promote coherent ecological networks; maximise opportunities for restoration, enhancement and connection of natural habitats; incorporate beneficial biodiversity conservation features where appropriate; protect and assist recovery of identified priority species” and protected features used by bats and other wildlife.  Sequential approach to avoid harm, lessen impacts, make compensatory provision.  Key policy to avoid impacts on European sites.	Strong requirement to maximise opportunities for enhancement of habitats and assist in recovery of priority species.  Supporting text references Wild Somerset strategy and South Somerset Local BAP.
South Somerset Local Plan EQ5 (2015)	“Development proposals should provide and /or maintain a network of connected and multifunctional open spaces that, where appropriate, meet the following requirements: Create new habitats and connects existing wildlife areas to enrich biodiversity and promote ecological coherence”.	GI should be multifunctional and holistically planned and in doing so create habitats which enrich biodiversity.





Exmoor NP*Local Plan GP1 (2017)	"Sustainable development for Exmoor National Park will conserve and enhance the National Park, its natural beauty, wildlife...".	Conservation and enhancement of the things that make Exmoor special including wildlife, will be central to sustainable development.
Exmoor NP* Local Plan CE-S2 (2017)	Dark skies policy making specific reference to the wildlife and habitat benefits of this.	Dark skies policy making specific reference to the wildlife and habitat benefits of this.
Exmoor NP* Local Plan CE-S3 (2017)	<p>"The conservation and enhancement of wildlife, habitats and sites of geological interest within the National Park will be given great weight".</p> <p>"Development delivery, management agreements and positive initiatives will conserve, restore and re-create priority habitats and conserve and increase priority species identified for Exmoor in the Exmoor Wildlife Research and Monitoring Framework (or successor publication)".</p> <p>Protection of designated sites, species and habitats.</p> <p>"The enhancement of biodiversity and creation of multi-functional green infrastructure networks at a variety of spatial scales, including cross-boundary connectivity to areas adjacent to the National Park, that help support ecosystem services will be encouraged".</p> <p>"Opportunities will be promoted for habitat management, restoration, expansion that strengthens the resilience of the ecological network, and enables habitats and species adapt to climate change or to mitigate the effects of climate change".</p> <p>"Green infrastructure that incorporates measures to enhance biodiversity, including dispersal areas identified within the ecological network, should be provided as an integral part of new development".</p>	<p>Great weight will be placed on the enhancement of wildlife, habitats and sites.</p> <p>Multifunctional GI networks, which enhance biodiversity will be encouraged and should be an integral part of new development.</p>
Exmoor NP* Local Plan CE-D2 (2017)	<p>"Development proposals should include measures that will enhance green infrastructure provision and create opportunities for wildlife in the National Park commensurate with the scale of the proposal and intensity of activity expected".</p> <p>GI proposals should: "protect and enhance existing natural and historic environments; strengthen connectivity and resilience of ecological networks..."</p>	<p>GI should deliver enhancement.</p> <p>Explicit reference to ecological networks.</p>



# Appendix 2

## Related plans, strategies and projects

There are a wide range of other plans, strategies and projects covering Somerset or areas of, which will have relevance to the delivery of BNG in Somerset. Some of these are listed below. Some are owned by the Council, some are owned by other organisations. Some of these (such as the Exmoor Nature Recovery Vision, Somerset Ecological Network Report, National Landscape (AONB) Nature Recovery Plans and Pollinator Action Plan) are likely to directly influence the priorities and opportunities to be identified by the Somerset Local Nature Recovery Strategy (LNRS). Others are likely to work alongside the LNRS and there may be synergies for delivery between them. These plans, strategies and projects have informed the Guidance Note through the development of the Somerset BNG Principles (chapter 6) and local definition of strategic significance (chapter 7).

- [National Habitat Network mapping](#)
- [Somerset's Ecological Network Report \(2019\)](#)
- [Wild Somerset: Somerset's Biodiversity Strategy \(2008\)](#)
- [Mendip Biodiversity Action Plan \(2008\)](#)
- Sedgemoor Biodiversity Action Plan
- [South Somerset Biodiversity Action Plan \(2008\)](#)
- [Taunton Deane Biodiversity Action Plan \(2008\)](#)
- West Somerset Biodiversity Action Plan
- [Somerset Highways Biodiversity Manual \(2015\)](#)
- [Somerset Internal Drainage Board Biodiversity Action Plan \(2010\)](#)
- [Somerset West and Taunton and Sedgemoor Ecological Emergency Vision and Action Plan \(2022\)](#)
- [Exmoor Nature Recovery Vision](#)
- [Pollinator Action Plan \(2018\)](#)
- [Somerset Nutrient Strategy](#)
- [Somerset Tree Strategy \(2023\)](#)



- [Mendip Green Spaces SPD](#)
- [Sedgemoor Green Infrastructure Strategy \(2011\) Exec. Summary, Vol.1, Vol.2](#)
- [Taunton Deane Green Infrastructure Opportunities Update \(2017\)](#)
- [Somerset West and Taunton Districtwide Design Guide SPD \(2021\)](#)
- [Somerset West and Taunton Climate Positive Planning \(2022\)](#)
- ELMs Test & Trial
- [Adapting the Levels](#)
- Holnicote River Corridors
- [The Axe Landscape Partnership](#)
- [Somerset Wetlands super National Nature Reserve \(SNNR\) and Nature Recovery Project](#)
- [Mendip super National Nature Reserve \(SNNR\)](#)
- [Triple Axe Project](#)
- [Blackdown Hills National Landscape \(AONB\) Management Plan](#)
- [Blackdown Hills National Landscape \(AONB\) Nature Recovery Plan](#)
- [Quantock Hills National Landscape \(AONB\) Management Plan](#)
- [Mendip Hills National Landscape \(AONB\) Management Plan](#)
- [Mendip Hills National Landscape \(AONB\) Nature Recovery Plan](#)
- [Cranborne Chase National Landscape \(AONB\) Management Plan](#)
- [Dorset National Landscape \(AONB\) Management Plan](#)
- [Somerset Climate Emergency Strategy and action plans \(2020\)](#)
- [South Somerset Environment Strategy \(2019\)](#)
- [Somerset Local SuDS Guidance \(2023\)](#)
- [Brue Catchment Action Plan \(2020\)](#)
- [Tone Catchment Action Plan \(2021\)](#)
- [Somerset Levels and Moors Flood Action Plan – 20 years](#)
- [Somerset Flood Risk Management Strategy](#)
- [Somerset ROW Improvement Plan](#)
- Protected site management plans, improvement plans, mitigation strategies etc. (various across the area's SACs SSSIs, SPAs, Ramsars, NNRs, LNRs)



- Open space management plans (various across the area)
- Local Plans (see Appendix 1)

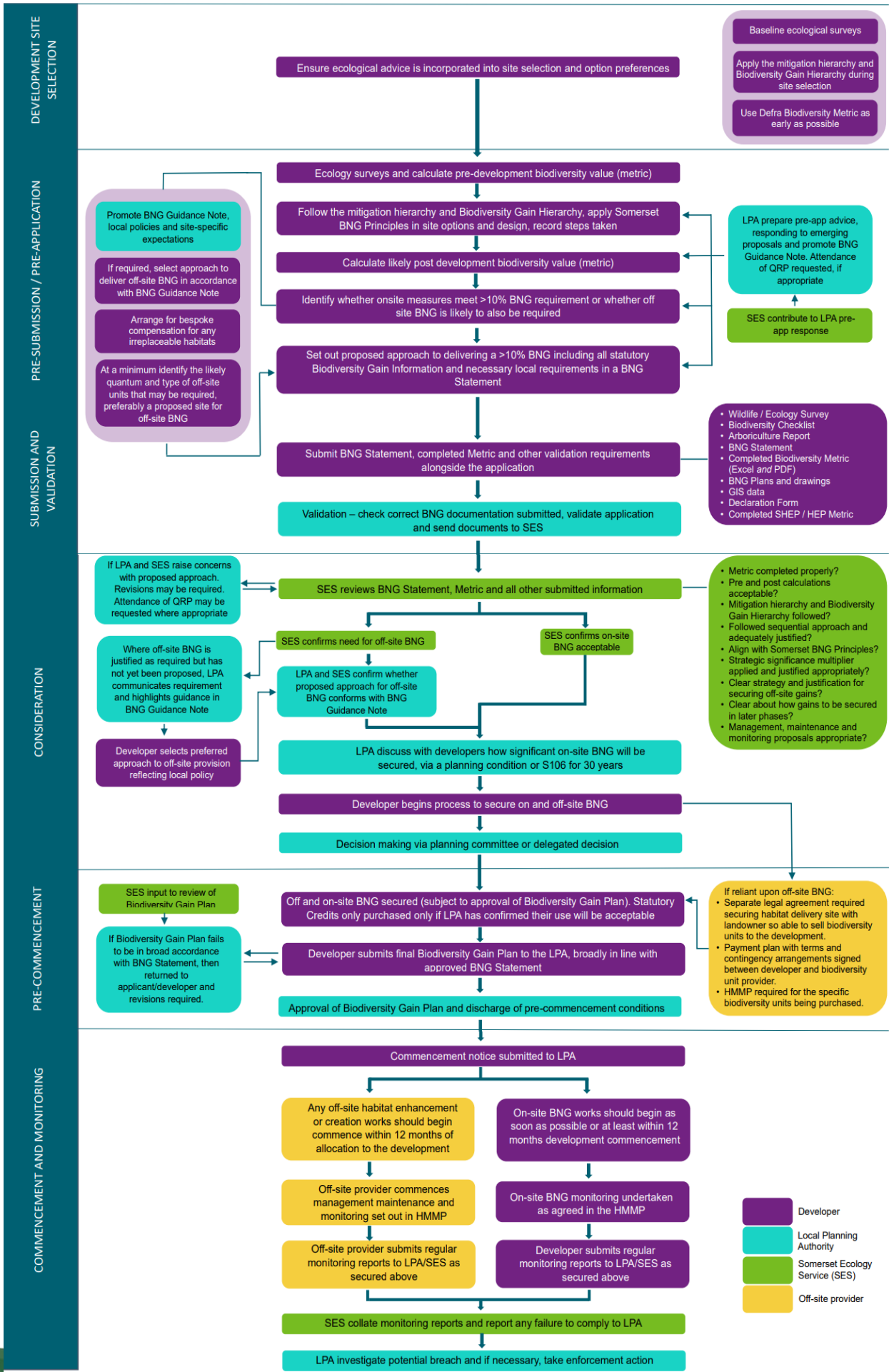


# Appendix 3

## Planning Process Flow Diagram

The process flow diagram on the following page summarises the key stages and processes involved in the application of BNG to development proposals. It should be read in conjunction with chapter 4 (Key Stages).





# Appendix 4

## Validation Requirements

### Introduction

This document sets out the Council's planning validation requirements relating to the implementation of mandatory Biodiversity Net Gain (BNG) from 12 February 2024.

These validation requirements are adopted by the Council as an addendum to existing adopted Local Validation Checklists, and will be integrated in due course into each area Checklist as they are updated.

The Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended by The Biodiversity Gain Town and Country Planning (Modifications and Amendments) (England) Regulations 2024) sets out the nationally required information to support validation of planning applications in relation to the general biodiversity gain condition. These requirements reflect the national minimum information requirements.

The Planning Practice Guidance sets out that LPAs may seek further information (beyond the national minimum information requirements) about the proposed strategy to meet the biodiversity gain objective for the development.

This document sets out the local information requirements in relation to BNG in Somerset in accordance with the above.

### National validation information requirements in relation to BNG

In accordance with The Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended by The Biodiversity Gain Town and Country Planning (Modifications and Amendments) (England) Regulations 2024), any application for planning permission must be accompanied by the following information relating to the biodiversity gain condition:

- a) a statement as to whether the applicant believes that planning permission, if granted, would be subject to the biodiversity gain condition;
- b) where the applicant believes that planning permission, if granted, would not be subject to the biodiversity gain condition, the reasons for that belief;
- c) in cases where the applicant believes that planning permission, if granted, would be subject to the biodiversity gain condition—
  - i). the completed biodiversity metric calculation tool or tools (as the case may be) showing the calculation of the biodiversity value of the onsite



habitat, for the purpose of the biodiversity gain plan required to be submitted under paragraph 13 of Schedule 7A to the 1990 Act if permission is granted, on -

- (aa). the date of the application, or
  - (bb). an earlier date proposed by the applicant, and
  - (cc). in either case, the date immediately before any activities of the type mentioned in paragraph 6 or 6A of Schedule 7A to the 1990 Act have been carried out on the land;
- ii). the biodiversity value or values (as the case may be) referred to in paragraph (i);
  - iii). the publication date of the biodiversity metric calculation tool or tools (as the case may be) used to calculate the values referred to in paragraph (i),
  - iv). if an earlier date is proposed by the applicant under paragraph (i)(bb), the reasons why that earlier date is proposed;
  - v). if any activities of the type mentioned in paragraph 6 or 6A of Schedule 7A to the 1990 Act have been carried out on the land-
    - (aa). a statement that such activities have been carried out;
    - (bb). confirmation of the date immediately before those activities were so carried out, and
    - (cc). any available supporting evidence for the date referred to in sub-paragraph (bb) and for the value referred to in paragraph (i)(cc).
  - vi). a description of any irreplaceable habitat, corresponding to the descriptions in Table 1 or in column 1 of Table 2 of the Schedule to the Biodiversity Gain Requirements (Irreplaceable Habitat) Regulations 2024, that -
    - (aa). is on the land to which the application relates; and
    - (bb). exists on the the date referred to in paragraph (i)(aa) or (bb) (as applicable);
  - vii). a plan showing the location, on the date referred to in paragraph (i)(aa) or (bb) (as applicable), of –
    - (aa). the onsite habitat included in the calculations referred to in paragraph (i), and
    - (bb). any irreplaceable habitat.





Note, the above requirements do not apply to an application for permission to develop land without compliance with conditions previously attached made under Section 73 of the 1990 Act.

In accordance with regulations and national guidance, if this information has not been provided, the Local Planning Authority must refuse to validate the application.

This means that for applications where the applicant believes their application, if approved, would be subject to the biodiversity gain condition, they must submit the information set out under clauses (a) and (c) (i-viii) to comply with the national minimum information requirements.

For applications where the applicant believes their application, if approved would not be subject to the biodiversity gain condition, they must submit the information set out under clauses (a) and (b).

### Justification for requiring further information at validation locally

The Planning Practice Guidance sets out that LPAs may seek further information (beyond the national minimum information requirements) about the proposed strategy to meet the biodiversity gain objective for the development. In particular, it states that BNG will often be a material consideration, and, where relevant, LPAs will want to consider whether the general biodiversity gain condition is capable of being discharged successfully, particularly where significant<sup>13</sup> on-site biodiversity enhancements or off-site biodiversity gains are proposed. It states that if planning obligations are going to be used, it is good practice to submit information about any potential planning obligations which may need to be entered into connected to the application, and that LPAs may seek this via their own local validation checklists.

Information in local validation checklists should not duplicate the national minimum information requirements but could include information requirements around:

- any particular BNG matters which will be relevant when determining the planning application, or
- responding to local policies which could influence how the BNG objective is to be met.

The general biodiversity gain condition applies to any relevant planning permission and requires pre-commencement determination of the Biodiversity Gain Plan. As such, the Planning Practice Guidance sets out that *“it would generally be inappropriate for decision makers, when determining a planning application for a development subject to biodiversity net gain, to refuse an application on the grounds that the biodiversity gain objective will not be met. However, decision makers may need to consider more broadly whether the general condition is capable of being successfully discharged.”* It sets out that a number of matters may reasonably be

<sup>13</sup> The Government has provided guidance on what are likely to be considered “significant” on-site enhancements (see <https://www.gov.uk/guidance/make-on-site-biodiversity-gains-as-a-developer>).



considered in determining the application in this regard including (though not limited to):

- the appropriate balance between on-site, off-site gains and credits, taking account of the biodiversity gain hierarchy;
- the appropriateness of the type and location of any significant on-site enhancements and associated gains, taking account other policies to support biodiversity (including local nature recovery strategies) and other wider objectives; and
- any planning conditions or S106 planning obligations which may be needed to secure significant on-site or off-site gains for at least 30 years (including any conditions relating to any subsequent reserved matters in relation to phased developments).

If establishing the strategy for delivering BNG requirements is left too late in the site development process, this can lead to increased costs and in the worst cases may lead to an unnecessary reliance upon Statutory Credits. Failing to embed BNG into site selection and design from the start can therefore increase the viability impacts of complying with the requirement. As BNG is a legal requirement, this may unreasonably impact upon a site's ability to respond to / meet other policy objectives.

If such considerations are left to be dealt with entirely at the point of pre-commencement condition discharge, then the relationship with and implications on wider policy objectives and the ability of the application to deliver sustainable development (in the round) cannot be considered. This runs the risk of approving Biodiversity Gain Plans which in turn trigger S73 applications to vary applicability of other planning conditions.

Given the above, it is essential that sufficient information about the proposed strategy for delivering at least 10% BNG (including the expected balance between on-site, off-site and credits) is submitted as part of a planning application.

This does not mean that the applicant has to have a fully developed Biodiversity Gain Plan or Habitat Management and Monitoring Plan by the point of validation or even determination, but the applicant does need to demonstrate that it has sufficient understanding of how it will approach compliance with the statutory requirement, and justifications associated. There should be a particular focus on the on-site provision, and at least an understanding of the quantum and type of off-site units that may be required and why this is justified as well as proposals for how any such off-site units will be legally secured in relation to the development (see chapter 8 for more information). Ideally, applicants will have an idea of where they plan on sourcing any off-site units, but this cannot be insisted upon at validation.



### Local validation requirements:

The local validation requirements below set out how applicants should demonstrate compliance with the above national requirements and other local requirements as set out within Somerset Council's emerging BNG Guidance Note.

Applicants are encouraged to make use of the Council's Pre-application Service to further understand the specific requirements in relation to their site. Further information can be found at <https://www.somerset.gov.uk/planning-buildings-and-land/pre-application-advice/>.

These local validation requirements will apply to any application submitted to the LPA seeking planning permission, which is not explicitly exempted from the BNG requirement (i.e. all BNG-liable development). Article 7 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended) sets out a requirement for the applicant to state whether they believe that planning permission, if granted, would be subject to the biodiversity gain condition, and if not, the reasons for that belief. It is understood that Planning Portal application forms will be updated to incorporate capture of this information. This means that only applications for BNG-liable development will need to submit the following information for validation purposes.

Item	Commentary
Wildlife / Ecology Survey	<ul style="list-style-type: none"> <li>All ecological reports should follow CIEEM guidance on the lifespan of ecological reports and surveys – see <a href="https://cieem.net/wp-content/uploads/2019/04/Advice-Note.pdf">https://cieem.net/wp-content/uploads/2019/04/Advice-Note.pdf</a>.</li> </ul>
Biodiversity Checklist	<ul style="list-style-type: none"> <li>Checklist proformas exist for each planning area:               <ul style="list-style-type: none"> <li><a href="#">East area (formerly Mendip)</a></li> <li><a href="#">North area (formerly Sedgemoor)</a></li> <li><a href="#">South area (formerly South Somerset)</a></li> <li><a href="#">West area (formerly Somerset West &amp; Taunton)</a></li> </ul> </li> </ul>
Arboriculture Report	<ul style="list-style-type: none"> <li>Necessary to help inform accurate baseline, proposals and management plans.</li> </ul>
BNG Statement	<ul style="list-style-type: none"> <li>Including all statutory information relevant to the application in relation to the biodiversity gain condition, as set out in Article 7 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended).</li> </ul>



	<ul style="list-style-type: none"><li>• In addition to this, the Statement should include the following information:<ul style="list-style-type: none"><li>○ The steps taken to minimise adverse biodiversity impacts in line with the mitigation hierarchy and Biodiversity Gain Hierarchy;</li><li>○ The proposed strategy for meeting the biodiversity gain condition, including the anticipated balance between on-site, off-site gains and credits;</li><li>○ The proposed approach to enhancing, managing, maintaining and monitoring biodiversity on-site, and justification as to how this responds to the Somerset BNG Principles and strategic significance criteria;</li><li>○ The proposed post-development biodiversity value of the on-site habitat to the extent known;</li><li>○ A clear definition of any on-site enhancements the applicant believes would be classified as 'significant' and as such need to be legally secured for at least 30 years;</li><li>○ The likely quantum of off-site biodiversity units anticipated to be required to discharge the biodiversity gain condition, together with any justification in relation to the Biodiversity Gain Hierarchy;</li><li>○ Where available, any information about potential off-site biodiversity units being targeted, together with justification as to how this responds to the Somerset sequential approach and strategic significance criteria;</li><li>○ The likely quantum of statutory credits anticipated to be required to discharge the biodiversity gain condition, together with any justification in relation to the Biodiversity Gain Hierarchy.</li><li>○ Where an application is for a phased development, the proposed strategy for how at least 10% gain is broadly expected to be achieved across the entire development site, including:<ul style="list-style-type: none"><li>▪ the key principles that will be followed to ensure biodiversity gain commitments are achieved through subsequent detailed design;</li><li>▪ how biodiversity net gain delivery will be tracked on a phase-to-phase basis, including the target percentage gains to be delivered at each stage (expectation for “frontloading” into earlier stages);</li><li>▪ the approach to be taken in the event that subsequent phases do not proceed or fail to achieve their biodiversity net gain targets;</li></ul></li></ul></li></ul>
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	<ul style="list-style-type: none"> <li>▪ Taking a precautionary approach where the specific definitive number of units/floorspace and / or full site layout are not yet known;</li> <li>○ Where irreplaceable habitat is present on-site: <ul style="list-style-type: none"> <li>▪ A description of any irreplaceable habitat, considerations and calculations relating to any irreplaceable habitat on-site,</li> <li>▪ Any details of pre-application discussion with the LPA about bespoke compensation arrangements as appropriate, and</li> <li>▪ Evidence that Somerset Environmental Records Centre has been consulted for habitat details and known conditions;</li> </ul> </li> <li>○ Where Habitat Regulations Assessment or other legislative requirement stipulates that an application is also required to deliver mitigation and/or compensation for likely significant effects upon a protected site/species: <ul style="list-style-type: none"> <li>▪ Transparency over which on-site and off-site enhancements are related to the habitat mitigations and compensations, and which are related to net gains and counted for BNG purposes.</li> <li>▪ This should draw directly on information within any associated Ecological Impact Assessment and make direct links across to relevant information in any Nutrient Neutrality Assessment and Mitigation Strategy, Bat Mitigation Strategy or other appropriate documentation.</li> </ul> </li> <li>•</li> </ul>
Completed Biodiversity Metric	<ul style="list-style-type: none"> <li>• Must be the latest published national statutory Metric appropriate for the size and type of development.</li> <li>• In addition to the statutory requirement to provide the biodiversity value of the onsite habitat on the relevant date as set out in Article 7 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended), this should include: <ul style="list-style-type: none"> <li>○ the proposed post-development biodiversity value of the on-site habitat to the extent known; and</li> <li>○ where available, any information about potential off-site biodiversity units being targeted;</li> </ul> </li> </ul>



	<ul style="list-style-type: none"> <li>• Must be submitted as a Microsoft Excel Workbook (versions with macros disabled must be provided) and <i>also</i> as a PDF (note <i>both</i> must be provided).</li> <li>• Any red flag errors relating to non-compliance with trading rules or on-site elements will result in the Metric being returned and the application not being validated.</li> </ul>
BNG plans and drawings	<ul style="list-style-type: none"> <li>• On-site baseline habitat plan;</li> <li>• On-site post-intervention proposed habitat plan;</li> <li>• Where significant on-site enhancements are proposed and as such need to be legally secured, these should be clearly defined on the post-intervention proposed habitat plan;</li> <li>• Where anticipating a reliance upon off-site units and the applicant proposes to legally secure these on a bespoke off-site solution as part of the planning application: <ul style="list-style-type: none"> <li>○ an off-site baseline habitat plan</li> <li>○ an off-site post-intervention proposed habitat plan</li> </ul> </li> <li>• Plans should be to scale and in line with other validation checklist conventions for site plans.</li> <li>• Plans should identify all different habitats referred to within the Metric submission on the relevant date, including any irreplaceable habitat so the size and location of habitat parcels can be fully understood spatially as well as through the Metric.</li> <li>• Where Habitat Regulations Assessment or other legislative requirement stipulates that an application is also required to deliver mitigation and/or compensation for likely significant effects upon a protected site/species: <ul style="list-style-type: none"> <li>○ A plan clearly identifying mitigations and compensations and, where relevant, how these relate and count for BNG purposes.<sup>14</sup></li> </ul> </li> </ul>
Declaration Form	<ul style="list-style-type: none"> <li>• A signed declaration form (available at <a href="https://www.somerset.gov.uk/planning-buildings-and-land/biodiversity-net-gain/">https://www.somerset.gov.uk/planning-buildings-and-land/biodiversity-net-gain/</a>) confirming that: <ul style="list-style-type: none"> <li>○ to the best of the applicant's knowledge, the BNG Statement includes all of the information required;</li> <li>○ the habitat information provided within the submitted Biodiversity Metric is consistent with the information shown on the submitted BNG plans and drawings.</li> <li>○ the applicant has checked whether the baseline habitat has deteriorated significantly since 30 January 2020, and</li> </ul> </li> </ul>

<sup>14</sup> The Government has confirmed that off-site mitigation and compensation for protected sites and species may count towards mandatory BNG, but at least 10% of the BNG must be provided through other activities.



	<p>how the baseline date has been appropriately adjusted to reflect (such as to disregard) any deterioration;</p> <ul style="list-style-type: none"> <li>○ the Metric and other Biodiversity Gain Information have been completed by a suitably competent person (Somerset Council defines a competent person as being a member of CIEEM or other reputable membership body for ecology professionals (e.g. ALGE, MRSB));</li> <li>○ Where necessary, the watercourse part of the Metric and other associated Biodiversity Gain Information have been completed by a suitably competent person (requires specialist training to undertake). More information of guidance for such assessments can be found <a href="#">here</a></li> </ul>
Completed SHEP/HEP Metric	<ul style="list-style-type: none"> <li>● A completed Somerset Species Habitat Evaluation Procedure Metric where necessary (where a site is located within a SAC Impact Risk Zone or where Protected Species are present on-site).</li> </ul>

### Reserved Matter Applications

Phased developments (where the original outline application was subject to BNG) are required by condition to submit for approval an Overall Gain Plan as a pre-commencement condition to set a clear upfront framework for how the biodiversity gain objective of at least a 10% gain is expected to be met across the entire development. Subsequent Phase Gain Plans setting out a phase's contribution to BNG and track progress towards the overall biodiversity gain objective for the development, must then be submitted and approved before commencement of each phase. It may be beneficial for the relevant Phase Gain Plan to be prepared alongside the application for reserved matter approvals for a phase.

### Section 73 Applications

S73 applications have special arrangements for BNG, including transitional arrangements which clarify that BNG does not apply where the original permission to which it applies was not subject to the national deemed biodiversity gain condition (i.e. it was submitted or approved prior to the implementation of national requirements). Where the original permission was subject to BNG, then it will apply to the S73 application also, but only to the extent that the application will alter the post-development biodiversity value. As such, the normal validation requirements do not apply to S73 applications, but where liable, such applications should provide a S73 BNG Statement clarifying how the application is expected to affect the post-development biodiversity value and the overall approach to BNG as set out in any previously submitted / approved BNG Statement and/or Biodiversity Gain Plan for the site.



# Appendix 5

## Acronym explainer

The list below sets out a number of acronyms used within this document.

Acronym	Explanation
ALB	Arm's Length Body
ALGE	Association of Local Government Ecologists
AONB	Area of Outstanding Natural Beauty (now National Landscapes)
BAP	Biodiversity Action Plan
BfHL	Building for a Healthy Life
BGP	Biodiversity Gain Plan
BNG	Biodiversity Net Gain
BSI	British Standards Institute
CIEEM	Chartered Institute of Ecology and Environmental Management
CROW	Countryside and Rights of Way Act 2000
CS	Countryside Stewardship
DEFRA	Department for Environment, Food and Rural Affairs
DM	Development Management
EIA	Environmental Impact Assessment
ELMs	Environmental Land Management
ENPA	Exmoor National Park Authority
FWAG SW	Farming and Wildlife Advisory Group (South West)
GI	Green Infrastructure
GIS	Geographical Information Systems
HEP	Habitat Evaluation Procedure
HMMP	Habitat Management and Monitoring Plan
HRA	Habitat Regulations Assessment
IUCN	International Union for Conservation of Nature
LNP	Local Nature Partnership
LNR	Local Nature Reserve
LNRS	Local Nature Recovery Strategy
LPA	Local Planning Authority
MRSB	Member of the Royal Society of Biology
NERC	Natural Environment and Rural Communities Act 2006
NHBC	National House Building Council
NMF	Nutrient Mitigation Fund
NNR	National Nature Reserve
NPPF	National Planning Policy Framework
NRP	Nature Recovery Project
NSIP	Nationally Strategic Infrastructure Project
PDF	Portable Document Format





PIP	Permission in Principle
PPA	Planning Performance Agreement
RBMP	River Basin Management Plans
ROMPs	Reviews of Old Mineral Permissions
ROW	Rights of Way
RSPB	Royal Society for the Protection of Birds
RTPI	Royal Town Planning Institute
SAC	Special Area of Conservation
SADMP	(Taunton Deane) Site Allocations and Development Management Plan
SANGs	Suitable Alternative Natural Greenspaces
SCC	Somerset County Council (now Somerset Council)
SEA	Strategic Environmental Assessment
SFI	Sustainable Farming Incentive
SHEP	Species Habitat Evaluation Procedure
SME	Small and Medium-sized Enterprises
SNNR	Super National Nature Reserve
SPA	Special Protection Area
SPD	Supplementary Planning Document
SSM	Small Sites Metric
SSSI	Site of Special Scientific Interest
SuDS	Sustainable Drainage Systems
WWT	Wildfowl and Wetlands Trust

