



Note for Planning Applicants and Decision-Makers. On-site Biodiversity Net Gain – defining “significant”

1. Introduction

To deliver Biodiversity Net Gain (BNG) effectively, it is important that there is clarity for planning applicants (and their agents and consultants) and decision-makers on how the Local Planning Authority (LPA), in this case Cotswold District Council, interprets various elements of the legislation and guidance. One such issue is how “significant” is defined in terms of the provision of on-site gains.

The relevant legislation, Paragraph 9 of Schedule 7A of the Town and Country Planning Act 1990 (as amended) requires that where an applicant relies upon a significant increase in on-site habitat biodiversity value, the habitat enhancement (“significant on-site habitat enhancement”) must be subject to a planning condition, section 106 agreement, or conservation covenant requiring the habitat enhancement to be maintained for at least 30 years after the development is completed.

2. The key aspects of defining “significant”

2.1 Habitat distinctiveness

Definition of distinctiveness

A measure based on the type of habitat and its distinguishing features. This includes:

- consideration of species richness and rarity
- the extent to which the habitat is protected by designations
- the degree to which a habitat supports species rarely found in other habitats.

https://assets.publishing.service.gov.uk/media/65c60e0514b83c000ca715f3/The_Statutory_Biodiversity_Metric_-_User_Guide_.pdf

On-site creation, enhancement or retention of habitats of medium, high or very high distinctiveness (as defined in the Statutory biodiversity metric user guide <https://www.gov.uk/government/publications/statutory-biodiversity-metric-tools-and-guides> will be considered significant for example, lowland meadow, limestone grassland and deciduous woodland habitats).

In most circumstances, the Local Planning Authority will not accept schemes which include on-site creation or enhancement of high or very high distinctiveness habitats, unless clear and robust evidence is submitted showing that these habitat types can be achieved and retained, and ecological expertise is available to the applicant to inform management and monitoring for at least 30 years.



In most situations only relatively simple, low-maintenance habitats should be targeted within the development site to ensure that the proposed habitats are delivered and managed properly to achieve the intended biodiversity value in the long-term.

There are several simple and robust habitat types that the Local Planning Authority would consider appropriate on-site for most development types (the choice of habitat types will depend on the soil, drainage and aspect on the site, and will need to be informed by professional judgement). Suitable habitat types include -

- Deciduous plantation woodland
- Ponds (depending on geology and drainage)
- Scrub
- Hedgerows
- Medium distinctiveness grassland types
- Scattered native trees
- Orchards

2.2 Target condition

Definition of condition

A measure of the habitat against its ecological optimum state. Condition is a way of measuring variation in the quality of patches of the same habitat type.

https://assets.publishing.service.gov.uk/media/65c60e0514b83c000ca715f3/The_Statutory_Biodiversity_Metric_-_User_Guide_.pdf

On-site creation, enhancement and retention of habitats which are assigned a moderate or good target condition will be considered significant.

In most circumstances, the target condition for on-site habitats should not exceed moderate condition. For example, it is very unlikely that grassland habitats, particularly in suburban environments, would achieve anything more than moderate condition due to recreational pressures, pollution and existing management practices of the wider landscape. Therefore, the Local Planning Authority is unlikely to accept schemes which include habitats assigned good target conditions unless there is sound justification and a strong chance of success in the long-term. This is only likely to be possible where there are existing good quality habitats that can be improved through sympathetic management or where soil conditions are



appropriate. Even where conditions are suitable, these habitats would only be acceptable where appropriate ecological expertise is demonstrably available to the applicant and can be secured for at least 30-years.

3. Exceptions

In most cases, the Local Planning Authority will seek to secure management and on-going monitoring for significant on-site gains through a section 106 agreement or conservation covenant. However, each planning application will be considered on its own merit. Therefore, there may be instance where exceptions to this rationale will apply. For example, a condition may be considered appropriate if schemes were to target modified grassland in good condition or deliver small areas of scrub, a habitat of medium distinctiveness.

Similarly, a condition will usually be considered acceptable to secure habitats of low distinctiveness and/or poor condition. However, the Local Planning Authority may consider low distinctiveness and/or poor condition on-site gains to be significant in instances where:

- these habitats contribute towards a large number of biodiversity units relative to the biodiversity value of the site before development, or
- the area of these habitat types is significant relative to the size of the development.

4. Other information

If you require additional details or site specific advice, you can seek pre-application advice - <https://www.cotswold.gov.uk/planning-and-building/planning-permission/get-advice-on-your-planning-application/>

The Council's biodiversity net gain webpage - <https://www.cotswold.gov.uk/planning-and-building/wildlife-and-biodiversity/biodiversity-net-gain-bng/>

Planning Practice Guidance - <https://www.gov.uk/guidance/biodiversity-net-gain>