Interim Biodiversity Net Gain and Ecological Networks guidance note - March 2024

Addendum March 2024

Please note that following the publication of national guidance on biodiversity net gain in February 2024, the Council is reviewing the content of this interim guidance note and intends to publish an updated note later this year.

Applicants should continue to refer to the general guidance on ecological networks contained in the note, supplemented by the national guidance available from: https://www.gov.uk/government/collections/biodiversity-net-gain

Contents

Biodiversity Net Gain and Ecological Networks guidance note

Appendices

1 Purpose of this guidance note

1.1 This Interim Guidance Note provides information on the approach to biodiversity net gain (BNG) within the borough, demonstrating the various ways development can achieve this, contributing positively to biodiversity and ecological networks in a way that is measurable in accordance with the adopted development plan[(i)] and with regard to national policy. Section 5 'Policy context' provides further information on the policy context, the key requirements are set out in Local Plan (Part One) policies ENV 3 (Green Infrastructure), ENV 4 (Biodiversity and Geodiversity), Local Plan (Part Two) policy DM 44 (Natural Environment) and made neighbourhood plans. It explains what information is needed to demonstrate that requirements of the above policies will be met.

1.2 This guidance note does not address all aspects of biodiversity within the planning system but seeks to aid applicants and their ecologists in their approach to biodiversity net gain and Ecological Networks specifically. The approach to net gain does not override other biodiversity related principles or wildlife legislation, but is designed to complement them. The guidance note also builds on development plan Policies to account for updates to NPPF 2021, the Environment Act 2021 and to prepare for upcoming legislation mandating 10% net gain.

1.3 The guidance note sets out:

- Current information requirements for specific planning applications, by development type.
- The Biodiversity net gain Checklist – what to consider in your planning application.
- What biodiversity net gain is and how to demonstrate it on relevant applications.
- Consideration of ecological networks, the links with net gain calculations and typical requirements for different parts of the network.
- Policy context and emerging legislation, guidance and standards.

i Local Plan (Part One) and Local Plan (Part Two)

1 Purpose of this guidance note

Information Requirements

Table 1.1 Information Requirements

DEVELOPMENT/APPLICATION TYPE	Biodiversity Net Gain Metric and Plan
Householder development	Not required.
Change of use	Not required.
New-build dwellings (one or more houses/flats in use class C3)	Required for: • Major development. • Minor development where there is loss or significant impact on priority habitat [1].
All other development	Required for: • Major development • Minor development where there is loss or significant impact on priority habitat **(1)**

1. where priority habitat has been identified on site and is set to be impacted by the development, similar requirements to that of a major development, as detailed above, may be required for minor development.

More information on priority habitat is provided within this document.

1.4 National Planning Policy Guidance[ii] advises that information on biodiversity impacts should inform all stages of the development process. Ecological surveys or assessments should be proportionate to the nature and scale of development proposed and the likely impact on biodiversity. This note clarifies the interim information requirements for net gain by application type.

1.5 At present no supporting net gain/biodiversity information is sought for any applications for householder development. Changes of use do not require the supporting net gain information but due to their nature, may require other supporting biodiversity information (for example, on barn conversions a Bat survey is likely to be required).

1.6 For other minor developments, demonstration of biodiversity net gain may be requested, but at present only where there is a loss or significant impact upon priority habitat (excluding hedgerow) within the site. For this reason, applicants are encouraged to complete A 'Biodiversity Net Gain checklist', which seeks to identify information relating to the existing site to determine what habitats are present and likely to be impacted by the development. The submission checklist is not mandatory, but applicants are encouraged to use it to assess their likely requirements to demonstrate biodiversity net gain, and whether there are any relevant Neighbourhood Plan policies to consider for their area. This will help

ii https://www.gov.uk/guidance/natural-environment#biodiversity-geodiversity-and-ecosystems

minimise any delays during the application process. As the Regulations are published following on from the Environment Act, this requirement is likely to change.

1.7 For major developments , all applications must demonstrate biodiversity net gain (using the latest DEFRA metric). Applicants are again encouraged to fill out the A 'Biodiversity Net Gain checklist', as this focuses attention on the key aspects of BNG for their development site to ensure adequate information is submitted and appropriate processes are followed at the earliest opportunity. The biodiversity net gain checklist is available to complete online or download at Biodiversity net gain requirements. A copy is also included in Appendix A 'Biodiversity Net Gain checklist'.

1.8 Where a site (both minor and major, excluding householder and change of use) sits within the Ecological Network, an additional emphasis on general enhancement measures such as bat and bird boxes, hedgehog highways, bug hotels and wildflower/tree planting will be expected. These enhancement measures should be demonstrated irrespective of and additionally to what is required to demonstrate biodiversity net gain. More information on these expected requirements are outlined within 4 'Ecological network'.

1.9 Where there is limited information available on the proposed development at the time of application (e.g. at Outline stage), then detailed information on the existing site habitat conditions, as well as a 'best estimate' of the proposed development layout conditions (using a masterplan, parameters plan or similar where available) should still be provided to evidence biodiversity net gain. Depending on the level of information provided, this can then be built upon or revised following the submission of more details at Reserved Matters stage. For each Reserved Matters stage, or subsequent Full stage, a new biodiversity metric net gain 'reconciliation' calculation should be submitted. This will incorporate the new layout detail and will alter the calculation result, likely in a positive way.

1.10 Further information on how biodiversity net gain must be evidenced is provided in subsequent sections.

1 Purpose of this guidance note

What is meant by priority habitat?

Cheshire West and Chester is a borough of contrasting landscapes - wooded river valleys and sandstone hills, meres and mosses, estuaries and heaths, industrial wastelands and old parklands - all set within a matrix of intensively productive farmland and urban development. The diversity of landscape types, in turn, supports a fragile and vulnerable wealth of different types of wildlife habitats, some of which are of national and international importance. These are what are described as priority habitats. Relevant ecological expertise must be sought if you suspect you may have priority habitat on your development site. Further information is provided on the JNCC website but priority habitats which may commonly be found on a development site in Cheshire West include:

- Ponds
- Broadleaved, mixed and yew woodland
- Orchards
- Non-agricultural/amenity grasslands with higher species diversity (Lowland meadow, Coastal and flood plain grazing marsh)
- Reedbeds
- Open Mosaic Habitats on previously developed land (often occurs on brownfield sites)

Species rich hedgerow is a priority habitat; however, it is dealt with as a linear feature within the DEFRA metric, and loss of this habitat will not trigger requirement of BNG, provided it is still compensated for in design proposals.

2 Checklist

2.1 As outlined in the previous section, for all major and minor planning application submissions (excluding householder and change of use) applicants must complete the checklist (see Biodiversity net gain requirements online, or Appendix A 'Biodiversity Net Gain checklist'of this document). The checklist should be used as a tool by applicants to assess their planning application for compliance with Local Plan policy. It enables them to gauge likely habitat losses at an early stage, determining the broad type of compensation required to demonstrate biodiversity net gain, and the level and scope of information which is likely to be required to be submitted.

2.2 For minor applications, it will provide a useful indication of whether demonstration of biodiversity net gain will be required, by focussing attention on any habitats that are being removed, and whether they may qualify as priority habitat. In this instance it may be particularly useful to complete the checklist with help from a suitably experienced ecologist, if one is already being commissioned for other ecology related matters associated with the development. Where minor developments trigger a requirement for demonstrating biodiversity net gain (due to the presence of priority habitat), it is likely that ecological expertise will already be engaged for habitat and/or protected species surveying.

2.3 This checklist does not replace the requirement to comply with any relevant national legislation and local policy relating to biodiversity, including protected species and designated habitats (such as Local Wildlife Sites, SSSI).

2.4 The checklist will help steer applicants towards the appropriate required information at the earliest stage in the planning process, reducing costly delays and late-stage design changes. Engaging with the requirements of biodiversity net gain at an early stage will ensure biodiversity is ‘designed in’ to the proposed site plans.

2.5 The checklist should be filled out accurately and in line with the best available information to the applicant at the time.

3 Demonstrating Biodiversity Net Gain

What is meant by biodiversity net gain (BNG)?

Biodiversity net gain refers to a principle whereby development leaves biodiversity in a measurably better state than was present beforehand. The term relates only to habitats, with protected/priority species and designated sites being covered by other legislation/policy requirements.

Within the context of the planning system, a development that loses habitats within its site which are not replaced adequately, will contribute to a biodiversity net loss. However, a development which provides more habitats than those that are lost will generally contribute towards a net gain in biodiversity. These measurable gains and losses are captured by using a biodiversity metric, which forms part of a net gain calculation.

Broadly speaking, the metric converts information on habitats on the ground, into units, which correlate to the biodiversity value they hold. These units can then be calculated both pre and post-development, resulting in a net score.

What are the basic steps of BNG?

Demonstrating BNG requires applicants to use the latest DEFRA metric and supporting documents to:

1. Measure the biodiversity value of the site predevelopment

2. Assess the impact of development on the biodiversity value of the site

3. Refine design to establish proposals that minimise harm to existing biodiversity value and creates additional biodiversity value, delivering biodiversity net gain.

What must be submitted with an application to ensure biodiversity net gain is demonstrated?

For the applications that trigger requirement to demonstrate biodiversity net gain, they must be accompanied by a completed copy of the latest DEFRA Biodiversity metric, as well as an additional document outlining further details and context surrounding the information submitted within the DEFRA metric itself (referred to here as the Biodiversity net gain Plan). Details of these requirements are provided below. These requirements

should be completed by an individual or organisation with relevant ecological expertise, such as ecological consultancy or CIEEM member.

Cheshire West and Chester planning policies, together with NPPF 2021 and the Environment Act 2021 seek to provide biodiversity net gain from new developments. Whilst adopted Local Plan policies do not specify a target, the Environment Act signals that in future a minimum 10% will be required.

Latest DEFRA biodiversity metric

The latest iteration of the biodiversity metric tool created by DEFRA is currently considered the best practice method of calculating biodiversity net gain for development sites. The metric spreadsheet will need to be completed by a suitably qualified ecologist, using survey data acquired during a UK Habitat Classification/Extended Phase One Habitat (EPH1)/ Preliminary Ecological Appraisal survey, and any other additional surveys undertaken relating to habitats. Note that the DEFRA metric uses the UK Habitat Classification (UK Habs) system to categorise habitats. Therefore, data acquired during EP1H surveys will need to be translated to this format for use in the metric. Translation tools provided by UK Habs should be used to inform this process. The DEFRA metric requires accurate identification and mapping of habitat types, and an assessment of their distinctiveness (which is assigned automatically within the metric) and condition (assessed by the ecologist – more information is provided on determining habitat condition on the next page). In combination, these variables provide the baseline conditions against which biodiversity net gain is measured.

3.1 The 'strategic significance' column of the metric should relate to whether or not the site falls within the ecological network map and this should be completed. More information on ecological networks is provided at Section 4 'Ecological network' and guidance on the strategic significance aspect of the metric specifically is provided in Appendix B 'Ecological Networks in DEFRA's latest Biodiversity Metric'.

3.2 This habitat data should accurately reflect the baseline conditions of the site at the time of survey. However, if works have already begun before the survey has been undertaken, previous baseline habitat data will be requested where it is available, and where it is not, aerial imaging and historical photographs may be used to estimate the likely baseline conditions on the site prior to any works, following the 'precautionary principle' (adopting precautionary measures when evidence about an environmental hazard is uncertain). This is to prevent the destruction of habitats prior to planning for the purpose of skewing net gain calculations, an issue which has been discussed around mandating net gain as part of the Environment Act.

3.3 The **proposed landscape scheme should then be accurately incorporated into the metric** under the post development tab, listing the habitats that are proposed to be created. At this stage it is also key to utilise ecological expertise to ensure the right habitat types are proposed in areas of the site which make sense, both in relation to ground conditions and within the context of wider use of the site. Inappropriately sited or unrealistic habitats, whilst potentially giving high scores within the metric in

theory, may be unachievable in practice, resulting in delays to your application when assessed by the Local Planning Authority.

3.4 The above data will be used to inform whether there is a net gain or loss of biodiversity resulting from the development. The principle behind this calculation is that scores are given as 'biodiversity units' for various habitat types both pre and post development. A simple calculation of 'proposed biodiversity units – existing biodiversity units' is then displayed as 'net biodiversity units'. This will either be negative (net loss), 0 (no net loss), or positive (net gain). Where it is negative or 0, further options must be explored in order to ensure the development achieves an overall net gain and is therefore policy compliant. The metric has separate outputs for habitat units, hedgerow units and river units, which should all be completed separately and are not combinable or interchangeable.

3.5 For more detail, the DEFRA Metric and associated detailed guidance can be found at: The Biodiversity Metric 4.0 - JP039 (naturalengland.org.uk). Further guidance on filling out the metric specific to Cheshire West and Chester Council is provided in Appendix B 'Ecological Networks in DEFRA's latest Biodiversity Metric' of this document.

1. Biodiversity net gain Plan

This should be a document accompanying the metric calculation, describing it's context. It should include information on:

- How the habitat survey data has been used to determine existing habitat types and conditions
- Justification for the proposed habitats created and outline measures to ensure they are managed to reach target condition
- Evidence that the mitigation hierarchy has been followed
- UK Habs drawings, pre-development and post-development

3.6 Note that a long-term management plan will be secured by condition or via legal agreement, which can provide the detail of work schedules for long-term management, but the BNG Plan which gives an **indication of management** and therefore confidence to the Council that habitats can reach the biodiversity units as calculated within the metric must be provided prior to determination. Where **medium, high or very high distinctiveness** habitats are proposed within a proposed site, more justification of their delivery will likely be required, and it may be necessary to evidence other information such as soil nutrient conditions and species lists (e.g. grassland seed mix) that support the habitats being proposed.

3.7 Within the metric, habitats are weighted differently depending on the **habitat condition**. Within this document, **justification around the choice of habitat condition selected** should be provided. The length of this document will vary greatly depending on the size of the development and complexity of the habitats both existing and proposed. For example, this document does not need to be extremely detailed or long where there is a clear and obvious net gain and an existing site which has very limited habitats of low distinctiveness only. However, in circumstances where medium-very high distinctiveness habitats are being lost, or there are only marginal reported gains, more justifications are likely to be required.

3.8 Choosing the correct habitat condition is an essential part of the process as this underpins the metrics calculations of biodiversity units. **Detailed guidance on how to assess habitat conditions is provided within the 'Biodiversity Metric 4.0: Technical Annex' document.** Different habitat types should be assessed against the 'condition sheets' contained within this document, which ask a series of questions which help as a guide to determining overall condition. Within the BNG Plan it should be clear that this document has been followed. There is some flexibility to how an applicant may set this out, however as a guide, please see Appendix C 'Evidencing baseline habitat condition'.

3.9 If the approach to achieving net gain involves off-site compensation, whether in part or in full, this must also be justified within this document, **making reference to the mitigation hierarchy.** Note that off-site compensation, if chosen by the applicant or undertaken through a third-party offset delivery body , must be fully incorporated into the metric and BNG Plan, including baseline assessments of habitats and their condition.

3 Demonstrating Biodiversity Net Gain

The mitigation hierarchy and its implications for demonstrating biodiversity net gain

The mitigation hierarchy is a familiar concept in Biodiversity. It is embedded within Policy DM 44, the NPPF and all relevant best practice guidance. Relating to net gain, this states that wherever possible, impacts on biodiversity upon a site should first be avoided, and then mitigated for on-site as far as possible. Only when all on-site measures have been explored and exhausted should off-site compensation be considered as a 'last resort' if a residual net-loss still exists, in order to bring the overall calculation into net gain. It is in the applicants' interest to follow this, as existing retained habitats will always hold more value and contribute more to the net gain calculation compared to similar habitats created off site due to spatial multipliers for newly created/enhanced habitats. In relation to habitats, applicants must therefore in sequence:

1. Seek to retain existing habitats on site first

2. Compensate loss of habitats by replacing them with newly created habitats or enhanced existing retained habitats on site

3. As a last resort compensate for the loss of habitat on site with habitat creation/management off site. This should be done either through obtaining or organising suitable land off-site by the applicant themselves, or by paying a commuted sum to Cheshire West and Chester for the offsite compensation to be delivered.

Where applicants opt for off-site compensation or a commuted sum to CWAC, they will be asked to provide robust justification regarding why all on-site design options have been exhausted and maximised to provide the greatest biodiversity value.

2. a) Long-term Habitat Management Plan

In order to ensure that proposed habitats reach 'target condition' (i.e. are managed to develop into the habitats as intended and reflected within the metric), they must be managed over a minimum of 30 years. [iii] This will ensure that habitats reach the required habitat units as proposed and will be vital to delivering net gain.

3.10 It is expected that **a long-term habitat management plan will be requested by condition or secured via legal agreement, which describes how the proposed habitats will be maintained over at least 30 years.** Submission of a Long-term management plan via condition will be **required on any habitats of medium distinctiveness or above, on-site as well as off-site organised by the applicant or a third party.** Additionally, all habitats managed long-term will also require regular **monitoring, with reports on progress towards target condition** provided to CWAC. These reports should usually be submitted on **years 1, 2, 5, 10, 20 and 30** from the date of initial creation, but may be tailored on a case-by-case basis dependant on the scale of the development and associated losses and gains.

b) Agreement to commuted sum payment

If on site and off site compensation options have been explored and achieved to their maximum potential for any given application, then the applicant may choose to provide a commuted sum payment to CWAC to bring the overall development into net gain. In this scenario, the council will require a payment relative to the set price of the total deficit of habitat units of the habitat types which are currently uncompensated for. Within this price, costs of on-going maintenance and management, officer administration time and land values will be factored in as well as the cost for creation of the habitat itself. The price of a commuted sum payment will be considered on a case-by-case basis dependant on site specific factors, as well as the availability of suitable sites for use by CWAC for the purposes of habitat management and/or creation.

3.11 This financial contribution will be used by CWAC to deliver habitat creation and/or enhancement within the borough's Ecological Network, following the same processes as outlined within this guidance, including completion of the DEFRA Metric, Biodiversity net gain Plan and Long-term Habitat Management Plans.

3.12 This payment will most likely be **secured via a S106 agreement** with the applicant.

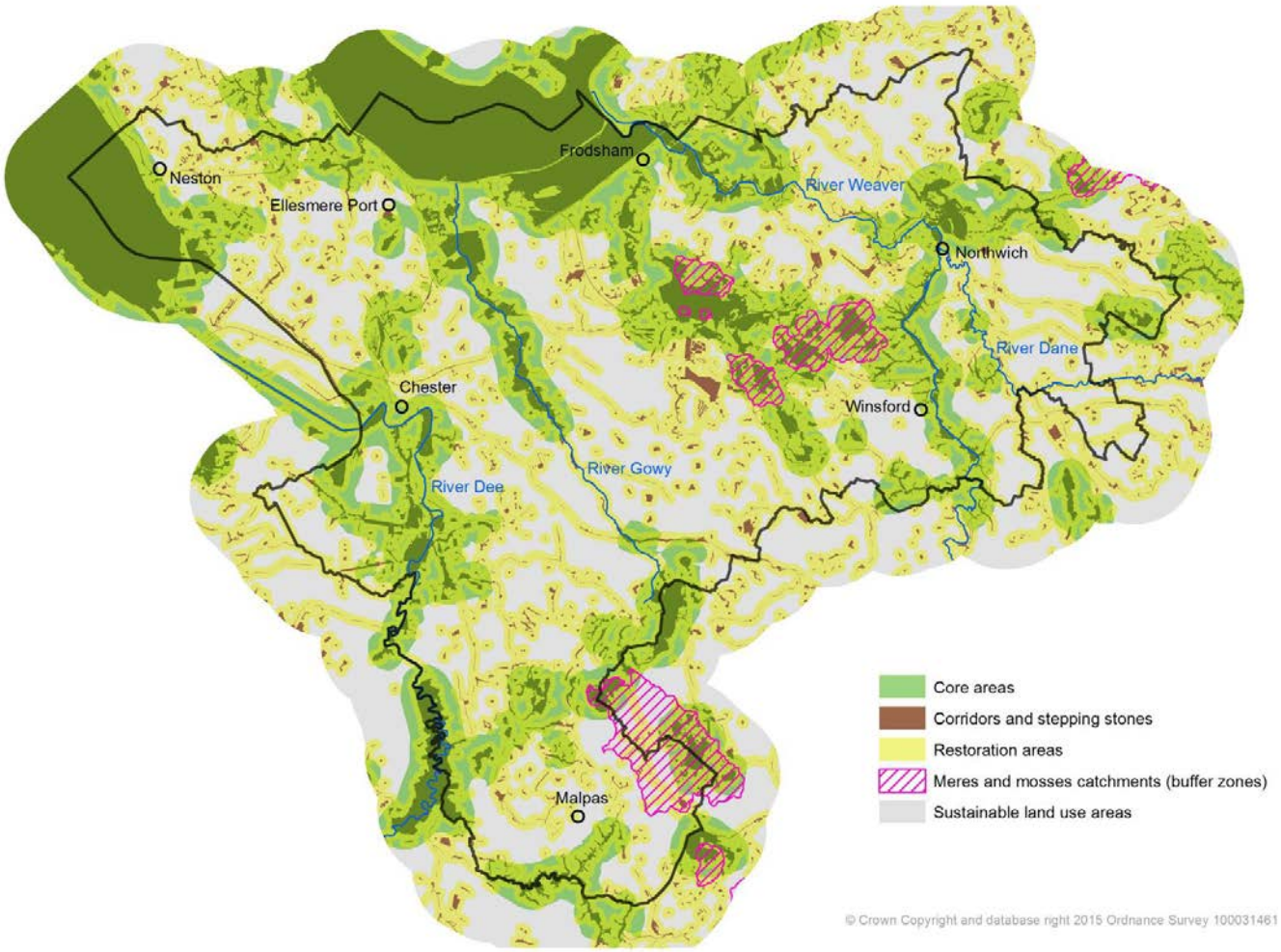
3.13 For information about viability see the FAQ's section on the PAS website.

iii In some circumstances where both baseline and proposed habitats are of low distinctiveness and poor condition, shorter management plans may be accepted where proposed habitats require less than 30 years to reach target condition.

4 Ecological network

4.1 The CWAC ecological network (July 2016): Ecological Network **identifies the strategic priorities across the Borough where habitat needs to be maintained, restored or created to ensure a resilient ecological network.** As part of the Biodiversity net gain checklist, applicants will be required to identify whether or not their site falls within an aspect of the ecological network.

CWAC Ecological Network



4.2 **The network is made up of a series of layers, each incorporating different datasets** (set out in Appendix 1 of the above Ecological Network July 2016 document). The ecologically designated international, national, and local sites (statutory and non-statutory) together with corridors, stepping stones, restoration areas and buffering zones, create a functioning ecological network. These components are identified through Local Plan (Part Two) policy DM 44 and shown on the Local Plan interactive map, to inform individual development proposals. At a local level, this may be supported through Neighbourhood Plan policies which provide further detail on the network in neighbourhood areas.

4.3 The network does not override other biodiversity related planning policies and principles or wildlife legislation but is designed to complement them. Its primary role is to **identify areas of the borough in which habitat loss (such as that resulting from development) will likely cause the most negative impact, and where habitat management/creation will have the most positive impact**. It will therefore be used as a tool to give greater focus on promoting habitat creation/management within the optimal places where it has most ecological benefits; both of which will allow for more resilient borough wide biodiversity net gain.

Ecological networks and the metric calculation spreadsheet

4.4 Ecological networks therefore work in unison with the net gain metric spreadsheet, whereby habitats located within the network are given **greater weighting** as they fall within a strategically significant area formally identified in the Local Strategy – i.e. they provide more habitat units per area. This mechanism aims to encourage habitat creation within the network as the habitats created will be better 'value for money' and create an overall benefit to existing important ecosystems within the borough.

Picture 4.1

4.5 Habitats within Ecological Networks are subject to extra weighting within the metric i.e. where equivalent habitats are lost, those lost within an Ecological Network will be worth more units than those lost outside of the network. Concurrently, where equivalent habitats are created, those within the Ecological Network will be worth more than those created outside of the network. Therefore, retaining, creating and/or enhancing habitats within the Ecological Network creates higher quantities of units per area of habitat than elsewhere. For **guidance on how to incorporate ecological networks into the metric calculation** please see Appendix B 'Ecological Networks in DEFRA's latest Biodiversity Metric'.

Ecological networks - additional considerations for developments

4.6 Policy DM 44 describes how developments will be supported where they make a 'positive contribution' to the ecological network. As outlined above, in order to facilitate habitat creation/management to the ecological network, the Ecological Networks map is used to inform the 'strategic significance' section of the Biodiversity net gain metric.

Both minor and major applications will also be expected to provide general enhancement measures additionally to and irrespective of their requirements to demonstrate biodiversity net gain, when they fall within the mapped ecological network.

4.7 This should be proportionate to the nature and scale of development proposed and the likely opportunities for biodiversity. For both minor and major development, if a site sits within the ecological network then a greater focus on general enhancement measures should be demonstrated. This is notwithstanding any enhancement measure required due to presence of protected species on site. Examples of different enhancement measures include:

- Bat boxes
- Bird boxes
- Swift nest bricks/boxes
- Hedgehog highways
- Bug hotels
- Bee bricks

4.8 See Appendix A 'Biodiversity Net Gain checklist' to determine whether biodiversity net gain must be demonstrated on your site.

4.9 To prevent degradation of the boroughs ecological network, any off-site habitat creation organised by the applicant should also be provided within the network. Where an application site sits within the ecological network, net gain should always be demonstrated by replacing lost habitats with compensatory habitat also within the ecological network, whether back on the same red line boundary or a different site (off-site).

This will ensure a positive contribution is maintained to the ecological network in line with Local Plan (Part Two) Policy DM 44.

4.10 Below is a table breaking down each aspect of the ecological network, its purpose and the requirements to be submitted for development sites falling within them. Note that these requirements should be relative to the scale of the proposed development, and exclude householder and change of use applications.

Table 4.1

Ecological Network	Components	Purpose	Typical actions to fulfil policy requirements
Core Area	The core area is made up of clusters of SSSI/SPA/SAC/LNR/UK Priority Habitats/LWS with some buffering i.e. the areas between these sites or habitats. The core area represents higher density concentrations of habitats and sites.	- Increase the size, quality or quantity of priority habitat.	- Where the site is of sufficient size, ringfence an area of the site for biodiversity habitat (wildflower, woodland/trees, native shrubs) enhancement and/or creation, and manage it long term with the intention establishing a relevant priority habitat.
Corridors & Stepping Stones	LWS/UK Priority Habitats outside of Core Areas plus watercourses, canals, greenways.	- Improve the connectivity of habitats for the movement of mobile species - Increase the size, quality or quantity of priority habitat.	- Retain and manage a proportion of existing semi-natural habitat on site, which is in poor condition to enhance its value. OR - Plant a new area of semi-natural habitat (wildflower, woodland/trees, native shrubs) and manage this for biodiversity benefit.

Ecological Network	Components	Purpose	Typical actions to fulfil policy requirements
Restoration Areas	Areas within 250m of existing sites and habitats. (NB These are indicative).	- Improve the structural connectivity, resilience and function of the network.	- Increase the total length of native species rich hedgerow within the site. OR - Create linear habitats, such as along water courses to increase connectivity between existing habitats or designated sites.
Buffer zones/ **Meres and Mosses catchments**	Areas within Core Areas around individual component sites/habitats Surface water catchments of Meres and Mosses (mostly designated sites).	- Minimise adverse impacts from pollution or disturbance.	- Ensure impacts are considered, particularly from foul/wastewater within submitted ecological assessments/surveys.
Sustainable land Use Areas	Areas within the wider landscape, focussed on the sustainable use of natural resources and appropriate economic activities which assist in the delivery of ecosystem services.	- Actively contribute to the integration and creation of appropriate green infrastructure.	- Design green infrastructure (e.g SUDS, Green roofs/walls) with a specific focus on maximising their biodiversity value as well as other ecosystem service benefits.

5 Policy context

5.1 This section outlines relevant national and local policy that supports biodiversity net gain. These policies should be read in full, but key points have been summarised below.

National Planning Policy Framework (NPPF, 2021)

The revised NPPF (2021) states that planning decisions should contribute to and enhance the natural environment by minimising impacts on and providing net gains for biodiversity. It also states that opportunities should be pursued for achieving measurable net gains' for biodiversity, and 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 Plan (Part One) Policy ENV 4

Policy ENV 4 states development should not result in any net loss of natural assets and should seek to provide net gains. It states that where there is unavoidable loss or damage to habitats because of overriding exceptional circumstances, mitigation or compensation will be required to ensure there is no net loss in environmental value.

5.2 It also makes reference to the importance of enhancing areas of natural habitat and landscape features within the boroughs ecological network.

Local Plan (Part Two) Policy DM 44

Policy DM 44 states that developments likely to have an impact upon protected sites, protected/priority species, priority habitats or geological sites must be accompanied by an ecological assessment.

5.3 It also states that development will be **supported where there is no net loss of natural assets and wherever possible, it delivers net gain.** The latter explicitly states that any development likely to have an impact upon protected/priority sites, species or habitats should **identify 'net losses and gains for biodiversity, using a biodiversity metric calculation'** (point 4), whilst complying with industry best practice and guidance.

5.4 It makes reference for the need to conform to the mitigation hierarchy (3), considering compensation for losses as a last resort (7).

5.5 Developments must also identify options for **contributing towards the boroughs ecological network** (5). It provides further detail on how proposals should provide positive contributions to enhance each aspect of the ecological network as well as the creation of green infrastructure (11-15).

Neighbourhood Plans

Neighbourhood Plans are prepared by local communities with support of the Council. They are prepared in general conformity with the strategic policies ENV 4 and DM 44 of the local plan. Once a Neighbourhood Plan is made it forms part of the adopted development plan for the borough. Many local communities have chosen to include policies on biodiversity and net gain within their Neighbourhood Plans. Where relevant, any specific requirements should be considered in development schemes. Appendix D 'Neighbourhood Plan policies relevant to BNG' lists made Neighbourhood Plans that contain relevant policies.

The Climate Emergency declaration

Cheshire West and Chester Council unanimously declared, on 21 May 2019, that the borough is in a Climate Emergency. Biodiversity within the borough has a vital role to play in responding to the challenge of climate change, both due to carbon sequestration potential to lower the boroughs carbon footprint and adapting and mitigating the effects of climate change impacts such as by utilising natural flood management, pollution prevention and reduction in urban heat island effects.

5.6 A report on Cheshire West and Chester's response to the Climate emergency declaration was approved by Council 21 January 2020. It sets out evidence on the Borough's current carbon footprint, and its potential trajectory over the period 2020-2050. The report strongly encourages the improvement of habitats and cites working with the Planning Service to introduce the requirement for 'net gain' in biodiversity in new development as a key local action.

The 25 Year Environment Plan and Environment Act 2021

The Government launched "A Green Future: Our 25 year Plan to improve the Environment" in 2018 [(iv)]. It sets out the Government's goals for improving the environment. One of the key aspects of the Plan is delivery of environmental net gains. It aims to strengthen requirements for biodiversity net gain. The Environment Act 2021 introduces a mandatory requirement for biodiversity net gain in the planning system, to ensure that new developments enhance biodiversity and create new green spaces for local communities to enjoy. Integrating biodiversity net gain into the planning system will provide a step change in how planning and development is delivered.

Monitoring and Review

5.7 This Guidance Note provides information on implementing current national and local plan policies on biodiversity net gain and ecological networks. The Guidance will be kept under review, to take account of the Environment Act and any further changes to policy, legislation and best practice.

iv https://www.gov.uk/government/publications/25-year-environment-plan

A Biodiversity Net Gain checklist

1. Application Details

Biodiversity net gain refers to a principle whereby development leaves biodiversity in a measurably better state than was currently present beforehand. The term generally relates to habitats, with protected/priority species and protected sites being covered by other legislation/policy requirements.

The Cheshire West and Chester Local Plan (Part One) policy ENV4 states development should not result in any net loss of natural assets and should seek to provide net gains. It states that where there is unavoidable loss or damage to habitats because of overriding exceptional circumstances, mitigation or compensation will be required to ensure there is no net loss in environmental value. The policy also makes reference to the importance of enhancing areas of natural habitat and landscape features within the boroughs ecological network.

The Local Plan (Part Two) policy DM 44 states that developments likely to have an impact upon protected sites, protected/priority species, priority habitats or geological sites must be accompanied by an ecological assessment.

Local Plan policies can be viewed spatially via the Interactive Local Plan Map, available here: Local Plan interactive map.

There may be a Neighbourhood Plan covering your site, which seeks biodiversity net gain or other local wildlife policies. Made neighbourhood plans can be viewed at: Neighbourhood planning.

For minor developments, biodiversity net gain only needs to be demonstrated where there is a loss or significant impact upon priority habitat (see page 6 of the Biodiversity net gain interim guidance note) within the site.

For major developments, all must demonstrate biodiversity net gain with the DEFRA metric.

*For the purposes of these documents, major development means development involving one of more of the following:

- the provision of 10 or more dwelling houses (this includes flats, but doesn't include change of use/conversion)
- if the number of dwellings is not known (e.g. in an application for outline permission), residential development of a site having an area of 0.5 hectares or more
- a new building or buildings with floorspace of 1,000 square metres or more
- where the proposed floorspace is not known (e.g. in application for outline permission), development carried out on a site having an area of one hectare or more

Please note this does not cover all ecological issues, the checklist is to help identify when net gain is required in the interim (prior to becoming mandatory under the Environment Act).

1.1 Date completed: .....

1.2 Address of location of development: .....

1.3 Planning application reference (if known): .....

1.4 Is your development classed as a major planning application? *if YES, biodiversity net gain must be demonstrated - go to Section 2. *if NO, please go to next question (please select one answer)
Yes..... No.....

1.5 Are any of the habitats being lost on site likely to qualify as Priority habitats? *if YES, biodiversity net gain must be demonstrated and professional Ecological advice should be sought - go to Section 2. *If NO, please go to Section 4. biodiversity net gain will need to be demonstrated even if your application is considered minor development where there is evidence a Priority Habitat (excluding hedgerow, as defined by JNCC - https://jncc.gov.uk/our-work/uk-bap-priority-habitats/) is impacted. (please select one answer)
Yes..... No.....

2. Demonstrating net gain

The Local Plan interactive map identifies the borough's ecological network under policy DM 44. This identifies the components of the ecological network and development proposals should make a positive contribution towards these as set out in the Local Plan. Available here: Local Plan interactive map

The 'strategic significance' column of the metric refers to should relate to whether or not the site falls within the ecological network map and this should be completed. More information on ecological networks is provided at Section 5 of the interim guidance note and guidance on the strategic significance aspect of the metric specifically is provided at Appendix B.

2.1 Is your site within the ecological network layer on the CWAC Local Plan interactive map? *if YES, this identifies strategic significance and will be used to inform your net gain calculation and YES should be ticked in net gain metric for 'strategic significance'.
Yes..... No.....

2.2 Have you completed and submitted the latest DEFRA biodiversity net gain metric and Net Gain Plan as part of your application? *If YES, go to Section 3. (please select one answer)
Yes.....
No (you will need to submit this as part of your planning application, continue to section 3) .....

3. Mitigation Hierarchy

If habitat is likely to be lost, please answer the below questions.

Demonstrating habitat losses at an early stage, provides an understanding for the level of compensation required to demonstrate biodiversity net gain, and the level and scope of information which is likely to be required to be submitted.

3.1 What key existing habitats of value within the site have been identified? - Grassland (excluding amenity or agricultural pasture), - Woodland, - Orchard - Reedbed - Ponds, - Open Mosaic Habitat on previously developed land (abandoned brownfield sites) - Rivers. You need to ensure these habitats are designed around so that those of greatest value are retained.

.....

3.2 For any habitats lost, how will the proposed development layout allow for similar types of habitat creation on site to mitigate this?

.....

Your biodiversity net gain strategy must attempt to design in as much biodiversity value to the proposed development layout on site prior to seeking off-site schemes.

A long term (up to 30 year) management plan of the proposed wildlife habitats within your site is required (details can be secured via condition but outlines may be required prior to determination).

3.3 Where off-site solutions to biodiversity will be required as a last resort, how will the agreement for this habitat creation and its on-going management be secured?

.....

You may also want to consider other general ecological enhancements within your site. Go to Section 4.

4. General Biodiversity Enhancements

Regardless of biodiversity net gain metrics, it is still expected that applicants will provide general biodiversity enhancements.

See pages 16-18 of the Biodiversity net gain interim guidance note for information on enhancement measures.

4.1 What are the general biodiversity/wildlife enhancement measures you have provision for within the proposed development?

.....

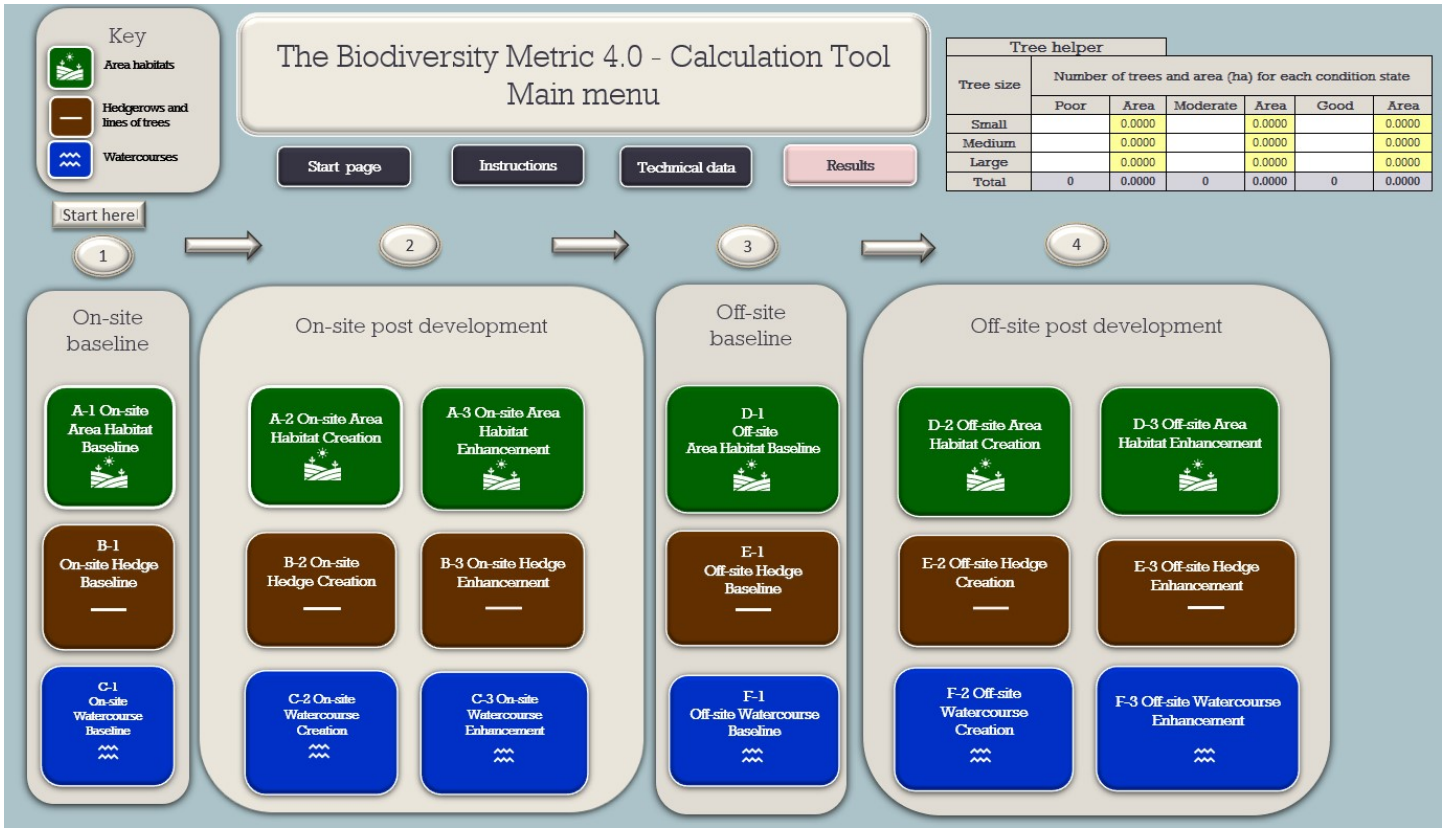
Please note this does not cover all ecological issues, the checklist is to help identify when net gain is required in the interim (prior to becoming mandatory under the Environment Act).

B Ecological Networks in DEFRA's latest Biodiversity Metric

How to incorporate Ecological Networks into the latest DEFRA Biodiversity Metric

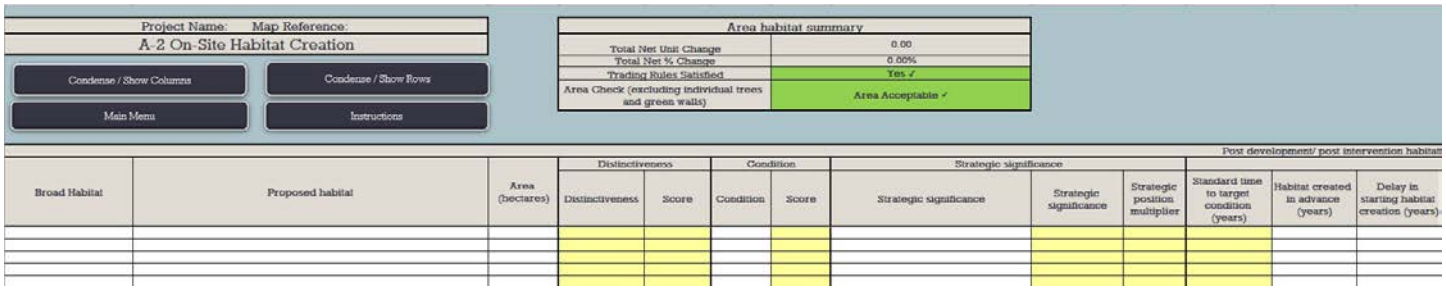
A 'strategic significance' column is present within the metric, which is designed to allow for local authorities' specific nature recovery strategies (or similar) to be incorporated. This is present within the baseline conditions section as well as on-site and off-site post development tabs. It should be entered for all of these. See below for the main menu section that shows an overview of how the metric is set out.

Picture B.1



When selecting to input the habitats on any given section, one column will be 'strategic significance'. When selecting this, three options will present themselves (see below). At the moment, only two of the three options should be entered.

Picture B.2



Project Name:	Map Reference:
A-2 On-Site Habitat Creation	

Condense / Show Columns | Condense / Show Rows | Main Menu | Instructions

Area habitat summary	
Total Net Unit Change	0.00
Total Net % Change	0.00%
Trading Rules Satisfied	Yes ✓
Area Check (excluding individual trees and green walls)	Area Acceptable ✓

			Post development/ post intervention habitat								
			Distinctiveness		Condition		Strategic significance				
Broad Habitat	Proposed habitat	Area (hectares)	Distinctiveness	Score	Condition	Score	Strategic significance	Strategic significance	Strategic position multiplier	Standard time to target condition (years)	Habitat created in advance (years)	Delay in starting habitat creation (years)

When a development site or off-setting site is located within the ecological network, select the option ‘within area formally identified within local strategy’. When the site is not within the ecological network, the option ‘area/compensation not in local strategy’ should be selected. Selecting the local strategy option gives the habitat unit weighting a 1.15x multiplayer to account for the more ecologically valuable location.

C Evidencing baseline habitat condition

Guide to evidencing baseline habitat condition within the submitted Biodiversity net gain Plan

The condition assessment forms an integral part of the biodiversity net gain process and is a required field to complete within the metric, which greatly impacts how units are calculated. Whilst ecologists are on site undertaking surveys, they will gather data which can be used to inform condition assessments. This will often take the form of UK Habitat Classification methodology or an Extended Phase One Habitat survey, but may also involve National Vegetation Classification (NVC) surveys for more complex sites or sites that contain habitats of particular floristic diversity. Below is a guide to setting out habitat condition assessments, showing clear working in line with the DEFRA Biodiversity net gain Metric Technical Supplement. Section 1a of this document provides much more detail and should be read alongside producing any BNG Assessment.

Table C.1 Example habitat condition assessment

Habitat Type	Condition Assessment	Criteria met?	Comments	Overall Condition score
Grassland - other neutral grassland	1. The appearance and composition of the vegetation closely matches characteristics of the specific grassland habitat type (see UKHab definition). Wildflowers, sedges and indicator species for the specific grassland habitat type are very clearly and easily visible throughout the sward. (Taken direct from the DEFRA technical supplement document)	Simple 'yes or no' entered	Why was/wasn't the criteria met?	Overall score for the habitat parcel based on results
	2. Sward height is varied (at least 20% of the sward is less than 7 cm and at least 20 per cent is more than 7 cm) creating microclimates which provide opportunities for insects, birds and small mammals to live and breed.			

Habitat Type	Condition Assessment	Criteria met?	Comments	Overall Condition score
	3. Cover of bare ground between 1% and 5%, including localised areas, for example, rabbit warrens.			
	4. Cover of bracken less than 20% and cover of scrub (including bramble) less than 5%.			
	5. There is an absence of invasive non-native species (as listed on Schedule 9 of WCA, 1981). Combined cover of undesirable species1 and physical damage (such as excessive poaching, damage from machinery use or storage, damaging levels of access, or any other damaging management activities) accounts for less than 5% of total area.			

D Neighbourhood Plan policies relevant to BNG

Neighbourhood Plan policies relevant to biodiversity net gain

There are various Neighbourhood Plans in place across the borough. The 'made' plans can be viewed at: Neighbourhood planning

Many Neighbourhood Plans contain policies on the natural environment, ecological networks and biodiversity, which will be considered in the determination of planning applications. For a summary of the topics covered by Neighbourhood Plan policies, including those related to biodiversity/wildlife/ecology, please see Topics covered by neighbourhood plans

Some Neighbourhood Plans actively encourage a biodiversity net gain through specific development proposals. These policies should be considered alongside the Local Plan requirements for net gain and where relevant, read alongside the information in this guidance note. The evidence gathered by local communities through the neighbourhood planning proposals, may provide useful information to consider as part of any scheme.

The Neighbourhood Plan policies, seeking biodiversity net gain as at 1 June 2021, are below;

Table D.1 Neighbourhood Plans with policies requiring biodiversity net gain

Neighbourhood Plan	Date made	Policies
Clotton Hoofield	Made 20 May 2021	Policy LHE 3 Wildlife corridors Policy LHE 4 Biodiversity
Darnhall Neighbourhood Plan	Made 6 May 2021	Policy CE1 biodiversity
Davenham and Whatroft	Made 20 December 2017	Policies W1, W2
Kelsall and Willington	Made 15 March 2017	Objective B7 Policy Biodiversity E6-E11
Norley	Made 3 February 2016	Policy BIO 1 – Core Sites, wildlife corridors and habitats/species of principal importance Policy BIO2 - Achieving no net loss of biodiversity

Neighbourhood Plan	Date made	Policies
		Policy BIO3 - Achieving a net gain in biodiversity
Northwich	Made 4 July 2018	Policy NBE3 Biodiversity
Tarvin	Made 9 September 2019	Policy LE3 Nature Conservation
Utkinton and Cotebrook	Made 20 May 2021	Policy 10 Wildlife

Accessing Cheshire West and Chester Council information and services

Council information is also available in Audio, Braille, Large Print or other formats. If you would like a copy in a different format, in another language or require a BSL interpreter, please email us at **equalities@cheshirewestandchester.gov.uk**

إذا أردت المعلومات بلغة أخرى أو بطريقة أخرى، نرجو أن تطلب ذلك متا.

যদি আপনি এই ডকুমেন্ট অন্য ভাষায় বা ফরমেটে চান, তাহলে দয়া করে আমাদেরকে বলুন।

Pokud byste požadovali informace v jiném jazyce nebo formátu, kontaktujte nás

Jeżeli chcieliby Państwo uzyskać informacje w innym języku lub w innym formacie, prosimy dać nam znać.

ਜੇ ਇਹ ਜਾਣਕਾਰੀ ਤੁਹਾਨੂੰ ਕਿਸੇ ਹੋਰ ਭਾਸ਼ਾ ਵਿਚ ਜਾਂ ਕਿਸੇ ਹੋਰ ਰੂਪ ਵਿਚ ਚਾਹੀਦੀ, ਤਾਂ ਇਹ ਸਾਥੋਂ ਮੰਗ ਲਓ।

如欲索取以另一語文印製或另一格式製作的資料，請與我們聯絡。

Türkçe bilgi almak istiyorsanız, bize başvurabilirsiniz.

اگر آپ کو معلومات کسی دیگر زبان یا دیگر شکل میں درکار ہوں تو برائے مہربانی ہم سے پوچھئے۔

Tel: 0300 123 8 123 **Textphone**: 18001 01606 867 670
email: equalities@cheshirewestandchester.gov.uk
web: www.cheshirewestandchester.gov.uk