



**Biodiversity Net Gain (BNG) Guidance for South Derbyshire**

**South Derbyshire District Council**

**November 2023**

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# Introduction

1. Biodiversity Net Gain (BNG) is likely to be a key opportunity in the District’s Nature Recovery given the rate of settlement growth and because of policy and mandatory drivers for improvement in biodiversity with every major development.
2. (BNG) is an approach to development and land management that aims to leave the natural environment in a measurably better state than it was beforehand.
3. The UK government is seeking to drive nature recovery through several measures including the mandating of measurable BNG in new development under the Environment Act 2021.
4. This Framework will help to inform an aligned approach to policy development across South Derbyshire, the principles of which can be encompassed in either Local Plans or Supplementary Planning Documents (SPDs), as appropriate and the development of South Derbyshire’s Local Plan.
5. This Framework has been assembled on the basis of a variety of documents from other LPAs namely specific documents from Buckinghamshire Council (Habitat Bank Criteria, Procedure note for Planners – Biodiversity Net Gain, Biodiversity Net Gain – Supplementary Planning Document, Interim Strategic Significance & Spatial Risk Guidance for Biodiversity Net Gain in Buckinghamshire Council’s Local Planning Authority Area), Greater Manchester Combined Authority (GMCA Biodiversity Net Gain, Guidance for Greater Manchester), Cornwall Council (Validation Guide, A Guide to Submitting Planning Applications), Nottinghamshire & Nottingham (The Biodiversity Net Gain Framework)
6. These LPA’s have been at the forefront in embedding BNG within LPAs and much of the content, guidance and scope has come from the above documents. Thanks therefore must go to these LPAs for sharing resources and allowing the establishment of best practice and standardised guidance on BNG across the LPA network.

# Provision Of BNG

* 1. BNG should be delivered on site in the first instance. If this is not feasible, regard may be given to offsite provision if the applicant can secure this. In the meantime, the Council will consider off-site offsetting on a case-by-case basis, and as a minimum will expect to see proof that the applicant has control of the land providing the offsetting, and a deliverable biodiversity gain plan.
	2. Any offset will be expected to be located within the South Derbyshire District, (or adjacent DC authorities) as close as practicable to the development site, unless an alternative location offers more appropriate biodiversity net gains and is agreed by South Derbyshire Council.
	3. Although ensuring an offset with the South Derbyshire district is not enforceable, as under the Environment Bill 2020, for a person carrying out the development of any land, can purchase a credit from the Secretary of State for the purpose of meeting the biodiversity gain objective. If you buy statutory biodiversity credits, a ‘spatial risk multiplier’ will apply, which doubles the number of credits you need. You must buy 2 credits for every 1 biodiversity unit you need to compensate for. Spatial Risk & Strategic Significance is still considered within metric calculations.
	4. For outline planning applications, a UK Habitat Classification Survey (UKHAB) of the site is required to be able to determine those baseline habitats present. This survey can then inform “The metric” (The Biodiversity 4.0 metric or approved DEFRA metric) which should be completed for pre-development habitats.
	5. The metric represents how BNG will be delivered and will be the main point of reference to delivering BNG and should be completed for the pre-development habitats. The following components should be included:
* A written report including a non-technical summary.
* A GIS layer of the pre- and post-development habitats.
* The full completed Biodiversity 4.0 toolkit, or latest version (spreadsheet) containing the baseline calculations for the development; and
* Any proposals for how Biodiversity Net Gain might be delivered on site, including GIS layers and calculations where the information is available. The proposal can be included in the written report.
	1. When a full planning application is submitted the following reports should be included:
* A written report including a non-technical summary.
* Two GIS layers, one of the pre-development habitats and one identifying the post development habitats.
* A completed Biodiversity toolkit, or latest version of the spreadsheet containing the full calculations for the development with macros-enabled; and
* Details of how the habitats will be managed, for example, via a management company.
* A management plan for the site following construction. This should set out the prescribed management and objectives for a minimum of 30 years. The management plan should include monitoring proposals and justify why the frequency and type of monitoring is appropriate.
	1. Following the construction of the development the following reports should be provided to SDDC:
* A written summary of delivery to date and any changes with justification from the initial proposals.
* A GIS layer, identifying habitats as they are at the time of reporting (if different from the previous report).

## BNG & Development

* 1. Applicants will be expected to demonstrate how they have integrated biodiversity into the development proposal at the earliest stages by following the advice set out in this document.
	2. Net gain for biodiversity is defined as delivering more or better habitats for biodiversity and demonstrating this using the DEFRA biodiversity Metric. It encourages development that delivers biodiversity improvements through habitat creation or enhancement. An expectation for BNG should be borne in mind in decisions to acquire sites. BNG should then be designed into the scheme at the earliest point and should be suitable to the locality, following the strategic priorities for habitats identified in the South Derbyshire Action Plan for Nature as Biodiversity Opportunity Mapping, and as described in the LBAP, and based on a rigorous knowledge of local habitats and species.
	3. For **All Major Applications**, minor applications with a site area of 0.5 hectares or above and / or where priority habitat is present on site, applicants will be expected to use the Biodiversity Metric to demonstrate how BNG will be achieved and to provide the expected 10% gain. These developments are likely to have the greatest impact and opportunity for securing biodiversity net gain. They are at a scale where ecological assessments are common.
	4. For **Minor Applications** providing 1 - 9 dwellings with a site area less than 0.5 hectares; and new build / replacement commercial applications, applicants will be expected to use the Small Sites Metric to demonstrate how BNG will be achieved and to provide the expected % gain because these developments can have a significant impact on existing habitats, and present opportunities for securing biodiversity net gain. They are of a scale where development is likely to have an impact on biodiversity and where there are opportunities to deliver environmental enhancements.

# Legislative Requirements

* 1. The National Planning Policy Framework (NPPF) (2019) states that Biodiversity Net Gain should be delivered, and the forthcoming Environment Bill will make Biodiversity Net Gain mandatory for new developments under the Town and Country Planning Act (1990). The NPPF states (para 170) that ‘planning policies and decisions should contribute to and enhance the natural and local environment by … minimising impacts on and providing net gains for biodiversity’.
	2. Biodiversity Net Gain is not a legal requirement at present, but it is anticipated that it will be made mandatory for specific developments due to its inclusion within the upcoming Environment Bill in November 2023.
	3. The proposed requirements set out in this Report are complimentary to the range of environmental legislation, policy and strategies that apply to biodiversity. It is important to note that the work to assess and meet legal requirements will run concurrently to the work needed to assess Biodiversity Net Gain. The need for development to protect and enhance biodiversity is established in a range of legislation relating to designated sites, including the Conservation of Habitats and Species Regulations (2017, as amended) (the Habitats Regulations) and the Wildlife and Countryside Act (1981, as amended).
	4. Duties relating to biodiversity outside designated sites are primarily within the Natural Environment and Rural Communities Act (2006). The delivery of Biodiversity Net Gain will facilitate adherence to wildlife legislation and policy. Specifically, Biodiversity Net Gain will contribute to the delivery of:
* The Conservation of Habitats and Species Regulations (2017, as amended)
* Wildlife and Countryside Act (1981, as amended) (WCA)
* The Natural Environment and Rural Communities (NERC) Act (2006)
* National Planning Policy Framework (NPPF) (March 2019)
* Biodiversity 2020: A strategy for England’s wildlife and ecosystem services
* A Green Future: Our 25 Year Plan (25 YEP) to Improve the Environment (Defra, January 2018)
* Strategies, plans and supplementary planning documents specific to South Derbyshire and its cooperative local planning authorities.
	1. The requirement for Nature Recovery Network mapping stemmed from the Lawton review (2010) ‘Making Space for Nature’ which identified the need for ‘better, bigger, more and connected’ wildlife sites to reverse habitat fragmentation and create an ecological network in which habitats and species are protected and resilient. From this the Government set out targets of ‘creating or restoring 500,000 hectares of wildlife-rich habitat’ in the 25- Year Environment Plan and recently identified the need to put the conservation of biodiversity through a spatial planning system on a statutory footing in the proposed Environment Bill.
	2. Further emphasis on the protection and conservation of biodiversity through the National Planning Policy Framework (NPPF) guidance and the promotion of Biodiversity Net Gain schemes further drives the need for a Nature Recovery Network map to identify where habitat creation or enhancement would be best placed to improve connectivity and strategic networks. Most recently, the government expressed support for the Wildlife Trust’s 30 by 30 campaign to ‘connect and protect at least 30% of our land and sea for natures recovery by 2030’ and signed the Leaders Pledge for Nature, committing to put nature and biodiversity on a road to recovery by 2030.
	3. BNG is already supported under the NPPF and will be a mandatory requirement under the Town and Country Planning Act (TCPA) which will be amended in late 2023, following the adoption of the Environment Act in November 2021. Part 6, provisions 98-101 of the Environment Act 2021 provide the legislative background to the treatment of biodiversity gain in planning.
	4. The following explains the context of the BNG approach:
	5. The NPPF (revised version July 2021) sets out the Government’s planning policies for England and provides a framework within which locally prepared plans for housing and other development can be produced. Paragraphs 174-182 encompass the principles for protecting and enhancing biodiversity and include the aim of, “minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures” (174 (d)) and in 179(b) “ promote the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species; and identify and pursue opportunities for securing measurable net gains for biodiversity”.

## 25 Year Environment Plan

* 1. “A Green Future: Our 25 Year Environment Plan to improve the Environment” (25 YEP), launched in January 2018, sets out the government’s approach to maintaining and enhancing the natural environment over the next 25 years and its commitment to ‘deliver an improved environment within a generation.’ This document sets out goals and targets to achieve environmental benefits including the aim to embed an ‘environmental net gain’ principle for development, and particularly to “mainstream the use of existing biodiversity net gain approaches within the planning system, update the tools that underpin them”.

## Local Nature Recovery Strategies

* 1. Included within the 25 YEP is the development of a NRN to protect and restore wildlife and provide opportunities to re-introduce species that have been lost from our countryside. The aim of the NRN is to provide 500,000 hectares of additional wildlife habitat to link existing protected sites and landscapes, as well as urban green and blue infrastructure.
	2. Following on from the vision set out in the 25YEP the Environment Act 2021 sets out how the government plans to protect and improve the natural environment in the UK. It introduces a mandatory requirement for a minimum of 10% BNG in the planning system, to “ensure that new developments enhance biodiversity and create new green spaces for local communities to enjoy”. It also lays the foundation for the NRN and introduces provisions requiring the development of Local Nature Recovery Strategies (LNRS) across England. In addition, it introduces a new Environmental Land Management Scheme.
	3. Part 6, provisions 104-108 of the Environment Act describe what LNRS will encompass. BNG and LNRS are tools to help deliver local contributions to the NRN. LNRSs will provide the legal underpinning for the NRN. They will be a spatial tool to plan the NRN locally and to prioritise investment in habitat restoration and creation which will also deliver other benefits for people and wildlife. BNG is one of the investment tools available to support delivery of the LNRS and the NRN.
	4. It is likely, however, that the development of LNRS will take more than 12 months, hence it is essential that this BNG Framework is in place as soon as possible, as the need to deliver BNG has already commenced, and proposals are already being brought forward by the development sector.
	5. Mandatory BNG is an opportunity to deliver lasting benefits for wildlife and people through the planning process, it is an approach to development and land management that aims to leave nature in a measurably better state and is an important delivery tool to help deliver nature’s recovery.

## The UK 30x30 Target

* 1. Following the global push to protect and conserve at least 30% of the world’s lands, freshwater and oceans by 2030, the UK Government committed to the protection of at least 30% of the UK for nature, in South Derbyshire this equates to 10,143 ha.
	2. The 30% threshold of habitat cover in a landscape has been determined as the point at which the spatial distribution and area of habitat is sufficient to provide connectivity for a range of species populations. Thresholds will differ between landscape characteristics, but the 30% threshold has been supported for woodlands and grasslands which make up much of the lowland habitat matrix of the UK.
	3. There is a difference between aiming for 30% coverage of habitat within a given area and wanting a healthy ecological network in recovery for nature that covers 30% of each county. The latter is the aim for the NRN – a joined-up system of places needed to allow nature to recover and thrive. The majority of 30x30 in South Derbyshire will be delivered through agri-environment schemes that enhance habitats and create new habitats on farmland, and through the delivery of nature-based solutions. But each LPA can ensure that development planning maximises what it can contribute to deliver 30x30 and NRN in the most suitable places and makes the most effective use of BNG credits to benefit wildlife and people in South Derbyshire.

## Local Plan Policies

* 1. Local Plan Policies and/or associated statutory documents to support the Local Plan, should encompass the principles and targets in this Guidance, to ensure a consistent approach to delivering high quality BNG across the district and contributing to Nature Recovery Networks in the most effective way.

# BNG & Planning Approval

* 1. South Derbyshire District Council must approve the Biodiversity Gain Plan (BGP) if it is satisfied that:
* The BGP’s pre-development biodiversity value of the onsite habitat is correct.
* The post-development biodiversity value of the onsite habitat is what the BGP says or more.
* If the BGP relies on registered offsite biodiversity gain:
	+ - that the offsite biodiversity gain is allocated to the development.
		- that it has the value in relation to the development as specified in the BGP.
* If the BGP relies on biodiversity credits, that they have been purchased.
* The development will deliver “at least 10% BNG”.
* Any other matters specified in Regulations are met.

# BNG & The Planning Framework

* 1. BNG is not intended to compensate for the loss of habitats and species of importance, therefore should only be applied at the end of the mitigation hierarchy highlighted by best practice:

Principle 1. Apply the Mitigation Hierarchy.

Principle 2. Avoid losing biodiversity that cannot be offset by gains elsewhere.

Principle 3. Be inclusive and equitable.

Principle 4. Address risks.

Principle 5. Make a measurable Net Gain contribution.

Principle 6. Achieve the best outcomes for biodiversity.

Principle 7. Be additional.

Principle 8. Create a Net Gain legacy.

Principle 9. Optimise sustainability.

Principle 10. Be transparent.

## Evidencing BNG through The Mitigation Hierarchy

* 1. Biodiversity net gain is underpinned by the mitigation hierarchy, which is set out in the National Planning Policy Framework. This outlines a sequential approach to addressing potential harm to biodiversity in determining planning applications. It states avoidance should be prioritised, before mitigation measures, and finally compensation.
	2. Has the applicant adopted a nature first approach and made every effort to avoid causing harm to the existing biodiversity on the site. Has the applicant retained and improved existing natural features onsite and only used offsetting as a last resort.
	3. Biodiversity net gain follows the proximity principle or spatial hierarchy. This means that if biodiversity net gain (BNG) cannot be achieved on-site after consulting the mitigation hierarchy, off-site opportunities should be identified, whilst giving priority to local enhancements.
	4. The metric penalises proposals where the off-site habitats are far away from the site of impact. This is done to avoid reducing biodiversity in the local areas, recognising the importance of ecosystem services provided to the local community. The spatial risk multiplier is used for off-site habitats outside the local planning authority area or the same National Character Area. For rivers and streams, water body and catchment boundaries should be used. Apply the multiplier once, in line with the larger of the two designations the off-site enhancement is within, typically the National Character Area. If the off-site enhancement is in a neighbouring LPA but the same National Character Area, use the relevant NCA multiplier.
	5. A full biodiversity gain plan is required to be submitted before project commencement stages alongside the BNG metric. The metric will have to be amended depending on the offsite approach taken.
	6. Information outlining how the mitigation hierarchy has been adhered to, including evidence of the steps taken to avoid and/or minimise adverse biodiversity impacts, must be included within this plan. A brief commentary should be provided against each of the ten good practice principles, providing evidence on how they have been met.
	7. Financial cost is not adequate reasoning for failing to ‘avoid’ or ‘minimise’ negative effects.
	8. Are the percentages of land use representative that the site has been utilised as far as possible to mitigate biodiversity loss whilst keeping the scheme viable. In total transparency would the applicant be able to provide financial costings/profit margins to evidence the viability of the scheme if it was to meet the 10% BNG on-site.

## Avoid

* 1. What actions have been taken to evade or reduce biodiversity impacts through site selection and layout? These avoidance strategies are the primary approach to the mitigation hierarchy and vital to delivering cost-effective additionality.

## How To Demonstrate

* 1. The most effective avoidance mechanisms can be achieved by pre-application engagement with an ecologist and/or local planning authority to identify surveys to be undertaken and engage key local biodiversity stakeholders.
	2. The site selected and its location offers less harmful impacts than alternative sites and we have evidenced this using relevant data, for example you can:
* Refer to local nature recovery networks and local biodiversity strategies.
* Use spatial mapping tools such as Defra’s MAGIC tool.
* Consult local environmental records centres.
* Carry out an Ecological Assessment or Preliminary Ecological Appraisal and associated habitat/species or walkover surveys and show how this information has been used.
* Baseline potential sites or various Site Scheme Versions using the metric.
* Conduct a BNG Feasibility Report using CIEEM best practice.
* Time construction sensitively to minimize disturbance.
* Engage an ecological consultant at site selection to provide constraints/opportunities analysis at an early stage.
	1. Impacts can also be avoided by retaining ecological receptors on site, but outside of the construction area. This can aid BNG by retaining the habitats of value and providing a potential opportunity for enhancement of those areas of value.

## Minimise

* 1. What measures have been taken to reduce the duration, intensity and/or extent of impacts to biodiversity. It is essential to minimise any potential negative impacts by fully modifying the project design and strategy. All sensitive habitats must be avoided at all costs.
* Indicate retained vegetation e.g., hedgerows and existing trees.
* Limiting the size of the site / protecting key areas
* Sensitive landscape design in line with industry best practice

## Mitigate

* 1. Has the condition of on-site habitats or affected areas been improved or protected including the enhancement, restoration, or regeneration of biodiversity on-site. All non-avoidable ecological damage must be adequately replaced/mitigated for. Has a strong evidence base been provided to demonstrate why avoidance and mitigation strategies are not viable options or can’t fully achieve 10% BNG.
* Replanting.
* Tree planting to stabilise soil.
* Grassland and habitat quality restoration in line with best practice.
* Replacing what was lost on the site with the same or different, but more ecologically valuable, habitat.
* Redesigning aspects of the site to reduce the impacts (such as lighting)

## Offset Or Compensation

* 1. Compensating for any residual, adverse or unavoidable impacts after full implementation either onsite or offsite.
	2. Using the biodiversity net gain offsetting mechanisms, including through the creation or enhancement of off-site habitats, either on owned land, by purchasing biodiversity units on the market, or statutory credits
	3. Does the proposal fail to evidence or demonstrate considered efforts to avoid or mitigate impacts to existing ecological resources, and relies heavily upon offsetting or compensation measures, and therefore the development proposal does not meet the intended principles of BNG and therefore can be declined.
	4. The Land Trust indicates that 75% of BNG enhancements will be on-site. However, the most cost-effective and strategic approach for on-site or off-site may vary depending on the site type and location.

## Pre-Emptive Clearance

* 1. Pre-emptive Clearance will not be tolerated - the deliberate clearing of valuable habitats before the application process is illegal under the Environment Act Schedule &A, Pt 1, Para 6a-b, with a cut-off date of 30th January 2020. Where there is evidence of deliberate neglect or damage to any of the habitats and species, their deteriorated condition will not be taken into consideration and the ecological potential of the site will be used to decide the acceptability of any development proposals.

## Irreplaceable Habitats

* 1. Irreplaceable habitats are habitats that are impossible to recreate or take such a long time to develop and mature that they are “irreplaceable”. These habitats hold immense biodiversity value and are incredibly difficult, if not impossible, to restore, recreate, or replace once destroyed. Irreplaceable habitats are outside the scope of the Biodiversity Net Gain (BNG) requirements since destruction of irreplaceable habitats cannot be considered to deliver BNG. The Environment Act includes provision to exempt irreplaceable habitats from the mandatory BNG requirement:
* Ancient woodland
* Ancient and veteran trees
* Blanket bog
* Limestone pavements
* Coastal sand dunes
* Spartina saltmarsh swards
* Mediterranean saltmarsh scrub
* Lowland fens
	1. In reference to South Derbyshire, the following habitat incurs “irreplaceable” status:
* Unimproved Grasslands

## Development Density & Viability

* 1. With the clarity introduced by this BNG Framework, combined with previous and emerging evidence on viability, it should be expected that landowners and developers will take all relevant policy requirements into account when negotiating prices for the sale and purchase of land and the design of schemes. It is expected that developers will not bring forward schemes where the combined effect of all policy requirements resulted in less than reasonable financial returns for the landowner or developer. Paragraph 58 of the NPPF says: “Where up-to-date policies have set out the contributions expected from development, planning applications that comply with them should be assumed to be viable.” Evidence from elsewhere of local levies or costs beyond national minimum requirements is that it has not disincentivised schemes from being brought forwards. The National Forest planning commitment will count within the BNG metric once the corresponding same for same habitat trading rules principle has been applied and no net loss has been achieved.

## Stacking, Bundling & Other Use

* 1. BNG stacking and bundling refers to the practice of combining environmental payments. This can be done by stacking biodiversity net gain units and nutrient neutrality credits. Land managers can sell both biodiversity units and nutrient credits from the same intervention, such as the creation of a wetland or woodland. It may also be possible to achieve stacking on land used for carbon credits or agri-environmental schemes provided that additional habitat enhancement has been achieved and can be defined.
	2. Nutrient mitigation makes sure a new development does not add to nutrient loads in water bodies where protected sites (or Habitats Sites) are in ‘unfavourable condition’ because of the polluting effects of excessive nutrients. Nutrient mitigation is also known as nutrient neutrality.
	3. Biodiversity units and nutrient credits can be obtained from the same piece of land by stacking them. Units and credits can be sold, provided they meet the eligibility criteria for each market.
	4. Any habitat enhancements funded by an agri-environment scheme cannot be sold as a biodiversity unit or nutrient credit. However, however the same land can be used to create further habitat enhancements on top of an existing agri-environment agreement.
	5. You should not sell biodiversity units and nutrient credits cannot be sold from the same land used to sell carbon credits unless further habitat enhancements can be provided, and these enhancements do not affect the carbon value.
	6. Biodiversity units derived from mitigation and compensation sites for protected species and protected sites, e.g., SANG (Suitable Alternative Natural Greenspace) and nutrient sites, can only be used to achieve no net loss, and therefore at least 10% of the required 110% post development biodiversity score must be accounted for elsewhere e.g., on-site habitat within the development redline or biodiversity units purchased from third party providers. Similarly, the National Forest planting can be used to obtain 10% BNG once no net loss has been achieved.
	7. Measured BNG must be additional to that which would have already occurred without the Environment Act and mandatory net gain. Likewise, BNG should aim to be more than just green infrastructure and should not be incorporated into recreational areas but should be specific parcels for wildlife conservation and of a suitable size to support conservation goals. Access should be limited, and maintenance and management be easily controlled. Particularly, for grassland enhancement, plots should ideally be fenced and have controlled access limiting disturbance resulting from public access consequently increasing the likelihood of successful enhancement rather than intensively used green space or mown amenity grassland.
	8. SANG is only required to mitigate increased recreational impacts caused by net new residential developments within defined Zones of Influences around certain Special Protection Areas (SPAs) and Special Areas of Conservation (SACs) that are deemed by Natural England to be at risk of harm caused by recreational pressures. Therefore, whilst BNG will be national, the ability to deliver BNG on SANG will be regional to affected SPAs and SACs.
	9. A developer can choose to deliver SANG onsite or offsite with no specific policy preference between the two. Offsite SANG have catchments, which define the distance in which developments relying on it for mitigation must fall and is determined by size of the SANG. The largest catchment is 5km from the outer edge of the SANG which is considerably smaller than LPA wide catchments likely to be awarded to offsite BNG, although SANG capacity trading can take place cross LPA boundaries.
	10. Therefore, should a developer be seeking to purchase both BU and SANG capacity, the nuances around the rules of proximity to development, may limit their ability to buy both from one site.
	11. If BNG and nutrient mitigations are stacked, the different timescales of the schemes need to be considered. The commitment for nutrient mitigation is up to 125 years. SANG must be funded and managed in perpetuity, which is defined as 80-125 years whilst the minimum length of time to fund and manage BNG is 30 years.
	12. Although stacking is deemed feasible under mandatory BNG, South Derbyshire District Council reserve the right to evaluate each proposal on a case-by-case basis following stringent monitoring and evaluation to ensure all schemes are effective in delivering each element contracted.

# Local Planning Policy

* 1. Policies of note are;

## Climate and Environment Action Plan 2021-30

* 1. This Climate and Environment Action Plan is in response to the Council’s Climate and Environment Strategy and their aspiration to achieve carbon neutral by 2030 across the Council controlled (in-house) operational activities. It also aims to work with partners to deliver carbon neutrality across South Derbyshire area (District-wide) before the UK Government’s carbon zero target of 2050. SDDC Climate and Environment Strategy 2021 – 2030.
	2. Specific Action Plans required in respect of biodiversity:
* Alteration of grounds maintenance practices to maximise biodiversity gain (and reduce carbon use/increase carbon sequestration).
* Development of SDDC Action Plan for Nature to maximise biodiversity, carbon sequestration and climate adaption.
* Ongoing environmental training (Climate and Biodiversity) for SDDC councillors, managers, and staff.
* Support the development and implementation of the community engagement program for Climate and Biodiversity across South Derbyshire supporting the decarbonisation of South Derbyshire.

## Corporate Plan for 2020 – 2024

* 1. The Corporate Plan details vision and values which play an important role in ensuring that we deliver our services and care for the South Derbyshire District. The plan concentrates on the issues that are most important to the people who live and work in South Derbyshire, on national priorities set by the Government and on the opportunities and challenges presented by the environmental, economic, and social aspects of the district. We have identified our three key priorities as: Our Environment, Our People, Our Future. Our plan seeks to ensure that our District remains a great place to live, visit and invest. SDDC Corporate Policy 2020 – 2024
	2. Our Environment – ‘Keeping a clean, green District for future generations’ and enhance biodiversity across the District.

## South Derbyshire District Council Environmental Policy

* 1. The Council is committed to delivering all its public services in a sustainable manner. This will not just reduce its impacts on the environment but lead to environmental enhancement. It will also lead to improvements in health, wellbeing, and the economy both within and beyond the Council’s administrative borders.
	2. SDDC is committed to leading environmental improvement and embedding this across its services and the district through:
* Protecting, conserving, and enhancing South Derbyshire’s natural, historic, and cultural surroundings and enhancing biodiversity

## South Derbyshire Local Green Spaces Plan

* 1. The planning policies for South Derbyshire are set out in a two-part Local Plan. The Local Plan Part 1 was adopted in June 2016 and the Part 2 was adopted in November 2017. 1.2 Local Green Spaces were introduced with the National Planning Policy Framework (NPPF). Whilst Local Green Spaces are not strictly defined in the NPPF, paragraph 100 sets out that the designation of local green spaces should only be made where the local green space is: In reasonably close proximity to the community it serves; demonstrably special to a local community and holds a particular local significance, for example because of its beauty, historic significance, recreational value (including as a playing field), tranquillity or richness of its wildlife; and local in character and is not an extensive tract of land.

## Policy LGS1: Development on Local Green Spaces

* 1. Development on Local Green Spaces Development, which is in accordance with Policy BNE8, will be supported on local green spaces where it will not unduly affect the openness and essential quality of the space, with consideration given to scale, design and location of the proposal.
	2. Proposals should demonstrate consideration of how they will:
* Protect, restore, and enhance biodiversity and/or access to biodiversity.

## Policy LGS2: Enhancement of Local Green Space

* 1. The Council will work positively with stakeholders to ensure the appropriate management of local green spaces. Opportunities will be sought to enhance local green spaces that could include:
* Improvements to the long-term management of spaces through changes to site management regimes and the development of site management plans
* Where appropriate support will be given to the registration of local green spaces as ‘receptor sites’ with the Environment Bank to allow financial contributions to be used to compensate for impacts on development sites elsewhere through habitat creation or management.
	1. Many of the sites designated as local green spaces are valued by local communities for their wildlife interest. Most of the sites reviewed through the site designation process have the potential to deliver biodiversity gains. Whether this is through small measures such as changing the mowing regime of sites; installing bird or bat boxes, or through large-scale habitat creation including tree planting, the Council will work positively and collaboratively with those landowners or managers seeking to deliver biodiversity gains on site. In addition, the space could be registered as a receptor site for BNG which would allow for the biodiversity gains on that space to be used as compensation against development sites in the District that are not necessarily able to show biodiversity gains.
	2. Where new built facilities or other development is proposed that could harm biodiversity within a designated site proposals will be determined in accordance with the provisions of Policy BNE3 (Biodiversity) and Policy BNE7 (Trees, Woodland, and Hedgerows) of the Adopted Local Plan.

## Policy BNE8 Local Green Space

* 1. Local Green Spaces will be protected from development except in very special circumstances or for the following limited types of development where they preserve the openness of the Local Green Space and do not harm the purpose for its designation:
* The construction of a new building providing essential facilities for outdoor sport, outdoor recreation, cemeteries, allotments or other uses of the open land;
* The carrying out of an engineering or other operation. Designations of Local Green Spaces will be made through a separate Development Plan Document or Neighbourhood Development Plan.
* The Council will work to enhance the biodiversity, heritage, recreation, and tranquillity value and where possible the public accessibility of Local Green Spaces through appropriate site management.

## Local Plan Part 1

## Policy SD2 Flood Risk

* 1. Where new flood related infrastructure is proposed opportunities for delivering environmental improvements including biodiversity gain and green infrastructure delivery should be fully considered by those delivering the project.

## Policy SD3 Sustainable Water Supply, Drainage and Sewerage Infrastructure

* 1. In bringing forward SUDS, as a means of managing surface water run-off, developers will be expected to design schemes to improve river water quality and reduce pressure on local drainage infrastructure and deliver biodiversity gain on sites.

## Policy BNE3 Biodiversity

* 1. The Local Planning Authority will support development which contributes to the protection, enhancement, management and restoration of biodiversity or geodiversity and delivers net gains in biodiversity wherever possible by:
	2. Protecting sites of International, European, National and County importance, together with local nature reserves, from inappropriate development within and adjacent to sites.
	3. Delivering long term plans to restore the River Mease Site of Special Scientific Interest (SSSI)/Special Area of Conservation (SAC) to a more natural condition and improve water quality within Mease and other catchments failing to meet Water Framework Directive objectives.
	4. Developing and maintaining a District-wide ecological network of SSSI’s and local wildlife sites together with corridors and stepping-stones sites to support the integrity of the biodiversity network, prevent fragmentation, deliver ecosystem services, and enable biodiversity to respond and adapt to the impacts of climate change.
	5. Supporting and contributing to the targets set out in the Lowland Derbyshire and/or National Forest Biodiversity Action Plan (BAP) for priority habitats and species.
	6. Protecting ancient woodland and veteran trees from loss, unless the need for, and benefits of, the development in that location clearly outweigh the loss.
	7. Planning proposals that could have a direct or indirect effect on sites with potential or actual ecological or geological importance including:
* Internationally important sites
* Nationally important sites (such as SSSIs)
* Sites of County importance (such as Local Nature Reserves, Local Wildlife Sites and Local Geological Sites)
* Ancient woodlands, veteran trees, and hedgerows
* Priority habitats and species
	1. Will need to be supported by appropriate surveys or assessments sufficient to allow the Authority to fully understand the likely impacts of the scheme and the mitigation proposed. Where mitigation measures, or exceptionally, compensation cannot sufficiently offset the significant harm resulting from the development and/or where the development can potentially be located on an alternative site that would cause less or no harm, planning permission will be refused.

## Reasoning

* 1. The natural environment of the District remains under pressure from a combination of poor land management, agriculture, built development and disturbance. The River Mease, arguably the District’s most important wildlife site, is being negatively impacted by elevated levels of nutrients as result of discharges from local Waste Water Treatment Works, agriculture and urban diffuse pollution. Only 17% of the County’s SSSIs are in a favourable condition, with the remainder at best in an ‘unfavourable recovering’ condition, and in South Derbyshire less than a third of our 156 County Wildlife Sites are recorded as being positively managed for wildlife. Wildlife sites are generally dispersed with limited connectivity between them. It is in this context that the Council is seeking to deliver Government pledges to halt the loss of biodiversity by 2020, a key target of both the National Planning Policy Framework and Biodiversity 2020: A Strategy for England’s Wildlife and Ecosystem Services.
	2. The scale of development growth in South Derbyshire over the Plan period is both a challenge and an opportunity. It is likely that in the short-term development will inevitably have a negative impact on biodiversity and geodiversity, but growth on the scale proposed provides real opportunities to deliver landscape scale change. Growth can provide enhanced linkages and green infrastructure by supporting projects such as the National Forest or environmental improvements within the Trent Valley. It can help secure the long-term management of sites; create opportunities to deliver biodiversity gain onsite by generating financial contributions, or development works which will contribute to the restoration and environmental enhancement of the local environment.
	3. The benefits growth can be reflected by a number of on-going projects within the District. Minerals works along the Trent Valley have created new wildlife sites at Drakelow, Willington and Shardlow. Housing, employment and minerals developments in the south of the District have helped The National Forest Company and other partners positively change the local landscape and on the way have contributed to the planting of 8 million trees increasing forest cover from 6% in the early 1990’s to 20% in 2014, with almost a quarter of planting delivered through the planning system. The recently adopted River Mease Developer Contribution Scheme is ensuring new development does not lead to further deterioration of the SAC as a result of new development, by helping to restore the river to a more natural state and will, over time, contribute towards reducing damaging nutrients within the River.
	4. Where development is proposed that could have a significant impact on the environment, the Council will expect proposals to be accompanied by appropriate ecology surveys and/or geodiversity assessments. These will need to be undertaken by suitably qualified professionals, at the appropriate time of year and will include an assessment of the likely impacts of the proposal and any necessary mitigation or compensation measures, including where relevant improved public access and interpretation of findings.
	5. Where development could affect the River Mease SAC, the Council will expect developers to provide sufficient information as may be necessary to allow the Authority to undertake a Habitat Regulations Assessment.
	6. Ancient woodland, together with ancient/veteran trees, represents an irreplaceable semi natural habitat that does not benefit from full statutory protection. The National Planning Policy Framework is supportive of ancient woodland and ancient trees and states that planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats, including ancient woodland and the loss of aged or veteran trees found outside ancient woodland, unless the need for, and benefits of, the development in that location clearly outweigh the loss.

## Policy INF7 Green Infrastructure

* 1. The District Council will seek to conserve, enhance and wherever possible extend green infrastructure in the District by working with partners to:
* Ensure the continued protection of the District’s ecological, biological and geological assets, with particular regard to sites and species of international, national and local significance;
* Secure development that maximises the opportunities to conserve, enhance and restore biodiversity and geological diversity and to increase provision of, and access to, green infrastructure.
* Promote the appropriate management of features of major importance for wild flora and fauna.
* Support the development of the Green Infrastructure Network as proposed by the 6Cs Green Infrastructure Strategy, linking together Key Strategic Routes of regional and sub regional importance and providing for, in appropriate locations, visitor infrastructure that improves accessibility. The District Council will promote improved green infrastructure provision in the following opportunity areas:
* Trent Strategic River / Trent & Mersey Canal Corridor.
* Derwent Strategic River Corridor.
* Dove Strategic River Corridor.
* Within the National Forest Area.
* Around the edges of Derby City and Swadlincote.
* Positively view proposals that seek to enhance the District’s Green Infrastructure resource in support of tourism and leisure related development.
	1. Within the Trent Valley, or other locally determined Nature Improvement Area, the District Council will support and help deliver the landscape scale change as promoted by the Lowland Derbyshire and Nottinghamshire Local Nature Partnership. Any development within the area defined by the Trent Valley Vision will be expected to contribute towards and assist in delivering the vision in accordance with the strategy. Such contributions may be in the form of appropriate design, suitable form and function, the delivery of Green Infrastructure, landscape and habitat enhancement, financial contributions, or other mechanisms as appropriate, to deliver an overall benefit within the Trent Valley Vision area.
	2. All proposals for development within the catchment for the River Mease will need to demonstrate that they will have no adverse effects on the integrity of the Special Area of Conservation (SAC) either alone or in combination with other proposals and will contribute to long-term objectives to improve the condition of the site.

## Policy INF3 Strategic Rail Freight Interchange

* 1. Any proposal for the development of a Strategic Rail Freight Interchange shall meet all the following criteria:
* The proposal shall not cause undue harm to features of ecological or environmental value and, where possible, shall result in biodiversity gain and enhanced environmental value.

## Policy INF9 Open Space, Sport and Recreation

* 1. Wherever possible the Council will expect new open spaces to connect to existing Green Infrastructure to improve accessibility across and between sites and enhance the biodiversity.

## Policy H22 Sites for Gypsies and Travellers and for Travelling Show-People

* 1. Development does not result in an unacceptable impact on the local environment, including biodiversity, heritage assets or conservation, the surrounding landscape (unless capable of sympathetic assimilation) and compatibility with 89 surrounding land uses.

## Local Plan Part 2

## Policy H23 Non-Strategic Housing Allocations

* 1. The following sites are allocated for housing development as shown on the Policies Map and in the site-specific maps under Policies 23A-N:
	2. The key considerations for each of the sites are:
* Biodiversity impacts

## Policy BNE5 Development in Rural Areas

* 1. Outside of settlement boundaries (as defined in policy SDT1) within the Rural Areas of the district planning permission will be granted where the development:
* Will not unduly impact on landscape character and quality, biodiversity, best and most versatile agricultural land, and heritage assets.

## Policy BNE7 Trees, Woodland and Hedgerows

* 1. Where development is proposed that could affect trees, woodland and/or hedgerows which are important in terms of their amenity, ecological, landscape or historic value, developers will be expected to demonstrate that:
* The layout and form of development have been informed by an appropriate arboricultural and/or hedgerow surveys.
* Development would not suffer from undue shading either now or in the future.
* Appropriate measures are secured to ensure adequate root protection and buffers around trees, woodland, and hedgerows.
	1. The felling of protected trees, groups of trees or woodland and/or removal of important hedgerows, will be considered in accordance with the relevant national guidance and regulations, taking account of their amenity, ecological, landscape and historic value. Where protected trees and/or hedgerows are subject to felling or removal, a replacement of an appropriate number, species, size and in an appropriate location will normally be required.
	2. Development proposals which will have a detrimental effect on important trees, woodland or hedgerows must satisfactorily demonstrate how the impact on biodiversity has been minimised and, wherever possible, a net biodiversity gain delivered through appropriate mitigation, compensation, or offsetting, including through new planting or improved management of retained trees and hedgerows. New planting will be expected to be adequately managed to reach full maturity.
	3. Where new planting is proposed on development sites, principal consideration should be given to planting tree species which are in keeping with the urban or rural character of the area. However, where appropriate, wider environmental or amenity benefits including improvements to local air quality, erosion control, land drainage or shading should be considered.

## INF8 (The National Forest)

* 1. The National Forest Strategy (2014-24) promotes planting guidelines relating to all forms of development in the National Forest.

**Development Type Thresholds Forest Green Infrastructure**

Residential 0.5ha - 10ha 20%

Employment 1ha - 10ha 20%

All Development Over 10ha 30%

* 1. In exceptional circumstances, where planting cannot be accommodated to this scale within the

development, the shortfall should be addressed by a contribution to off-site planting of £35,000

per hectare secured through a Section 106 agreement.

## Ecology Bill: Ecological Crisis Motion

* 1. This Council formally declares an ecological emergency in response to the ongoing threat to wildlife and ecosystems. The declaration recognises the essential role that nature plays and provides a statement of intent, to enhance and restore our natural landscape, local wildlife, rivers, streams, water resources, habitats and trees and resist the destruction of such habitats through a considered and sustainable local planning policy.
	2. This motion will see the council add ecological considerations, together with any implications, alongside those for climate, sustainability, and nature recovery in our new corporate plan as strategic priorities embedded within all areas of council engagement.
	3. The Council will continue to collaborate with our communities, businesses and other organisations, existing networks, and partnerships to improve ecological literacy, encourage greater biodiversity, increase local sustainable food production to protect food security, tree planting and management.

## Action Plan for Nature

* 1. The Action Plan for Nature provides a strategic and spatial plan for nature’s recovery in the South Derbyshire District. The Action Plan for Nature determined strategically critical areas within the district for habitat enhancement, restoration, or creation, based on the three broad habitat types existing within the district; Grassland, Woodland and Wetland and has suggested key areas for habitat protection and expansion based on species movement and connectivity bottlenecks, providing spatial priorities for connectivity enhancement.
	2. The key strategic areas identified in the modelling shows the suitability of sites for enhancement or creation and will be especially useful for determining biodiversity net gain schemes or planning decisions, to strengthen the nature recovery network and contribute positively towards ecosystem services. This information should feed into the Local Recovery Plan and determine future planning policy.
	3. Several geographical areas were identified as being strategically significant for enhancement or creation of all three broad habitat types and should provide the basis for nature recovery efforts going forward. These are the Trent Valley, Dove Valley and the Calke Park/Staunton Harold/Foremark area.
	4. Two areas, Radbourne Park and Drakelow, were highlighted as being bottlenecks for species dispersal for more than one broad habitat type, which suggests they are of high importance for habitat protection, enhancement, and surrounding habitat creation.
	5. The South Derbyshire Action Plan for Nature aims to provide a recovery for nature and biodiversity; allowing projects to be strategically planned to maximise the benefit to nature, targeting key areas of connectivity and identifying where development is best placed to limit negative impacts. However, if integrated into policies, procedures, and partnerships, it has the potential to deliver huge, combined benefits, delivering essential ecosystem services such as flood reduction, pollination, cleaner water, carbon storage and access to nature for health and wellbeing.

## Lowland South Derbyshire Biodiversity Action Plan

* 1. The current Local Biodiversity Action Plan (LBAP) 2011-2020 examines the state of nature throughout lowland Derbyshire and sets targets for maintenance, restoration and expansion of habitats and species. South Derbyshire is covered by three Action Plans split by the landscape character areas: National Forest, Trent and Dove Valley and The Claylands. The South Derbyshire Action Plan for Nature aims to build on the work of the LBAP, updating and combining the baseline data for the district and targeting the spatial opportunities.

## South Derbyshire District National Character Areas

* 1. The LBAP areas are simplified from the National Character Areas. South Derbyshire is predominantly agricultural in land use with mixed arable and pasture farming. A band of woodland exists in the centre of the district and small urban settlements are scattered with the largest town, Swadlincote, towards the south of the district. At a more detailed level the district varies from floodplain corridors to parklands of grand country houses. The district comprises five National Character Areas (NCAs) which are split relatively equally between; the Claylands, Trent Valley Washlands, Melbourne Parklands, the Coalfields and Mease/ Sence Lowlands.

# BNG Process

* 1. A range of options for the management of onsite BNG features (such as local management groups, or management companies) will be considered on a case-by-case basis as appropriate to each application, with all costs to be borne by the developers and suitable legal agreements in place to ensure long term effective delivery and security of outcomes. This may include requirements for upfront maintenance contributions from developers, as commuted sums.
	2. The levels of maintenance contribution will of course relate to the nature of the net gain mitigation; clearly many features can be integrated into on-site green and blue infrastructure.
	3. For offsite BNG, the use of Section 39 Agreements and Conservation Covenants will be essential.

# BNG Metric

* 1. Biodiversity Metric 4.0 is the latest version of the DEFRA metric, all references to the Defra Biodiversity Metric in this document relate to latest version of the adopted Metric. It uses habitat as a proxy for wider biodiversity with different habitat types scored according to their relative biodiversity value. This value is then adjusted, depending on the condition and location of the habitat, to calculate ‘biodiversity units’ for that specific project or development, based on criteria such as the habitat distinctiveness, condition and extent.
	2. Biodiversity Metric 4.0 (or its adopted successor) can be used to measure both on-site and off-site biodiversity changes for a project or development and can be used to measure the change in biodiversity achieved by different land management interventions.
	3. Biodiversity gains achieved from metric calculations considers solely those gains and does not necessarily mean a development meets any wider requirements of planning policy or law relating to nature conservation or biodiversity and should only be used after the application of the mitigation hierarchy.
	4. The DEFRA Metric calculations must be made by a suitably qualified ecologist who will need to undertake an appropriate on-site ecological appraisal (to best practice standards) with the evidence base supported by robust and transparent survey information and justification.
	5. The metric will need to be supported by a UKHAB classification map embedded within the metric or attached in a suitable format with area classification and exact parcel numbering for easy reference when examining metric calculations.

## Principles and Rules of the Biodiversity Metric

* 1. Principle 1: The metric does not change the protection afforded to biodiversity.
	2. Principle 2: Biodiversity metric calculations can inform decision-making where application of the mitigation hierarchy and good practice principles conclude that compensation for habitat losses is justified.
	3. Principle 3: The metric’s biodiversity units are only a proxy for biodiversity and should be treated as relative values.
	4. Principle 4: The metric focuses on typical habitats and widespread species; important or protected habitats and features should be given broader consideration.
	5. Principle 5: The metric design aims to encourage enhancement, not transformation, of the natural environment.
	6. Principle 6: The metric is designed to inform decisions, not to override expert opinion.
	7. Principle 7: Compensation habitats should seek, where practical, to be local to the impact
	8. Principle 8: The metric does not enforce a mandatory minimum 1:1 habitat size ratio for losses and compensation but consideration should be given to maintaining habitat extent and habitat parcels of sufficient size for ecological function.

## Rules

* 1. Rule 1: Where the metric is used to measure change, biodiversity unit values need to be calculated prior to the intervention and post-intervention for all parcels of land / linear features.
	2. Rule 2: Compensation for habitat losses can be provided by creating new habitats, or by restoring or enhancing existing habitats. Measures to enhance existing habitats must provide a significant and demonstrable uplift in distinctiveness and/or condition to record additional biodiversity units.
	3. Rule 3: ‘Trading down’ must be avoided. Losses of habitat are to be compensated for on a ‘like for like’ or ‘like for better’ basis. New or restored habitats should aim to achieve a higher distinctiveness and/or condition than those lost. Losses of irreplaceable or very high distinctiveness habitat cannot adequately be accounted for through the metric.
	4. Rule 4: Biodiversity unit values generated by biodiversity metric 4.0 are unique to this metric and cannot be compared to unit outputs from version 2.0, the original Defra metric, or any other biodiversity metric. Furthermore, the three types of biodiversity units generated by this metric (for area, hedgerow, and river habitats) are unique and cannot be summed.
	5. Rule 5: It is not the area/length of habitat created that determines whether ecological equivalence or better has been achieved but the net change in biodiversity units. Risks associated with creating or enhancing habitats mean that it may be necessary to create or enhanced a larger area of habitat than that lost, to fully compensate for impacts on biodiversity.
	6. Rule 6: Deviations from the published methodology of biodiversity metric 3.0 need to be ecologically justified and agreed with relevant decision makers. While the methodology is expected to be suitable in most circumstances it is recognised that there may be exceptions. Any local or project specific adaptations of the metric must be transparent and fully justified.

## Use of the Metric:

* 1. To demonstrate how development proposals, meet the requirements for Biodiversity Net Gain (BNG), major applications will be expected to:

**1**. Establish Baseline Biodiversity Unit Score (Pre-development)

* 1. Assess the existing number of Biodiversity Units on the site using the latest version of the DEFRA Metric as part of on-site ecological appraisals performed by a suitably qualified ecologist.

**2**. Design Net Gains into Development Proposals

* 1. Use the information to design the site layout using the principles of the Mitigation Hierarchy. All schemes need to evidence base early consideration of habitat retention and enhancement of the best quality habitats on site. This should already be evidenced through the Ecology Assessment.

**3.** Calculate Projected Biodiversity Unit Score (Post-development)

* 1. Calculate the Headline Results of the BNG Metric for the completed development (final scheme design scheme) alongside standard environmental reporting such as Environmental Impact Assessments and ecology surveys. This must demonstrate how a minimum 10% Net Gains, will be achieved over a 30-year period. If it does not, return to stage 2 and re-design the scheme to create additional BNG. This applies to non-minerals sites, as substantively higher BNG will be expected on new minerals sites and extensions.

**4.** Submit Biodiversity Calculations for Validation

* 1. The submission of a stand-alone document that shows a minimum 10% Net Gain (target 20% or higher) increase in biodiversity from the DEFRA Metric, along with its associated calculations, should be provided at validation stage.

**5.** Formulate a Post Construction Environment Management Plan

* 1. Submit and agree a habitat management plan that describes habitat management prescriptions and responsibilities in order that the LPA can assess whether the target habitats and conditions are achievable and realistic. The Plan will also ensure that the post development enhanced habitats can be effectively managed to achieve their target condition for a minimum 30-year period in line with DEFRA recommendations. This may be secured by way of planning condition.
	2. To calculate Biodiversity Units for the habitats pre- and post-development the information on the habitats present before the development and post development will be required.
	3. This data will ideally be in the format of a mapped GIS layer containing UKHAB habitat and habitat condition information for the baseline; and A GIS layer containing the landscape plan or equivalent identifying the habitats that will be retained, created, or enhanced on site and the target area and condition for each of these habitats.
	4. From this information the factors listed below can be gathered to run the assessment. All the factors are assigned a numerical score which are multiplied together to achieve the overall linear / biodiversity unit output:
* The area or length (for water courses or hedges) of the habitat.
* The distinctiveness of the habitat.
* The condition of the habitat.
* The connectivity of the habitat.
* The strategic significance of the habitat and
* Whether it is lost or retained.
	1. Distinctiveness values are pre-determined and cannot be changed. Condition values are usually determined by an ecological survey following standardised condition assessments and Strategic Significance is determined with reference to local policies and in consultation with South Derbyshire District Council using the Strategic Significance maps provided within this framework.
* The metric determines the offset habitat contribution by ensuring Trading-In-Kind with the aim to keep to the same type of broad habitat so:
* Trading between low distinctiveness habitats is acceptable.
* Trading carefully between moderate distinctiveness habitats is acceptable.
* Trading up from low and moderate to moderate or high distinctiveness habitats where possible and suitable.
* Do not trade between high distinctiveness habitats (unless there are clear and overriding ecological reasons).

# Charges & Costings

## Monitoring & Enforcement Fee

* 1. SDDC will set specific and proportionate monitoring requirements as part of planning conditions and obligations used to secure significant on-site and off-site habitat enhancements. Due to the increased risk from having to monitor obligations for a 30-year period, SDDC will charge a monitoring and enforcement fee for all off-site biodiversity offsetting schemes to ensure the management of the land as per the agreed biodiversity enhancement and management plan (BEMP) supplied as part of the planning process.
	2. The monitoring fee will be: (Based on £285 day rate)

|  |  |  |  |
| --- | --- | --- | --- |
| **Monitoring Fee Cost** |   |   |   |
|   | **Technical Difficulty:** |   |   |
| Size: | Low | Moderate | High |
| Small (0 to 10ha) | £3,508.85 | £6,667.41 | £10,242.80 |
| Medium (10+ to 20ha) | £5,848.09 | £9,198.10 | £14,632.58 |
| Large (20+ to 40ha) | £11,696.18 | £15,768.18 | £20,485.61 |

* 1. The enforcement fee will £2000 per site.

## Habitat Bank Set Up Fee

* 1. Officer time to review information submitted by Habitat bank provider ahead of signing S106 or conservation covenant.
	2. The habitat bank set up fee will be per £7000 biodiversity unit.

## Insurance Fee

* 1. Insurance Fee is costed at 10% of the total fee + Inflation (1.75%)

## Pre-App Service

* 1. Given BNG should be considered from the outset of a project, information that is proportionate to the proposal and stage of the project should be submitted with requests for pre-application advice. Equally, with Outline or Reserved Matters applications, the information provided should be relevant and proportionate to the matters for consideration.
	2. SDDC will ensure a suitably qualified and accredited ecologist will check/approve the application and interpretation of the Metric to enable consistent BNG delivery across the district. This may take the form of a screening process focusing on priority habitats and/or large losses and/or larger applications.
	3. South Derbyshire does not currently charge for a pre-application advice service but does have consent to charge for a pre-app service.
	4. Contributions from Biodiversity Net Gain under The Environment Bill provides that payments received for credits can only be used in three ways (see c.92(6), part 6, Env Bill 2020): carrying out works, or securing the carrying out of works, for the purpose of habitat enhancement; or, purchasing interests in land in England with a view to carrying out works, or securing the carrying out of works for habitat enhancement; or, operating or administering the BNG credit arrangement.

## Biodiversity Unit Calculation

* 1. SDDC currently use the recommended DEFRA figure for guidance priced at £20k/unit. Subject to a review operating under a full cost recovery principle, the cost per unit will be based on site specific costs. This is likely to increase the cost associated with BNG units, but this will maintain they are cost-effective for South Derbyshire District Council and are relative to the predicted free market values. These site-specific costs will use detailed and bespoke cost estimation examples. As experience grows in the management of BNG sites, expenditure and therefore cost might have to be more realistic under changing circumstances and therefore the associated cost per unit may fluctuate.
	2. DEFRA have released the Statutory Unit Cost at a base of £42k/per unit for low distinctiveness habitats, this gives an indication of the upper price range for biodiversity units.

# Reviewing and Assessing a Biodiversity Net Gain Assessment

* 1. When reviewing BNG in relation to development projects, SDDC will assess whether the following principles have been followed:
	2. Environmental legislation and national policy have been followed and that any appropriate avoidance, mitigation and/or compensation measures have been agreed with the relevant statutory bodies for any potential impacts on legally protected species, SSSIs, SACs, SPAs, Ramsar sites or irreplaceable habitats. If present, SSSIs, SACs, SPAs, Ramsar sites or irreplaceable habitats have been excluded from biodiversity unit calculations.
	3. The biodiversity units are reported for each broad habitat type and any habitat of principal importance type as well as an overarching figure.
	4. The overall claim matches the claim against the delivery of the habitat type with the worst outcome, the lowest percentage increase or greatest loss.
	5. Evidence that the outputs of the metric have informed the design and improved the biodiversity outcomes of the project. For example, changes in design or updated landscape plans where these have taken place.
	6. Evidence that the design of the project contributes toward specific targets and goals set out in the South Derbyshire District Local Plan or the South Derbyshire Action Plan for Nature.
	7. A brief commentary should be provided against each of the ten good practice principles, providing evidence on how they have been met.
	8. All references to external documents are correct at the time of writing. The current version of these documents, at the time of assessment, should be used.
	9. Submission of monitoring reports will need to be in accordance with the conditions and legal agreements applied to the planning permission given.

# Stakeholder Engagement

* 1. Major stakeholders within the district were contacted to identify opportunities for enhancement or creation of habitats or ascertain potential partnerships.
	2. Organisations included National Forest, Woodland Trust, National Trust, Forestry England, Forestry Commission, Trent Rivers Trust, Environment Agency, Severn Trent, RSPB and colleagues within Derbyshire Wildlife Trust and South Derbyshire District Council. These key partners will work together to address the climate and biodiversity crises through ensuring BNG delivers for people and wildlife in an equitable way, consistently across the district, so that South Derbyshire’s nature recovery delivers multiple benefits for all.

## Local Planning Authority

* 1. SDDC will have the responsibility for embedding Biodiversity Net Gain within their planning functions, requiring Biodiversity Net Gain from developments falling within their remit and overseeing the delivery of Biodiversity Net Gain, in addition to the monitoring and enforcement of obligations proposed under the BNG process.
	2. SDDC will;
* Develop a bank of BNG receptor sites agreed consistently and equitably about the agreed spatial and habitat priorities and maps.
* There will be a consistent assessment of sites and their potential BNG value to be in the bank.
* SDDC will use the recommended DEFRA figure for guidance (£20k/unit currently but may be subject to review to obtain full cost recovery) where possible and/or bespoke agreements if necessary.
* The Biodiversity Metric 4.0 (or its adopted successors) will be used consistently and assessed only by suitable qualified ecologists.
* Monitoring will be paid for by developers in accordance with their obligations and delivered through SDDC.
	1. Derbyshire Wildlife Trust receives reports, and the GIS outputs from the Biodiversity Net Gain assessment and SDDC Parks & Green Spaces. This will incur a fee that should be paid directly to SDDC. Then undertake several mandatory checks in relation to Biodiversity Net Gain assessment work.
	2. Additionally, where an applicant would like to commission SDDC to undertake some of the Biodiversity Net Gain assessment work (which would otherwise be undertaken by contracted ecological consultants providing the EcIA). Discretionary services provided will incur a fee in accordance with the nature and extent of work.
	3. Monitoring Checks will occur:
* At the planning application stage.
* At the end of construction.
* At intervals of at least 2,5,10,20 & 30 years during habitat management when monitoring reports are submitted.

## Potential Offset Providers

* 1. If Biodiversity Net Gain cannot be delivered on site and an offset is required, other bodies should be engaged as potential offset providers. These organisations will need to be able to identify offset sites and put in place the management, monitoring and reporting required to deliver the biodiversity gains required.
	2. The Council is unable to recommend third-party offset providers, however we are aware of these organisations, which can provide, or are in the process of developing, offset sites within South Derbyshire. Others may also exist:
* Environment Trading Platform Ltd
* Environment Bank Ltd
* Derbyshire Wildlife Trust

# Offsite BNG Strategy

* 1. Biodiversity Net Gain will be utilized to maximise on-site mitigation and enhancement for biodiversity, where this provides the best outcomes for nature and habitats. However, given the current biodiversity and climate crisis coupled with the need for ambitious targets identified in the Action Plan for Nature, it may be practical, ecologically, to accept reasonable Net Loss on specific developments, to deliver wider improvements at the landscape scale. On a case-by-case basis the best ecological outcome may be to deliver on site or offsite or to fund a habitat creation or restoration project. The financial contribution will be stored as a commuted sum and then used for nature conservation elsewhere, through the restoration, creation, or enhancement of biodiversity within the South Derbyshire District, to fulfil goals within the Local Plan and/or the Action Plan for Nature.
	2. The best areas for biodiversity offsets can be identified using the Strategic Significance and the Spatial Risk factors. The top priorities for offsetting will be close to the area of impact and in an area of high strategic priority. The offset should aim to contribute to the Local Nature Recovery Strategy.

# Spatial Risk

* 1. South Derbyshire is developing a Local Nature Recovery Strategy (LNRSs), these will become mandatory and a statutory document under the Environment Bill and will identify priority actions for biodiversity and nature recovery across South Derbyshire and the Derbyshire County. The map of biodiversity strategic priorities and opportunities which will underpin the greater LNRSs and the NRN will be developed as an initial draft following on after wider consultation.
	2. The spatial risk element of the metric relates only to off-site BNG and takes into consideration the distance between the site of habitat loss (the planning application red line boundary) and the off-site BNG site outside of the planning red line boundary, when it is not possible to deliver all required BNG on-site.
	3. Spatial Risk comprises one of the three components in the metric that help determine the value of the post-intervention scenario and biodiversity unit value for both on and off-site BNG within the Natural England Biodiversity Metric

## Spatial Risk Factor

* 1. Compensation inside local planning authority or National Character Area (NCA), or deemed to be sufficiently local, to site of biodiversity loss;
* Within the LPA where the impact occurred. 1
* Compensation outside local planning authority or NCA of impact site but in neighbouring local planning authority or NCA Within the neighbouring LPA 0.75
* Compensation outside local planning authority or NCA of impact site and beyond neighbouring local planning authority or NCA Outside the neighbouring LPA. 0.5

## Temporal Risk Factor

* 1. Decrease the time any habitat is lost for by putting in place measures for restoring and compensating for habitats as early as possible. Increased time lags create increased risk, which is factored into the biodiversity assessment. Minimising the time lag will decrease the compensation requirements for the project.
	2. The time to target condition determines a pre-assigned score based on how long the habitat type takes to establish and reach a target condition.

## Habitat Difficulty Factor

* 1. A pre-assigned score based on the difficulty a habitat type is to create, restore or enhance.

# Strategic Significance of BNG

* 1. Under the ‘Lawton Principles’ of ‘more, bigger, better and more joined up’, BNG should provide context to how it fits in within the landscape, this is done by the application of Strategic Significance and Spatial Risk within BNG delivery. Strategic Significance is the understanding of how a specific parcel of habitat sits within its landscape context. It is a landscape scale approach to ensure that biodiversity net gain is incentivised so that the right habitat is in the right place within the landscape. Here Strategic Significance comprises one of the three components that are used to determine the quality of a habitat both on-site and off-site of a planning application site:

## High Strategic Significance / Within area formally identified in the local policy.

* 1. This decision must be justified to the LPA in writing. This category can only be applied when habitat enhancement or creation comprises priority habitat that falls within the description or target of a specific BOA and is located specifically within that BOA.
	2. Within an area identified as ‘South Derbyshire Strategic Opportunity Areas for the Improvement of Green and Blue Infrastructure for the enhanced delivery of Ecosystem Services’, or in a Local Plan, biodiversity, or GI plan/strategy, including Sites of Biological Importance (SBIs), and the Local Nature Recovery Network.

## Medium Strategic Significance / Location ecologically desirable but not in local strategy.

* 1. This decision must be justified to the LPA in writing Habitats that are enhanced or created for BNG either on-site or off-site are considered ‘ecologically desirable’ if the location and type of habitat produced is justified by a professional ecologist.
	2. No local strategy in place but best ecological knowledge suggests that the location has some strategic significance at district or landscape level, for example, woodland buffering other habitats of higher value or habitat provides an important ecological function such as providing a stepping-stone.

## Low Strategic Significance / Area/Compensation not in local strategy/no local strategy.

* 1. This is the default category, any other habitat parcel that cannot be assigned medium or high Strategic Significance or Not in area defined in the local policy.
	2. It has been agreed that both spatial and descriptive resources will be used to determine Strategic Significance in this interim period until LNRS’s help determine specific guidance.
	3. The key documents that have been used are the Action Plan for Nature and the Biodiversity Action Plan (BAP) for South Derbyshire alongside geographical subsets like Natural Character and Biodiversity Action Plan areas.
	4. Strategic Significance for grassland, woodland and wetland has been determined using percentage cover of those habitats to help inform the creation of a zone map (Appendix 1).

## Biodiversity Opportunity Areas (BOAs)

* 1. BOAs are the most important areas that conservation effort particularly through BNG should be focused on for improving and creating habitats to improve connectivity and/or to prevent isolation and address absence of desired habitats.

# BNG Planning Conditions

## Where Management Plan is already AGREED within the application

1. The development hereby permitted shall be carried out in accordance with the submitted Biodiversity Gain Plan and Biodiversity Management Plan prepared by () and dated (), to ensure that there is a minimum 10% net gain in biodiversity within a 30-year period because of the development and the Plan shall be implemented in full.
2. Monitoring reports will be submitted to the Council during years 2,5, 10, 20 and 30 from commencement of development unless otherwise stated in the Biodiversity Management Plan from commencement of development, demonstrating how the BNG is progressing towards achieving its objectives, evidence of arrangements and any rectifying measures needed.
3. Reason: In the interests of ensuring measurable net gains to biodiversity and in accordance with Policy of the South Derbyshire Local Plan and paragraphs 174 and 180 of the National Planning Policy Framework 2021.

## Where Management Plan NOT YET agreed

1. The development hereby permitted shall be carried out in accordance with the submitted Biodiversity Gain Plan prepared by () and dated (), to ensure that there is a minimum 10% net gain in biodiversity within a 30-year period because of the development and the Plan shall be implemented in full. No development shall commence until a Biodiversity Monitoring Plan to ensure that there is a minimum 10% net gain in biodiversity within a 30-year period because of the development has been submitted to and agreed in writing by the Local Planning Authority. The Biodiversity Management Plan shall include 30-year objectives, management responsibilities, maintenance schedules and a methodology to ensure the submission of monitoring reports. Monitoring reports will be submitted to the Council during years 2,5, 10, 20 and 30 from commencement of development unless otherwise stated in the Biodiversity Management Plan demonstrating how the BNG is progressing towards achieving its objectives, evidence of arrangements and any rectifying measures needed.

## Outline Condition Where Layout and BNG Gain Plan / Management Plan NOT agreed)

1. An application for approval of reserved matters which includes “layout" shall include a Biodiversity Gain Plan and Management Plan to ensure that there is a minimum 10% net gain in biodiversity within a 30-year period because of the development. The net biodiversity impact of the development shall be measured in accordance with the DEFRA biodiversity metric as applied in the area in which the site is situated at the relevant time. The Biodiversity Management Plan shall include 30-year objectives, management responsibilities, maintenance schedules and a methodology to ensure the submission of monitoring reports.

# Section 106 Wording

# Instructing a Section 106 for Biodiversity Net Gain

* 1. There are 2 reasons to instruct a S106 in relation to BNG:
* To obligate the provision of a Biodiversity Net Gain Plan in which the applicant must identify which option(s) they will use to result in Biodiversity Net Gain for their development.
* To secure land that is to be used as an offset site or Habitat Bank. This is the land that the habitat will be created or enhanced on as compensation for losses onsite. The land must be secured for at least 30 years, with the landowner obligated to follow the Management and Monitoring Plan for that site.

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| Outline & Full Permission Definitions  |
| **Term Definition** |
| “Agreed Receptor Site” | An agreed area of land that falls outside of the development site, upon which a Biodiversity Offsetting Scheme will be implemented and constructed in accordance with the Biodiversity Net Gain Management and Monitoring Plan as approved by the Council. Should ' Biodiversity Net Gain Management and Monitoring Plan' also be defined. |
| “Biodiversity Audit Report” | A written report on how to audit the Biodiversity Offsetting Scheme. The Report shall be prepared by the Owner following the surveying of habitats and entering their condition and distinctiveness into the Biodiversity Metric. The timeline for submitting the Biodiversity Audit Report to the Council should be detailed in the BNG Design Stage Report. The Biodiversity Audit Report shall highlight any actions which must be undertaken to achieve the Total Net % Change required by the Biodiversity Offsetting Scheme.  |
| “Biodiversity Impact Assessment” | A written report detailing the use of the Biodiversity Metric to calculate the biodiversity impact of the Development measured in Biodiversity Units |
| “Biodiversity Loss” | A negative Area Habitat Biodiversity Unit (AHBU), Hedgerow Biodiversity Unit (HBU) or River Biodiversity Unit (RBU) score when compared to the Biodiversity Unit Baseline. |
| “Biodiversity Monitoring Contribution” | The sum calculated as per development size and technical difficulty unless instructed otherwise such sum to be increased by the amount (if any) equal to the percentage rise in the Retail Price Index from the date of this Deed to the date the sum is paid to the Council to cover the Council’s costs of monitoring and enforcing compliance with the Biodiversity Offsetting Scheme and reviewing the Biodiversity Audit Report(s) |
| “Biodiversity Metric”  | The mechanism with reference to Biodiversity Metric 4.0 (or its superseded version) to quantify impacts on biodiversity that allows a Biodiversity Loss and/or a Biodiversity gain affecting different habitats to be compared and ensures the biodiversity offsetting proposed is sufficient to compensate for any residual losses of biodiversity. Subject to 8 Principles and 6 Rules.  |
| “Biodiversity Metric 4.0 User Guide” | The latest Government metric which must be used by applicants in the most recent survey season prior to the submission of the Planning Application unless an alternative is agreed by the Council prior to the said submission. The metric guidance and the prevailing law should be consulted to establish if there is an exemption from the biodiversity net gain assessment for the proposed development.  |
| “Biodiversity Net Gain” | A positive Area Habitat Biodiversity Unit (AHBU), Hedgerow Biodiversity Unit (HBU) or River Biodiversity Unit (RBU) score when compared to the Biodiversity Unit Baseline. A mandatory requirement for 10% (other than exemptions and small sites) will be required on applications as of November 2023. Otherwise referred to as ‘BNG’.  |
| “Biodiversity Net Gain Design Stage Report”/”BNG Design Stage Report” | The report submitted to the Council as part of the Planning Application which includes a fully completed Biodiversity Metric to assess the Biodiversity Unit Baseline in accordance with the timetable for its submission as set out in the BNG Design Stage Report approved by the Council. |
| “Biodiversity Net Gain Management and Monitoring Plan” | A plan for the Agreed Receptor Site and/or on-Site mitigation which shall include details of its provision; any offsetting measures such as improvement works required, in order to demonstrate how it will achieve the required Biodiversity Net Gain; its management and maintenance for not less than thirty (30) years from the date of implementation of the Biodiversity Offsetting Scheme; and the methodology format and frequency of written monitoring reports to be provided to the Council together with access and inspection arrangements to facilitate such monitoring; which plan shall have been submitted to and approved in writing by the Council. |
| “Biodiversity Offsetting Scheme” | A scheme to compensate for any Biodiversity Loss and deliver the required percentage of Biodiversity Net Gain for the Planning Application, either through on-Site mitigation and/or by off-Site offsetting and/or by payment of an Offsetting Contribution where the securing of biodiversity net gain is to be delivered off-site (determined by the Biodiversity Contribution Calculator). The scheme shall include the timing of the implementation of the scheme and submission of the relevant details including the Biodiversity Net Gain Management and Monitoring Plan and/or payment of the Offsetting Contribution where applicable.  |
| “Biodiversity Unit” | The unit of biodiversity as measured by the Biodiversity Metric and expressed as an Area Habitat Biodiversity Unit (AHBU), Hedgerow Biodiversity Unit (BHU) and / or River Biodiversity Unit (RBU). |
| “Biodiversity Unit Baseline” | Comprises the Biodiversity Unit value of the Site.  |
| “Biodiversity Contribution Calculator” | The mechanism used by South Derbyshire District Council to calculate the Offsetting Contribution. This will be secured as a fee to the Council through legal agreement with the applicant.  |
| “Conservation Covenant” | An agreement meeting the requirements contained in section 117 of the Environment Act 2021. |
| “Habitat Unit or Area Habitat Biodiversity Unit (AHBU)” | A Biodiversity Unit that relates to area habitats (which may include woodland, grassland, wetland, coastal, intertidal or other habitat types) as defined by the Biodiversity Metric User Guide. |
| “Hedgerow Unit or Hedgerow Biodiversity Unit (HBU)” | A biodiversity unit that relates to ‘hedgerows and lines of trees’ linear habitats as defined by the Biodiversity Metric User Guide. |
| “Offsetting Contribution” | The payment of a sum of money to the Council as part of a Biodiversity Offsetting Scheme, to be calculated in accordance with the Biodiversity Contribution Calculator, such sum to be increased by the amount (if any) equal to the percentage rise in the Index from the date of this Deed to the date the sum is paid and which is to be used by the Council for funding long-term conservation projects in the Council’s administrative area which will deliver Biodiversity Net Gain. |
| “Over-arching BIA” | For an outline planning permission and/or Phased Development, the Biodiversity Impact Assessment which was submitted as part of the outline Planning Application and approved by the Council. |
| “Phased BIA” | A Biodiversity Impact Assessment which is carried out for a Phased Development and which:1. in the case of the first Phased BIA to be submitted to the Council updates the Over-arching BIA; or
2. in the case of a subsequent Phased BIA updates the most recently approved Phased BIA

To take account of the detailed proposals for that Phase, as set out in the relevant Reserved Matters Application and/or Reserved Matters Approval(s). |
| “Phased Development”  | a development that involves the construction of the Development via a series of construction phases of the whole Site. These phases are usually defined by a Phasing Plan and “Phase” shall be construed accordingly. |
| “Phasing Plan” | A plan to be approved by the Council before Commencement of Development identifying the number, location, extent, and programming of construction phases of the whole Site and showing the number of Dwellings and Open Space to be provided in each Phase and the location and provision of the Open Space serving the Site. |
| “Reserved Matters” | The details of the Development to be submitted to and approved by the Council in relation to access, appearance, landscaping, layout, and scale as relevant. |
| “River Unit or River Biodiversity Unit (RBU)” | A biodiversity unit that relates to rivers and streams as defined by the Biodiversity Metric 4.0 User Guide. |
| “Small Sites Metric (Biodiversity Metric 4.0)” | A simplified version of the Biodiversity Metric 4.0 specifically designed for use on smaller sites (1 - 9 dwellings with a site area less than 0.5 hectares; and new build and replacement commercial applications) with certain exemptions. Only applicable if BNG provided on-site. Required from April 2024.  |
| “Total Net % Change” | Means the combined on-Site and off-Site Biodiversity Net Gain or Biodiversity Loss as a percentage of the on-Site Biodiversity Unit Baseline. From November 2023, unless specified otherwise through exemptions, the figure must not result in less than a 10% net gain.  |
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**SCHEDULE \*\*\***

**Owner’s Covenants with the Council**

**Part 1 – Biodiversity Offsetting**

**[Full Permission Obligations:]**

The Owner covenants:

1. Unless otherwise approved in writing by the Council not to Commence the Development until:

 1.1 A Biodiversity Offsetting Scheme to compensate for a Biodiversity Impact Assessment score of [insert figures] Area Habitat Biodiversity Units (AHBUs), [insert figures] Hedgerow Biodiversity Units (HBUs) and [insert figures] River Biodiversity Units (RBUs) has been submitted to and approved in writing by the Council. The approved Biodiversity Offsetting Scheme shall ensure that the Development shall result in a Biodiversity Net Gain of not less than 10%, in accordance with the Environment Act 2021, National Planning Policy Framework, the Local Nature Recovery Strategy for Derbyshire, and Local Planning Policy [South Derbyshire Action Plan for Nature, the South Derbyshire Local Green Spaces Plan, Local Plan Part 1 Policies SD2, SD3, BNE3, INF7, INF3, INF9, H22 and Local Plan Part 2 Policies H23, BNE5 and BNE7]; and

1.2 The methodology and timetable for the production of each Biodiversity Audit Report has been submitted to and approved in writing by the Council which report shall be produced following monitoring of the Biodiversity Offsetting Scheme conducted by the Owner between April and October of the year in which it is due and which is to be undertaken annually for the first five years from the year of implementation of the Biodiversity Offsetting Scheme and thereafter once every five years on the anniversary of the date of the first Biodiversity Audit Report or the date upon which such report fell due, whichever is the earlier, and which shall be provided to the Council within one month of its production and prior to any subsequent changes in management of the Biodiversity Offsetting Scheme being made PROVIDED THAT a variation to any of these requirements may be agreed in writing by the Council.

1. The Biodiversity Offsetting Scheme shall include either those matters set out in paragraph 2.1 or paragraph 2.2 below:

2.1 (a) The identity of an Agreed Receptor Site or Agreed Receptor Sites:

 (b) A Biodiversity Net Gain Management and Monitoring Plan; and

(c) The provision of contractual terms (which will consist of a planning obligation agreed by all parties with an interest in the Receptor Site(s) pursuant to Section 106 of the 1990 Act; or a Memorandum of Understanding with South Derbyshire Council if the Council is the freehold owner of the Receptor Site; or a Conservation Covenant) to secure the delivery of the Biodiversity Offsetting Scheme; or

2.2 Provision for an Offsetting Contribution to be paid to the Council. The Offsetting Contribution shall not be less than £() exclusive of Indexation. The Council shall use the Offsetting Contribution to enhance and secure the long-term management of biodiversity within the Council’s administrative area.

3. If paragraph 2.1 above applies, to:

3.1 provide the Council with no less than ten (10) Working Days’ notice in writing of the implementation of the approved Biodiversity Offsetting Scheme; and

3.2 to implement the approved Biodiversity Offsetting Scheme in accordance with the time limits set out therein (unless otherwise agreed in writing by the Council); and

3.3 not to carry out any changes to the approved Biodiversity Offsetting Scheme without the prior written consent of the Council.

Provided that [Instructions required on a case-by-case basis: no building forming part of the Development/ no more than the specified number of Dwellings] shall be Occupied until the Biodiversity Offsetting Scheme has been implemented.

4. If paragraph 2.2 above applies, not to Commence the Development until the Offsetting Contribution has been paid to the Council.

5. Not to Occupy [Instructions required on a case-by-case basis: any building forming part of the Development/ any more than the specified number of Dwellings] until it has paid the Biodiversity Monitoring Contribution and to pay the Biodiversity Monitoring Contribution to the Council prior to the Occupation of [any building forming part of the Development/ any more than the specified number of Dwellings]

**[Outline Permission Obligations:]**

The Owner covenants:

1. Not to Commence Development (unless otherwise approved in writing by the Council) until:

1.1 a Biodiversity Offsetting Scheme has been submitted to and approved in writing by the Council which ensures that the implementation of the Development will result in a Biodiversity Net Gain of not less than 10%, in accordance with the Environment Act 2021, National Planning Policy Framework, the Local Nature Recovery Strategy for Derbyshire, and Local Planning Policy [South Derbyshire Action Plan for Nature, the South Derbyshire Local Green Spaces Plan, Local Plan Part 1 Policies SD2, SD3, BNE3, INF7, INF3, INF9, H22 and Local Plan Part 2 Policies H23, BNE5 and BNE7]; and

1.2 the methodology and timetable for the production of each Biodiversity Audit Report has been submitted to and approved in writing by the Council which report shall be produced following monitoring of the Biodiversity Offsetting Scheme conducted by the Owner between April and October of the year in which it is due and which is to be undertaken annually for the first five years from the year of implementation of the Biodiversity Offsetting Scheme and thereafter once every five years on the anniversary of the date of the first Biodiversity Audit Report or the date upon which such report fell due, whichever is the earlier, and which shall be provided to the Council within one month of its production and prior to any subsequent changes in management of the Biodiversity Offsetting Scheme being made PROVIDED THAT a variation to any of these requirements may be agreed in writing by the Council.

2. The Biodiversity Offsetting Scheme shall include the matters set out in either paragraph 3.1 or paragraph 3.2. If a scheme defined by 3.2 is chosen, then payment of the Offsetting Contribution must be paid to the Council by [add in specific trigger points for that scheme e.g., prior to Commencement OR within 3 months of Commencement or where payment is made in instalments (e.g., for large contributions 25% prior to commencement and then 75% after commencement)] in accordance with a payment schedule. This is to be agreed with the application on a bespoke basis.

3. The Biodiversity Offsetting Scheme shall include either those matters set out in paragraph 3.1 or paragraph 3.2 below:

3.1 (a) the identity of an Agreed Receptor Site or Agreed Receptor Sites;

(b) a Biodiversity Net Gain Management and Monitoring Plan; and

(c) the provision of contractual terms (which will consist of a planning obligation agreed by all parties with an interest in the Receptor Site(s) pursuant to Section 106 of the 1990 Act; or a Memorandum of Understanding with South Derbyshire District Council if the Council is the freehold owner of the Receptor Site; or a Conservation Covenant) to secure the delivery of the Biodiversity Offsetting Scheme; or

3.2 Provision for an Offsetting Contribution to be paid to the Council. The Offsetting Contribution shall not exceed £() exclusive of Indexation calculated in accordance with the relevant Index. The Council shall use the Offsetting Contribution to enhance and secure long term management of biodiversity within the Council’s administrative area.

4. If paragraph 3.1 above applies, to:

4.1 Provide the Council with no less than ten (10) Working Days’ notice in writing of the implementation of the approved Biodiversity Offsetting Scheme; and

4.2 To implement the approved Biodiversity Offsetting Scheme in accordance with the time limits set out therein (unless otherwise agreed in writing by the Council); and

4.3 Not to carry out any changes to the approved Biodiversity Offsetting Scheme without the prior written consent of the Council.

PROVIDED ALWAYS THAT [Instructions required on a case-by-case basis: no building forming part of the Development/ no more than the specified number of Dwellings] shall be Occupied until the Biodiversity Offsetting Scheme has been implemented.

5. If paragraph 3.2 above applies, not to Commence the Development until the Offsetting Contribution has been paid to the Council

6. Not to Occupy [Instructions required on a case-by-case basis: any building forming part of the Development/ any more than the specified number of Dwellings] until it has paid the Biodiversity Monitoring Contribution and to pay the Biodiversity Monitoring Contribution to the Council prior to the Occupation of [any building forming part of the Development/ any more than the specified number of Dwellings]

[OR - **Phased Development Obligations:]**

The Owner covenants for each Phase of the Development:

1. Not to Commence the relevant Phase of the Development unless and until:
	1. an Over-arching BIA or Phased BIA as applicable has been submitted to and agreed in writing by the Council in respect of that Phase; and
	2. where the Over-arching BIA or the Phased BIA shows a Biodiversity Loss or overall net gain less than 10%, until a Biodiversity Offsetting Scheme for that Phase has also been submitted to and agreed in writing by the Council; and
	3. the methodology and timetable for the production of a Biodiversity Audit Report for each Phase of the Development which has been Commenced by the date of its production has been submitted to and approved in writing by the Council which report shall be produced following monitoring of the Biodiversity Offsetting Scheme conducted by the Owner between April and October of the year in which it is due and which is to be undertaken annually for the first five years from the year of implementation of the Biodiversity Offsetting Scheme and thereafter once every five years on the anniversary of the date of the first Biodiversity Monitoring Report or the date upon which such report fell due, whichever is the earlier, which shall be provided to the Council within one month of its production and prior to any subsequent changes in management of the Biodiversity Offsetting Scheme being made PROVIDED THAT a variation to any of these requirements may be agreed in writing by the Council.
2. The written approval of the Council to each Biodiversity Offsetting Scheme shall not be issued until either:

2.1 (a) the identity of an Agreed Receptor Site or Agreed Receptor Sites;

(b) a Biodiversity Net Gain Management and Monitoring Plan; and

(c) the provision of contractual terms (which will consist of a planning obligation agreed into by all parties with an interest in the Receptor Site(s) pursuant to section 106 of the 1990 Act; or a Memorandum of Understanding with South Derbyshire District Council if the Council is the freehold owner of the Receptor Site; or a Conservation Covenant) to secure the delivery of the Biodiversity Offsetting Scheme.

have been submitted to and agreed in writing by the Council PROVIDED THAT the Biodiversity Offsetting Scheme not have to be comprised within or delivered at the same time as the Phase to which the Biodiversity Impact Assessment which accompanies it relates and may instead be provided within a future Phase or at a later date as agreed in writing by the Council as part of the Phased BIA and the latest version of the Over-arching BIA current at the date of Commencement of the relevant Phase

 or

2.2 An Offsetting Contribution has been paid to the Council. The Offsetting Contribution shall not exceed £() exclusive of Indexation calculated in accordance with the relevant Index. The Council shall use the Offsetting Contribution to enhance and secure long term management of biodiversity within the Council’s administrative area.

1. Where further Reserved Matters Application(s) are submitted for a Phase after the date of approval of the relevant Phased BIA and (if applicable) Biodiversity Offsetting Scheme then the Owner shall either:
	1. submit for the Council’s written approval evidence that the further Reserved Matters Application(s) do(es) not affect the outcome of the Phased BIA and (if applicable) Biodiversity Offsetting Scheme already approved for the Phase; or
	2. submit for the Council’s written approval an updated Phased BIA and updated Over-arching BIA and (if applicable) Biodiversity Offsetting Scheme

and the Owner shall not Commence Development pursuant to any Reserved Matters Approval(s) granted pursuant to such further Reserved Matters Application(s) to which this paragraph 3 applies until the Council has provided its written approval under paragraph 3.1 or 3.2 (as the case may be).

4. If a Biodiversity Offsetting Scheme is required for a particular Phase of the Development, then in relation to each such scheme to:

4.1 provide the Council with no less than ten (10) Working Days’ notice in writing of the implementation of the approved Biodiversity Offsetting Scheme; and

4.2 to implement the approved Biodiversity Offsetting Scheme in accordance with the time limits set out therein (unless otherwise agreed in writing by the Council); and

4.3 not to carry out any changes to the approved Biodiversity Offsetting Scheme without the prior written consent of the Council.

PROVIDED ALWAYS THAT [Instructions required on a case-by-case basis: no building forming part of the relevant Phase of the Development/ no more than the specified number of Dwellings forming part of the relevant Phase of the Development] shall be Occupied until the relevant Biodiversity Offsetting Scheme has been implemented.

5. If paragraph 2.2 above applies, not to Commence the relevant Phase of the Development until the Offsetting Contribution has been paid to the Council

6. Not to Occupy [Instructions required on a case by case basis: any building forming part of the relevant Phase of the Development/ any more than the specified number of Dwellings within the relevant Phase of the Development] until it has paid the relevant Biodiversity Monitoring Contribution to the Council and to pay the relevant Biodiversity Monitoring Contribution to the Council prior to the Occupation of [any building forming part of the relevant Phase of the Development/ any more than the specified number of Dwellings within the relevant Phase of the Development]

**Part II – Biodiversity Monitoring Contribution**

1. The Owner covenants with the Council, in respect of the first Phase of the Development, to pay the Biodiversity Monitoring Contribution for that Phase to the Council prior to the Occupation of any building within that Phase and not to Occupy any building in the first Phase of the Development until it has paid the Biodiversity Monitoring Contribution for that Phase to the Council.
2. The Owner covenants with the Council in respect of each subsequent Phase (excluding any sub-phases) to pay the relevant Biodiversity Monitoring Contribution for that Phase to the Council within 1 month of the date of submission of a Phased BIA or updated Phased BIA pursuant to either Paragraph 1.2 or 3.2 of this Schedule (as the case may be) and not to Commence any subsequent Phase(s) until it has paid the relevant Biodiversity Monitoring Contribution for the preceding Phase(s) to the Council

**Part III**

**The Council’s Obligations**

The Council agrees to use the Biodiversity Monitoring Contribution for the purposes of:

1. measuring and reporting the biodiversity impact of the Development as a whole or the relevant Phase as applicable to ensure the Development does result in a Biodiversity Net Gain of not less than 10% (or any amended requirement) as determined by the Biodiversity Metric; and

2. in relation to any Biodiversity Offsetting Scheme submitted pursuant to this Schedule, advising on any offsetting requirements and mechanisms to compensate for any Biodiversity Loss in collaboration with the Owner; and

such monitoring will form part of the discharge of the Biodiversity Offsetting Scheme.

# Biodiversity Offsetting Options

## Buy biodiversity units from South Derbyshire District Council.

* 1. Applicants can choose to purchase the requisite biodiversity units to achieve BNG from South Derbyshire District Council. This involves the developer paying the council a commuted sum known as the “Financial Contribution”, determined by the council’s Biodiversity Accounting Financial Calculator, in exchange for the council taking on the responsibility for securing the delivery of the biodiversity net gain, off-site.

## Find Offset Sites which meet South Derbyshire District Councils Requirements.

* 1. Where the applicant has suitable land within their ownership, they can propose this land as a Biodiversity Offset Site. It will need to meet the council’s requirements and have favourable management secured for a minimum of 30 years. The land does not need to be identified and secured before decision making as the applicant can be obligated to do so prior to commencement of the development.
	2. The offset site should be identified and legally secured before development commences. It needs to have a baseline survey, habitat management and monitoring plan for at least 30 years and a Biodiversity Metric showing the creation or enhancements results in the requisite uplift in biodiversity to compensate for the loss on the development site. There must be adequate funding identified for the creation and 30-year management. The Biodiversity Offsetting Site can be secured via a Section 106 agreement or conservation covenant (once available).

## Find an Offset Provider (Broker or Habitat Bank).

* 1. Find a broker or habitat bank which can provide, or are in the process of developing, offset sites within South Derbyshire. These organisations will need to put in place the management, monitoring and reporting required to deliver the biodiversity gains specified.

## Buy Statutory Biodiversity Credits

* 1. Buying statutory biodiversity credits is a last resort option for developers if you are unable to use [on-site or off-site](https://www.gov.uk/guidance/understanding-biodiversity-net-gain) units to deliver biodiversity net gain (BNG).
	2. You will be able to buy statutory biodiversity credits using a credit sales service, which will be available once BNG becomes mandatory.
	3. Prices are shown in Appendix 2. These prices are indicative, which means they give an indication of likely prices, to help developers plan. DEFRA will publish confirmed prices when biodiversity net gain becomes mandatory.
	4. All prices are exclusive of VAT. VAT will be included in the invoice for any statutory credit purchase.
	5. If you buy statutory biodiversity credits, a ‘spatial risk multiplier’ will apply, which doubles the number of credits you need. You must buy 2 credits for every 1 biodiversity unit you need to compensate for. The statutory biodiversity metric will automatically calculate this multiplication.

# Habitat Monitoring

* 1. The ongoing management of the habitats funded for a minimum of 30 years will often be passed from the developer to a third party. This could be a management organisation, the local planning authority namely South Derbyshire District Council or Derbyshire County Council, or a conservation organisation like Derbyshire Wildlife Trust or The National Forest. Contingency arrangements and proposals should be put in place to ensure that if the original management arrangements fail for some reason, for example, the management company folds, the management requirements and outcomes are still met.
	2. The organisation responsible for managing the habitats will need to:

## Undertake habitat management.

* 1. Manage the habitats so that they meet the requirements set out in the management plan. Please note that the site may have multiple functions (for example, recreational space as well as supporting biodiversity).

## Monitor progress and outcomes and employ adaptive management.

* 1. Progress toward the outcomes set within the management plan should be monitored.
	2. Where delivery is not on track an adaptive management approach should be adopted, amending the management undertaken to ensure delivery is met.
	3. If this is not viable alternative outcomes should be proposed and agreed with South Derbyshire District Council and the management plan updated.

## Reporting on outcomes.

* 1. A report should be provided to South Derbyshire District Council on accordance with the timescales set out in planning conditions or legal agreements. This will be at least once every 5 years.
	2. The monitoring report should include:
* A written memo report including a non-technical summary setting out the management plan requirements and progress to date.
* A GIS layer, identifying the habitats as they are on the site at the time of the report. These should be produced to best practice standards.
* When the biodiversity is delivered on the ground (and not before) the project can claim whether the development has delivered a net gain for biodiversity.

# Project/Development Re-Design

* 1. If the development design changes in any way that affects the biodiversity on-site, the assessment and the Metric will need to be updated.

# BNG Register

* 1. SDDC will manage the BNG Register for South Derbyshire in accordance with Derbyshire County Council/Derbyshire Wildlife Trust as the responsible body for delivery of the LNRSs. South Derbyshire District Council is proposing a Habitat Bank Facility to attract repayable finance to create and restore habitats at district scale while providing verified BNG credits to developers. A list of brokers will also be provided, but in the short term please contact the local planning authority to identify relevant brokers.
	2. Offsets can also be provided by brokers who will identify the offset and oversee its delivery.
	3. If the habitat is created in advance of the loss of habitat expected from the development the offset is considered a habitat bank. For a habitat bank to be recognised as a potential offset for impacts the bank needs to have been registered with SDDC before the habitats were created or enhanced onsite and it should be transparent that the activities to create or enhance habitats were additional to what would have occurred on that land without the bank being set up. The Local Nature Recovery Strategy should be used to determine the biodiversity and spatial priorities for off-site biodiversity gains outside the development boundary, including habitat banks. Where a habitat bank is being used to offset impacts, and calculating the biodiversity units provided by the offset, the difficulty to create and the time to create risk factors do not need to be considered within the post-development calculation. This is because the habitat has already been created and both the time and difficulty already addressed. This means that the site will give a higher biodiversity unit / area.

# Habitat Bank Criteria

* 1. The following -- criteria in Stage 1 and – criteria in Stage 2 aims to determine what information is required for the applicant to register a habitat bank to be able to sell biodiversity units through a s106 agreement or conservation covenant under the SDDC BNG Register
1. Ownership
	1. The applicant must have legal control over the land.
	2. Information on form of legal control over the land. Including conditional contract. If the latter what are the conditions, are you in control and able to satisfy them?

**Tenant / Leasehold Considerations**

* 1. Details of any leasehold agreement or tenancy agreement or any other contract that enables the habitat bank broker to deliver BNG on this land for a minimum of 30 years. The habitat bank broker or landowner needs to be able to place a charge on the land.

**Documents Required:**

* Land Registry Title deed and plan of the land boundary from owner.
* Charges register of title and plan.
* Copy of Leasehold Agreement.
1. National BNG Registered
	1. Is the land registered with the National Register and have units been sold to developers.

**Documents Required:**

* Provision of NE Register Numbers.
* Planning application references if applicable.
1. No conflicting consents, licences or permissions for the site including extant restoration plans.
	1. Are there any other legal barriers or consents / licences or permissions that are required to enter the site and undertake habitat management works over the specified 30-year period?
	2. Please provide details of any licences. For example, for planning permissions, aerodrome safeguarding considerations, shooting or mineral working rights, extant restoration plans, felling licences, rights of way issues and any permits from Natural England for works to SSSIs.

**Documents Required:**

* Statement of no conflicting consents and reasonable checks have been undertaken.
* Documents submitted if required.
1. Contaminated land
	1. Is the site considered to be ‘contaminated land’ and if it is, what costed remediation measures are provided to ensure habitats proposed are feasible?
	2. If contaminated land exists, a costed remediation plan will need to be provided.

**Documents Required:**

* Costed remediation plan if required or, Statement confirming if not required.
1. Contractual Agreement
	1. Is the landowner prepared to enter a s.106 agreement with South Derbyshire District Council.
	2. Agree the number/ type of biodiversity units available for developers and the management and maintenance schedule of the land for at least 30 years from the date of transfer/lease of each unit?
	3. Specify who needs to be a party to the s.106.

**Documents Required:**

* Statement of intent.
* Written consent from owner to broker to act on their behalf and decision on who is a signatory of the s.106 agreement.
1. Additional Services
	1. Can you prove Legal, Financial & Ecological Additionality for the BNG proposed at the site?
	2. Financial additionally includes other funds for land management e.g., environmental stewardship, nutrient mitigation etc.
	3. Do you intend to sell other ecosystem services units from the land?
	4. Outline how you intend to stack and bundle any Nature market credits including Biodiversity units in line with Best Practice Guidance.

**Documents Required:**

* Written confirmation of proof of additionality principles and compliance with stacking and bundling rules in line with guidance.
1. Location Plan
	1. Show location of the site.

**Documents Required:**

* Map/Shapefile/QGIS file of site location.
1. Strategic Significance Guidance
	1. An assessment of how the proposals fit with SDDC’s Spatial Risk Guidance. Provision of a brief assessment (e.g., a few short paragraphs at most) to ensure the conservation value in the landscape context of the site is being considered rather than unit delivery alone.

**Documents Required:**

* Justification text in a report and evidence of the Strategic Significance of habitats proposed in the bank.
1. Deliver Best Outcomes for Biodiversity within South Derbyshire
	1. Provision of full baseline and condition assessment survey information (dates, personnel, methods) undertaken using UKHAB and the appropriate habitat condition assessment from the Defra metric 4.0 / the statutory metric.
	2. This must be undertaken in the correct survey season and by a competent ecologist. Limitations on survey methods and other assumptions made regarding proposed habitat creation and enhancement and their implications must be clearly explained.

**Documents Required:**

* BNG Report, baseline habitat survey report, with metric excel spreadsheet and completed condition assessment and spreadsheets to provide.
1. Provision of achievable uplift in biodiversity value
	1. A full Defra metric (4.0) completed for the site / phase of a habitat bank for which units are to be released.
	2. Habitat creation and enhancement proposals within the Defra metric should be based on a realistic scenario (i.e., it is better to aim for habitats in worse condition that can later be upgraded, than an unachievable higher condition and face subsequent enforcement action).
	3. Have appropriate soil tests been undertaken.

**Documents Required:**

* A full Defra metric (4.0) excel completed.
* Justification text for why habitats of specific conditions are proposed.
1. Irreplaceable Habitats
	1. Confirmation that proposals will not negatively impact irreplaceable habitats or other features or species of existing conservation interest, including protected and notable species and/or habitat.

**Documents Required:**

* A statement in the text and provision of metric 4.0 which flags these in red.
1. Competence
	1. Can the ecological advisors and others involved in the scheme provide proof of their competence in BNG?
	2. This should include brief paragraph of experience and skills to undertake relevant BNG surveys and provide appropriate habitat management recommendations as well as membership of an appropriate professional membership body that signs up to a code of professional conduct (e.g., CIEEM).
	3. Competence should be in line with definitions provided by CIEEM 2021, the British Standard on Biodiversity Net Gain (8683: 2021) and Natural England / Defra Guidance.
	4. Metric 4.0 User Guide defines competency as ‘someone who can demonstrate they have acquired through training, qualifications or experience, or a combination of these, the knowledge and skills enabling that person to perform specified tasks.

**Documents Required:**

* A statement in the text to highlight the competence of all professional persons involved in the delivery of BNG as per Metric 4.0 definition on competency. This could include professional memberships, training, and experience.

# Stage 2

## Sufficient cash flow / funding for 30 years

* 1. Provision of proof of funds: including: third party bond, guarantee, Ring fenced fund etc. These must be sufficient to cover ‘up-front capital’ creation / enhancement works and the subsequent 30 years of management. Funds must be in held for duration of the agreement and held independently for large schemes. An appropriate payment schedule should be in place. All required prior to s.106 sign-off.

**Documents Required:**

* Proof of funds which could include 30-year cash flow model, assurance of finance codes, and commitment to financial reporting.
* Agree a payment schedule throughout the 30-year period.

## Method of unit sale from habitat bank

* 1. If the habitat bank is going to be selling units in the future but starting the habitat management work now or prior to sale and (thereby increasing the units available for sale) the ‘habitat creation in advance’ function in the metric should be used and a procedure for calculating and auditing this must be agreed between the LPA and Habitat Bank provider.
	2. If the habitat bank is to be split into ‘phases’ for selling at different dates into the future, the LPA and Habitat Bank provider need to agree:
	3. When the baseline is calculated from for each phase and
	4. When the 30 years for habitat creation / enhancement starts for any “one” phase.
	5. The above should be provided on a spatial plan as recommended by Defra. Will the broker / owner provide a certificate and Unique Transaction Number for each sale.

**Documents Required:**

* Statement on method of sale of units and how these will be calculated and sold in the future.
* Plans provided.

## Sale of units outside of South Derbyshire District Council LPA remit

* 1. Is the Offset provider planning on selling units outside of South Derbyshire.

**Documents Required:**

* Statement of intent

4. Pay SDDC a monitoring fee for the duration of the offset

* 1. Agree to the provision of a Monitoring fee to be paid to the Council to monitor the establishment phase and on-going habitat maintenance agreement over a 30-year period.

**Documents Required:**

* Statement of intent to pay South Derbyshire District Council’s monitoring fee.
* Suitable Monitoring Plan for 30 years.

## 5. Provision of a detailed and costed Habitat Management and Monitoring Plan

* 1. This must set out the detailed prescriptions required that will be undertaken in both the ‘establishment’ phase as well as the monitoring phase to achieve the desired habitats.
	2. Dates of commencement of BOTH the establishment phase and the monitoring for 30-year phase to be agreed between parties before s.106 is signed.
	3. Practical environmental constraints should be assessed and be supported by evidence. Best Practice should be followed.
	4. Do the costs in the management plan look sufficient for the suggested quality and quantity of habitat using a calculator as a benchmark? – N.B. This is a benchmarking process only – we are not looking to interfere with any unit sale costs but only need to be sure that proposals for habitats and predicted condition are adequately funded.
	5. Adequate plans showing all habitats proposed for enhancement and creation. Ensure all maps are spatially accurate if using the GIS, the same software should be used throughout the scheme. GPS should be used where possible to allow appropriate monitoring.

**Documents Required:**

* Habitat Management and Monitoring Plan.
* Costed management plan.
* Plans showing all habitats proposed for enhancement and creation.
* Dates for commencement of ‘establishment’ and ‘monitoring’ phases agreed between parties.

## 6. Environmental & Legal Constraint Consideration

* 1. Provider to have undertaken appropriate due diligence, surveys and assessments and considered all other environmental constraints to achieving suggested habitat enhancement / creation prior to approaching the Council with a proposal. e.g. (but not an exhaustive list).
	2. Soil analysis data for specific habitat types (to be defined in separate guidance – to follow). This may include details of any specific nutrient/ soil stripping and remediation techniques that may be required and evidence that these methods have been adequately costed into the management plan to ensure feasibility.
	3. Are the hydrological conditions suitable for habitats proposed for creation or enhancement (e.g., risk of flooding)?
	4. Are there historic / archaeological / landscape / arboricultural constraints to proposed habitat works? These must have been adequately considered. Please provide evidence that these considerations have been considered appropriately and any mitigation required is proposed employing professional advice where required.
	5. Access available for required on-site machinery, movement of and infrastructure for cattle and sufficient storage on-site for machinery or other habitat management aspects (e.g., storage of logs from coppicing or provision of corals for cattle – provide evidence that machinery and cattle can access the site as required.

**Documents Required:**

* Checklist of information is provided, we expect the applicant to submit all information required and to undertake due diligence, South Derbyshire will not be liable for any missing information that prevents the habitat proposals being delivered as specified.

## 7. Confirm monitoring plan

* 1. Sets out when habitat surveys will take place as part of the 30-year monitoring plan for the Council for review over the 30-year period. Agree date for commencement.

**Documents Required:**

* Monitoring Report for review and how frequently LPA will receive reports.

## 8. Permission for SDDC to enter the land for spot checks

* 1. Permission for spot inspections by SDDC staff or subcontractor to ensure habitat management is being undertaken as promised.
1. **Documents Required:**
* Statement of compliance.

## 9. Detail Agreement on fundamental breach of management prescriptions

1. **Documents Required:**
* Statement of compliance.

## 10. How does the site meet BNG Best Practice Principles

* 1. Outline of how the habitat bank meets the 10 key principles of BNG as per CIEEM 2016
	2. Is the Habitat Bank compliant with best practice as outlined in the British Standard BS 8683: 2021 and other subsequent guidance on habitat banks provided by Natural England / Defra that is available at the time of the agreement / survey and report production?
	3. Providers should provide brief written justification text to demonstrate how the proposals fit with best practice on BNG. Extent and detail of information required should be linked to size and complexity of habitats provided by the habitat bank.
	4. Evidence will need to include but not be limited to:
	5. All habitat parcels must be individually referenced and systematically measured with the same software throughout the lifetime of the project.
	6. Management plans to have SMART targets.
	7. Proportionate monitoring proposals for all Biodiversity Units, methods, frequency, timing and reporting procedures with procedures for remedial works if needed.
	8. Roles and responsibilities and competencies of all those involved in implementing the BNG MMP (including contractors) Legal, financial, and other resource requirements for delivery of the detailed management plan including the need for any public or statutory or non-statutory consultation if required.

**Documents Required:**

* Justification text in a report / statement of compliance.

## 11. Biological Records

* 1. All Ecological Records from the Habitat Bank must be submitted to the Derbyshire Biological Records Centre (DERC).

**Documents Required:**

* A statement to confirm this will be undertaken and submitted to DERC.

# Appendix

## Grassland Strategic Significance: A zone map based on grassland percentage cover.



## Statutory BNG Unit Cost (August 2023)

**Low distinctiveness habitats**

| **Habitat distinctiveness** | **Broad habitat type** | **Specific habitat type** | **Price per credit** | **Tier** |
| --- | --- | --- | --- | --- |
| Low | All | All | £42,000 | A1 |

**Medium distinctiveness habitats**

| **Habitat distinctiveness** | **Broad habitat type** | **Specific habitat type** | **Price per credit** | **Tier** |
| --- | --- | --- | --- | --- |
| Medium | Heathland and shrub | All | £42,000 | A1 |
| Medium | Grassland | All | £42,000 | A1 |
| Medium | Individual trees | All | £42,000 | A1 |
| Medium | Urban | All | £42,000 | A1 |
| Medium | Cropland | All | £42,000 | A1 |
| Medium | Woodland and forest | All | £48,000 | A2 |
| Medium | Intertidal sediment | All | £48,000 | A2 |
| Medium | Lakes | Reservoirs | £125,000 | A4 |
| Medium | Lakes - ponds (non-priority habitat) | Ponds | £125,000 | A4 |
| Medium | Sparsely vegetated land | Other inland rock and scree | £125,000 | A4 |

**High distinctiveness habitats**

| **Habitat distinctiveness** | **Broad habitat type** | **Specific habitat type** | **Price per credit** | **Tier** |
| --- | --- | --- | --- | --- |
| High | Wetland | Reedbeds | £42,000 | A1 |
| High | Grassland | Traditional orchards | £42,000 | A1 |
| High | Grassland | Lowland calcareous grassland | £48,000 | A2 |
| High | Grassland | Tall herb communities (H6430) | £48,000 | A2 |
| High | Grassland | Upland calcareous grassland | £48,000 | A2 |
| High | Heathland and shrub | Dunes with sea buckthorn | £48,000 | A2 |
| High | Heathland and shrub | Lowland heathland | £48,000 | A2 |
| High | Heathland and shrub | Upland heathland | £48,000 | A2 |
| High | Urban | Open mosaic habitats on previously developed land | £48,000 | A2 |
| High | Woodland and forest | Wet woodland | £66,000 | A3 |
| High | Woodland and forest | Felled | £66,000 | A3 |
| High | Woodland and forest | Upland birchwoods | £66,000 | A3 |
| High | Intertidal sediment | Littoral mud | £66,000 | A3 |
| High | Intertidal sediment | Littoral mixed sediments | £66,000 | A3 |
| High | Intertidal sediment | Littoral – biogenic reefs - mussels | £66,000 | A3 |
| High | Intertidal sediment | Littoral biogenic reefs - Sabellaria | £66,000 | A3 |
| High | Intertidal sediment | Features of littoral sediment | £66,000 | A3 |
| High | Intertidal sediment | Littoral muddy sand | £66,000 | A3 |
| High | Wetland mosaic | Floodplain wetland mosaic (CFGM) | £125,000 | A4 |
| High | Ponds | Ponds (priority habitat) | £125,000 | A4 |
| High | Ponds | Temporary lakes, ponds and pools | £125,000 | A4 |
| High | Coastal lagoons | Coastal lagoons | £125,000 | A4 |
| High | Rocky shore | High energy littoral rock | £125,000 | A4 |
| High | Rocky shore | Moderate energy littoral rock | £125,000 | A4 |
| High | Rocky shore | Low energy littoral rock | £125,000 | A4 |
| High | Rocky shore | Features of littoral rock | £125,000 | A4 |
| High | Coastal saltmarsh | Saltmarshes and saline reedbeds | £125,000 | A4 |
| High | Intertidal sediment | Littoral seagrass | £125,000 | A4 |
| High | Sparsely vegetated land | Coastal sand dunes | £125,000 | A4 |
| High | Sparsely vegetated land | Coastal vegetated shingle | £125,000 | A4 |
| High | Sparsely vegetated land | Maritime cliff and slopes | £125,000 | A4 |
| High | Sparsely vegetated land | Inland rock outcrop and scree habitats | £125,000 | A4 |
| High | Woodland and forest | Upland mixed ashwoods | £125,000 | A4 |
| High | Woodland and forest | Native pine woodlands | £125,000 | A4 |
| High | Woodland and forest | Lowland mixed deciduous woodland | £125,000 | A4 |
| High | Woodland and forest | Lowland beech and yew woodland | £125,000 | A4 |
| High | Woodland and forest | Upland oakwood | £125,000 | A4 |
| High | Lakes | High alkalinity lakes | £650,000 | A5 |
| High | Lakes | Low alkalinity lakes | £650,000 | A5 |
| High | Lakes | Marl lakes | £650,000 | A5 |
| High | Lakes | Moderate alkalinity lakes | £650,000 | A5 |
| High | Lakes | Peat lakes | £650,000 | A5 |
|  |  |  |  |  |

**Linear Habitats**

Hedgerow

| **Habitat distinctiveness** | **Broad habitat type** | **Specific habitat type** | **Price per credit** | **Tier** |
| --- | --- | --- | --- | --- |
| Various | Hedgerow | All | £44,000 | H |

Watercourses

| **Habitat distinctiveness** | **Broad habitat type** | **Specific habitat type** | **Price per credit** | **Tier** |
| --- | --- | --- | --- | --- |
| Various | Rivers | All | £230,000 | W |
| Various | Rivers and streams | All | £230,000 | W |