



Chiseldon Parish Council processes and actions for Bio-Diversity Net Gain (BNG). Including information on what BNG is. July 2024 V1 (Approved)

What is BNG:

Introduced in 2024, under the Environment Act 2021, the broad aim of Biodiversity Net Gain (BNG) is to ensure that habitats for wildlife are left in a measurably better state than they were before development took place.

It does this by requiring all new qualifying developments granted planning permission in England to deliver 10% BNG from April 2024.

In certain special circumstances the Local Planning Authority ('LPA') can ask for more than 10% BNG; the developer can also offer more on a voluntary basis.

It applies to all planning applications except for very small households (household extensions etc.) and other specified exceptions. As a general rule, any planning application for a single dwelling or more; commercial development of 1,000 square metres or more than 1 hectare and minerals or waste related development is liable.

What is the process for developers when applying for planning permission:

- When submitting a planning application to the LPA (Local Planning Authority – SBC), the applicant confirms whether the development is exempt from BNG or not.
- If not exempt, the developer calculates the biodiversity value of the site and applies a 10% uplift. There is a statutory tool which must be used to calculate a site's biodiversity value - 'biodiversity metric' **

** [Statutory biodiversity metric tools and guides - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/statutory-biodiversity-metric-tools-and-guides)



- They must submit as part of the planning application their biodiversity metric calculation as well as a biodiversity gain plan setting how they will meet BNG.
- They may also be required to include a Habitat management and monitoring plan (HMMP) setting out who will be responsible for creating, maintaining and monitoring the BNG.

Chiseldon PC should have an awareness of this requirement when viewing planning applications to ensure the required information is included and is read by Cllrs.

Swindon Borough Council (The LPA) are responsible for making sure applicants include the information and whether to approve it as part of the planning application. A S106 agreement may be used to facilitate BNG.

- The land owner is legally responsible for creating or enhancing habitat and managing it for at least 30 years to achieve the agreed BNG (often through the HMMP).
- BNG delivery will be monitored by the developer and to a lesser extent the LPA.
- Failure to meet BNG requirements may trigger enforcement action by the LPA.

The delivery of the BNG by the developer.

- Developers are expected to follow the biodiversity hierarchy of 'Avoid', 'Mitigate', 'Compensate'.
- Ideally all of the BNG should be met on the development site.
- If this is not feasible, BNG can be delivered offsite or a mixture of onsite and offsite provision.
- Any off-site BNG needs to be recorded by the developer on an official and publicly available register.
- Developers can either make off-site biodiversity gains on their own land outside the development site or buy off-site biodiversity credits on the market to be used to fund biodiversity enhancements elsewhere.
- If these credits cannot be secured on the local market, then statutory biodiversity credits must be purchased as a last resort. The government will use the revenue to invest in habitat creation in England.



Local Powers the council can use to increase BNG:

There is no statutory power that allows Parish Councils to be involved in this process or for the LPA to notify the PC's when entering into negotiations.

What the Parish Council can consider when looking at applications.

Planning application detail	Potential response
Confirmation that biodiversity net gain is applicable.	<i>If not, why not? See definitions above</i>
Calculation of the biodiversity value of the site	<i>Have they missed anything - including saying there is none? NB If unauthorised degradation has taken place, calculations can be based on a previous value as far back as January 30th 2020.</i>
Description of any irreplaceable habitat	<i>Is there really no alternative to destroying a habitat?</i>
A habitat plan of the whole site	<i>Is it accurate? See considerations below.</i>
To what extent the net gains are to be provided on-site and off-site	<i>It will be important for local councils to take a view on these points, as developers may be asking to buy "statutory biodiversity credits" rather than enhance local biodiversity.</i>
A draft habitat management plan for on-site biodiversity	
Plan for any off-site biodiversity gain	

What else can the Parish Council do:

- Contacting local wildlife or conservation groups for their advice.
- Identifying local experts in either habitats or locations.
- Noting areas outside development sites that might benefit from enhancement, to potentially add to the local planning authority's credit list.
- Building up over time a biodiversity map of the council area, adding in the details discovered for each development proposal.

Councillors should read Paragraph 90 and Policy 3 of the emerging Neighbourhood Plan which details the councils wish that BNG be local where possible and how this is to be achieved. Policy 4 on "Local Green Spaces" may also be of use.

Other sources of information:

- The Government's guidance - Understanding biodiversity net gain - [Understanding biodiversity net gain - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/understanding-biodiversity-net-gain)
- Natural England's - Biodiversity net gain: where to start - [Biodiversity net gain: where to start - Natural England \(blog.gov.uk\)](https://www.gov.uk/guidance/biodiversity-net-gain-where-to-start)
- The SLCC has produced guidance on responding to planning applications and a model biodiversity policy at [SLCC | New SLCC Climate Action webpage](https://www.slcc.gov.uk/new-slcc-climate-action-webpage)