Delivering Biodiversity Enhancement and Net Gain in Stafford Borough

Guidance for Applicants Seeking Planning Permission

March 2024

THIS GUIDANCE NOTE WILL BE REGULARLY UPDATED TO REFLECT EMERGING POLICY AND GUIDANCE AS STAFFORD BOROUGH COUNCIL REFINES THEIR APPROACH TO BIODIVERSITY NET GAIN

Contents

1. Introduction

Purpose of this Guidance

1.1. This guidance note has been prepared by Stafford Borough Council to provide guidance in relation to the delivery of Biodiversity Net Gain (BNG) and biodiversity enhancement in Stafford Borough.

1.2. Through the Environment Act 2021 and secondary legislation, the delivery of BNG will be a mandatory requirement for major developments in England from 12 February 2024, and for small sites (minor developments) from 2 April 2024.

1.3. The aim of this document is to support the implementation of the national requirement for BNG and the most relevant section of the adopted Plan for Stafford Borough 2011-2031 Policy N4 'The Natural Environment & Green Infrastructure'. Information provided within this guidance note is designed to help applicants, ecologists and other interested parties understand the Council's BNG process, and to assist decision-making.

1.4. This document set outs:

- the need for biodiversity net gain
- the national and local planning policies and supporting guidance
- the requirements for delivering BNG and biodiversity enhancement within Stafford Borough
- the information that should be submitted with planning applications to demonstrate BNG has been met
- the options available to applicants if BNG cannot be achieved within the development site (biodiversity off-setting)
- the relationship between BNG and wider nature recovery within the Borough and Staffordshire

What is Biodiversity Net Gain (BNG)

1.5. Biodiversity net gain (BNG) is an approach to development, and / or land management, that aims to contribute to the recovery of nature and to leave the natural environment in a measurably better state than it was beforehand.

1.6. When designed and delivered well, biodiversity net gain can secure benefits for nature, people, places, and for the economy.

1.7. Although certain sites are protected, there have been limited mechanisms to value, maintain, enhance or create wider habitats. As a result, habitats have continued to be lost to development, reducing nature's ability to connect and thrive. Therefore, most developments are now required to deliver a minimum uplift in biodiversity of 10% compared to the pre-development baseline. This is measured by an assessment of the quality, condition and extent of habitats present before and after the development. A standard metric supplied by the government must be used to calculate the biodiversity change.

1.8. Developers must design developments to try to avoid loss or deterioration of habitat on land where development works are planned. If this cannot be achieved, habitat enhancements and habitat creation on-site must be considered in the first instance, before off-site habitat enhancement and creation is explored.

1.9. On-site means the land the development work is on (i.e. the redline planning application boundary), and off-site is either developer-owned land outside of the redline boundary, or units bought from a habitat provider. BNG can be achieved on-site, off-site or through a combination of on-site and off-site measures. If on-site or off-site land cannot be used, statutory credits must be bought from the government, although this must be a last resort.

1.10. The approach to BNG, which is a habitat-based approach, does not override other biodiversity-related principles or related legislation, with protected / priority species and designated wildlife sites being covered by other legislation / policy requirements.

1.11. Biodiversity net gain information will need to be submitted with a planning application and a final **Biodiversity Gain Plan** must be submitted and approved by the Local Planning Authority prior to the commencement of the development.

2. Policy Background

2.1. The protection and recovery of nature is enshrined in national primary and secondary legislation and is supported through a range of national and local policies and strategies.

The Environment Act 2021

2.2. Under the **Environment Act 2021**, all planning permissions granted in England (with a few exemptions) will have to deliver at least 10% biodiversity net gain. This will apply from 12 February 2024 for development in the Town and Country Planning Act 1990, unless exempt. It will apply to small sites from 2 April 2024.

2.3. BNG will be measured using the statutory biodiversity metric and the extent and management of habitats will need to be secured for at least 30 years. This sits alongside a strengthened legal duty for public bodies to conserve and enhance biodiversity, new biodiversity reporting requirements for local authorities, and mandatory spatial strategies for nature known as Local Nature Recovery Strategies (LNRS).

The Government's 25 Year Environment Plan

2.4. The **25 Year Environment Plan** sets out the Government's long-term approach to protecting and enhancing natural landscapes and habitats in England, with the overarching ambition to 'leave our environment in a better state than we found it and to pass on to the next generation a natural environment protected and enhanced for the future'. This ambition includes working in partnership with other Government bodies, local planning authorities, developers and other interested parties to mainstream the use of existing biodiversity net gain approaches within the planning system, and to expand the net gain approaches used for biodiversity, which include wider natural capital benefits.

The Environmental Improvement Plan 2023

2.5. The **Environmental Improvement Plan** is the first review of the 25 Year Environment Plan. It reinforces the intent of the 25 Year Environment Plan and sets out the plan to deliver the 10 goals set out in the 25 Year Environment Plan. The apex goal is to halt the decline in biodiversity, which includes the implementation of the Environment Act 2021.

National Planning Policy Framework

2.6. Biodiversity enhancement and measurable net gain is referred to in the National Planning Policy Framework (NPPF) 2023, which has considerable weight in the planning decision-making process. **Chapter 15 of the NPPF** states that the planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils, and minimising impacts on and providing net gains for biodiversity, including by establishing more resilient, coherent ecological networks.

2.7. Principles that local planning authorities should apply when determining planning applications are set out in paragraphs 180 and 186 of NPPF. These include the application of the mitigation hierarchy, development in relation to Sites of Special Scientific Interest (SSSI) and irreplaceable habitats, and opportunities to conserve or enhance biodiversity, especially where this can secure measurable net gains for biodiversity.

National Planning Practice Guidance

2.8. **National Planning Practice Guidance** (NPPG) explains key issues in implementing policy to protect and enhance the natural environment, including local requirements. NPPG Natural Environments, paragraphs 9 to 35 (Biodiversity, geodiversity and ecosystems) provide further guidance relating to biodiversity in the planning system, ecological networks, Local Wildlife Sites, protected and priority species, the mitigation hierarchy, biodiversity net gain, and trees and woodland (including ancient woodland, ancient or veteran trees).

2.9. Paragraphs 20 to 28 specifically relate to net gain and include guidance on what BNG is, how it can be encouraged and achieved, how BNG fits in the mitigation hierarchy, how BNG can be calculated, establishing a baseline, how BNG can be of lasting value, and the wider environmental net gains. **Biodiversity net gain planning practice guidance** (BNG PPG) has also been published.

Biodiversity and Geological Conservation: Circular 06/2005

2.10. **Circular 06/05** provides administrative guidance on the application of the law relating to planning and nature conservation as it applies in England. It complements the National Planning Policy Framework and the Planning Practice Guidance. It covers internationally designated sites, nationally designated sites, conservation of habitats and species outside of designated sites, conservation of species protected by law and other statutory duties such as Environmental Impact Assessment.

Natural England Standing Advice

2.11. Natural England provides standing advice for development proposals that affect **Protected Species** and **Ancient Woodland and Ancient and Veteran Trees**. The standing advice is a material consideration in the determination of planning applications.

National Design Guide

2.12. The **National Design Guide** states that well designed places should ‘prioritise nature so that diverse ecosystems can flourish to ensure a healthy natural environment that supports and enhances biodiversity’. The National Design Guide references both the NPPF (chapters 8, 12, 14 and 15) and biodiversity net gain as required by the 25-year Environment Plan and states ‘Biodiversity net gain delivers measurable improvements for biodiversity by creating or enhancing habitats in association with development. Biodiversity net gain can be achieved on-site, off-site or through a combination of on-site and off-site measures’.

Local Planning Policy

2.13. The adopted Stafford Borough Local Plan seeks to deliver development that provide well managed and appreciated environments, and support a greener future, with key Policy N4 The Natural Environment and Green Infrastructure requiring the Borough's biodiversity assets to be protected, conserved and enhanced.

The Local Plan is being updated and any new adopted policy will replace the Plan for Stafford Borough 2011-2031 for decision-making purposes alongside the national policy position.

Neighbourhood Planning

2.14. In the future adopted **Neighbourhood Plans** may attempt to seek to deliver BNG over and above the mandatory minimum 10%. In such cases, the Neighbourhood Plan requirements for BNG would take precedent over the minimum 10% net gain, but only for proposals within the applicable Neighbourhood Plan area.

Climate Emergency

2.15. Stafford Borough Council declared a **Climate Emergency** in 2019 with a target for achieving Net Zero. Safeguarding against future climate impacts and responding to loss of biodiversity are cross-cutting issues, and measures such as the creation of new habitats and enhancement of existing habitats are essential for supporting nature recovery and addressing the climate emergency.

3. The Biodiversity Net Gain Process Explained

3.1. BNG is a controlled process designed to ensure that the impacts of a development on biodiversity will be measurably as positive and beneficial. The process is a step change in planning and its approach to development and is designed to incentivise sustainable and ecologically sensitive site selection and site design.

The Mitigation Hierarchy and the Biodiversity Gain Hierarchy

3.2. The mitigation hierarchy is a sequential order of mitigation actions, described in Table 3.1, and is a vital first principle that all planning applications must apply.

3.3. Stafford Borough Council expects **all** development proposals to adhere to the mitigation hierarchy in relation to impacts on designated sites, ecological networks, priority habitats, protected and priority species and other biodiversity assets identified in local policy. **If significant harm to biodiversity cannot be avoided, adequately mitigated, or as a last resort, compensated for, the NPPF states that planning permission should be refused.**

3.4. Adherence to the **Biodiversity Gain Hierarchy** (Biodiversity net gain planning practice guidance Paragraph 007 Ref ID: 74-007-2323) is a statutory consideration that all Local Planning Authorities (LPAs) must take account of when considering whether the biodiversity objective has been meet and when determining whether to approve the Biodiversity Gain Plan.

3.5. The biodiversity gain hierarchy (described in Table 3.1) emphasises that all efforts to avoid and mitigate for any impacts to significant on-site habitat must be considered, and compensation for impacts to any on-site habitats and biodiversity gains must be considered on-site first, followed by the use of registered off-site biodiversity gains and - as a last resort- the use of statutory credits.

3.6. The biodiversity gain hierarchy is distinct from, and in addition to, the mitigation hierarchy set out in the NPPF. A net gain in biodiversity can only be achieved once adverse impacts on biodiversity have been avoided, mitigated, and compensated. Applicants should always demonstrate their efforts to follow the mitigation hierarchy and the biodiversity gain hierarchy within the **Biodiversity Gain Plan**.

Table 3.1 The Mitigation Hierarchy and the Biodiversity Gain Hierarchy

Stage	Mitigation hierarchy	Biodiversity gain hierarchy	When
1 - Avoidance	Harm to habitats/ecological features should be avoided through good design which can be achieved through alternative site payout, site design or the selection of an alternative site by retaining existing on-site habitat through good design which can be achieved through alternative site layout, site design or the selection of an alternative site	Avoid adverse effects of development on on-site habitats with a distinctiveness score of four or above (medium, high and very high distinctiveness habitats)	Consider early in planning stages of a project
2 - Minimisation	Where harm to habitats/ecological features cannot be avoided, measures to reduce or minimise the duration, likelihood and extent of that harm (damage or loss) must be considered. Measures include redesigning the development, using precautionary or sensitive working methods	Mitigate any adverse effects on on-site habitats with a distinctiveness score of four or above	Embed measures within scheme design
3 - Compensation	Where harm to habitats/ecological features still occur, after all possibilities for avoiding and minimising effects have been implemented, compensation for unavoidable residual damage or loss of habitat should be implemented. As a last resort, compensation for residual effects may take the form of improvements to or restoration of existing habitats or the creation of replacement habitat (off-setting) targeted specifically at the receptor identified as being adversely affected. Compensation can be on-site (within the development redline boundary) or off-site.	For any on-site habitat adversely affected by development (regardless of distinctiveness score), firstly compensate for impacts through on-site habitat enhancement. Where on-site habitat enhancement cannot fully achieve the minimum 10% biodiversity gain, compensate for adverse effects through on-site habitat creation. Only when on-site habitat enhancement and/or creation cannot fully achieve the minimum 10% biodiversity gain, consider off-site habitat enhancement and/or creation. As a last resort, when on-site and off-site biodiversity gain cannot achieve then minimum 10% biodiversity gain, should the purchase of statutory credits be considered.	Should be integrated into the scheme design. Off-setting (the creation of replacement habitats ecologically equivalent to those which have been lost) is the least preferred approach and sits at the bottom of the mitigation hierarchy. Off-site habitat biodiversity gain is the least preferred option in the biodiversity gain hierarchy, with purchase of statutory credits a last report option only.

Irreplaceable Habitats

3.7. England's most valuable habitats are those which have a very high biodiversity value and are so difficult to recreate that it would be impossible to achieve the requirement to increase biodiversity on top of no net loss. These habitats are known as **Irreplaceable Habitats** and they have been defined by the Government and have significant protection in the NPPF.

3.8. For BNG purposes, the 10% net gain required is not applied to irreplaceable habitats as they are so valuable and they cannot easily be replaced. Irreplaceable habitat must still be recorded in the statutory biodiversity metric, but any impacts to these habitats will flag as unacceptable and will require bespoke compensation to be agreed with the LPA. If there are no impacts, enhancement of irreplaceable habitat can contribute towards a developments BNG requirements.

3.9. Irreplaceable habitats within Stafford Borough include ancient woodland, ancient and veteran trees and lowland fens.

Biodiversity Value - Baseline and Post-Development

3.10. The baseline value (pre-development) of the proposed development site, and any potential offsetting sites outside of the development redline boundary, and the biodiversity value of the post-development site (including offsetting site post-habitat enhancement/creation) must be assessed and quantified in a systematic way. This is achieved through the use of the **Statutory Biodiversity Metric** (hereafter known as the 'metric') which is produced and published by Defra.

3.11. The metric uses habitats and 'biodiversity units' as a proxy to describe biodiversity. These biodiversity units are the 'currency' of the metric, and there are three types of biodiversity unit, which are calculated in three separate 'modules' of the metric (area units, hedgerow units and watercourse units).

3.12. It is a simple assessment tool and only considers direct impacts on habitats within the footprint of the development scheme or project. The metric can:

- assess or audit the biodiversity unit value of an area of land
- calculate the losses and forecast gains in biodiversity unit value resulting from interventions which affect habitats
- compare different proposals for a site, allowing more objective assessments of potential biodiversity changes
- be used to calculate biodiversity units and percentage biodiversity change

3.13. The earlier the metric is applied within a development scheme, the greater the opportunity to design for biodiversity and wider ecological benefits.

3.14. Table 3.2 below details the data inputs that are required to complete the metric.

Table 3.2 Metric data inputs required for area, hedgerow and watercourse biodiversity units within the statutory biodiversity metric and the statutory small sites metric (SSM)

Calculation input	Area	Hedgerow	Watercourses
Metric habitat type	Required	Required	Required
Size	Hectares (square metres for SSM)	Kilometres (metres for SSM)	Kilometres (metres for SSM)
Distinctiveness	Automatically assigned by metric	Automatically assigned by metric	Automatically assigned by metric
Condition and target condition	Required	Required	Required
Strategic significance	Required	Required	Required
Timing of habitat intervention relative to biodiversity loss (advance or delay)	Required	Required	Required
Spatial risk	Required for off-site interventions only	Required for off-site interventions only	Required for off-site interventions only
Extent of interventions, encroachment into riparian zone and watercourse channel	Not required	Not required	Required
Whether watercourse is contained within a culvert	Not required	Not required	Required

3.15. The biodiversity value of a development site or potential biodiversity off-setting site must not be artificially reduced, for example through the deliberate clearing of habitats, before the baseline for net gain is set. If it is found that activities on site (other than those carried out in accordance with an existing planning permission) have resulted in a lower pre-development biodiversity value of the on-site habitat then the pre-development biodiversity value of the site will be taken as the biodiversity value immediately before the habitat loss or degradation occurred. In such cases the pre-development baseline will be reassessed using data (such as aerial imagery and other habitat data) held by the LPA from prior to the loss.

3.16. Should habitat degradation that is connected to a previous planning permission occur after 25 August 2023, the pre-development biodiversity value is taken to be the biodiversity value immediately before the carrying out of the activities.

Competency Requirements

3.17. Ecological assessments undertaken to inform planning applications should be carried out by suitably qualified ecologists with an appropriate level of experience in ecological survey and impact assessment, and who are recognised by a relevant professional body such as the Chartered Institute of Ecology and Environment Management (CIEEM). **Ecological Surveys and Reports** (refer to details on page 19) should follow recognised professional standards, such as guidance from CIEEM and specialist guidance.

3.18. BNG assessment, including the completion of the metric calculation tool and habitat condition assessments, should be undertaken by a 'competent person', defined as 'being able to confidently identify the positive and negative indicator species for the range of habitats likely to occur in a given geographical location at the time of year the survey is undertaken'. For a full metric application, the competent person should be an ecologist. The competent person should demonstrate how they have acquired through training, qualifications or experience, or a combination of these, the knowledge and skills enabling then to perform specified tasks in completing and reviewing metric calculations.

Which Metric Should I Use?

3.19. All major applications should use the 'full' metric. This is available for download from Defra (**Statutory biodiversity metric tools and guides - GOV.UK (www.gov.uk)**) along with a user guide and metric condition assessments. Further tools, case studies, QGIS template and GIS import tools and guidance and technical details are available from Natural England (**The Biodiversity Metric Supporting Documents - JP039 (naturalengland.org.uk)**).

3.20. A **Small Sites Metric** is available for download. This metric is a simplified version of the 'full metric' and has been designed for use on small development sites. Such sites are defined (for the purposes of this small sites metric) as small where the following criteria are met:

- For residential development:
  - There are fewer than 10 residential units on a site area (not more than 9 unit) less than 1 hectare; or
  - If the number of residential units is not known, the site area is less than 0.5 hectares.
- For non-residential development:
  - Where the floor space to be created is less than 1,000 square metres; or
  - Where the site area is less than 1 hectare

3.21. However, the small sites metric **cannot** be used on such sites where:

- habitats not available in the small sites' metric are present[1] : or
- priority habitats[2] are within the development site (excluding some hedgerow and arable field margins); or
- European protected species are present on the development site; or
- any off-site interventions are required.

[1] See Appendix B - UKHab translation table of **The Small Sites Metric (Statutory Biodiversity Metric) User Guide**, November 2023

[2] Priority habitats: **Habitats of principal importance** in England first identified in the UK Biodiversity Action Plan and published under Section 41 of the NERC Act 2006

The Statutory Metric Rules

3.22. The following metric rules (Table 3.3) must be followed. If they are not followed, then a project cannot claim to have achieved a gain in biodiversity:

Table 3.3 Biodiversity metric rules

Rule number	Rule detail
Rule 1	The trading rules of the biodiversity metric must be followed
Rule 2	Biodiversity unit outputs, for each type of unit, must not be summed, traded, or converted between types. The requirement to deliver at least a 10% net gain applies to each type of unit
Rule 3	To accurately apply the biodiversity metric formula, you must use the biodiversity metric calculation tool or small sites biodiversity metric tool (SSM) for small sites. The tools remove the need for a user to manually calculate the change in biodiversity value. The tool will summarise the results of the calculation and inform a user whether the biodiversity net gain objective has been met.
Rule 4	In exceptional ecological circumstances, deviation from this biodiversity metric methodology may be permitted by the relevant planning authority.

Assessing the Quality of a Habitat

3.23. The quality of a habitat is determined using three components within the metric:

- Distinctiveness
- Condition
- Strategic significance

Distinctiveness

3.24. This is a measure based on the type of habitat and its distinguishing features. Distinctiveness (very high, high, medium, low and very low) is automatically assigned within the metric when a habitat type is selected.

Condition

3.25. Condition categories for each habitat (good, moderate and poor) must be assigned within the metric. The condition of a habitat should be assessed using the appropriate **condition assessment sheets** for the habitat identified. The intermediate condition categories of ‘fairly good’ and ‘fairly poor’ are for site-specific features of condition not captured in the standard condition assessment and should only be used through application of ecological expertise and any deviation from the standardised condition assessment must be explained against specific condition criterion.

Strategic significance

3.26. This is a score within the metric which is based on whether the location of the development site and the habitats present/created have been identified as locally significant for nature. Strategic significance is used to incentivise the avoidance of adverse development impacts upon areas of high significance for nature and to incentivise the offset of impacts to areas of high significance for nature. In this way strategically important outcomes for nature can be achieved.

3.27. Scores are required for each individual habitat rather than on a site-wide basis and are required for both baseline (existing) and post-intervention habitats:

- High strategic significance - where the location has been identified within a local plan, strategy or policy as being ecologically important for the specific habitat type or where that habitat has been identified as being locally ecologically important.
- Medium strategic significance - where there is no relevant plan, strategy or policy in place, professional judgement may be used to justify the use of the medium strategic significance category. This judgement should consider the importance of that habitat in providing a linkage between other strategic locations.
- Low strategic significance - if the habitat is not included in local plans, strategy or policy, and there is no evidence to suggest that the habitat is of medium strategic significance.

3.28. Within Stafford Borough, off-site gains (land outside of the development boundary) located within the Nature Recovery Network Mapping and/or LRNS (once published) would be considered more strategically significant, and so would secure biodiversity units than other off-site areas.

3.29. Habitat Creation should progress all of **Lawton's five principles** to assist with the recovery of nature by:

1) improving the quality of current sites by better habitat management
2) increasing the size of current wildlife sites
3) enhancing connections between, or join up, sites, either through physical corridors, or through 'stepping stones'
4) creating new sites
5) reducing the pressures on wildlife by improving the wider environment, including through buffering wildlife sites.

3.30. When a site falls outside of the areas of opportunity as shown on the Stafford Borough Nature Recovery Mapping, professional ecological judgement should be used to determine whether the habitat type combined with its location should be assigned as anything higher than low strategic significance. If a medium strategic significance is assigned, justification for this must be provided in the Assessor Comments field in the metric. BNG assessors must provide evidence by referencing relevant documents.

3.31. Within Stafford Borough, for area-based habitats, the following strategies and plans should be consulted to help determine whether a habitat is strategically significant, alongside any subsequent relevant documents:

- The Stafford Borough Local Plan
- **The Stafford Borough Nature Recovery Mapping Report**, with particular reference to the Strategic Habitat Areas and the Habitat Connectivity Opportunity Areas
- The Local Nature Recovery Strategy (LNRS) for Staffordshire and Stoke-on-Trent (once published)
- The **Staffordshire Biodiversity Action Plan**, with particular reference to those Ecosystem Action Plans that fall within Stafford Borough (Cannock Chase Heaths, Meres and Mosses, Central Farmland, Urban and Rivers, Canals and Stream)
- **Cannock Chase AONB Management Plan (2019-2024)** and subsequent National Landscape Management Plans

3.32. For linear features such as rivers and stream, the following strategies and plans should also be consulted:

- **River basin management plans**
- **Catchment management plans**

3.33. Once the Staffordshire and Stoke-on-Trent Local Nature Recovery Strategy is published, that will be the strategy to inform which strategic significance category is assigned to each area habitat, linear habitat and watercourse biodiversity unit in the metric.

Spatial Multipliers (spatial risk)

3.34. Where a project cannot achieve the required net gain in biodiversity units on-site, then off-site units can be used (please refer to the off-site BNG delivery hierarchy in Section 5). BNG off-setting outside of Stafford Borough LPA boundary, or outside of the **National Character Area** where the development impact occurs is discouraged by the metrics' application of a negative spatial risk multiplier, to ensure off-sets are provided within the vicinity of the development.

Habitat Trading and Creation

3.35. The trading rules of the metric are based on the habitat type and distinctiveness categories. The trading rules do not apply beyond no net loss. Once trading rules have been met to achieve no net loss, then biodiversity gains can be met by the creation and enhancement of any habitat within the relevant module (the modules are area habitat units, hedgerow units and watercourse units).

3.36. Habitat trading down, where pre-development habitats of higher distinctiveness would be replaced by lower value habitats post-development, is not permitted. Trading up to habitats of greater value but of a different habitat type or broad habitat type may be acceptable based on the distinctiveness of the habitat loss and where appropriate to the site, its location and its future use.

3.37. Habitat enhancement or creation should, wherever feasible, be planned to help deliver other policy requirements associated with species impact mitigation and wider biodiversity enhancement, green infrastructure, ecological networks and wider natural capital benefits.

3.38. In respect to protected sites and protected species, any habitat features created or enhanced to fulfil protected sites or protected species mitigation and compensation requirements can contribute towards a development's BNG assessment, but that contribution (as measured by the metric) cannot exceed the equivalent of no net loss. The delivery of the additional 10% BNG required must be secured through other habitat enhancement or creation, which could still be at the same location, or elsewhere.

Formal Submission and Decision Making

3.39. A **biodiversity net gain plan** will have to be approved by the LPA before development work can start. This should be supported and informed by a defined set of biodiversity gain information at the planning stage. This will guide and support the decision-making process. Details of these requirements are set out in section 4 of this document.

4. BNG Requirements for Planning Applications within Stafford Borough

4.1. All planning applications will be required to demonstrate a minimum 10% BNG, in accordance with The Environment Act 2021, with exemptions set out in Section 7 of the guidance note.

4.2. All qualifying applications will be expected to maximise the provision of on-site BNG and local BNG opportunities close to the application site. Major and large scale development proposals will also be expected to seek to deliver wider environmental net gain (in accordance with NPPG paragraph 028 reference ID: 0-028-20190721) wherever possible, reflecting the opportunities identified in the **Stafford Borough Nature Recovery Network Mapping**, the Local Nature Recovery Strategy (once completed), and the **Cannock Chase AONB Management Plan** (2019-2024.

4.3. The information you will need to submit your planning application will vary by site and scale of development. Table 4.1 sets out the BNG requirements and types of information that will be required for your planning application.

4.4. A **Biodiversity Net Gain (BNG) Self-Assessment Form** has been provided in Appendix B and is intended to guide the registration of planning applications and to ensure the right information is secured.

4.5. Where development would be subject to the general biodiversity gain condition, the application **must** be accompanied by minimum information set out in Article 7 of The Town and Country Planning (Development Management Procedure) (England) Order 2015:

- 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 onsite habitat on the date of application (or an earlier date) including the completed metric calculation tool used showing the calculations, the publication date and version of the biodiversity metric used to calculate that value;
- where the applicant wishes to use an earlier date, the proposed earlier date and the reasons for proposing that date;
- a statement confirming whether the biodiversity value of the onsite 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 (as set out in column 1 of the Schedule to the Biodiversity Gain Requirements (Irreplaceable Habitat) Regulations [2024]) on the land to which the application relates, that exists on the date of application, (or an earlier date); and

- a plan, drawn to an identified scale which must show the direction of North, showing onsite habitat existing on the date of application (or, an earlier date), including any irreplaceable habitat.

4.6. Further information, in addition to the minimum statutory required information, should be provided in order to assist the consideration of biodiversity net gain as part of the planning application. Details of these further specific requirements are provided below and within the Council's local validation checklist together with the biodiversity net gain (BNG) self-assessment form contained in Appendix B.

Ecological Surveys and Reports

4.7. Ecological surveys should be undertaken at the pre-application stage and the findings of those surveys should be used to inform detailed design. Ecological reports (Preliminary Ecological Appraisal and / or Ecological Impact Assessment report) should submitted with the application. Protected species and extended habitat (phase 2) survey report/s may also be required[3]

4.8. A Preliminary Ecological Appraisal (PEA) is a rapid assessment of ecological features present, or potentially present, within a site and its surrounding area, and should be undertaken at the pre-application stage in order to inform detailed design and the need for further surveys. A PEA should comprise a desk study and field survey (walkover survey). The key objectives of a PEA are to:

- identify the likely ecological constraints associated with a project
- identify any mitigation measures likely to be required, following the mitigation hierarchy
- identify any additional surveys that may be required to inform an Ecological Impact Assessment (EcIA)
- identify any opportunities offered by a project to deliver ecological enhancement

4.9. The PEA report may recommend further ecological surveys, such as detailed habitat phase 2 surveys or protected species surveys. Where the PEA report does not recommend further surveys, it can form a standalone report to be submitted with the application (normally only appropriate for small-scale developments), however, in the majority of cases, additional surveys and assessment beyond the PEA will be required, and the PEA will be used to feed into a more detailed EcIA report.

4.10. An Ecological Impact Assessment is a process identifying quantifying and evaluating potential effects of development or other activities on habitat, species and ecosystems. EcIA can be used for the appraisal of projects of any scale including the ecological component of Environmental Impact

[3] Further guidance on when PEA, EcIA, protected species and phase 2 habitat reports may be required is provided within the Biodiversity Trigger List referenced in the Local Validation Checklist and useful links to guidance and best practiced are provided in Appendix A.

Assessment (EIA). An EcIA should assess ecological impacts of a development (by determining significance of impacts) in light of relevant planning policies and legislation. The level of detail required in an EcIA should be proportionate to the scale of the development and the complexity of its potential impacts.

4.11. In relation to BNG applications, the accompanying ecological reports should inform BNG opportunities on and off site, including habitat creation and enhancement measures.

4.12. All ecological surveys and reports should be undertaken and prepared by competent persons with suitable qualifications and experience, and appropriate protected species licences. Surveys must be carried out at an appropriate time and month of year, in suitable weather conditions, should follow nationally recognised survey guidelines/methods where available. All ecological assessments should follow the guidelines from CIEEM:

- **Guidelines for Preliminary Ecological Appraisal (GPEA)**
- **Guidelines for Ecological Impact Assessment (EcIA)**
- **Guidelines for Ecological Report Writing**

Biodiversity Gain Information

4.13. In addition to a PEA or EcIA, all qualifying applications are required to submit a defined set of Biodiversity Gain Information at the planning application stage. The Biodiversity Gain Information should include a Biodiversity Statement/BNG Design Stage Report, which should include the following:

- The training, qualifications and experience of the 'competent person' who has completed the BNG assessment
- The pre-development biodiversity value of the site (as calculated using the relevant statutory metric calculation tool)
- Details on steps taken to avoid and minimise adverse biodiversity impacts, following the mitigation hierarchy and biodiversity gain hierarchy
- The proposed approach to enhancing biodiversity on site, including a plan of the proposed site layout showing habitats to retained, enhanced and created by type and a key and schedule showing the size of each parcel (area or length as appropriate)
- Details on any proposed off-site biodiversity gains (including the use of statutory credits) that have been planned or arranged for the development, including information on any potential planning obligations which may been to be entered into connection to the application
- Working assessment of the expected biodiversity net gain
- Habitat condition sheet assessment with justifications

4.14. The BNG Statement / Design Stage report should be supported by maps/plans of baseline habitats and illustrative post-development habitat proposals including retained and proposed new features.

4.15. These baseline and proposed design maps / plans should by produced using high quality spatial data using GIS software. All submitted GIS plans must be in the QGIS geo-package file format, or if produced within another GIS program, must be QGIS compatible. It is highly recommended that the Natural England **QGIS template and GIS import tool** is used. All biodiversity data should have consistent attributes recorded, e.g. location, taxon name, recorder name and date, to ensure it can be properly evaluated. Data should be provided in accessible machine-readable formats and survey metadata should be included. Habitat data should be provided in a standard classification system, e.g. The **UK Habitat Classification System**. Habitat condition assessment data should also be provided in full for each land parcel assessed, with any deviations from standard methods fully justified.

4.16. The BNG Statement / Design Stage report should also be accompanied by a draft completed metric calculation tool (please refer to Table 4.1), a draft Habitat Management and Monitoring Plan (HMMP - see paragraph 4.20 to 4.24 below) for all significant on-site biodiversity enhancements (covering a period of no less than 30 years after the completion of the development), and a draft heads of terms clearly setting out the obligations likely to be bound in a S106 for all significant on-site habitat enhancements and any off-site biodiversity gains.

4.17. Biodiversity net gain assessment should follow best practice guidance such as:

- **Biodiversity net gain. Good practice principles** (CIRIA 2019)
- **Biodiversity net gain: Good practice principles for development** (CIEEM, CIRIA, IEMA 2016)
- **Biodiversity Net Gain Report and Audit Templates** (CIEEM 2021)
- British Standards Institute (BSI) **BS 42020:2013 (Biodiversity - Code of practice for planning and development)**
- BSI **BS8683:2021 (Process for designing and implementing Biodiversity Net Gain. Specification)**

Biodiversity Gain Plan

4.18. A Biodiversity Gain Plan must be approved prior to the commencement of any works on site. Defra has provided a **Biodiversity Gain Plan template**, which should be completed and submitted along with the following:

- Completed metric calculation tool
- Habitat condition assessment sheets

- 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 (plans submitted as part of the Biodiversity Gain Information should be updated based on confirmed site layouts as necessary)
- Approved compensation plan if the development impacts irreplaceable habitats
- Biodiversity net gain register reference number(s) if you are buying off-site units
- Statutory biodiversity credits eligibility evidence in the form of correspondence from habitat providers (if applicable)
- Statutory biodiversity credits proof of purchase (if applicable)
- Habitat management and monitoring plan (HMMP)

4.19. For phased development, an Overall Biodiversity Gain Plan[4] must be submitted for approval prior to the commencement of works, and then a Phase Biodiversity Gain Plan for each phase must be submitted and approved before development of that phase can commence.

Habitat Management and Monitoring Plan (HMMP)

4.20. A HMMP must be provided for all off-site gains, with the HMMP being agreed with the LPA for all gains secured by a section 106 agreement and agreed with the Responsible Body for gains secured through a Conservation Covenant. A HMMP is also required for all significant on-site biodiversity gains.

4.21. It is strongly recommended that you work with an ecologist or competent professional to write the HMMP, and the HMMP should include information about:

- aims and objectives of management, methods, frequency and timing of activities to be undertaken, and by whom, to enhance and create habitats to ensure they meet their targets and the process for instigating remedial works, if needed
- proposals for monitoring, including methods, frequency and timing, as well as setting out the reporting procedures and options for remedial works, if needed
- the roles and responsibilities, and professional competencies of the people involved in implementing and monitoring the BNG delivery
- details of the legal, financial and other resource requirements for delivery of the HMMP

[4] An Overall Biodiversity Gain Plan template will be made by Defra

- maps and drawings of created and enhanced features provided in spatially accurate digital drawings, e.g. using QGIS, to allow accurate monitoring.

4.22. Stafford Borough Council may request extra requirements for inclusion within the HMMP. In such cases any additional requirements will be discussed and agreed with the applicant.

4.23. Natural England has published a set of **HMMP tools**, including a template, checklist and companion guide, to help you write your HMMP. If you design your own HMMP, you are encouraged to refer to the checklist in the HMMP tools as a reminder for what you need to include, and the CIEEM best practice guidance.

Outline and Reserved Matters Applications

4.24. For outline applications it will be necessary to demonstrate that the development can achieve the minimum 10% BNG requirement in principle. Where an outline application seeks approval of the indicative layout of the site, the applications should be accompanied by relevant biodiversity gain information and a completed metric calculation tool. This should be based on the best available information, for example, an illustrative masterplan. Any assumptions made should be clearly defined and quantified. This will enable a judgement to be made as to whether or not the application is likely capable of meeting the minimum 10% BNG requirement.

Phased Development and Development Subject to Subsequent Applications

4.25. Any development which is permitted in phases will require additional biodiversity gain information that sets out how biodiversity gain will be achieved across the whole site and also on a phase-by-phase basis. Such developments will be subject to a condition that requires approval of an overall biodiversity gain plan demonstrating at least 10% BNG for the whole site to be submitted and approved before development can commence, and individual phase biodiversity gain plans per phase, that set out each phase's contribution to BNG before development of that particular phase can commence.

4.26. If early phases have secured an excess of biodiversity units, then these might be able to be counted towards the BNG requirement of a later phase. However, it must be clear who is legally responsible for the delivery of these units and who would take responsibility for rectifying any shortfalls or implementing any changes in management.

Table 4.1 BNG and ecological information requirements by application type

Type of Report	When is the information required (by type of application)?			
	Full	**Outline**	**Reserved Matters**	**Phased Development**
PEA/EcIA/Protected Species Surveys	At submission of application	At submission of application	At submission of application, updated from that submitted at Outline with respect to confirmed site layout	At submission of application, updated from that submitted at Outline with respect to confirmed site layout
Biodiversity Gain Information	At submission of application	At submission of application Post-development information to be provided as far as is possible subject to which matters are reserved	At submission of application Information submitted at Outline to be updated with post-development unit delivery on site based on confirmed site layouts	At submission of application, with post-development information to be provided on a phase-by-phase basis, based on confirmed layouts On-site unit delivery can only be secured for confirmed phases, not future phases
Biodiversity Gain Plan	Submitted as a post-permission document for approval by the LPA Required to discharge the mandatory BNG condition before development can commence	Submitted as a post-permission document for approval by the LPA Required to discharge the mandatory BNG condition before development can commence Post-development information to be provided as far is possible subject to which matters are reserved	Submitted as a post-permission document for approval by the LPA Required to discharge the mandatory BNG condition before development can commence Information submitted at Outline to be updated with post-development delivery on site based on confirmed site layouts	Submitted as post-permission documents for approval by the LPA Required to discharge the mandatory BNG condition before development can commence An Overall Biodiversity Gain Plan (which demonstrates BNG across the entire development) must be submitted and approved before any development can commence, and a Phase Biodiversity Gain Plan for each phase must be submitted and approved before development of that phase can commence

Type of Report	When is the information required (by type of application)?			
	Full	**Outline**	**Reserved Matters**	**Phased Development**
Habitat Management and Monitoring Plan (HMMP)	To be submitted to the LPA for approval (accompanying post-permission Biodiversity Gain Plan) Monitoring intervals to be agreed with the LPA, but typically might result in reports in years 2, 5, 10, 20, and 30 May be secured as part of a condition (for on-site non-significant BNG), Section 106 legal agreement (for significant on-site BNG and off-site BNG) or a conservation covenant (legal agreement between BNG provider and a Responsible Body)	Not required until after Reserved Matters	To be submitted to the LPA for approval (accompanying post-permission Biodiversity Gain Plan) Monitoring intervals to be agreed with the LPA, but typically might result in reports in years 2, 5, 10, 20, and 30 May be secured as art of a condition (for on-site non-significant BNG), Section 106 legal agreement (for significant on-site BNG and off-site BNG) or a conservation covenant (legal agreement between BNG provider and a Responsible Body)	To be submitted to the LPA for approval (accompanying post-permission Biodiversity Gain Plan) Monitoring intervals to be agreed with the LPA, but typically might result in reports in years 2, 5, 10, 20, and 30 May be secured as art of a condition (for on-site non-significant BNG), Section 106 legal agreement (for significant on-site BNG and off-site BNG) or a conservation covenant (legal agreement between BNG provider and a Responsible Body)

How BNG will be Secured and Monitored

4.27. All biodiversity net gain through habitat enhancement and creation will be secured for at least 30 years after the development is completed. The requirement for the minimum 30-year term for BNG would be in addition to other mitigation/compensation measures, for example, mitigation provided for sites or species protected under the Conservation of Habitats and Species Regulations 2017 (as amended) (also known as the Habitats Regulations), where the requirement may be for management and maintenance of habitats 'in perpetuity'.

4.28. Non-significant BNG delivered on site will be secured through planning condition. Non-significant enhancements are habitat enhancements that will be included within the metric calculation but do not make a significant difference to the developments' biodiversity value, such as private gardens which have a low distinctiveness value, or container planting. These non-significant enhancements do not normally require maintenance provisions and so do not need to be accompanied by a legal agreement committing them to be maintained for 30 years in accordance with a HMMP.

4.29. Significant on-site BNG will be secured through a Section 106 (S106) agreement with Stafford Borough Council. Significant on-site BNG would include:

- any habitats of medium distinctiveness or higher within the metric
- habitat creation/enhancement where the distinctiveness of that habitat is increased
- any habitats of low distinctiveness which form a significant proportion of the on-site biodiversity value (relative to the pre-development biodiversity value)
- any habitats of low distinctiveness which are deemed to contribute significantly to an ecological network, including habitats that form part of green infrastructure (as defined by the emerging local plan policy 46 Green and Blue infrastructure, and the Strategic Green Space Network mapping)
- any low distinctiveness habitats which are considered to be functionally linked to designated biodiversity sites (SAC, SSSI, SBI etc) or irreplaceable habitats.

4.30. Non-significant enhancement would include new private gardens and low distinctiveness urban habitats which do not fall within the categories above for significant BNG, for example intensive green roofs, container planting, green walls and ornamental ponds.

4.31. All off-site BNG within the District will be secured by a S106 agreement with Stafford Borough Council, or by a Conservation Covenant agreement with a Responsible Body.

4.32. The long-term management of habitat enhancement and creation measures and the monitoring of these features (the actual delivery of the habitat), in accordance with the approved HMMP, would be the responsibility of the developer or the person (e.g., landowner) securing the habitat (according to the S106 or Conservation Covenant agreement).

4.33. Where BNG has been secured by planning condition or S106 agreement, the LPA is responsible for checking compliance with the agreed management and monitoring the delivery of BNG, and enforcement in cases of non-compliance. Monitoring reports will need to be submitted to the LPA (if BNG is secured by S106 agreement) or the relevant Responsible Body (if off-site BNG is secured by Conservation Covenant). The number of monitoring assessments will depend on the habitat type and extent, but typically monitoring may be required annually for the first five years, then every five to ten years. When report might need to be checked by the LPA would be dependent on the extent and type of habitat interventions being undertaken. This is detailed in Appendix C (Monitoring fees).

4.34. LPAs are able to charge a monitoring fee through S106 obligations, to cover the cost of monitoring and reporting on the delivering of that S106 agreement. Monitoring fees will be discussed with the application as part of the application consideration process and the agreed fees and payment schedule will be specified within the S106 agreement. Further details on monitoring fees for BNG are provided in Appendix C.

4.35. Failure to deliver BNG outcomes which are secured through legal agreement, conditions or other limitations (subject to which planning permission is granted) can result in enforcement action.

4.36. Failure to comply with the general biodiversity gain condition commencing development without approval of the Biodiversity Gain Plan will be a breach of planning control and the LPA will have responsibility for taking whatever enforcement action may be necessary.

5. On-site Versus Off-site BNG

On-site BNG Delivery

5.1. The delivery of BNG within the development site is the preferred option and is considered to be best practice. The delivery of BNG on-site should be achieved through careful site selection, the application of the mitigation hierarchy, the biodiversity gain hierarchy and good design principles. On-site BNG is likely to be the simplest option to secure and deliver. On-site BNG should be designed as an integral part of the green infrastructure (GI) requirements for the site, and GI features such as green roofs, green walls and Sustainable Drainage Systems (SuDS) are included within the metric tool. BNG delivery can also help deliver high quality on-site green spaces where people can have better access to nature.

5.2. However, there will be situations where on-site BNG cannot fully deliver the required 10% net gain, and/or where site constraints mean it would be more beneficial to deliver off-site BNG which supports more strategic and viable outcomes for nature recovery. In these cases, where the LPA agrees that the mitigation and biodiversity gain hierarchies have been followed and that all valid attempts to provide BNG within the redline boundary have been made, or where there is a clear argument for providing habitat located elsewhere that may achieve greater ecological value, then off-site BNG should be considered following the hierarchy detailed below, with the next step in the hierarchy only considered if the full amount of BNG cannot be delivered at that stage in the hierarchy.

Off-site BNG Delivery Hierarchy

Stage 1. Off-site BNG delivery adjacent to development site

5.3. Off-site gain can be located on land adjacent to the development site, or land which is functionally linked to the development site. This land can be within the developer's ownership or land owned by a third party. The need for early engagement and agreement with any third-party landowner is likely, and the developer would be responsible for providing baseline assessments of the land etc (as detailed in section 4 of this guidance document). Legal and financial agreements would be required to secure delivery and monitoring.

Stage 2. Off-site BNG delivery within Stafford Borough

5.4. If both on-site BNG and off-site BNG adjacent to the development site is unable to provide the required 10% net gain, then the next preference is for the delivery of BNG on land within Stafford Borough, with a stepwise approach being taken whereby BNG is achieved on land identified as strategically significant (in accordance with section 3, paragraphs 3.26 to 3.31), and then if not possible, within the same Landscape Character Area **within** Stafford Borough.

5.5. Any new off-site habitat creation should be the right habitat in the right place, and at an appropriate scale. The **Stafford Borough Nature Recovery Network Mapping** (Habitat Connectivity Opportunity Areas) and the **Staffordshire Ecosystem Action Plans** provide some guidance on which habitats are most appropriate to which areas, and the Local Nature Recovery Strategy (once completed) will provide more targeted guidance. Consultation with the LPA is advised to ensure the delivery of the right habitat in the right place.

Stage 3. Off-site BNG delivery within a strategic location for nature recovery within Staffordshire

5.6. If off-site BNG within Stafford Borough proves unsuccessful, or where greater nature recovery gain can be achieved through BNG outside of the Borough, then land that falls within the same Landscape Character Area within the wider Staffordshire Area or land identified as strategically significant within other neighbouring LPA local plans, and the Staffordshire Local Nature Recovery Strategy (once completed) should be considered.

Stage 4. Purchase of BNG units from a Habitat Bank outside of Stafford Borough and Strategically Significant Areas with Staffordshire

5.7. The exporting of BNG requirements outside of the County will only be permitted if there is no viable alternative in accordance with Stages 1, 2 and 3 of this hierarchy. Off-site units purchased from a habitat bank must be included in the statutory metric.

Stage 5. Purchase of statutory biodiversity credits from the UK Government

5.8. Buying statutory biodiversity credits from the UK Government is a last resort option only to be used if you are unable to use on-site or off-site units to deliver BNG. This option will only be considered if justification as to why on-site or other off-site BNG options are not possible have been provided and agreed with the LPA.

5.9. Statutory biodiversity credits can be bought using a credit sales service. Prices include all costs, apart from VAT, which will be included in the invoice for any statutory credit purchased. Credit sales revenue will be used to invest in habitat creation projects and administer credit sales.

National Site Register

5.10. All off-site biodiversity gains must be registered on the Natural England Biodiversity Gain Site Register. The core purpose of the biodiversity gain site register is to record allocations of off-site biodiversity gains to developments and make this information publicly available. The register will not act as a marketplace platform for buying or selling units, nor will it assess the ecological suitability or additionality of proposals. It will allow local communities to view an up-to-date record of biodiversity gains across the country and access information on the delivery and monitoring of habitat sites.

5.11. The registration of off-site BNG on this national register is mandatory and all BNG sites registered will need to be verified to ensure they are legitimate, accountable and transparent. Registration will involve an online application and payment of a fee to Natural England.

6. Exemptions from the BNG Requirement and General Biodiversity Enhancement

Exemptions

6.1. The following types of development are exempt from demonstrating a measurable BNG (as set out in the Environment Act 2021):

- Householder applications
- Small-scale self-build and custom housebuilding applications (development which consists of no more than 9 dwellings, and is carried out on a site which has an area no larger than 0.5 hectares, and consists exclusively of dwellings which are self-build or custom housebuilding as defined in **section 1 (A1) of the Self-build and Custom Housebuilding Act 2015)**
- Developments that do not impact priority habitat and that impact less than 25 square metres of habitat, or 5 metres of linear habitats (such as hedgerows)
- Biodiversity gain sites (where habitats are being enhanced for wildlife)
- Development granted planning permission by a development order under section 59. This includes permitted development rights
- Urgent Crown development granted under s293A TCPA 1990
- Development related to the high-speed railway transport network

6.2. Other than where they are covered by the exemptions above, the following applications are not specifically exempt:

- Previously developed land (though some sites will effectively be exempt by a zero-baseline score in the metric)
- Change of use applications (though the majority of types of change of use application will be exempt through the de minimis habitat exemption)
- Temporary applications (though the metric makes allowances for short term habitat loss)
- Developments which would be permitted development but are not on account of their location in Conservation Areas, for example, National Landscapes (previously known as Areas of Outstanding Natural Beauty) or National Parks, which are subject to some restrictions on permitted development rights (though de minimis and householder exemptions mean that this will have little effect in practice)

Biodiversity Enhancements

6.3. There are many ways in which we can ensure that new and existing developments can provide benefits for wildlife. Designing / building biodiversity into your development should be seen as an opportunity not a constraint, and consideration of biodiversity enhancement will be expected for all householder, residential, non-residential and listed building applications (including BNG exempt applications and also in addition to the metric calculated BNG). Most developments, even very small sites and those with limited landscaping, will likely be able to provide opportunities for biodiversity enhancement through careful and well thought out design.

6.4. Below are some ideas and suggestions for biodiversity enhancement. The most suitable and locally appropriate enhancement measures will vary depending on the location and type of development. The list below is not intended to be an exhaustive list and links to further guidance/information on designing for biodiversity are provided in Appendix A.

Habitats:

- Create a wildlife pond
- Plant native trees
- Create areas of native wildflower meadow
- Incorporate native species-rich hedgerow
- Plant native species good for pollinators
- Retain and create deadwood habitats
- Create a rain garden
- Incorporate biodiverse green roofs and living walls
- Sustainable urban drainage, including permeable hardstanding, rain gardens and swales
- Create dark corridors with lighting schemes designed to avoid disturbing wildlife

Species:

- Integrated and tree / wall-mounted bird boxes
- Integrated and tree / wall-mounted bat boxes
- Providing bug hotels and bee bricks
- Wildlife-permeable boundaries

Appendix A Useful links

Policy and Legislation

- The Environment Act 2021: **Environment Act 2021 (legislation.gov.uk)**
- The Biodiversity Gain (Town and Country Planning) (Modification and Amendments) (England) Regulations 2024: **The Biodiversity Gain (Town and Country Planning) (Modifications and Amendments) (England) Regulations 2024 - GOV.UK (www.gov.uk)**
- The Biodiversity Gain Requirements (Exemptions) Regulations 2024: **The Biodiversity Gain Requirements (Exemptions) Regulations 2024 - GOV.UK (www.gov.uk)**
- The Biodiversity Gain Requirements (Irreplaceable Habitats) Regulations 2024: **The Biodiversity Gain Requirements (Irreplaceable Habitat) Regulations 2024 - GOV.UK (www.gov.uk)**
- The Biodiversity Gain Site Regulations 2023: **The Biodiversity Gain Site Register Regulations 2024 - GOV.UK (www.gov.uk)**
- NPPF 2023 - Conserving and enhancing the natural environment: **National Planning Policy Framework - 15. Conserving and enhancing the natural environment - Guidance - GOV.UK (www.gov.uk)**
- NPPG 2019: **Natural environment - GOV.UK (www.gov.uk)**
- Biodiversity Net Gain Planning Practice Guidance 2024: **Biodiversity net gain planning practice guidance**
- Biodiversity and geological conservation circular 06/2005: **Biodiversity and geological conservation: circular 06/2005 - GOV.UK (www.gov.uk)**
- 25 Year Environment Plan: **25 Year Environment Plan**
- Environmental Improvement Plan 2023: **Environmental Improvement Plan**
- Lawton et al (2010). Making Space for Nature: A review of England's Wildlife Site and Ecological Network. Report to Defra: **Making Space for Nature: (nationalarchives.gov.uk)**

Ecological survey and reporting and habitats and species guidance

Surveys and reporting:

- CIEEM EcIA Guidelines: **Guidelines for Ecological Impact Assessment (EcIA) | CIEEM**
- CIEEM PEA Guidelines: **Guidelines for Preliminary Ecological Appraisal (GPEA) | CIEEM**
- CIEEM Ecological Report Writing Guidelines: **Guidelines for Ecological Report Writing | CIEEM**)
- CIEEM Good Practice Guidance for Habitats and Species: **Good-Practice-Guide-July-2021-Update.pdf (cieem.net)**

Habitats and Species:

- Natural England's Standing Advice on Protected Species: **Protected species and development: advice for local planning authorities - GOV.UK (www.gov.uk)**
- Natural England's Standing Advice on Ancient Woodland and Ancient & Veteran Trees: **Ancient Woodland and Ancient and Veteran Trees**
- Habitats and Species of Principal Importance: **Habitats and species of principal importance in England - GOV.UK (www.gov.uk)**
- BCT Bat Survey Guidance for Professionals: **Bat Surveys for Professional Ecologists: Good Practice Guidelines 4th edition - Guidance for professionals - Bat Conservation Trust**
- BCT Bats and Artificial Lighting Guidance: **'Bats and Artificial Lighting at Night' ILP Guidance Note update released - News - Bat Conservation Trust**)
- CIEEM Bat Mitigation Guidelines: **UK Bat Mitigation Guidelines 2023 | CIEEM**)

Staffordshire Habitats, Species and Protected Sites

- The Stafford Borough Nature Recovery Network Mapping Report:
- The Midlands Heartlands Heathland - Heathland Nature Recovery Opportunities Map: **Midlands Heartlands Heathland - Heathland Nature Recovery Opportunities Map - data.gov.uk**
- Staffordshire Biodiversity Action Plan: **Staffordshire Biodiversity Action Plan (sbap.org.uk)**
- Staffordshire Ecological Records: **Staffordshire Ecological Records (staffs-ecology.org.uk)**
- CIEEM Using and Accessing Biodiversity Data Guidance: **Guidelines for Accessing and Using Biodiversity Data in the UK | CIEEM**)

BNG Assessment

Guidance and best practice:

- Defra - Biodiversity net gain guidance - what you need to know; **Biodiversity net gain guidance – what you need to know - Land use: policies and framework (blog.gov.uk)**
- CIEEM, CIRIA & IEMA Biodiversity Net Gain: Good Practice Principles for Development: **Biodiversity net gain. Good practice principles**
- CIRIA Biodiversity Net Gain. Good Practice Principles for Development. A Practical Guide: **Biodiversity net gain: Good practice principles for development**
- CIEEM Biodiversity Net Gain Report & Audit Templates: **Biodiversity Net Gain Report and Audit Templates**

BNG tools and templates:

- Defra Statutory Metric tools and guides: **Statutory biodiversity metric tools and guides - GOV.UK (www.gov.uk)**
- Defra Biodiversity Gain Plan Template: **Biodiversity gain plan - GOV.UK (www.gov.uk)**
- Natural England Habitat Management and Monitoring Plan Template: **Habitat Management and Monitoring Plan Template - JP055 (naturalengland.org.uk)**

Biodiversity Design Guidance

- BCT Bat Boxes: **Bat Boxes - Buildings, planning and development - Bat Conservation Trust (bats.org.uk)**
- BCT Landscape and Urban Design for Bats and Biodiversity: **Landscape and Urban Design for Bats and Biodiversity - Guidance for professionals - Bat Conservation Trust**
- BCT & RIBA. Designing for Biodiversity: **Designing for Biodiversity: a technical guide for new and existing buildings - Guidance for professionals - Bat Conservation Trust (bats.org.uk)**
- Building with Nature Standards Framework: **Building with Nature**
- Freshwater Habitats Trust. Pond Creation Toolkit: **Pond Creation Toolkit - Freshwater Habitats Trust**
- Hedgehog Street Link Your Garden: **Link your garden with a hedgehog highway (hedgehogstreet.org)**
- National Design Guide: **National_design_guide.pdf (publishing.service.gov.uk)**
- Natural England. Green Bridges: **Green bridges: safer travel for wildlife - GOV.UK (www.gov.uk)**
- RHS Plants for Pollinators: **Plants for Pollinators advice and downloadable lists / RHS Gardening**
- RSPB & NHBC Foundation Biodiversity in New Housing Developments - creating wildlife-friendly communities: **Biodiversity-in-new-housing-developments.pdf (nhbc.co.uk)**
- UK Rain Gardens: **The UK Rain Gardens Guide, managing water in our towns and cities**
- Wildlife Trust Homes for People and Wildlife: **homes_for_people_and_wildlife_lr_-_spreads.pdf (wildlifetrusts.org)**

Appendix B BNG Self-Assessment Form

Stafford BOROUGH COUNCIL	**Biodiversity Net Gain (BNG) Self-Assessment Form** **(Full Permission, Outline Permission, Listed Building Consent, Permission in Principle)**	**Planning reference (for office use):**

To be completed by the Applicant

Date	
Development site address	
Description of development	

Applicant's name and address	**Agent's name and address**

Has this checklist been completed or checked by a suitably qualified/experienced ecologist	☐	Yes
	☐	No

Statutory required information*			
Please answer all questions Yes or No by marking the appropriate box against each question	**Yes**	**No**	**Please explain why/why not, or state if further information is provided**
1) Do you believe this application is exempt from statutory biodiversity net gain? If **Yes** please complete question 2; if **No** please complete questions 3 - 9	☐	☐	
2) Has a statement confirming why the application is exempt from statutory biodiversity net gain been provided?	☐	☐	
3) Is there any evidence of activities taking place on or after 30 January 2020 which have degraded habitats on site?	☐	☐	

4) If yes to 3), has supporting evidence of habitat degradation been provided?	☐	☐	
5) Does the applicant wish to use an earlier date than the date of the planning application for the pre-development biodiversity value?	☐	☐	
6) If yes to 5), has an earlier date been supplied?	☐	☐	
7) Has a completed statutory metric calculation tool showing pre-development biodiversity of on-site habitat been provided?	☐	☐	
8) Has a description of any irreplaceable habitats on land to which the application relates been provided?	☐	☐	
9) Has a plan showing on-site existing (baseline) habitat (with identified scale and north arrow) been provided?	☐	☐	

*** If this information is not provided, the application will be considered invalid.**

For all applications believed to be subject to the statutory general biodiversity gain condition, please complete the biodiversity gain information form below:

Biodiversity gain information*			
Please answer all questions Yes or No by marking the appropriate box against each question	**Yes**	**No**	**Please explain why/why not, or state if other information is provided**
1) Is the application supported by a Preliminary Ecological Appraisal or Ecological Impact Assessment?	☐	☐	
2) Has a Biodiversity Statement/BNG Design Stage Report been provided?	☐	☐	
3) Has a completed statutory metric calculation tool showing biodiversity value of pre-development on-site habitat, draft post-development on-site habitat and/or draft baseline and post-development off-site habitat been provided?	☐	☐	
4) Have plans/maps of on-site pre- and post-development habitats been supplied, including QGIS-compatible files?	☐	☐	
5) Have details of any proposed off-site enhancement, arrangements for securing long-term management of significant on-site and all off-site BNG and the requirement for purchase of any statutory credits been provided?	☐	☐	

6) Is a draft Habitat Management and Monitoring Plan required, and if so, has it been supplied?	☐	☐	
7) Is a draft heads of terms for a S106 required, and if so, has it been supplied?	☐	☐	

*** Biodiversity gain information required as detailed in the Local Validation Checklist and within the Delivering Biodiversity Enhancement and Net Gain in Stafford Borough Guidance Note. If this information is not provided, the application may be considered invalid.**

Appendix C Monitoring Fees

Please see below.

Stafford Borough Council Biodiversity Net Gain Monitoring Fee Calculator

Stafford Borough Council Council will monitor progress towards achieving the stated outcomes for all off-site Biodiversity Net Gain (BNG) schemes that we regulate (this means those which we enter a S106 with for the purpose of securing the habitat management on a site for 30+ years). We do not charge a monitoring payment when a different body regulates the scheme such as through a conservation covenant. We will review monitoring reports sent in by the manager of the site at times set out within the Habitat Management and Monitoring Plan (which should form part of the S106 for the site). It is for the Ecology Officer to ensure that these are appropriate. The tabs in this calculator can be used as a guide as to what we may consider to be appropriate.
The Monitoring Fee is charged so that we can cover our costs of reviewing the monitoring reports, visit the site where neccessary and work with the site owner to agree remedial measures if required.
This calulator is to help determine a monitoring fee that will cover our costs for undertaking the above over 30+ years. It is based upon the site's size and technical difficulty associated with the habitat, as set out within the biodiversity metric.

Guidance

The monitoring fee in this calculator is based on the size of the biodiversity gain site and the technical difficulty of the habitats to be created as stated within the biodiversity metric. Use the technical difficulty of the most difficult habitat for the site. You can apply professional judgement where required and especially if a Habitat Management and Monitoring Plan is available.

For biodiversity gain sites more than 30ha, a bespoke fee will be needed.

Enter info into green cells using the drop down arrows.

What size is the off-site BNG Scheme?	Very Small (<1 ha)
How technically difficult are the habitats being created?	Moderate
Monitoring Fee	**£1,653.38**

Monitoring Fee Lookup table			
	Technical difficulty:		
Size:	Low	Moderate	High
Very Small (<1 ha)	£1,115.12	£1,653.38	£3,343.82
Small (1 to <5 ha)	£1,824.91	£2,820.05	£5,799.48
Medium (5 to <15ha)	£2,644.21	£3,863.39	£7,818.90
Large (15 to <30ha)	£4,863.83	£6,598.31	£11,272.71