



Biodiversity Net Gain Position Statement April 2022 Advice to Developers and Associated Charging Structure

What is Biodiversity Net Gain?

Biodiversity net gain (BNG) is a development approach that seeks to enhance the biodiversity of a site over a fixed period of time, ultimately resulting in a higher biodiversity value than prior to the development. The biodiversity value of a site is measured prior to development to establish the baseline. This involves an assessment of the types of habitat present such as grassland, woodland, heathland or hedgerow, and a condition assessment to establish the quality of the habitats present. These habitat types and condition assessments are determined by the UKHABS habitat survey methodology. A second biodiversity assessment of the post-development site design and landscaping proposals is then carried out to establish the biodiversity unit value of the completed development, using the same criteria as the baseline assessment. The aim of BNG is for the post-development biodiversity value to be higher than the baseline. BNG aims to halt the national net loss of biodiversity, to reverse the decline and to support the delivery of better quality, better connected ecological networks.

A development can deliver BNG on site or off site; it is expected that developments strive to achieve a net gain on site and demonstrate how they have complied with the Avoid-Mitigate-Compensate hierarchy:

- A. **Avoid:** impacts on biodiversity should be avoided through appropriate site choice and design;
- B. **Mitigate:** impacts are mitigated on site by designing biodiversity measures into the finished development;
- C. **Compensate:** off-site compensation is a last resort option for development, utilising a financial agreement to improve the biodiversity value of an area of land off-site.

What is Mandatory Biodiversity Net Gain?

The Environment Act (2021) includes the requirement for developments to deliver a mandatory 10% biodiversity net gain. Mandatory net gain must be delivered and maintained over a thirty year period and comes into force in November 2023.

How is Biodiversity Net Gain Measured?

Biodiversity is measured objectively in Biodiversity Units using the Defra Biodiversity Metric (currently version 3.0). The Metric has been designed by Natural England. It must be used by an experienced ecologist following the methodology set out in the associated guidance. The metric and guidance documents are [available here](#).

Measurements of Biodiversity Units relate to habitats only, using the UKHAB methodology, and does not cover impacts on protected and priority species which are still dealt with through targeted species surveys and appropriate mitigation measures.



What is the Current Position on Biodiversity Net Gain in Telford & Wrekin?

Currently Policy NE1 of the Telford & Wrekin Local Plan sets out the requirement for development to achieve 'no net biodiversity loss,' the policy also welcomes enhancements where they can be provided. Developments are expected to deliver no net loss in line with the Avoid-Mitigate-Compensate hierarchy. The Council expects developers to demonstrate that their development meets the 'no net biodiversity loss' test; and by way of best practice using the Defra Biodiversity Metric.

Policy NE1 remains the position in Telford & Wrekin at the current time.

The Council is currently drafting its timetable and associated guidance to deliver the mandatory net gain requirement before November 2023 as set out in the Environment Act.

Provision of Advice to Applicants

The Council is unable to carry out Biodiversity Net Gain Assessments on behalf of Developers; this must be carried out by an experienced independent ecologist. The assessment should be submitted as supporting information with any planning application, and failure to submit the document will delay the processing of the application ([further details can be found here](#)).

In some cases following initial assessments of biodiversity value an applicant may require additional support from the Council on issues such as:

- i. Where 'no net loss' cannot be achieved on site and the Avoid-Mitigate-Compensate hierarchy is being applied; or
- ii. Where avoidance and mitigation have not been sufficient to achieve 'no net loss' and the developer wishes to discuss options around off site compensation; or
- iii. Where the developer has identified that they need to secure a number of biodiversity units off site and wish to discuss whether the Council can facilitate the delivery of those units on Council owned land.

This kind of compensation would be delivered through the site's Section 106 agreement or another legal agreement and an associated financial contribution. The agreement would need to cover costs of habitat creation or enhancement and management over 30 years to bring it to and maintain it at the required condition.

When is Advice Available to Applicants?

Requests for BNG advice should be made as early on in the application process as possible, certainly as soon as the baseline has been assessed and it becomes obvious that 'no net loss' is unlikely to be achievable. Requests for BNG advice can be made at any time, including prior to purchase. BNG can significantly raise the costs of a development, therefore if advice is sought too late schemes may need to be redesigned and should not be left to the planning application stage, avoiding delays to the processing of planning applications or potential grounds for refusal.

Applicants will be required to provide the Biodiversity Metric for the site, showing the baseline assessment and also showing any elements of onsite retention, enhancement or habitat creation



which will be provided. Justification of baseline habitat classification and condition assessment should also be provided, either through copies of condition sheets or in an accompanying BNG report or statement, clearly indicating which criteria have been passed or failed, or points scored, per habitat.

How much will the Council Charge for Biodiversity Net Gain Advice?

The level of advice, complexity and time requirements for each application will be specific to the development in question, the biodiversity value of the site, the number of units in question and the habitats present. The Defra Biodiversity Metric also sets strict Trading Rules which restrict how biodiversity units can be compensated for off-site.

To take into account the specifics of each application, the Council will charge for advice provided by Ecology Specialists at an hourly rate of £65 per hour. It should be noted that the BNG calculations and advice is not included within the existing pre-application advice service or charges, which will continue to provide general biodiversity advice.

Requests for advice should be sent to teds@Telford.gov.uk and will be acknowledged within 2 working days. Applicants will then be asked to sign and return an agreement providing a deposit of £260 + VAT which covers the first four hours of work.

How will Telford & Wrekin Council Progress to Delivery of 10% Mandatory Net Gain?

The Council is developing a Biodiversity Net Gain Strategy and associated detailed charging schedule and is also working with Shropshire Council on the Local Nature Recovery Strategy covering both LPA areas. Projected timescales for both of those elements will be published in due course.

Contact

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