

## **MANDATORY BIODIVERSITY NET GAIN (BNG) – INFORMATION SHEET**

Since 12 February 2024, Biodiversity Net Gain has been adopted as a statutory, mandatory condition for all new planning applications. Larger projects must already comply, with smaller projects following throughout early 2024 to standardise the process and its requirements further, while incorporating an increasing number of types of planning application proposals that had up to this point been treated as marginal cases or been exempt.

General information has been published by the government regarding BNG (<https://bit.ly/BNGnew>). We hope the following information will help you understand what this will mean in practical terms in the lead-up to submitting a planning application. Coupled with the previous, unstandardised approach to BNG that was adopted until now, where the amount of associated documentation required to support a proposal could vary significantly between different Planning Authorities, there has been considerable confusion and uncertainty regarding BNG. This has often made it difficult for our clients to make accurate cost and time estimates for discharging the BNG process correctly when drafting proposals, leading to pressure and uncertainty around development schemes.

To help you with the new mandatory BNG process, we have produced the following step-by-step guidelines. We hope this will assist you with the majority of planning submissions.

### **1) Preliminary Ecological Appraisal (PEA) and Public Records Search (PRS)**

The first step of the process will usually be to carry out a baseline survey of the site and, where appropriate, its surroundings. Depending on the site, this will likely entail more specialised, preliminary surveys as well, such as Daytime Bat Assessments (DBA) and/or great crested newt Habitat Suitability Index (HSI) inspections of all ponds within 500m of the site.

A Public Records Search will generally be requested by the Planning Authority as well, to review historical records and the status of any known protected sites within the application site's surroundings.

#### **1a) Additional Ecological Surveys**

Unless the need for them is obvious from the start, in which case a PEA would not be useful, the PEA may, and often does, identify a need for fuller ecological surveys such as an Ecological Impact Assessment (EiA), or drafting documents such as Reasonable Avoidance Method Statements (RAMS), to be carried out prior to works commencing. Unless obvious at the outset, these

will be outlined at the PEA stage, and generally carried out either prior to submission or following conditional approval by the Planning Authority.

### 1b) BNG exemptions

It is essential to determine and confirm by this stage whether the proposal is exempt from the need to carry out the BNG process. Whether a scheme is exempt or not should be confirmed by ourselves, or with your planning consultant, and mention of it be included within the PEA itself.

Full details concerning applications that are exempt from BNG are listed at the following webpage: <https://bit.ly/BNGexempt>.

By the end of this stage, you should have the following documents:

- A Preliminary Ecological Appraisal and/or fuller ecological survey(s), including a statement regarding whether a BNG will be undertaken or is otherwise exempt.
- An up-to-date habitat plan of the site. This will serve as the baseline for the BNG process.
- Reports for any additional, specialised survey work carried out on the site.

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**SHOULD YOUR PLANNING APPLICATION BE EXEMPT FROM BNG<sup>1</sup>, THE FOLLOWING STEPS ARE NOT STATUTORY CONDITIONS.**

### **2) BNG liaison throughout drafting of Landscape Plans**

A baseline BNG score is calculated from the results of the PEA/Ecological Survey(s), measuring observed habitat areas and quantifying the quality of each feature's condition.

A post-development BNG score is then calculated from the proposed landscape and planting that is to take place on the site, assessing the extent and quality of new green space and existing, enhanced habitat features. The baseline score is subtracted from this post-development score to calculate the change and is represented as a proportion of the baseline for the final BNG score. **This is the measurement by which a proposal is determined to meet a 10% Net Gain.**

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<sup>1</sup> We ask you please to confirm exemptions formally with us.

Drafting of landscape plans and completion of the BNG worksheets should be carried out at the same time, with both landscape architects and ecologists coordinating and combining knowledge of space limitations and green space requirements necessary to achieve BNG of at least 10%.

Note that if any habitat other than private garden is to contribute to the BNG score, then it is expected to be managed and monitored for 30 years<sup>2</sup> to ensure the target habitat is achieved.

Particularly in these first years of the implementation of the statutory metric, a coordinated, working approach from an early stage can help save both time and money over conducting repeated BNG assessments on different iterations of a Landscape Plan. By the time the Landscape Plan is finalised, both teams will already be aware of what the final BNG score is likely to be.

## **2a) Off-site enhancements**

When considering enhancing a separate site to offset ecological losses on your proposed work site, the Planning Authority will have to confirm that these are formally registered and allocated<sup>3</sup>. If the off-site area you have chosen is not already formally registered, note that you will have to apply formally to record the allocation of BNG units to your development. This process should be carried out at this stage, being ready to be put in place at submission.

Full details regarding this part of the process can be found at the following links: <https://bit.ly/BNGoffsite> <https://bit.ly/BNGlegal>.

## **2b) Deliberate habitat degradation prior to application submission**

If a site is suspected as having been recently cleared or degraded immediately prior to its submission and ecological work being carried out, the Planning Authority will require that the site's baseline measurements be taken according to the status prior to the clearance. As these habitats will no longer be physically present, this will require a formal statement by a relevant body historically charged with, or fully aware of, the area's maintenance and status, describing and supplying detailed evidence as to what that site's original landscape and habitats were.

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<sup>2</sup> At Betts, our Management Plans are permanent, so this point is covered when we are appointed as habitat managers.

<sup>3</sup> Betts Estates are preparing units of land for registration as off-site BNG enhancement. Please ask us if you are considering this.

In the absence of an approved third-party statement and a lack of sufficient evidence as to the site's status prior to its degradation, the LPA is generally expected to reject such applications. Note that this historical information can be very difficult to obtain at the level of detail required for most sites that are not included as part of a larger long-term monitoring scheme. As such, suspicion of recent habitat degradation without these historical data can cause an entire proposal to be rejected on those grounds alone.

**By the end of this stage, you should have the following documents:**

- **A completed BNG worksheet.**
- **A BNG condition sheet**
- **A BNG calculation report**
- **Finalised Landscape and Planting plans for the proposal.**
- **Confirmation that any off-site BNG units you are planning to include are to be secured and formally registered upon submission.**
- **If required, a Habitat Degradation Statement by a relevant and suitably qualified third-party.**

### **3) Habitat Management and Monitoring Plan (HMMP)**

Once the proposal's landscape layout is finalised and confirmed to meet BNG targets, the next stage of the process will be to demonstrate how, in practical, site management terms, the proposal is going to establish and guarantee for the next thirty years the measures and targets outlined within both the landscape plan and BNG report.

While similar in format to the Management Plans produced in the past, where planting and site maintenance activities would be described in depth and timetabled permanently, this new document format requires two additional key pieces of information:

- **A long-term monitoring strategy and schedule, to be included as part of the site's maintenance routine (similar to what we already provide in Betts Management Plans for Biodiversity (MPBs) <sup>4</sup>).**
- **How the project and its ongoing maintenance will be funded, and who will maintain and monitor it over the 30 years that BNG must be achieved<sup>5</sup>. This will normally be formal legal agreement.**

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<sup>4</sup> On the development sites where the open space/green space is acquired by Betts. Please ask if you require further details.

<sup>5</sup> Biodiversity protection and enhancement are permanent features of Betts MPBs.

A guide indicating details of what minimum information this document should include can be found at the following link:

<https://bit.ly/BNGcheck>

By the end of this stage, you should have the following document:

- A Habitat Management and Monitoring Plan (which can be the MPB supplied and maintained by Betts if we take over the open space/green space).

#### 4) Biodiversity Gain Plan

A Biodiversity Gain Plan (BGP) is a summary and checklist of all the above documents in a form template and is the first document to be reviewed by the LPA officer upon submission. No work can start until this final document is approved.

Clients should pre-fill all the following entries, with the remaining sections to be completed the assigned ecologists<sup>6</sup>:

1.xx

2.xx

3.xx

4.1 4.2

4.10 4.11

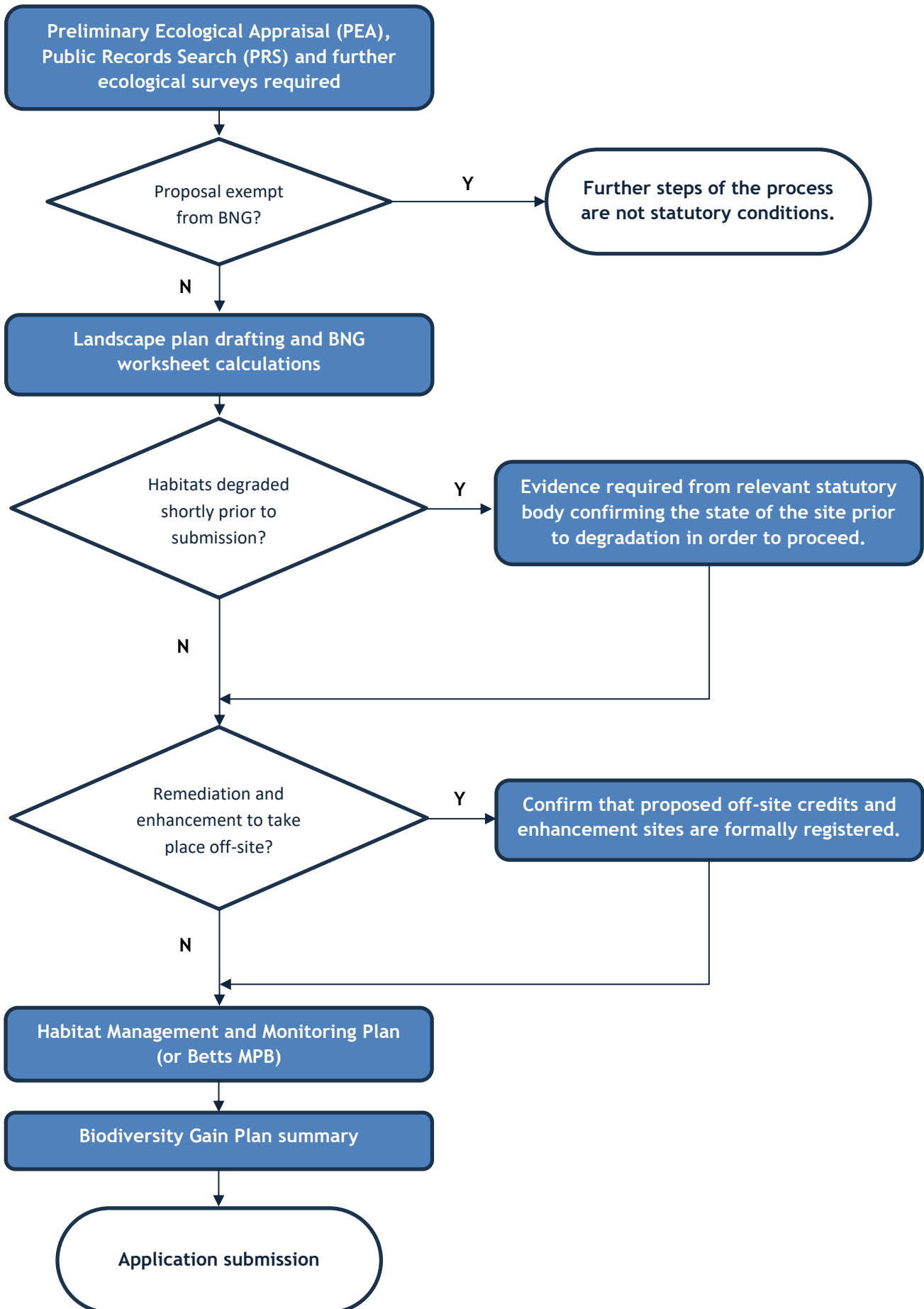
4.14 4.15 4.16 4.17

10.1

A summary flow chart of the BNG procedure follows on the next page:

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<sup>6</sup> We can undertake the completion of these remaining sections at Betts.



We hope this information sheet is of assistance. Please do not hesitate to contact us for further information

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*Sustainable land management*

*Better planning results*

*Enhanced biodiversity*

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