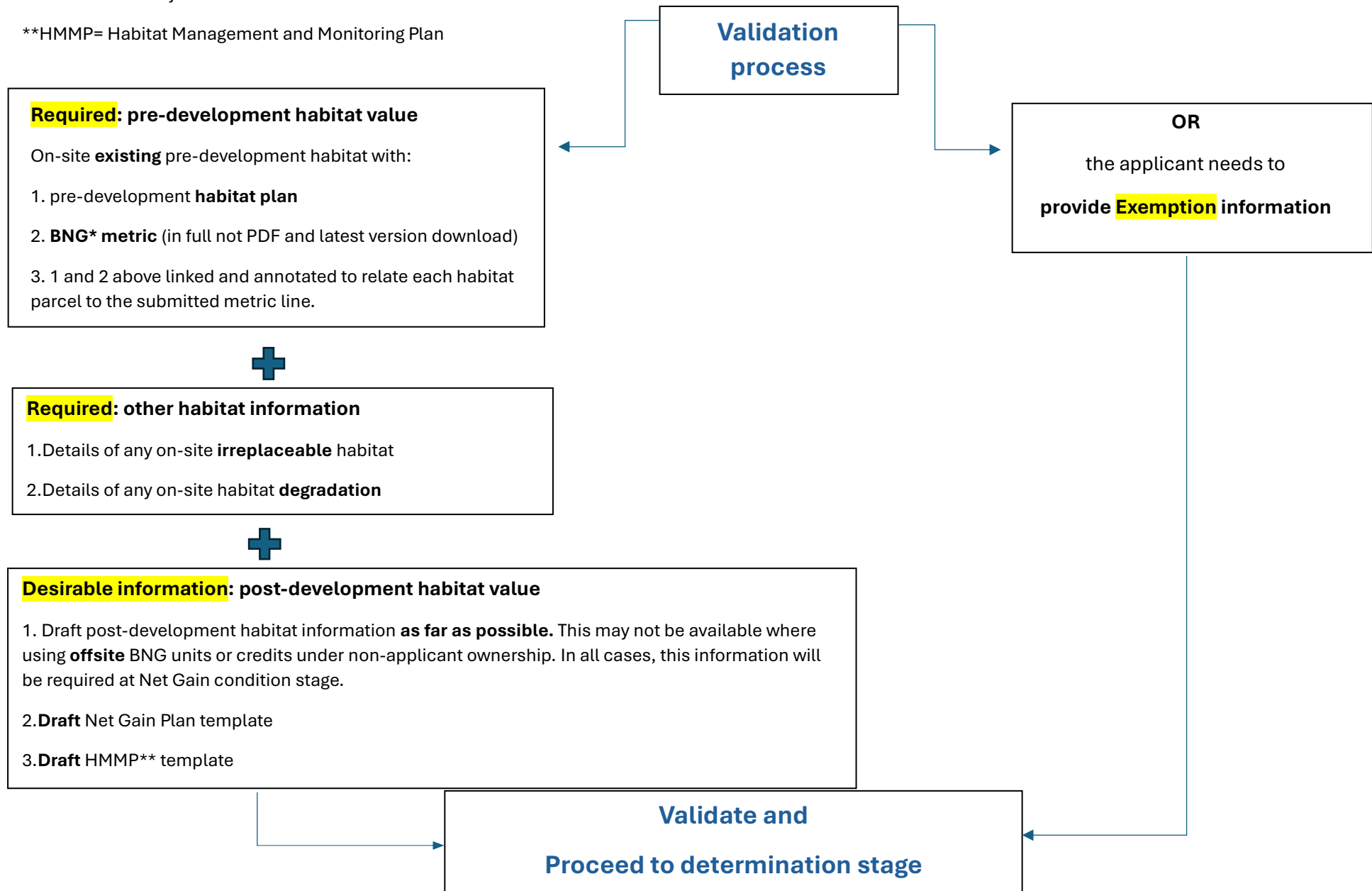


# Simple flow diagram for consideration of BNG within planning application process

\*BNG= Biodiversity Net Gain

\*\*HMMP= Habitat Management and Monitoring Plan



## Determination stage

### Required: prior to determination

1. Review information submitted at **validation** and seek Ecology Team advice where required
2. Ensure mitigation hierarchy (avoid and mitigate harm) has been applied **before** design solutions are provided for 10% BNG
3. Identify the **amount, type and condition** of habitat required to achieve 10% BNG.
4. Identify the **ownership of all BNG land** (applicant or non-applicant)
4. Agree any mechanism to **secure the 30-year BNG habitat, its management and monitoring for compliance** (condition and/or Section 106 or Conservation Covenant)
5. Identify who is **responsible for ensuring the delivery** of BNG habitats with ongoing monitoring for compliance and enforcement (LPA or responsible body)

### Ask these key questions:

1. **How much** and **what type** of habitat will be required to achieve 10% BNG?
2. How much of this habitat will be delivered **onsite**? How much of this habitat will be delivered **offsite**?
3. If **offsite**- will this be in **applicant ownership** or by a **BNG provider**?
4. What is the mechanism to **secure the 30-year BNG habitat, its management and habitat monitoring**?
5. Who will **ensure the delivery** of BNG habitats with monitoring for compliance and enforcement?

## Determine application with:

### All of BNG pre-development habitat value is submitted at submission stage:

**Proceed to determine** the application. The statutory condition will allow any **post-development habitat information** to be submitted at condition discharge stage.

Where **offsite** or **significant onsite** BNG this can be secured by:

**Conservation covenant:** an applicant can choose to secure their land via conservation covenant with a responsible body.

OR

**Section 106:** between LPA and applicant:

For **applicant-owned** land **offsite or significant onsite** BNG habitat. This will secure BNG habitat on land for 30-years

and confirm **LPA applicant charge for monitoring for compliance and enforcement** during 30-year term.

**Please note:** if post-development habitat value is provided at determination, this can be evaluated. However, this is **not** an essential requirement at determination and the details **can be changed at BNG condition discharge stage**.

## BNG provision: Applicant Options

**Provide applicant-owned BNG habitat**

**Provide non-significant on-site BNG habitat**

**Provide non-applicant owned BNG habitat**

**Significant on-site BNG**

**Off-site BNG**

No further mechanism required but can secure by condition if required.

**Off-site BNG: habitat bank or provider**

**Off-site BNG: purchase statutory credits** where no habitat units are available

Secure land with a **Conservation Covenant** with a Responsible Body

Net Gain condition for deferred post-development detail such as HMMP

Discharge of condition requires **BNG Site Register reference number**

Net Gain condition for deferred post-development detail

Discharge of condition requires **BNG Site Register reference number**

Net Gain condition for deferred post-development detail

Discharge of Net Gain Plan condition **requires** proof of purchase and **reference number**.

**Net Gain** condition will defer post-development detail such as HMMP

and secure BNG with **condition or Section 106 with LPA** to secure BNG habitats for 30 years and including clauses for **LPA charge** for monitoring for compliance and enforcement

## Creation, management and monitoring of BNG habitats: responsibilities on applicant-owned land

**Creation, management and monitoring of BNG habitats:** of BNG created, restored and/or enhanced over 30-year term either offsite or significant on-site.

1. The applicant is responsible for the creation, restoration and/or enhancement of the BNG habitats over the 30-year term.
2. The applicant is responsible for submitting monitoring information to the LPA or Responsible Body at the defined intervals of 1,2,5,10,15,20,25 and 30 years.
3. The applicant is responsible for correction of any “drift” against the target habitats and condition, in consultation with the LPA or Responsible Body.

## Monitoring for compliance and enforcement: responsibilities

**Monitoring for compliance and enforcement:** to ensure that BNG habitats are created and managed in accordance with the agreed plans and descriptions agreed either at the determination of the planning application, or at the discharge of the Net Gain Plan condition.

1. Land in applicant ownership **onsite** or **offsite can be secured through Section 106 with LPA:** LPA is responsible for monitoring progress against the agreed plans, habitat descriptions and condition assessments. The LPA is also responsible for enforcement action where required.
2. Land in applicant ownership **onsite** or **offsite can be secured through Conservation Covenant with a Responsible Body:** the Responsible Body is responsible for monitoring and reviewing progress against the agreed plans, habitat descriptions and condition assessments. The Responsible Body is also responsible for enforcement action where required.
3. Land in non-applicant ownership **offsite:** can be **secured through Conservation Covenant with Responsible Body:** the Responsible Body is responsible for monitoring and reviewing progress against the agreed plans, habitat descriptions and condition assessments. The Responsible Body is also responsible for enforcement action where required.
4. Purchase of habitat bank units or statutory biodiversity credits: the government is responsible for monitoring land managed using the national register for habitat units and for statutory credits.