

Draft Biodiversity Net Gain Supplementary Planning Document

July 2025



Bassetlaw
DISTRICT COUNCIL
— North Nottinghamshire —

CONTENTS

Introduction	3
Planning Policy Framework	3
Application Types	5
Achieving Biodiversity Net Gain	6
Securing BNG	15

1.0 Introduction

What is Biodiversity Net Gain?

- 1.1 As defined by Natural England¹, “Biodiversity Net Gain (BNG) is an approach to development, land and marine management that leaves biodiversity in a measurably better state than before the development took place”. It aims to create new habitats and enhance existing habitats, ensuring ecological connectivity is retained and improved across England.
- 1.2 BNG 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.
- 1.3 The UK is considered one of the most nature depleted countries in the world and is the worst G7 nation for biodiversity loss. The 2023 State of Nature Report² outlines how since 1970, UK species have declined by approximately 19% on average, and nearly one in six species are now threatened with extinction. Habitat loss and degradation, persecution, and development have played a significant role in biodiversity loss across the UK. The effects from climate change are also resulting in widespread and significant alterations to the abundance and distribution of wildlife, adding further pressures.
- 1.4 The Council is committed to nature recovery across the district. This draft Supplementary Planning Document (SPD) aims to assist developers in contributing to nature recovery through BNG³.

Purpose of the Supplementary Planning Document

- 1.5 The purpose of this SPD is to build upon and provide guidance on policies in the adopted Bassetlaw Local Plan, providing more advice to developers, site promoters and communities about how the Council expects BNG to be secured and delivered in the district. On adoption, the SPD will be a material consideration in decision-making.

2.0 Planning Policy Framework

National Context

The Environment Act 2021

- 2.1 In England, BNG is mandatory under Schedule 7A of the Town and Country Planning Act 1990 (TCPA) (as inserted by the Environment Act 2021). The Environment Act 2021 introduced a requirement to ensure developments covered by the TCPA deliver a 10% increase in BNG post-development.

¹ Natural England, 2022. Biodiversity Net Gain. An Introduction to the Benefits.

² Burns et al., 2023. State of Nature 2023. The State of Nature Partnership. Available at stateofnature.org.uk.

³ For official and up-to-date guidance on BNG, readers are directed to DEFRA and Natural England resources that are available on the government website.

- 2.2 In addition, the Environment Act introduced a statutory requirement for Local Nature Recovery Strategies (LNRS) to be produced by a responsible authority appointed by the government. LNRS can support a strategic approach to off-site BNG delivery, agreeing evidence-based locations to expand and connect existing habitat and provide wider environmental benefits.
- 2.3 The Council supports Nottinghamshire County Council, the responsible authority leading the production of the LNRS in identifying land that can be used for off-site BNG. The Nottinghamshire LNRS [Local Nature Recovery Strategy for Nottinghamshire and Nottingham | Nottinghamshire County Council](#) is set to be published in summer/autumn 2025.

National Planning Policy Framework (NPPF)

- 2.4 The NPPF (updated December 2024) is underpinned by sustainable development and outlines several requirements related to the securing of net gains for biodiversity through the planning system:
- 187: 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.
- 192: To protect and enhance biodiversity and geodiversity, 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.
- 193: When determining planning applications, Local Planning Authorities should apply the following principles: [...]
- a.* if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.
- 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.

Local Context

Bassetlaw Local Plan 2020-2038

- 2.5 The protection and restoration of biodiversity is a key priority for the Local Plan [Bassetlaw Local Plan 2020-2038](#). In terms of BNG the main strategic policy is Policy ST38: Biodiversity and Geodiversity. However, a number of other theme specific policies cover BNG, all should be used to inform a proposal.

Nottinghamshire Local Biodiversity Action Plan (NLBAP)

- 2.6 The goal of the NLBAP is to conserve and enhance the County's biodiversity and natural habitats. It is part of a national approach in identifying important species and habitats, providing each one with a specific action plan to aid in their conservation and work towards halting loss of biodiversity across Nottinghamshire.
- 2.7 The NLBAP is a strategic document and should be referred to by ecologists, planners, and those seeking funding for conservation projects, or who are planning environmental improvements or mitigation as part of a planning application. For more information visit nottsba.org.uk.

3.0 Application Types

- 3.1 Since 12 February 2024 for major development and 2 April 2024 for non-major development, all planning permissions (without exemptions) granted in England will have to deliver at least 10% BNG.
- 3.2 The above timeframe does not apply to:
- Retrospective planning permissions made under Section 73 (variation of planning permission) of the TCPA.
 - Section 73 variation of planning permissions where the original permission was either granted before January 2024 or the application for the original permission was made before January 2024.
- 3.3 Permissions granted for applications made before April 2024 are not subject to the statutory BNG framework but are subject to policy and legislation relating to biodiversity and net gain in the NPPF.
- 3.4 The approval of reserved matters for outline planning permissions are not within the scope of the statutory BNG framework as they are not a grant of planning permission.
- 3.5 Nationally Significant Infrastructure Projects (NSIPs) will also have to deliver 10% BNG from a yet unconfirmed date in late 2025.

Exemptions

- 3.6 The Biodiversity Gain Requirements (Exemptions) Regulations 2024 specify exemptions for categories of development to which BNG legislation does not apply. These are:

Below De-minimus Threshold

A development that is below the threshold means that it does not impact a NERC Act 2006 Priority Habitat and impacts less than:

- 25 square metres (5 metres by 5 metres) of habitat.
- 5 metres of linear habitats, such as hedgerows.

Householder Applications

These are applications made by householders as defined within Article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015. It includes, for example, small projects such as home extensions, conservatories or loft conversions.

Self-Build and Custom Build Housing

An exemption applies to this type of development when all the following conditions apply:

- It consists of no more than nine dwellings.
- It is on a site that has an area no larger than 0.5 hectares.

It consists exclusively of dwellings that are self-build or custom housebuilding as defined in Section 1(A1) of the Self-build and Custom Housebuilding Act 2015.

Biodiversity Gain Site

Developments undertaken for the purpose of fulfilling the BNG planning condition for another development are exempt.

4.0 Achieving Biodiversity Net Gain

The Mitigation Hierarchy

- 4.1 Achieving BNG is not an alternative approach to applying the mitigation hierarchy. Applicants are still expected to avoid or mitigate adverse impacts to nature before seeking to compensate, as outlined in Policy ST38 of the Local Plan and in accordance with the NPPF. It is essential that applicants clearly demonstrate how the mitigation hierarchy has been followed within their appropriate ecological assessment (e.g. Ecological Impact Assessment).

Protected and Priority Species, Sites, and Habitats

- 4.2 Impacts to protected and priority species, sites, and habitats from development still need to be fully assessed. BNG does not amend existing protections and is not a waiver to the consideration of a developments impacts to wildlife and ecosystem functioning. 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”.

The Biodiversity Gain Hierarchy

- 4.3 Planning Practice Guidance (Paragraph: 008 Reference ID: 74-008-20240214) outlines the Biodiversity Gain Hierarchy for the purpose of the statutory

framework for BNG. It is distinct from the NPPF mitigation hierarchy but does not replace it.

- 4.4 The Biodiversity Gain Hierarchy is as follows (in order of priority):
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 six.
 2. So far as those adverse effects cannot be avoided, mitigate those effects.
 3. So far as those adverse effects cannot be mitigated, enhance on-site habitats.
 4. So far as there cannot be on-site habitat enhancement, create on-site habitat.
 5. So far as there cannot be on-site habitat creation, secure registered off-site biodiversity gain.
 6. So far as that off-site habitat enhancement cannot be secured, purchase Statutory Biodiversity Credits.
- 4.5 Developers are encouraged to follow the Biodiversity Gain Hierarchy from the earliest stage possible when considering their proposal. The Council will consider whether the Biodiversity Gain Hierarchy has been adhered to when reviewing planning applications, therefore applicants should clearly demonstrate how this hierarchy has been applied within their design process.

Irreplaceable Habitats

- 4.6 The Biodiversity Gain Requirements (Irreplaceable Habitat) Regulations 2024 outlines what is classified as irreplaceable habitat. These are:
- Ancient woodland.
 - Ancient and veteran trees.
 - Blanket bog.
 - Limestone pavements.
 - Coastal sand dunes.
 - Spartina saltmarsh swards.
 - Mediterranean saltmarsh scrub.
 - Lowland fens.
- 4.7 The irreplaceable habitats list recognises and protects England's most valuable habitats. Bassetlaw contains numerous examples of irreplaceable habitats including approximately 600 hectares of ancient woodland, which is almost double the average woodland coverage for England and reflects the district's historical association with Sherwood Forest.
- 4.8 Irreplaceable habitats are extremely difficult and often impossible to recreate, and therefore cannot achieve the requirement to increase biodiversity on top of no net loss. For BNG purposes, the 10% net gain requirement is not applied to irreplaceable habitats. Irreplaceable habitats must still be recorded within the Statutory Biodiversity Metric, but any impacts to these habitats will flag as unacceptable, requiring bespoke compensation to be agreed with the Council.

- 4.9 Applications resulting in the loss or deterioration of any irreplaceable habitat should be refused. If there are no impacts to irreplaceable habitats, enhancement can contribute towards the delivery of BNG.

Statutory Biodiversity Metric

- 4.10 The Statutory Biodiversity Metric is the tool that measures the value of habitats by calculating the number of biodiversity units within a development red-line boundary. The formula calculates how many units a habitat contains before development takes place, and how many units are required to replace those lost from development to achieve at least 10% BNG.
- 4.11 To demonstrate the number of biodiversity units of existing habitat or habitat creation/enhancement have been calculated accurately to achieve at least 10% BNG, applicants must use the Statutory Biodiversity Metric tool, unless a Small Sites Metric is applicable. Applicants will need to include all habitat that exists within the red-line boundary. This includes all features, whether they may be lost, retained, or improved.
- 4.12 The Statutory Biodiversity Metric has been developed by DEFRA and Natural England, and for development purposes is to be used by competent ecological consultants only, and preferably those who are a member of the Chartered Institute of Ecology and Environmental Management (CIEEM).

Small Sites Metric

- 4.13 If a development qualifies as a small site, applicants can use a simpler version of the biodiversity metric called the Small Sites Metric (SSM). The SSM cannot be used on sites where:
1. habitats that are not listed in the SSM are present
 2. NERC Act Priority Habitats are located within the development site (excluding some hedgerows and arable field margins), or
 3. European Protected Species are present on the development site (e.g. great crested newts, bats).

Natural England's guidance Biodiversity Net Gain (BNG): Using the Small Sites Metric for ecologically low risk sites in the East Midlands 2025 provides further information.

Interim Guidance on Strategic Significance

- 4.14 The LNRS will play a key role in BNG by determining the 'strategic significance' multiplier within the Statutory Biodiversity Metric, meaning there will be an incentive for developers to align with the LNRS when selecting the location of any off-site BNG units. In the interim, until the Nottinghamshire LNRS is adopted (expected to be summer/autumn 2025), the criteria in Table 1 provides guidance on how habitats should be assigned when selecting strategic significance. Once formally adopted, the LNRS will take precedent over the interim guidance.

Table 1. Habitats of Strategic Significance for Bassetlaw (Interim)

Strategic significance	Criteria
High	<ul style="list-style-type: none"> • Statutory designated sites for nature. • Local wildlife sites (LWS). • All trees in the public realm. • Habitats within 100m of statutory designated sites for nature or LWSs that are a qualifying feature of that site or are a NERC Act Priority Habitat. • Priority habitats and focal areas shown on the Trent Valley Biodiversity Opportunities Map. • High and very high distinctiveness hedgerows⁴. • All rivers and streams. • Irreplaceable habitats.
Medium	<ul style="list-style-type: none"> • Any NERC Act Priority Habitat that does not meet the criteria for high strategic significance.
Low	<ul style="list-style-type: none"> • All other habitats.

Requirements

- 4.15 Applicants should have an established approach to delivering at least 10% BNG by the time their application is submitted. Surveys for some habitats can only be undertaken at certain times of the year to provide reliable data and meet best practice survey guidelines, therefore applicants are advised to liaise with an ecological consultant at the earliest possible stage to avoid potential delays due to seasonal constraints.
- 4.16 A completed Statutory Biodiversity Metric calculation submitted as an excel spreadsheet will be required. This will need to include the baseline pre-development habitats and a draft metric calculation of the post-development habitats.
- 4.17 It is recognised that post-development habitats, particularly those on-site within the red line boundary, may be subject to change as the application progresses through the determination stage, therefore post-development habitats are only requested in draft form at this point. The submitted metric may therefore indicate a net loss in biodiversity units or a lack of meeting the trading rules, however this should be acknowledged and discussed within the Biodiversity Net Gain Strategy or Draft Biodiversity Gain Plan.
- 4.18 In addition, all development proposals should comply with British Standard 8683 'Process for Designing and Implementing Biodiversity Net Gain'. BS 8683 specifies requirements for a process to design and implement BNG for development projects.

Defining the Red Line Boundary

⁴ As defined by the Statutory Biodiversity Metric

- 4.19 All habitats within a development site are required to be included in the Statutory Biodiversity Metric calculation whether or not they will be directly affected and are subject to the same 10% Net Gain requirement.
- 4.20 Only habitats within the red-line boundary may be classed as on-site. If habitat creation or enhancement is to be delivered outside of this, including within an adjacent blue-line boundary, this must be classed as off-site and will require an appropriate legal agreement to secure.
- 4.21 It is important that watercourses on the boundary of development sites are not excluded from BNG assessments. Where the red line boundary of the development falls within the riparian zone (within 10m of a watercourse), the watercourse must be included within the baseline and post-development BNG calculations.
- 4.22 It is recognised that scheme designs may change throughout determination. However, with any iteration of the design a revised metric must be provided with corresponding dates and issue numbers. Submitted layout and landscaping plans must correspond with the BNG calculations. This will ensure that the calculations for pre and post development can be identified with the appropriate scheme design.

Minimum Information to be Submitted with an Application

- 4.23 In line with national requirements, applications subject to BNG must be accompanied by:
- A statement as to whether the applicant believes that planning permission, if granted, would be subject to the biodiversity gain condition.
 - The pre-development biodiversity value of the on-site habitat on the date of application (or an earlier date) including the completed Statutory Biodiversity Metric showing the calculations, the publication date, and version of the metric used to calculate that value.
 - Where the applicant wishes to use an earlier date, the proposed earlier date and the reasons and justifications for proposing that date.
 - A statement confirming whether the biodiversity value of the on-site habitat is lower on the date of application (or an earlier date) because of the carrying on of activities (degradation) in which case the value is to be taken as immediately before the carrying on of the activities, and if degradation has taken place supporting evidence of this.
 - A description of any irreplaceable habitat on the land to which the application relates, that exists on the date of application, (or an earlier date).
 - A plan, drawn to scale which must show the direction of north, showing on-site habitat existing on the date of application (or an earlier date), including any irreplaceable habitat.

Applications that do not include the above information will not be validated.

Accounting for Degraded Sites

- 4.24 If a habitat has been cleared, destroyed or degraded previously, and an earlier baseline should be used, assessors must use the following approach in the Metric:
- Use the pre-degradation habitat type as the site's baseline
 - Note how this habitat type and condition has been determined
 - Account for the time between the habitat loss and compensation through the temporal risk function
- 4.25 If details of any degradation are provided in a planning application then these will be checked at the validation stage, and where details are not provided, the condition of the site, including any degradation, will be addressed during the consideration of the planning application.
- 4.26 Within Schedule 14 of the Environment Act (16) which sets out the biodiversity gain condition for development, measures are included that allow LPAs to recognise any habitat degradation since 30 January 2020 and to take the earlier habitat state as the baseline for the purposes of Biodiversity Net Gain. This is the date to be applied through this SPD and the relevant date as it was the day the Bill entered Parliament. To ascertain the habitat's present condition and that on 30 January 2020, aerial imagery or data sets from that time should be used.
- 4.27 Data records, imagery, and historic field surveys may be used to determine pre-degradation habitat types. Use a precautionary approach when assigning condition scores. For example, assign a higher condition score in the absence of contrary evidence.
- 4.28 If there is evidence a woodland has been felled, then use the classification "Woodland and Forest: Felled" when woodland is deemed to be the appropriate baseline.

Provisioning of BNG

- 4.29 There are three mechanisms to delivering BNG: on-site (within the red-line boundary), off-site (outside of the red-line boundary), or through Statutory Biodiversity Credits. A mixture of these three mechanisms can also be applied when delivering BNG.
- 4.30 The Council supports a 'local first' approach in the delivery of BNG, striving to ensure no community within Bassetlaw is deprived of the benefits of nature's recovery.

On-site BNG

- 4.31 Opportunities to retain, create, and enhance habitats for wildlife and provide BNG on-site should be sought as early as possible during the design process. Consideration of the requirement to deliver BNG should be integral to the site selection. The Local Plan, as well as both the NPPF mitigation hierarchy and Biodiversity Gain Hierarchy clearly prioritise on-site net gain.

- 4.32 The 30-year maintenance of significant on-site BNG will, subject to scope and scale, either be secured formally secured with a legal agreement/Unilateral Undertaking (see section 5).
- 4.33 Non-significant on-site BNG will not usually make a significant difference to the development's biodiversity value. Examples of non-significant on-site BNG include private gardens (in new homes) which have a low distinctiveness value, or container planting. In most-cases, non-significant on-site BNG will not require a legal agreement or bespoke management and monitoring plans.
- 4.34 Where appropriate evidence demonstrates that BNG cannot be fully achieved on-site due to design reasons or spatial limitations, off-site BNG should be explored. Significant harm to biodiversity on-site resulting from proposed development must be avoided and will not be supported by the Council.

Off-site BNG

- 4.35 The Local Plan aims to contribute to the delivery of a more coherent and resilient ecological network, connecting designated sites with notable habitats, ecological corridors, trees and woodland, as well as land with significant biodiversity value. Where justified, BNG can be delivered partially or wholly off-site and the Council would welcome off-site proposals that contribute to the strategic nature recovery network within Bassetlaw and Nottinghamshire as identified by the LNRS.
- 4.36 When delivering off-site BNG, the same assessment process must be undertaken to establish the biodiversity unit values on the off-site compensatory land pre-development and post-development to calculate how many units contribute as compensation.
- 4.37 Until the adoption of the LNRS, developers are encouraged to use the Bassetlaw and Idle Valley Biodiversity Opportunity Map⁵ (BOM) produced by Nottinghamshire Biodiversity Action Group to identify potential sites for off-site habitat creation and enhancement.

Third-Party Providers

- 4.38 An off-site provider can create or enhance habitats to generate the required BNG units for an application. When off-site BNG units are used, they will be subject to a spatial risk multiplier. The spatial risk multiplier reflects the relationship between the location of on-site biodiversity loss and the location of proposed off-site habitat compensation, with the metric penalising proposals where the off-site habitats are further away from the site of impact (i.e. the planning application site).
- 4.39 The Council discourages applicants from using third-party providers that deliver BNG units outside of Bassetlaw or Nottinghamshire. Such an approach would conflict with the Local Plan, and therefore applicants would need to demonstrate that they have exhausted all options of delivering BNG locally before pursuing

⁵ Nottinghamshire Biodiversity Action Group, 2016. The Nottinghamshire Biodiversity Opportunity Mapping Project. The Trent Valley. Version 1.

habitat banks that provide BNG units in other parts of the country. Nonetheless, the Council recognises there may be limited availability for off-site biodiversity units within Bassetlaw and Nottinghamshire in the initial stages of BNG becoming mandatory. It is expected that the adoption and implementation of the LNRS and the growing market of third-party providers will increase off-site availability locally.

Statutory Biodiversity Credits

4.40 If an application cannot achieve BNG on-site and/or off-site, Statutory Biodiversity Credits will need to be purchased as a last resort. Before the Council can approve use of Statutory Biodiversity Credits, the developer will need to present the following:

- Evidence that additional on-site BNG has been explored, with clear reasoning justifying why this is not possible.
- Evidence that three local or national suppliers, habitat banks or trading websites have been approached and that no off-site options are available within Nottinghamshire, or lastly within England.

4.41 Once the Council is satisfied with the use of Statutory Biodiversity Credits, the developer can proceed with purchasing credits and will need to provide a proof of purchase with their Biodiversity Gain Plan.

Biodiversity Gain Plan

4.42 The statutory framework for BNG involves the discharge of the general biodiversity gain condition should planning permission be granted (thereby a post-permission document) to ensure the objective of at least 10% net gain will be met for the development. Development may not commence until the Biodiversity Gain Plan is approved in writing by the Council. Where possible, the Council recommends a draft Biodiversity Gain Plan is submitted with a planning application to enable permissions to progress in a timely manner.

4.43 As per national Planning Practice Guidance requirements (Paragraph: 035 Reference ID: 74-035-20240214), a Biodiversity Gain Plan must include:

- Information about the steps taken or to be taken to minimise the adverse effect of the development on the biodiversity of the on-site habitat and any other habitat.
- The pre-development biodiversity value of the on-site habitat.
- The post-development biodiversity value of the on-site habitat.
- Any registered off-site biodiversity gain allocated to the development and the biodiversity value of that gain in relation to the development.
- Any biodiversity credits purchased for the development.

4.44 In addition, the following specific matters must be provided where development is not to proceed in phases:

- Name and address of the person completing the Biodiversity Gain Plan, and (if different) the person submitting the document.

- The reference number of the planning permission to which the plan relates.
- A description of the development to which the plan relates.
- The completed Statutory Biodiversity Metric calculation tool, showing the calculation of the pre-development and post-development biodiversity value.
- A description of arrangements for maintenance and monitoring of habitat enhancement for at least 30 years after the development is completed (in cases where there is no irreplaceable habitat on the development site).
- How the Biodiversity Gain Hierarchy will be followed and where to the extent any actions in that hierarchy are not followed, the reason for that.
- The relevant date for the purposes of calculating the pre-development biodiversity value of on-site habitats.
- Pre-development and post-development plans showing the location of on-site habitat and drawn to an identified scale and showing the direction of north.

4.45 The allocation of any off-site biodiversity gains must be recorded on the biodiversity gain sites register before the Council can approve a Biodiversity Gain Plan.

4.46 Although the Biodiversity Gain Plan is a post-permission document, the Council reserves the right to request detailed information at the application stage to ensure the biodiversity condition is capable of being discharged.

Overall Biodiversity Gain Plan for Phased Development

4.47 The statutory framework for BNG includes specific requirements for planning permissions (including outline permissions) for development in phases. Instead of the standard approach for the Biodiversity Gain Plan, an Overall Biodiversity Gain Plan must be submitted to and approved by the Council before any development can commence. A Phase Biodiversity Gain Plan for each phase must be submitted to and approved by the Council before the development of that phase can commence.

4.48 The strategy should front-load the delivery of biodiversity net gain where possible to reduce the risk of not meeting the 10% BNG objective later in the project timeline. With each subsequent Phase Biodiversity Net Gain Plan it will be necessary to provide an update on the Overall BGP including whether the proposals are on target to deliver the biodiversity units as approved.

4.49 Where early phases have secured an excess of biodiversity units, they may be counted towards the requirements for subsequent phases however, it must be clear who is legally responsible for the delivery, management, monitoring and maintenance of those units.

Outline Applications

4.50 For outline applications, where layout and landscaping are reserved matters, the detail relating to delivery of BNG may not be available at this time, however enough information should be provided to allow the LPA to confidently determine that the development will be able to deliver 10% Net Gain and the subsequent approvals required to secure this.

- 4.51 The approval of reserved matters for outline planning permissions is not subject to the biodiversity gain condition (as it is not a grant of planning permission) however, the Biodiversity Gain Plan should be prepared and submitted alongside Reserved Matter approvals.

5.0 Securing BNG

- 5.1 The mechanism and responsible party for the delivery, management, and monitoring of BNG will be appropriately secured through, Section 106 agreement, or in exceptional circumstances a Conservation Covenant with an approved DEFRA responsible body⁶. In accordance with the Environment Act 2021, significant on-site and off-site BNG will need to be secured for a minimum of 30 years.
- 5.2 Applicants may need to submit a Habitat Management and Monitoring Plan (HMMP) to demonstrate how habitat creation and/or enhancements will be managed and monitored for 30-years. A HMMP will be required to be submitted with the Biodiversity Gain Plan if proposals are making significant on-site or off-site biodiversity gains. The Council encourages applicants to submit this plan with a planning application using Natural England's published HMMP template.
- 5.3 The HMMP will be secured separately to the 'General Biodiversity Condition', by appropriately worded conditions for any significant on-site gains. The HMMP for any off-site gains may be secured within a S106 agreement, where it is not being secured separately to the planning application (either via separate S106 agreement or a Conservation Covenant).
- 5.4 The HMMP should include the following minimum information:
- How retained habitats will be protected through construction and how management will maintain their condition post-development
 - A plan or map, of the habitats to be created and managed as part of the HMMP. Each habitat parcel should be mapped using UKHab (24) with a habitat parcel reference number.
 - How initial habitat enhancement or creation will be carried out and when this will be considered complete. The initial habitat creation or enhancement is the actions required to first implement the habitat.
 - The management prescriptions to be implemented for baseline habitats to reach and maintain the planned habitat type and/or condition criteria targets
 - Detailed assessments of the risks and challenges (technical and administrative) associated with achieving the planned condition and how management will overcome them
 - Aims and objectives in non-technical terms that are understandable to the general public, which may include new residents and businesses
 - Roles and responsibilities for initial creation or enhancement and on-going management as well as contingencies if those individuals or organisations are unable to carry out their responsibilities at any point
 - Information relating to how funding has been agreed to deliver management

⁶ Bassetlaw District Council is not registered as a responsible body for BNG. The Council may review this position in the future.

- 5.5 The frequency of monitoring arrangements will depend on the desired habitat distinctiveness, condition, and nature of the BNG gain that is being delivered, but as a guide this may be expected in years 2, 3, 5, 10, 15, 20, 25, 30 for a typical site. Furthermore, monitoring, and associated reporting must be undertaken by an appropriate organisation or individual e.g. a competent ecological consultant, or appropriate partner within the Nottinghamshire Biodiversity Action Group. Monitoring reporting should be completed using Natural England's HMMP monitoring report template.

Monitoring Fee

- 5.6 The Council has responsibilities in relation to monitoring and enforcement of HMMP triggers, compliance with the general biodiversity gain condition and Section 106 BNG agreements where it is party to them. As well as reviewing submitted HMMP monitoring reports, officers would need to undertake site monitoring to verify delivery of BNG and submitted monitoring details. Where there are breaches, the Council can utilise enforcement powers when necessary.
- 5.7 As such, the Council's monitoring fee will vary on a project-by-project basis and will consider factors such as the biodiversity gain site size, habitat distinctiveness, target condition, and will be required to cover officer costs for the 30-year period. The monitoring fee will be required as an upfront payment and will be agreed in the relevant Section 106 agreement. This sum is separate to other monitoring fees for other infrastructure related S106 obligations.