



# Biodiversity Net Gain Interim Planning Guidance Note for Suffolk

May 2023

**Biodiversity Net Gain Planning Guidance Note for Suffolk**

This report is a collaboration between the following organisations:



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# 1. Introduction

## 1.1 What is Biodiversity?

Biodiversity is a shorter way of saying Biological Diversity. The term given to “... *the variety of life on Earth and the natural patterns it forms. The biodiversity we see today is the fruit of billions of years of evolution, shaped by natural processes and, increasingly, by the influence of humans. It forms the web of life of which we are an integral part and upon which we so fully depend*” – Secretariat of the Convention on Biological Diversity, April 2000.

Biodiversity has an intrinsic value and a value to all life. Aside from its intrinsic value, it also provides essential human services such as food production, climate change adaptation, flood resilience, crop pollination and benefits of enhancing human mental and physical well-being amongst other matters. Biodiversity is defined as the variety of plants and animals living within an area or habitat, with different habitats contributing different functions or services for our environment. The UK has suffered a considerable decline in biodiversity over recent years as a result of human activity.

The [State of Nature \(2019\)](#) report demonstrated that the abundance and distribution of the UK's species has, on average, continued to decline since 1970, and the rate of decline appears to be increasing. Intensive agriculture, climate change impacts, non-native invasive species and land-use changes have all been drivers of biodiversity decline. In 1992, the UK government signed up to the United Nations Convention on Biological Diversity which committed the UK to reversing the loss of biodiversity. Successive governments have produced plans to stem and reverse the loss of biodiversity and have committed to higher targets to achieve this reversal. Measures to protect biodiversity include laws, such as the Natural Environment and Rural Communities Act (2006) which protects species and habitats.

The National Planning Policy Framework (NPPF) has also been strengthened over the years with regards to biodiversity, moving from aspiring for ‘no net loss’ of biodiversity to requiring a ‘biodiversity net gain’. This is in line with the Government's [25 Year Environment Plan](#), and strengthened by the requirement for a minimum 10% net gain under the Environment Act (2021) and changes to the Town and Country Planning Act (1990).

In order to conserve our remaining biodiversity and reverse the recorded decline, the UK as a whole is moving towards measurable biodiversity net gain throughout the planning process. The Environment Act (2021) has introduced a mandatory requirement for all new development to deliver at least 10% biodiversity net gain. This will ensure important ecosystem services are maintained and improved, as future developments look to not only conserve valuable habitats and species but enhance biodiversity via demonstratable measurable net gains.

## **1.2 Suffolk's Biodiversity**

Suffolk has a rich and varied biodiversity resource, with rare habitats. The natural environment is one of Suffolk's key strengths providing enviable natural capital on which to improve health and wellbeing.

Suffolk supports 40,770 ha of priority habitats, accounting for 10.7% of the total area. This includes coastal and floodplain grazing marsh, mudflat, saltmarsh, deciduous woodland, lowland acid grassland, fen and heathland. Saltmarsh, lowland fen and heathland are also regionally important. The key natural areas of the Brecks, the Broads National Park, Suffolk Coast and Heaths AONB and Dedham Vale AONB are all important landscapes in the county each with high percentages of priority habitats. Species represented in Suffolk include threatened and iconic species alike, including hedgehog, house sparrow, herring gull, little tern, avocet, bittern, bat species and pollinators.

In Suffolk, of the flagship species listed on the Suffolk Wildlife Trust website, all but one has declined in abundance. Examples include hedgehogs, now considered to be vulnerable to extinction in the UK following a 30-50% population decline since 2002, and an almost 50% decline of the Suffolk Swift in the 30 years to 2014.

With the need to build more homes for a growing population, land take will increase even further. A growing population needs food and materials, with intensive food production and farming placing further pressures on the land. Suffolk will be subject to the consequences of a changing climate over the coming decades which will range from severe weather events, a drier climate in a place already prone to water shortages, through to rising sea levels along a coast prone to erosion and flooding. Given the continued decline in Suffolk's Biodiversity we must act now hence an approach which leaves biodiversity in a better state than before is required.

## **1.3 Purpose of this Interim Technical Guidance Note**

The purpose of this interim guidance note is to provide further detail on how aspects of biodiversity net gain should be demonstrated within planning applications in a consistent way across Suffolk, whilst recognising that different authorities have different policy requirements in relation to this.

This guidance note is being put in place before the requirement under the Environment Act (2021) comes into place in Winter 2023, before which regulations will be produced by the Government to give more clarity of the provisions under the Environment Act (2021). This interim guidance note is intended for use by applicants and decision makers in local authorities across Suffolk. Introducing a transparent and consistent requirement now will provide certainty, allowing applicants to factor in obligations up front. Streamlining and clarifying requirements at an earlier stage has great potential to reduce the time taken for applicants to secure necessary consents, de-risk processes and deliver high standards.

This interim guidance note advocates at least 10% biodiversity net gain being delivered on major applications to address the urgent need to attempt to reverse biodiversity decline, for the survival of many species and resulting impact on health,

society and the economy. 10% is considered to be at the lower level that would deliver biodiversity gains but given the pressures facing the county's biodiversity, a greater ambition will be supported in order to provide greater confidence of genuine gains for biodiversity and ensure the successful recovery of nature in Suffolk.

This interim guidance note will be a living document and will be subject to discussion with key stakeholders and review as regulations are consulted on and published around biodiversity net gain.

This interim technical guidance note will be taken into account by decision makers at Local Planning Authorities.

This guidance note goes on to set out the legal and policy background for biodiversity net gain nationally and through the different local plans in Suffolk and provides detailed guidance on what the requirements are of this interim position statement. This includes how much biodiversity net gain is expected, where this guidance applies and what to submit with a planning application to demonstrate biodiversity net gain.

#### **1.4 What is Biodiversity Net Gain?**

Biodiversity net gain (BNG) is an approach to development and associated land management that aims to leave biodiversity in a measurably better state than before.

Net gain for biodiversity is achieved by land management practices or 'interventions' that deliver more or better habitat for biodiversity through habitat creation or enhancement on an identified piece of land. The Government made biodiversity net gain a mandatory requirement for all applicable development types to achieve a minimum of 10% net gain for biodiversity through the Environment Act (2021). The national mandatory requirement is expected to come into place in Winter 2023.

Biodiversity net gain allows developers and local authorities to ensure habitats for wildlife are enhanced through the development process, with a demonstrable increase in biodiversity compared to the pre-development baseline. Given the long time periods involved in establishing any new habitat, measured biodiversity net gains will be managed, delivered and monitored over a minimum 30-year period.

Biodiversity net gain uses the Defra Biodiversity Metric and Small Site Biodiversity Metric to measure the quality and quantity of biodiversity. The metrics allow developers to determine whether a proposal will decrease or increase the amount of biodiversity on a proposed development site.

## 2. Legislation and Policy Context

### 2.1 National Planning Policy Framework

The National Planning Policy Framework (NPPF) July 2021 sets out the Government's planning policies for England, providing the framework for local development plans that guide development, and as a material consideration in the determination of planning applications. The NPPF has at its heart the core principle of sustainable development and sets out a number of requirements related to the securing of biodiversity net gain through the planning system.

The NPPF 2021 states:

*174: Planning policies and decisions should contribute to and enhance the natural and local environment by: [...]*

*d. minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures*

*179: Plans should:*

*[...] b. 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 and development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.*

*180: When determining planning applications, local planning authorities should apply the following principles: [...]*

*d. development whose primary objective is to conserve or enhance biodiversity should be supported; while 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.*

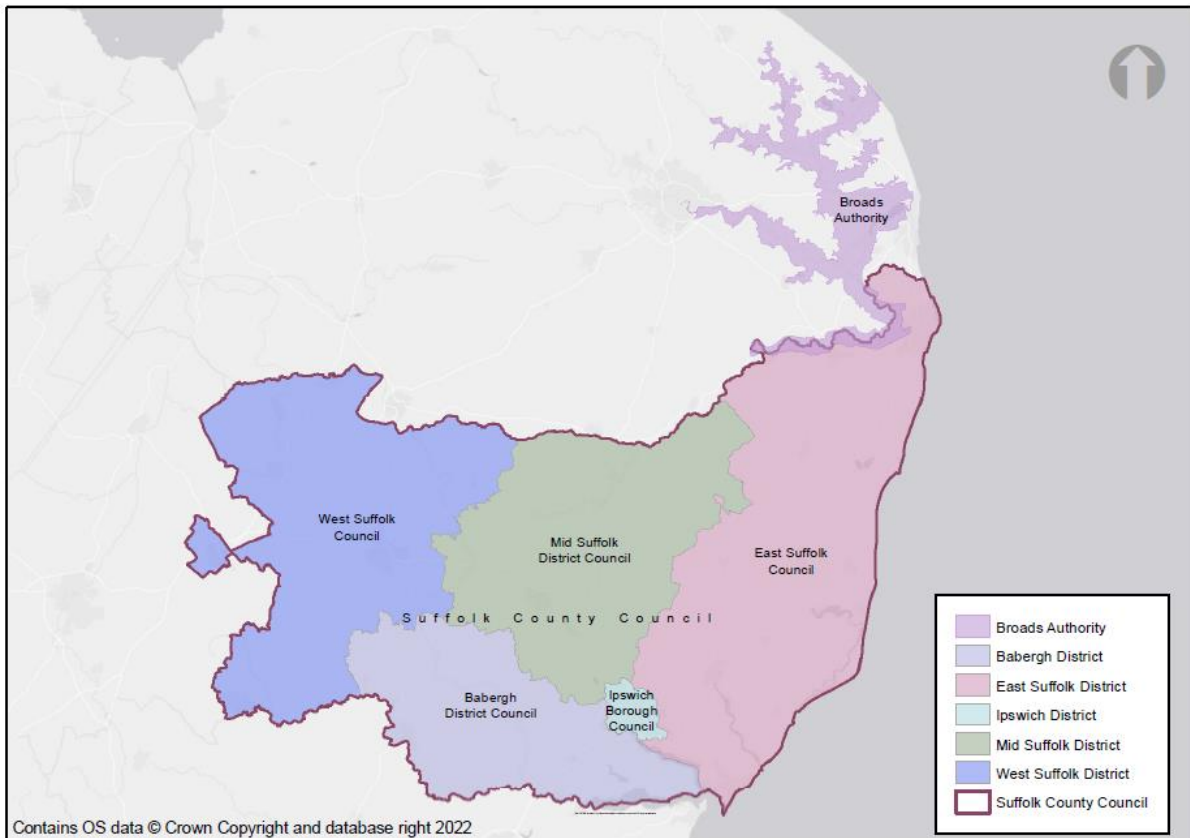
### 2.2 National Planning Practice Guidance

The Government's National Planning Policy Guidance (NPPG) provides guidance to assist the implementation of the NPPF. The most up to date version of the NPPG is published on a dedicated website available at [www.gov.uk/government/collections/planning-practice-guidance](http://www.gov.uk/government/collections/planning-practice-guidance). On biodiversity, geodiversity and ecosystems the NPPG provides advice on how development should not only protect but also enhance biodiversity and how biodiversity and geodiversity should be considered. The guidance also sets out the mitigation hierarchy and provides advice on how to achieve biodiversity net gain.

## 2.3 Local Policy

This interim technical guidance note relates to the area covered by:

- Babergh and Mid Suffolk District Councils
- East Suffolk Council
- Ipswich Borough Council
- Suffolk County Council
- The Broads Authority (within the Suffolk Administrative Boundary)
- West Suffolk Council



Map 1 – Administrative areas

Each Council has adopted local plan policies which seek to protect and enhance the natural environment. The relevant local policies are set out below and should be considered alongside this interim technical guidance note.

All the adopted local plans have slightly different policy approaches but all support net gain or are using paragraph 174 d) of the NPPF (2021) to secure net gain. In the interests of providing consistency and clarity for developers, the Suffolk authorities have come together to agree a joint approach to delivering net gain which supports Suffolk's nature recovery.



### **2.3.1 Babergh and Mid Suffolk District Councils**

In 2019 Babergh and Mid Suffolk District Councils declared a climate emergency and set up an Environment and Climate Change Task Force. A task force subcommittee then looked at biodiversity in the districts. Their recommendations were presented to cabinets in November 2020. This formed the Biodiversity Action Plan, which sets out how Babergh and Mid Suffolk aim to protect and strengthen plant life and local wildlife.

In 2019 Babergh and Mid Suffolk District Councils declared a climate emergency and set up an Environment and Climate Change Task Force and adopted a Carbon Management Reduction Plan. This identified a plan to significantly increase tree and hedgerow planting in the districts. A task force subcommittee then also looked at biodiversity in the districts. Their recommendations were presented to cabinets in November 2020. This formed the Biodiversity Action Plan, which sets out how Babergh and Mid Suffolk aim to protect and strengthen plant life and local wildlife through trees, hedgerow and wildflower planting schemes, the council's Tree for Life scheme for new parents and a commitment to produce a wider tree planting strategy.

The council's emerging Joint Local Plan Policy contains a policy that requires at least 10% biodiversity net gain. The plan is currently at examination, with the Pre-Submission (Regulation 19) Document identifying:

*Identify and pursue opportunities for securing measurable net gains, equivalent of a minimum 10% increase, for biodiversity. Where biodiversity assets cannot be retained or enhanced on site, the Councils will support 'biodiversity offsetting' to deliver a net gain in biodiversity off-site.*

### **2.3.2 The Broads Authority**

The Broads Authority declared a climate change emergency on the 27 September 2019.

The Local Plan for the Broads was adopted in 2019. Section 15 Natural Environment contains a strategic policy (SP) as well as a detailed development management policy (DM).

SP15 states that: *Development will protect the value and integrity of nature conservation interest and objectives of European, international, national and local nature conservation designations and should demonstrate biodiversity gains wherever possible paying attention to habitats and species including ecological networks and habitat corridors, especially linking fragmented habitats of high wildlife value.*

DM15 goes into more detail. It identifies that:

*All development shall:*

- a) Protect biodiversity value and minimise the fragmentation of habitats;*
- b) Maximise opportunities for restoration and enhancement of natural habitats;*
- c) Incorporate beneficial biodiversity and geological conservation features where appropriate which are positively managed; and*

*d) Include green infrastructure where appropriate (see policy DM8).*

DM8 is the Policy on Green Infrastructure.

The Authority also had a Guide on Biodiversity Enhancements, adopted 2016.

### **2.3.3 East Suffolk Council**

In June 2019 East Suffolk declared a Climate Emergency and voted unanimously to step up its positive work on environmental issues to help fight climate change.

East Suffolk currently has two Local Plans – Suffolk Coastal Local Plan (adopted September 2020) and Waveney Local Plan (adopted March 2019). Both of these plans include policies which cover biodiversity – SCLP 10.1 Biodiversity and Geodiversity and WLP8.34 Biodiversity and Geodiversity.

Both of these policies encourage environmental net gains from new development through the creation of new habitats and green infrastructure. Both policies also implement the mitigation hierarchy to avoid, mitigate and compensate for any losses due to new development.

Neither policy specifies the need for the 10% biodiversity net gain. Net gains for biodiversity are secured as per para 174 d) of the NPPF (2021).

### **2.3.4 Ipswich Borough Council**

On 9th July 2019, the Council's Executive Committee declared a Climate Emergency and resolved to start working towards becoming carbon neutral by 2030. The Council's approach to the climate emergency is set out in the 2020-2030 Climate Change Strategy and Action Plan which includes a commitment to conserve biodiversity in our parks and public open spaces by:

- Conserving the range and ecological variability of habitats and species
- Maintain existing ecological network
- Create buffer zones around high-quality habitat
- Take prompt action to control the spread of invasive species

The Ipswich Local Plan Review 2018-2036 (adopted March 2022) comprises the Core Strategy and Policies Development Plan Document Review and Site Allocations and Policies (Incorporating IP-One Area Action Plan) DPD Review. The Plan includes a range of policies that will help to contribute to local biodiversity net gain.

Policy CS4 Protecting Our Assets provides an overarching policy framework for the conservation and enhancement of the Borough's built, heritage, natural and geological assets. Criteria a, b and g of the policy ensure it is effective in protecting and enhancing an ecological network and securing net gains for biodiversity through development.

Policy DM8 The Natural Environment deals with the natural environment and requires that all development must incorporate measures to provide net gains for biodiversity. Proposals which would result in significant harm or net loss to biodiversity, having appropriate regard to the 'mitigation hierarchy', will not normally be permitted.

Policy DM12 Design and Character requires all new development to be well designed and sustainable, providing greener streets and spaces to contribute to local biodiversity net gain.

The Site Allocations and Policies DPD Review incorporates the recommendations of the Ipswich Wildlife Audit 2019. The audit takes the form of an extended Phase 1 Habitat Survey which is a standardised system for recording semi-natural vegetation and other wildlife habitats. The audit covered 79 sites across Ipswich and includes advice on how net gain could be achieved on each site.

### **2.3.5 Suffolk County Council**

On the 21 March 2019 Councillors at Suffolk County Council voted to declare a climate change emergency. This included a commitment to work with central government to deliver its 25 Year Environment Plan.

In 2021 Suffolk County Council produced a Biodiversity Development Panel Report.

Suffolk County Councils' current requirements for biodiversity net gain are set out in the Suffolk Minerals and Waste Local Plan (adopted July 2020). The Minerals and Waste Local Plan applies to all County Council development relating to minerals and waste development.

Policy GP4: General Environmental Criteria states:

*“minerals and waste development will be acceptable so long as the proposals, adequately access (and addresses where applicable any potential significant adverse impacts including cumulative impacts) on the following...*

*d) biodiversity including Natura 2000 sites, ancient woodlands and trees...*

*Proposals should meet or exceed the appropriate national or local legislation, planning policy or guidance for each criterion, including reference to any hierarchy of importance. Proposals should aim to achieve a biodiversity net gain. Proposals should demonstrate that when considering the potential for significant adverse impacts upon features of acknowledged environmental importance, that the hierarchy of firstly avoidance, then mitigation and finally compensation has been followed.”*

Proposals should demonstrate that when considering the potential for significant adverse impacts upon features of acknowledged environmental importance, that the hierarchy of firstly avoidance, then mitigation and finally compensation has been followed.

This is reaffirmed in Policy MP6 Progressive Working and Restoration (for New Mineral Proposals) which states that:

*“Proposals for new mineral workings should be accompanied by a scheme for the progressive working and restoration of the site throughout its life. Preference will be given to restoration proposals that incorporate a net gain for biodiversity with the creation and management of priority habitats and that support protected priority and Red Data Book Species and/or that conserve geological and geomorphological*

*resources. Such habitats, species and resources should be appropriately and sustainably incorporated into restoration proposals focussed on the historic environment, flood alleviation, reservoirs, agriculture, forestry, amenity, or ecology. Providing links to surrounding habitats is also encouraged.”*

### **2.3.6 West Suffolk Council**

The West Suffolk Local Plan (consisting of the former Forest Heath area and former St Edmundsbury area) is made up of the Local Plan documents for the two former areas. Policies protecting biodiversity and encouraging biodiversity enhancement are included in both Core Strategies, Policies FHDC CS2 Natural environment, SEBC CS2 Sustainable development, and in the Joint Development Management Planning Document, Policy DM11 Mitigation, enhancement, management and monitoring of biodiversity. In addition, Policy JDMPD DM11 requires the implementation of the mitigation hierarchy to avoid, mitigate and compensate for any losses due to new development.

The West Suffolk Local Plan review has commenced, the next consultation will be on the Pre-submission (Regulation 19) document in 2023. This document will include a requirement for biodiversity net gain and is currently exploring 20%.

In September 2019, West Suffolk Council declared a Climate Emergency, which was updated in July 2020 to a Climate and Environment Emergency. West Suffolk Environment and Climate Change Taskforce was set up in June 2019. The aim of the Taskforce was to make recommendations on the Council’s future role in protecting and enhancing the environment, both in the way in which it carried out its operations and through specific initiatives. In July 2019 the Taskforce reported to Cabinet who resolved that the Council be committed to working towards achieving net zero greenhouse gas (carbon) emissions by 2030. Cabinet also resolved to progress actions including to reduce the Councils negative impact on biodiversity.

## **3. Scope of Biodiversity Net Gain Requirements**

### **3.1 How much Biodiversity Net Gain is Expected?**

The Environment Act (2021) sets out that all planning permissions (with some exceptions) will need to deliver at least 10% biodiversity net gain. It is expected that the mandatory requirement will come into place in Winter 2023. Once the date for the implementation of this is confirmed, this will be a national requirement for all relevant planning applications.

With exceptional pressures on the county’s biodiversity, action needs to be taken to turn around nature’s fortunes. The 10% requirement should be viewed as a minimum for development. Local Planning Authorities across Suffolk encourage all planning applications where net gain is a requirement to deliver a minimum of 10% biodiversity net gain in the interim.

Natural England’s biodiversity net gain study (Vivid Economics, June 2018) considered the impacts on the economics and viability of development and concluded

that a biodiversity net gain requirement was not expected to affect the financial viability of housing developments (up to 20% biodiversity net gain scenario).

Local Planning Authorities across Suffolk encourage all planning applications where 10% is a requirement to aim for higher biodiversity net gain where possible..

### 3.2 What Types of Applications does Biodiversity Net Gain Apply to?

For the purposes of this interim guidance authorities will expect at least 10% biodiversity net gain on all major development. During this interim period minor development will be encouraged to deliver 10 % biodiversity net gain, however it will not be a requirement.

The following table sets out the interim requirements for biodiversity net gain in Suffolk by application type. This is the agreed position until such time as the mandatory biodiversity net gain requirement comes into place in winter 2023.

	<b>Residential development</b>	<b>Non-residential development</b>	<b>Local requirements</b>
<b>Major development</b>	Where the number of dwellings to be provided is ten or more;  OR  where the number of dwellings to be provided is not known, a site area of more than 0.5 hectares.	The provision of a building or buildings where the floor space to be created by the development is 1,000 square metres or more  OR  development carried out on a site having an area of one hectare or more.  OR  all full application for minerals and waste developments	All major development to provide measurable net gain, avoiding harm to existing biodiversity in accordance with the ecological mitigation hierarchy (see Section 4.4). A minimum 10% biodiversity net gain as measured with the most up to date version of the Defra Biodiversity Metric <sup>1</sup> .
<b>Minor development</b>	Where the number of dwellings to be provided is between one and nine inclusive on a site having an area of less than one hectare;  OR	Where the floor space to be created is less than 1,000 square metres OR where the site area is less than one hectare.	Not applicable. During this interim period minor development will not be required to deliver 10 % net gains for biodiversity. Developments which meet the published criteria may opt to use the most up to date version of the

<sup>1</sup> Some major sites may not be conducive to delivering biodiversity net gain onsite, for example where site characteristics may mean there is not the opportunity to deliver on site such as limited open space being provided on site in urban settings. In this instance Local Planning Authorities would consider off-site biodiversity net gain, provided a suitable project has been identified in agreement with the Local Planning Authority to deliver this.

	where the number of dwellings is unknown on a site area of less than 0.5 hectares		Defra Small Sites Biodiversity Metric (see Section 4.3).
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## 4. Building Biodiversity Net Gain into the Development Management Process

Considering biodiversity net gain at the initial stages of the development management process will help to achieve better outcomes for biodiversity and will avoid the need to retrofit biodiversity net gain measures at a late stage resulting in costly changes to design proposals.

### 4.1 Survey Work

The habitat survey and condition assessment used for the biodiversity net gain calculation must be undertaken by a competent person<sup>2</sup>, in accordance with the published Technical Supplement for the metric being used (for Biodiversity Metric 3.1 this is currently Natural England Joint Publication JP039 Technical Supplement (<http://publications.naturalengland.org.uk/file/4679356076261376>)). A competent person should be able to confidently identify the positive and negative indicator species for the range of habitats likely to occur in a given geographic location at the time of year the survey is undertaken. Habitat surveys should be carried out to an equivalent standard set out in the CIEEM guidelines

Habitat surveys can be undertaken year-round, though it is important to note that the optimal survey season is considered to be April to September (inclusive) for most habitat types. Surveys outside of the optimal survey period should use a precautionary approach to assessing condition criteria which are not measurable at the time of year the survey is undertaken. Where such an approach is used in a biodiversity net gain calculation this should be described and justified in the planning application submission.

Justification for the categorisation of distinctiveness and condition of baseline habitats (with the aid of descriptions, photographs and species lists) should also be included within the survey report.

To enable the calculation of biodiversity units, data must be collected for both existing and proposed habitats, in accordance with the User Guide for the Biodiversity Metric to be used (for Biodiversity Metric 3.1 this is currently Natural England Joint Publication JP039 User Guide). It is important that habitat areas are measured as precisely as possible in order to ensure that an accurate calculation can be made.

### 4.2 Pre-emptive Site Clearance

Schedule 12 of the Environment Act (2021) deters against site clearance ahead of a planning application by allowing planning authorities to recognise any habitat

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<sup>2</sup> A 'competent person' is defined as: being able to confidently identify the positive and negative indicator species for the range of habitats likely to occur in a given geographic location at the time of year the survey is undertaken. For a full metric application, the competent person should be an ecologist. However, in circumstances where the development fits with the criteria to use the Small Sites Biodiversity Metric it is not necessary for the metric to be completed by an ecologist but by someone who is competent to use that metric. Local Planning Authorities should verify that the person who has completed the metric fulfils this criteria and is suitably competent to be able to do so, as described in the metric User Guide.



degradation since 30th January 2020 and to take the earlier habitat state as the baseline for the purposes of biodiversity net gain.

If it is clear that habitats on the site have been recently changed to their detriment, it will be necessary to make an informed assessment of what the best condition and distinctiveness of that habitat would have been, prior to the change. This will need to be justified to the Local Planning Authority and agreed by them.

### **4.3 Biodiversity Unit Calculation (Defra Biodiversity Metric)**

Biodiversity net gain calculations must be made using the most up to date version of the Defra Biodiversity Metric available at the time the planning application is made. Use of an earlier version of the Defra Biodiversity Metric (for example in situations where the calculation and planning application have been prepared immediately before the release of a metric update) will only be acceptable where this has been agreed with the Local Planning Authority prior to the submission of the planning application.

The metric should be used early in the design process, in order to quantify and evaluate the impacts of different design options when there is more scope to influence design changes, such as retention of existing features, and achieve better ecological outcomes. The metric can be applied on an indicative basis and by adopting a precautionary approach when ascribing habitat condition and distinctiveness values.

Any Biodiversity Net Gain Plan submitted must contain relevant up-to-date information. The Planning Authority may ask for this work to be updated if the data provide in the report is more than 12 months old.

### **4.4 Small Sites Biodiversity Metric**

Developments which meet the published criteria may opt to use the most up to date version of the Defra Small Sites Biodiversity Metric. The Small Sites Biodiversity Metric must not be used to calculate offsite losses and gains, if offsite gains or losses are required the assessment must be carried out using the most up to date version of the main metric.

At the current time for a site to be eligible to use the Small Sites Biodiversity Metric it must meet the following published criteria:

- 1) Development sites where:
  - a) For residential developments, the number of dwellings to be provided is between one and nine inclusive on a site having an area of less than one hectare.
  - b) The number of dwellings to be provided is not known, the site area is less than 0.5 hectares.
  - c) For all other development types where the site area is less than 0.5 hectares or less than 5,000sqm.
- 2) There is no priority habitat present within the development area (excluding hedgerows and arable margins).

Priority habitats, also known as Habitats of Principal Importance, are those listed by the [JNCC](#)) under Section 41 of the Natural Environment and Rural Communities (NERC) Act (2006).

Every application including those which use the Defra Small Sites Biodiversity Metric will require a biodiversity gain plan. The full Excel small sites spreadsheet should be submitted and not just a screenshot.

#### 4.5 Applying the Mitigation Hierarchy

The mitigation hierarchy constitutes a fundamental approach to development and is a pre-requisite for biodiversity net gain. Developers should demonstrate their efforts to follow the mitigation hierarchy within the biodiversity gain plan (see section above). Each step down the hierarchy must be valid and necessary.

The mitigation hierarchy already exists as a guiding principle to development in paragraph 180 of the National Planning Policy Framework (2021). The principles of the mitigation hierarchy are:

**Avoid:** Site layouts should avoid impacts on existing biodiverse habitats through site selection, by designing buildings and infrastructure around them and retaining as much as possible. Biodiversity net gain is easier to achieve where habitat impacts are avoided due to the way that risks associated with habitat creation or enhancement are accounted for in the Biodiversity Metric.

**Mitigate:** Where it is not possible to avoid impacts, the developer should explore ways of reducing or minimising the impact on the site layout.

**Compensate:** This would see any lost habitat areas recreated. This approach sits at the bottom of the mitigation hierarchy and is the least favoured approach.

It must also be recognised that not all habitats can be re-created, such as ancient woodland, which are considered to be irreplaceable.

#### 4.6 Onsite Habitat Provision

All new development should seek to deliver biodiversity net gain on-site within the red line application boundary in the first instance.

Considering biodiversity net gain at the early stages of the design process will help to achieve better outcomes for biodiversity and will avoid the need to retrofit biodiversity net gain measures at a late stage resulting in costly changes to design proposals. The Biodiversity Metric can be used early in the design process, to quantify and evaluate the impacts of different design options.

In accordance with the Lawton principles<sup>3</sup> and for meaningful contributions to nature recovery, biodiversity net gain actions should seek to support bigger, better and more joined up habitat, safeguarding and enhancing habitat connectivity locally and at a wider landscape-scale. For example:

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<sup>3</sup> 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. This approach is integral to the Environment Act (2021).

- Repair and restore – missing links such as hedgerows.
- Expand existing habitats – is there habitat adjacent to the site which could be expanded to improve its functionality?
- Buffer habitats – woodland adjoining a site could be expanded and buffered with a grassy woodland edge.
- Don't create islands – All habitat that is retained, enhanced, and created is expected to have suitable and meaningful connectivity to the wider ecological network.
- Re-nature – habitat that has been heavily modified, such as culverted watercourse, could be opened to function by natural processes and create valued habitat and connectivity.

Biodiversity net gain proposals should be realistic in terms of delivering biodiversity. In most situations only relatively simple low-maintenance habitats should be targeted within the development site to ensure that the proposed habitats are deliverable in the long-term. Simple and robust habitat types that are relatively easy to create and maintain can still deliver good biodiversity value. The choice of habitat types will depend on the soils, drainage and aspect on the site, and will still need to be informed by professional judgement and with due consideration to the local landscape character.

Examples of habitat types likely to be deliverable on most development sites include:

- Deciduous plantation woodland;
- Hedgerows;
- Ponds (depending on geology and drainage);
- Scrub;
- Medium distinctiveness grasslands can be established and managed on some sites, but this is very dependent on the availability of appropriate management (e.g. tussocky grassland and flowering lawns);
- Scattered native trees;
- Orchards.

#### **4.7 Offsite Habitat Provision / Local Nature Recovery Strategies**

All Local Planning Authorities are waiting for the Government to set out the details of how certain factors such as conservation covenants, biodiversity credits schemes and other mechanism mentioned below will be set up, regulated and managed so this must be considered as an interim position, pending the publication of further government regulations.

We believe, however, that the principles set out below are sound but it is likely that there may be some changes, revisions and explanations as and when the guidance is fully available.

In the meantime, it is clear that off-setting or any other off-site mitigation, compensation and enhancement will be the very last resort for an applicant.

We anticipate that, in the first instance, a developer will explore all options to avoid harm to biodiversity on the site in question.

Only once all options to reduce loss, harm or damage of existing biodiversity on site have been considered (and thoroughly reviewed after consulting the Local Planning Authority Ecologist) should a developer consider off-site biodiversity net gain delivery.

Nothing set out in this section diminishes the requirement to have regard to all existing legislation relating to wildlife and habitats.

#### Key Principles:

- In the first instance, developers should ensure that the development site itself provides the required habitat to deliver biodiversity net gain.
- If this is impossible (which is only decided after consultation with the Local Planning Authority) the developer may find a local landowner willing and able to provide suitable land in perpetuity (a minimum of thirty years) and agrees suitable payment with that land provider.
- Developers may be able to approach a facilitator (such as a local Wildlife Trust) or broker but the mechanisms for doing this have not yet been put in place.
- It is possible that a Local Planning Authority may be able to take a payment to deliver biodiversity net gain on land owned or managed by them (for example, a country park or some other habitat that requires investment to deliver wildlife benefits commensurate with the biodiversity net gain identified and required).
- When mechanisms are in place, it may be possible (subject to agreement with the Local Planning Authority) for a developer to buy biodiversity units for a (future) Suffolk Biodiversity Net Gain Habitat Bank.
- Small developments (such as single building constructions) may also be able to contribute to the above or to a future Suffolk Net Gain Scheme.
- As a likely last resort, a developer may be required to buy biodiversity units from the National Biodiversity Credits Scheme. This has not yet been set up, but it is warned that such purchases will be more expensive than other options.

In every case, the agreements to deliver biodiversity net gain will be approved by the Local Planning Authority's Ecologist and must be secured by a suitable legal agreement (such as for example, S. 106 Agreements or conservation covenants) in perpetuity (considered a minimum of thirty years).

In determining sites for off-site biodiversity net gain delivery, regard must be given to the following:

- Has the site been fully and appropriately surveyed to understand the existing biodiversity?
- Does the site deliver the potential for Priority Habitat restoration or creation?
- Will the site reinforce the existing network of wildlife corridors?
- Will public access be permitted?

Early engagement with the Local Planning Authority is essential to ensure that the proposal meets the current legislation, regulations and guidance.

#### **4.8 Local Nature Recovery Strategies**

The Suffolk Local Nature Recovery Strategy (LNRS) is a mandatory county-wide mechanism to help deliver the ambition of a national Nature Recovery Network (NRN).

The Environment Act (2021) contains a specific duty on all public authorities to have regard to relevant LNRS. LNRS will act as a signpost to co-ordinate nature recovery delivery, including where to deliver off-site biodiversity net gain when it is required. The expectation is that they will help to reverse the decline of biodiversity and deliver wider environmental benefits.

Suffolk County Council has been provisionally notified that it will be the responsible authority. Responsible authorities are waiting for the Government to shape regulations and guidance. In the interim the County Council is actively progressing the following work streams:

- A governance structure in Suffolk via the Suffolk Climate Change, Energy and Environment Board;
- Identifying key stakeholders and partners in the LNRS preparation process, e.g., Local Nature Partnerships, other local authorities, local environmental non-governmental organisations (eNGOs) and stakeholders beyond the usual 'green' table e.g. healthcare sector;
- Starting the work with Local Planning Authorities and eNGO's to share knowledge and align planners with ecologists;
- Starting initial work on a stakeholder engagement plan; and
- Continuing to work with local Natural England senior advisor.

Prior to implementation of LNRS local authorities can use other local strategies to inform offsite targeting, such Green Infrastructure strategies and biodiversity opportunity mapping. The Suffolk authorities will publish interim guidance to inform offsite targeting and determine 'strategic significance'.

#### **4.9 What is Required to Support a Planning Application?**

A planning application will need to be supported by a biodiversity gain plan. The contents of the biodiversity gain plan will vary dependent on the type of planning application. The Chartered Institute of Ecology and Environmental Management (CIEEM) has published [Biodiversity Net Gain Report and Audit Templates](#) which are intended to provide a framework for writing reports for projects that are aiming to achieve biodiversity net gain in the interim period ahead of the mandatory requirement.

For all Outline planning applications, the information should follow the recommendations of the CIEEM Biodiversity Net Gain Feasibility Report Template and include:

- Baseline data collection and assessment of current conditions on site including a Habitat Baseline Plan showing where the habitat units occur (and GIS layer);

- A commitment to the mitigation hierarchy and evidence of its application to maximise benefits to biodiversity;
- Provision of the most up to date version of the full Excel metric spreadsheet showing the baseline calculations for the development site;
- Recommendations and/or proposals for how biodiversity net gain will be delivered on site, including GIS layers and calculations on the metric spreadsheet; and
- Outline management and monitoring measures.

For full or reserved matters planning applications, the information should follow the recommendations of the CIEEM Biodiversity Net Gain Design Stage Report Template and include:

- Baseline data collection and assessment of current conditions on site including a Habitat Baseline Plan showing where the habitat units occur (and GIS layer);
- A commitment to the Mitigation Hierarchy and evidence of its application to maximise benefits to biodiversity;
- Provision of the full biodiversity net gain excel spreadsheet calculations (using the most up to date version of the metric), with detailed justifications for the choice of habitat types, distinctiveness and condition, connectivity and ecological functionality;
- Design details which must be supported by a Proposed Habitats Plan (habitats lost enhanced and created);
- Details of the implementation measures and management of proposals;
- Details of any off-site provision to be secured by a planning obligation; and
- Details of the monitoring and auditing measures.

The requirements for biodiversity net gain do not replace or undermine existing habitat and species protection for protected sites or irreplaceable habitats, or for existing requirements for ecological assessments and species surveys. Decisions relating to habitats or species subject to statutory protection under national legislation and local policy remain subject to those requirements. Similarly, impacts to irreplaceable habitats shall be considered outside the biodiversity net gain system.

## **5. Biodiversity Net Gain Monitoring**

The Councils are working towards a situation where habitats created as part of biodiversity net gain will be maintained for a minimum of 30 years and secured at the planning permission stage.

During construction and for a 30-year period following this, monitoring will be implemented to ensure that all on and/or off-site biodiversity net gain is delivered to the required condition. Reporting of findings to the Local Planning Authority will be required.

Monitoring and reporting is the responsibility of the developer and should be set out in the biodiversity gain plan. The monitoring will be secured through the grant of planning permission through planning conditions and obligations. As a minimum, monitoring reports should include a summary of habitat type, extent, and condition (with a comparison where applicable against the expected condition proposed in the biodiversity gain plan). It is expected as a minimum, that a '5 year aftercare' report focusing on the establishment of the habitat in years 1-5 will be submitted alongside monitoring assessments submitted in years 2, 5, 10, 20 and 30.

A monitoring fee may need to be secured. Where this is with the developer it may likely be through a Section 106 agreement. Where it is with an offset provider it may be through a Section 39 agreement of the Wildlife and Countryside Act, or a conservation covenant. If it is with a broker a different type of legal contract may be required.

## **6. Protected and Priority Species**

There are currently 262 priority species and 23 priority habitats in Suffolk, this information is frequently assessed and updated please ensure you are referring to the latest version of the document. Protected and priority species require consideration that accords with their level of statutory and policy protection, separate to the habitat assessment that forms part of the Biodiversity Metric. If development impacts on protected or priority species can be mitigated, the mitigation will not contribute towards biodiversity net gain.

## 7. Glossary of Terms

Term	Definition
<b>Avoidance</b>	Measures taken to avoid creating impacts from the start. For example, changing the location of the development or development activities within the site to avoid the habitats present.
<b>Biodiversity net gain</b>	Biodiversity net gain is development that leaves biodiversity in a measurably better state than before.
<b>Biodiversity offset</b>	Biodiversity offsets are conservation activities that are designed to give biodiversity benefits to compensate for losses - ensuring that when a development damages nature (and this damage cannot be avoided or mitigated) new nature sites will be created. Where appropriate, biodiversity offsetting is an option available to developers to fulfil their obligations under the planning system's mitigation hierarchy.
<b>Compensation</b>	Measures taken to provide a biodiversity contribution that is proportionate to the long-term loss of residual impacts that cannot be completely avoided or minimised.
<b>Conservation covenants</b>	An agreement between a landowner and a designated "responsible body" such as a conservation charity, public body or for-profit body which conserves (protects, restores or enhances) the natural or heritage features of the land. It is a private, voluntary agreement made for the public good, which can continue to be effective even after the land changes hands.
<b>Ecological network</b>	An ecological network comprises a suite of high quality sites which collectively contain the diversity and area of habitat that are needed to support species and which have ecological connections between them that enable species, or at least their genes, to move.
<b>Ecosystem services</b>	Ecosystem services are the services that nature provides to people. They range from reducing flood risk to providing opportunities for recreation.
<b>Habitat creation</b>	The removal or the loss of the present habitat in the action of creating the new one or creating habitat where none was previously present (including bare ground). This includes, for example, removing scrub in order to create a wetland habitat or removing hardstanding to create new grassland habitat.
<b>Habitat enhancement</b>	The improvement of the condition of an existing habitat, thereby increasing the biodiversity value of a habitat type. Enhancement is achieved through measures that improve habitat biodiversity capacity and/or remove factors that detract from its value. This includes increasing the diversity of species that can be supported by a habitat, for example by managing improved grassland so that it becomes semi-improved grassland, which would seek to increase species diversity.
<b>Major development</b>	For housing, development where 10 or more homes will be provided, or the site has an area of 0.5 hectares or more. For non-residential development it means additional floorspace of



	1,000m <sup>2</sup> or more, or a site of 1 hectare or more, or as otherwise provided in the Town and Country Planning (Development Management Procedure) (England) Order 2015.
<b>Mitigation hierarchy</b>	The Mitigation Hierarchy constitutes a fundamental approach to development and is a pre-requisite for biodiversity net gain. The principles of the mitigation hierarchy are – ‘avoid’, ‘mitigate’ and ‘compensate’. It must also be recognised that not all habitats can be re-created, such as ancient woodland, which are considered to be irreplaceable. For more detail see Section 4.5 Applying the Mitigation Hierarchy.
<b>Natural capital</b>	Natural capital is a term for the habitats and ecosystems that provide social, environmental and economic benefits to humans.
<b>Suitably qualified ecologist</b>	An individual who: <ol style="list-style-type: none"> <li>1) holds a degree or equivalent qualification (e.g. N/SVQ level 5) in ecology or a related subject;</li> <li>2) is a practicing ecologist, with a minimum of three years relevant experience (within the last five years); and</li> <li>3) is covered by a professional code of conduct and subject to peer review, including the Chartered Institute of Ecology and Environmental Management (CIEEM) Code of Professional Conduct.</li> </ol>
<b>Trading down</b>	The Defra Biodiversity Metrics categories habitat into ‘distinctiveness’ categories based on their biodiversity value. To protect the existing biodiversity value, all Defra biodiversity metrics require there to be no ‘trading down’ of habitat distinctiveness.

## 8. Appendices

### Biodiversity Net Gain Checklist for Applicants

This can be used for all applications within scope of biodiversity net gain as set out in this guidance note. For further information on the points below, please refer back to the guidance.

If any of the answers to these questions are 'no' then the applicant will need to provide the missing information to the local planning authority.

Please note this checklist is for use as an aide-mémoire and is not exhaustive.

### Biodiversity Net Gain Documents Required

Have the correct supporting documents been submitted as required by this guidance note?

- Biodiversity gain plan
- Map(s) of the site, and maps showing any biodiversity net gain which is to be provided offsite
- Excel and .pdf copy of the completed relevant metric (most up to date version)
- Habitat/ecology survey

### Biodiversity Gain Plan

- Has it been clearly set out how harm has been avoided following the mitigation hierarchy?
- Is there a pre-development biodiversity value score?
- Is there a post-development biodiversity value score given?
- If offsite biodiversity net gain is going to be provided, is the nature of this, including its value given?

### Measuring Biodiversity Net Gain

- Has a measurement of biodiversity net gain been provided?
- If the Defra Biodiversity Metrics have been used, is it the correct type and version? As per section 3.2 of this guidance note?
- Is a % biodiversity net gain proposed?
- Are all habitats in the red line boundary accounted for?
- Have the reasons for the condition scores been set out, in accordance with the Defra guidance?
- Are there high distinctiveness habitats proposed for creation/enhancement? If so, is there sufficient evidence to support this?

- Is a high level or more than one-step change in condition proposed? If so, is there sufficient evidence to support this?
- Is the strategic significance consistent with the relevant strategy/guidance document?
- Has trading downs been avoided?
- Proposals do not include irreplaceable habitats which should be addressed separately?
- Proposals do not include national or international sites which should be addressed separately?
- Proposals do not include bird boxes/bat boxes and similar as they do not count toward biodiversity net gain?
- Any measures to mitigate or compensate for harm have not been included in the biodiversity net gain score?

### **Habitat Survey / Ecology Assessment**

- Is the appropriate type of survey/assessment submitted for the type of metric?
- If Small Sites Biodiversity Metric – has the assessment been completed by a ‘competent person’ defined as someone who is ‘confident identifying habitats present before development and identifying the land management requirements for habitats which will be created or enhanced’? This person does not need to be a qualified ecologist.
- Is completed using the most up to date version of the Biodiversity Metric available on the Government website - has the assessment been completed by a suitably qualified ecologist<sup>4</sup>?

### **Maps**

- Is a baseline habitat map, showing the parcels of land corresponding to the metric, provided? (GIS layer)
- Is a proposed biodiversity net gain habitat map, showing the parcels of land corresponding to the metric, provided? (GIS layer)

### **Management**

- Has information been provided to clearly show how the proposed biodiversity net gain habitats will be implemented, managed, and monitored (for a minimum of 30-years)?

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<sup>4</sup> 'Suitably Qualified Ecologist' is defined as an individual who:

- 1) holds a degree or equivalent qualification (e.g. N/SVQ level 5) in ecology or a related subject;
- 2) is a practicing ecologist, with a minimum of three years relevant experience (within the last five years); and
- 3) is covered by a professional code of conduct and subject to peer review, including the Chartered Institute of Ecology and Environmental Management (CIEEM) Code of Professional Conduct.

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