



**Bassetlaw**  
DISTRICT COUNCIL  
— North Nottinghamshire —

# Biodiversity Net Gain Supplementary Planning Document

## **Consultation Statement**

November 2025

<https://www.bassetlaw.gov.uk/>



## 1. Introduction

- 1.1 This document has been prepared in order to demonstrate how the Council has followed the requirements of [The Town and Country Planning \(Local Planning\) \(England\) Regulations 2012](#) in preparing the Biodiversity Net Gain Supplementary Planning Document (SPD).
- 1.2 SPDs were introduced as part of the Planning and Compulsory Purchase Act 2004. The [Planning Policy Guidance](#) is clear that an SPD can add further detail to policies in the adopted Bassetlaw Local Plan (May 2024) and that they can be used to provide further guidance for development on particular issues. They are a material consideration for determining planning applications, albeit they do not form part of the development plan.
- 1.3 The Biodiversity Net Gain SPD provides further guidance for applicants and developers on how planning applications can address and satisfy requirements set out in the following Local Plan Polices:
- Policy ST37: Green and Blue Infrastructure
  - Policy ST38: Biodiversity and Geodiversity
  - Policy ST39: Trees, Woodlands and Hedgerows
- 1.4 The SPD also assists local interpretation of relevant [National Planning Policy Framework](#) policy including conserving and enhancing the natural environment.

## 2. Local Planning Regulations and Habitats Regulations Assessment / Strategic Environmental Assessment Screenings

- 2.1 This consultation has been carried out in accordance with [The Town and Country Planning \(Local Planning\) \(England\) Regulations 2012](#) (as amended). In line with Regulation 12(a), before adopting an SPD, a Local Planning Authority must prepare a statement setting out who was consulted when preparing the SPD, a summary of the main issues raised and how these issues have been addressed. This document is the Consultation Statement for the adopted SPD as required by Regulation 12(a).
- 2.2 Regulation 12(b) requires that the draft SPD be published for a minimum of 4 weeks and that the Council specify the date by which representations must be made and the address to which they must be sent.
- 2.3 Regulation 35 requires the documents must be made available to the public at the principal office of the Council and other places the Council consider appropriate as well as publishing on the Council's website.
- 2.4 The Government's national [Planning Policy Guidance](#) states "SPDs do not require a sustainability appraisal but may in exceptional circumstances require a strategic environmental assessment if they are likely to have significant environmental effects that have not already been assessed during the preparation of the relevant strategic policies."
- 2.5 Every stage of the Bassetlaw [Local Plan's](#) preparation (from initial scoping through to Adoption) were subject to a comprehensive sustainability appraisal incorporating strategic environmental assessment with a number of changes to policies made to address each individual report's recommendations. The [Bassetlaw Local Plan Habitats Regulations Assessment \(2023\)](#) concluded that the policies in the Plan (either alone or in combination) would not impact on any of the European Sites either within, or in close proximity, to the Bassetlaw District

2.6 As set out above, the SPD provides further guidance and detail to the relevant adopted [Local Plan](#) policies, and does not result in any significantly different effects over and above those already considered and assessed through the preparation of the recently adopted Local Plan and the relevant policies (listed above) which are the strategic policies that the SPD ‘hangs off’.

2.7 Nevertheless, and for completeness, an SEA Screening Assessment was undertaken prior to consultation with Natural England, Historic England and the Environment Agency. All responded and confirmed that an SEA was not required.

### **3. Consultation Details**

3.1 Consultation on the draft SPD took place for a period of seven weeks from 23 July 2025 to 5pm on 11 September 2025. Consultation was in line with the Council’s [Statement of Community Involvement](#).

3.2 The draft SPD and response form were made available on the Council’s website and a hard copy was available to view during normal office hours at the Customer Service Desk at Bassetlaw District Council: Queen’s Buildings, Potter Street, Worksop, S80 2AH, at Retford Town Hall and Harworth & Bircotes Town Hall, and all libraries in the district.

3.3 Consultation comments were invited by email to [planningpolicy@bassetlaw.gov.uk](mailto:planningpolicy@bassetlaw.gov.uk), via an online form on the Council’s website: [www.bassetlaw.gov.uk](http://www.bassetlaw.gov.uk) or by post via: Planning Policy, Queen’s Buildings, Potter Street, Worksop, S80 2AH

### **4. Who was Consulted?**

4.1 In accordance with the Local Planning Regulations, all those persons and organisations who had signed up to the Council’s Planning Policy database were contacted via email/letter, including those listed in Appendix 2 of the [Statement of Community Involvement](#), were notified of the consultation. This includes town and parish councils, residents, landowners, developers, statutory consultees and other local planning authorities.

4.2 At the close of the consultation, the Council had received responses from 4 organisations.

## 5. What Were the Main Issues Raised During Consultation?

5.1 [Appendix 1](#) sets out in more detail a summary of the issues that were raised and how they have been addressed; as well as a limited number of changes to the SPD where considered appropriate.

5.2 The main issues raised are as follows:

- McCarthy Stone & Churchill Living and Stantec expressed concerns that the Council was introducing a new hierarchy instead of using the Mitigation Hierarchy.
- McCarthy Stone & Churchill Living expressed concerns the SPD needlessly summarises and lists legislation.
- National Grid Electricity Transmission expressed concerns the SPD may be unduly harsh on NSIPs due to the way it reinforces the Biodiversity Net Gain Hierarchy.
- Stantec expressed concerns the SPD should recognise that strategic sites (specifically) may not always be able to deliver gains on site.
- Stantec expressed concerns that the Council reserved the right to request draft Biodiversity Gain Plans upfront about how the gain will be achieved.
- Stantec suggested that the Council should publish their Significant Onsite Gain threshold.
- Stantec suggested that Biodiversity Net Gain monitoring fee rates should be clearly outlined and available upfront.

Appendix 1 – Summary of Consultation Responses and Changes Made to the SPD

Name/ Organisation	Content Summary	BDC Response	SPD Amendments
<b>Natural England</b>	Welcome the draft Biodiversity Net Gain Supplementary Planning Document (SPD). Consider that it provides a comprehensive framework on this topic and expands upon the policies within the adopted Bassetlaw Local Plan. Pleased to note the references to the Nottinghamshire Local Nature Recovery Strategy and Natural England's guidance for using the Small Sites metric within the East Midlands area.	Comments noted and welcome.	No change required.
<b>McCarthy Stone &amp; Churchill Living</b>	<p>Paragraph: 006 Reference ID: 74-006-20240214 of the Biodiversity Net Gain PPG sets out how plan makers should deal with BNG. This states that <i>'Plan-makers should be aware of the statutory framework for biodiversity net gain, but they do not need to include policies which duplicate the detailed provisions of this statutory framework. It will also be inappropriate for plans or supplementary planning documents to include policies or guidance which are incompatible with this framework, for instance by applying biodiversity net gain to exempt categories of development or encouraging the use of a different biodiversity metric or biodiversity gain hierarchy.'</i></p> <p>Paragraph: 008 Reference ID: 74-008-20240214 sets out the Biodiversity Net Gain Hierarchy relevant to BNG. Para 4.4 of the draft SPD sets a BNG hierarchy that is different and more stringent than the PPG and the implementation of the 'local' hierarchy is a general theme across the draft SPD. The Biodiversity hierarchy in para 4.4 should be deleted and refer to the government guidance.</p> <p>In addition, given government guidance that LPA's do not need to duplicate the provision of the statutory framework the SPD should be reconsidered for repetition of a statutory framework. This check also needs to be</p>	<p>The mitigation hierarchy is distinct from the Biodiversity Net Gain Hierarchy, and it does say this in the text of the SPD, but extra wording will be added for greater clarity.</p> <p>The Biodiversity Net Gain Hierarchy is set out in Articles 37A and 37D of the Town and Country Planning [Development Management Procedure] (England) Order 2015. Due to an error in the draft, the BNG hierarchy reproduced in the SPD is less stringent than in the PPG and this has now been rectified. The PPG Hierarchy and that in the SPD are however the same hierarchy but the former is written in paragraphs and more accessible language rather than the technical legal language of the Order used in the SPD.</p> <p>The points about repetition are noted and the document could be more concise however, the additional information included may be useful for</p>	<p>For clarity, a new paragraph 4.4 will be added to explain: The Biodiversity Gain Hierarchy is distinct from the Mitigation Hierarchy set out in the NPPF and referred to in paragraph 4.1 above. The Mitigation Hierarchy states that a planning application should be refused if significant harm to biodiversity from a development cannot be avoided, mitigated or compensated for. The Biodiversity Gain Hierarchy (paragraph 4.4) has been designed to facilitate the discharge of the Biodiversity Gain condition and to achieve at least 10% gain.</p> <p>To align with legislation and PPG paragraph 4.5 has been re-worded: The Biodiversity Gain Hierarchy is as follows (in order of priority):</p> <ol style="list-style-type: none"> <li>1 Avoid adverse effects of the development on on-site habitat with a habitat distinctiveness score applied in the Statutory Biodiversity Metric, equal to or higher than four.</li> <li>2 So far as those adverse effects cannot be avoided, mitigate those effects.</li> <li>3 Then, in relation to all on site habitats which are adversely affected by the development, compensate in priority order:</li> <li>4 The enhancement of existing on-site habitat.</li> <li>5 The creation of new on site habitat.</li> <li>6 By securing registered off-site biodiversity gain.</li> <li>7 By purchasing Statutory Biodiversity Credits.</li> </ol> <p>No change required – decided to keep introductory text and information.</p>

	undertaken in the context of the recent consultation on amendments to BNG.	the wide range of applicants to the Council for planning permission, not all of which may have access to planning and/or ecology specialists.	
<b>National Grid Electricity Transmission</b>	<p>National Grid Electricity Transmission (NGET) is proposing to build the North Humber to High Marnham Project (NHHM) – a new high voltage electricity transmission line and associated works between a new substation to be built near Creyke Beck, known as Birkhill Wood Substation, and a new substation at High Marnham in Nottinghamshire.</p> <p>The Government has confirmed that mandatory BNG requirements for NSIPs will be introduced from May 2026, requiring projects to deliver a minimum 10% net gain in biodiversity as part of the Development Consent Order (DCO) process. The NHHM project is being developed in alignment with this requirement and is expected to be submitted in 2026.</p> <p>Would like to make the following points and request adjustments to proposed SPD wording accordingly: Paragraph 3.5 - request that the document explicitly acknowledges that NSIPs are governed by national policy and guidance. As such, local requirements should be aligned with, and not override, decisions made through the DCO process.</p> <p>Provisioning of BNG - strongly prioritises on-site BNG and discourages reliance on off-site or statutory credits unless fully justified. The North Humber to High Marnham Project is a linear infrastructure project approximately 90 kilometres and traversing multiple local authorities. Delivering BNG solely within a single authority may present practical challenges such as, limited availability of suitable BNG sites. To ensure biodiversity outcomes are achieved without delaying the project, we encourage a flexible approach for NSIPs that: a) enables BNG delivery either onsite or offsite, and across multiple local authority areas; and b) allows access to national BNG markets where local biodiversity units are unavailable.</p>	<p>It is agreed that NSIPs are governed by the DCO process and as such are out of the scope of the SPD. Words to that effect have been added.</p> <p>The mandatory date for NSIPs to deliver BNG has not yet been confirmed, just proposed for May 2026. All NSIPs the Council has had input into so far are still delivering BNG regardless.</p> <p>The SPD aligns with the Biodiversity Net Gain Hierarchy and that is why the use of onsite gain/offsite creation/units/credits is promoted in this way throughout.</p>	<p>Slight amendment to Paragraph 3.5 confirming that NSIPs are out of scope of the SPD.</p> <p>Wording changed from 'as yet unconfirmed date' to 'proposed for May 2026'.</p> <p>No change required.</p>
<b>National Highways</b>	No comments	N/A	N/A
<b>The Coal Authority</b>	No comments	N/A	N/A
<b>EA</b>	No comments	N/A	N/A
<b>Historic England</b>	No comments	N/A	N/A
<b>Stantec on behalf of Caddick Development</b>	<p>The Environment Act 2021 (which introduces Schedule 7A of the Town &amp; Country Planning Act 1990) establishes the statutory framework for BNG, requiring a minimum net gain in biodiversity value with the 10% figure then set through secondary legislation to implement the Act. The Act specifically allows this to be achieved through on-site biodiversity gains, registered off-site biodiversity gains, or statutory biodiversity credits.</p> <p>Planning Practice Guidance (PPG) reinforces the Biodiversity Gain Hierarchy, which prioritises on-site delivery but recognises that off-site delivery is appropriate where on-site enhancement or creation is not feasible (008 Reference ID: 74-008-20240214).</p>	<p>The '6 step plan' used in the SPD is (whilst not reproduced verbatim because of legal language in the Order) not a new hierarchy, it's the Biodiversity Net Gain Hierarchy set out in Articles 37A and 37D of the Town and Country Planning (Development Management Procedure) (England) Order 2015.</p>	<p>For clarity, a new paragraph 4.4 will be added to explain: The Biodiversity Gain Hierarchy is distinct from the Mitigation Hierarchy set out in the NPPF and referred to in paragraph 4.1 above. The Mitigation Hierarchy states that a planning application should be refused if significant harm to biodiversity from a development cannot be avoided, mitigated or compensated for. The Biodiversity Gain Hierarchy (paragraph 4.4) has been designed to facilitate the</p>

	<p>Local Plan policy ST38 sets out that while the policy encourages on-site delivery, it also supports off-site BNG where justified, particularly where it contributes to the strategic nature recovery network within Bassetlaw and Nottinghamshire. This is understandable as each site is different, and constraints, such as land availability, operational requirements, and existing ecological context, will vary.</p> <p>The SPD introduces a 6 step process to the BNG Hierarchy and a hierarchical preference for on-site delivery that may be overly restrictive in practice, particularly for large-scale strategic employment sites such as at Apleyhead. While national policy and the Local Plan prioritise on-site BNG, they also recognise that off-site delivery may be necessary and appropriate where on-site opportunities are limited due to operational or spatial constraints for example. Steps 4-6 are sub-points of the final step of the hierarchy (compensation for those effects which cannot be mitigated) and which highlight the order to be followed where possible, in providing that compensation. It is essential the SPD allows sufficient flexibility in the delivery of the Biodiversity Gain Hierarchy, enabling developers to pursue off-site solutions where justified and supported by robust evidence. A rigid approach to the hierarchy risks undermining the deliverability of strategic schemes and may conflict with the principles of proportionality and reasonableness set out in the NPPF. The SPD should be amended to recognise that any form of off-site net gain can be considered appropriate and it is for the developer to propose the appropriate BNG strategy.</p> <p>The SPD emphasis on a “local first” approach to off-site BNG is understood, but the discouragement of third-party providers outside Bassetlaw or Nottinghamshire (para 4.39) risks undermining the deliverability of development and net gain. A local first approach should not be pursued in this way. There is no set approach in the Environment Act, national policy, or local policy, which dictates a local first approach to BNG. The Act and policy simply recognise that off-site gains can be delivered anywhere off-site. A ‘local first’ approach would be problematic where there is limited availability of local habitat banks or local habitat banks do not provide the correct habitat type.</p> <p>There is no reasonable statutory or policy basis to inform such an approach and as an SPD cannot set new policy or increase the burdens on development SPD paragraph 4.39 should be omitted and the local focus should not be expressed in the SPD. Notwithstanding this, the Metric penalises the developer for securing units outside of the LPA or NCA (via the spatial multiplier), rather than this responsibility being on the LPA to do so. The SPD should acknowledge that strategic sites may need to rely on regional or national providers in the short term, provided the statutory metric and legal mechanisms are satisfied.</p> <p>The SPD correctly notes the importance of Biodiversity Gain Plans, as a key element of the standard biodiversity planning condition and that a BGP is needed to discharge the biodiversity condition. However, paragraph 4.46 infers the council can request a BGP at planning application stage yet such</p>	<p>discharge of the Biodiversity Gain condition and to achieve at least 10% gain.</p> <p>To align with legislation and PPG paragraph 4.5 has been re-worded: The Biodiversity Gain Hierarchy is as follows (in order of priority): 8 Avoid adverse effects of the development on on-site habitat with a habitat distinctiveness score applied in the Statutory Biodiversity Metric, equal to or higher than four. 9 So far as those adverse effects cannot be avoided, mitigate those effects. 10 Then, in relation to all on site habitats which are adversely affected by the development, compensate in priority order: 11 The enhancement of existing on-site habitat. 12 The creation of new on site habitat. 13 By securing registered off-site biodiversity gain. 14 By purchasing Statutory Biodiversity Credits.</p> <p>Again the ‘local first’ approach aligns with national policy, i.e. the Biodiversity Net Gain Hierarchy and Bassetlaw District Council will remain committed to this.</p> <p>The Biodiversity Net Gain Hierarchy is the basis for this.</p> <p>Most strategic sites in Bassetlaw District Council are achieving onsite gain with ease.</p> <p>The Council reserves the right to request draft Biodiversity Gain Plans from applicants where applications are complex for example phased developments and, to ensure opportunities to</p>	<p>No change required.</p> <p>No change required.</p> <p>No change required.</p>
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	<p>an approach is not supported by statute or policy. If the council intends to require BGPs at planning application stage it should form part of the planning validation list which must be subject to public consultation. It is not appropriate to require a BGP at planning application stage.</p> <p>The SPD must be clearer with regards to phased development and outline planning permissions. Paragraphs 4.47 - 4.51 outline the need for an Overall Biodiversity Gain Plan and phase-specific plans, but the SPD should confirm that flexibility will be maintained to allow biodiversity units to be reallocated between phases. This is particularly relevant for large hybrid applications such as Apleyhead Junction, where the detailed landscaping will be refined in later phases in response to future occupier needs.</p> <p>The requirement for 30-year legal agreements and monitoring is consistent with national guidance, but the SPD should clarify how this will be applied proportionately to different types of development. For example, the distinction between “significant” and “non-significant” on-site BNG (paragraph 4.33) is helpful, but further guidance is needed on how this will be interpreted and agreed during the application process.</p> <p>The SPD also introduces a monitoring fee to be secured via Section 106. While this is not unreasonable, the SPD should provide greater transparency on how fees will be calculated, including indicative ranges or formulas. This will help developers assess viability and ensure consistency with Policy ST56 of the Local Plan, which requires planning obligations to be proportionate and justified. It will also ensure developers have confirmation that monitoring is proportional and reasonable as per Paragraph 58 of the NPPF.</p>	<p>follow the Biodiversity Net Gain Hierarchy are not missed. This is likely to assist the applicant as having early sight of the BGP will speed up discharge of conditions, enabling delivery.</p> <p>The SPD sets out the Council’s preference for front loaded applications and, whilst meeting the minimum of 10% is also acceptable, applications in deficit would not be able to discharge the Biodiversity Gain Condition.</p> <p>The Council has added the threshold for when Significant Onsite Gain is reached.</p> <p>The Council seeks to set out distinct tariffs in due course however, strategic and complex sites monitoring fees will still be calculated on a case by case basis.</p>	<p>No change required.</p> <p>Add new paragraph 5.3: Proposals will be considered to be making significant on-site or off-site gains if:</p> <ul style="list-style-type: none"> <li>• Any onsite habitat creation/enhancement where the total habitat created/enhanced of a medium distinctiveness is of 1 unit or greater.</li> <li>• Any creation/enhancement of high or very high distinctiveness habitat.</li> </ul> <p>No change required.</p>
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