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# Guidance Note on Mandatory Biodiversity Net Gain and its Implementation in the Liverpool City Region

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M e r s e y s i d e  
E n v i r o n m e n t a l  
A d v i s o r y   S e r v i c e

## Document Control

Prepared by:	Rhian Keating Merseyside EAS	Signed: Rhian Keating
Checked by:	Rachael Rhodes and Jasmine Leather Merseyside EAS	Signed: Rachael Rhodes, Jasmine Leather
Verified by:	Rachael Rhodes and Jasmine Leather Merseyside EAS	Signed: Rachael Rhodes, Jasmine Leather

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# 1. INTRODUCTION

## Purpose of This Guidance Note

- 1.1. The purpose of this guidance note is to set out the best practice for mandatory Biodiversity Net Gain (BNG) and its implementation within the Liverpool City Region (LCR) plus West Lancashire. Further reference to ‘the LCR’ within this document also includes West Lancashire.
- 1.2. The guidance note has been prepared to provide an overview of BNG in the LCR and to set out key considerations for planning, development and land management to enable biodiversity assessments to be completed in a consistent way across the LCR.
- 1.3. BNG is now mandatory for all planning applications with some exceptions.
- 1.4. References to specific guidance and legislation within this document was accurate at the time of writing.

## What is Biodiversity Net Gain?

- 1.5. BNG is an approach to development, and/or land management, that aims to leave the natural environment in a measurably better state than before the development took place. Net gain is achieved by taking measures to avoid, minimise or compensate for biodiversity losses that occur as a result of development.
- 1.6. BNG is measured using the Statutory Biodiversity Metric Calculation Tool (hereafter referred to as ‘the metric’ or ‘main metric’), which is a habitat-based approach used to assess an area’s value to wildlife. The net change in biodiversity is measured by comparing the site’s pre-development biodiversity value, or ‘baseline’ condition, with the post-development biodiversity value resulting from the proposed development.
- 1.7. Under the statutory framework for BNG, subject to some exceptions, every grant of planning permission is deemed to have been granted subject to the condition that the biodiversity gain objective is met (“the biodiversity gain condition”). The general biodiversity gain condition is a pre-commencement requirement, and development cannot commence until a Biodiversity Gain Plan (BGP) has been submitted to and approved by the Local Planning Authority (LPA). Further information about the BGP can be found in [paragraph 4.5-4.12](#) of this guidance note and the [Biodiversity Net Gain Planning Practice Guidance](#) provides detailed information on the BGP within paragraphs 031 to 052.
- 1.8. Information required to be submitted with the planning application is set out in Regulation 11 of the [Biodiversity Gain \(Town and Country Planning\) \(Modifications and Amendments\) \(England\) Regulations 2024](#), with further information in paragraph 011 of the [Biodiversity Net Gain Planning Practice Guidance](#).

- 1.9. Additional information will be required in local validation lists from the relevant LPA<sup>1</sup>. The LCR LPAs are looking to adopt LCR-wide local BNG validation requirements. National and local validation requirements describe the minimum level of information required however it is in the applicant's best interest to provide as much detail as possible early in the planning process when available.
- 1.10. The Environment Act 2021<sup>2</sup> amends the Town and Country Planning Act (TCPA) 1990 and contains a new condition for planning permissions to make provision for the mandatory delivery of 10% BNG in the majority of developments; exemptions are outlined in [paragraph 1.14](#) of this document. The Environment Act sets out the following key components of mandatory biodiversity gain:
- Minimum 10% gain required calculated using the metric and the approval of a BGP;
  - Habitat secured for at least 30 years via planning obligations or conservation covenants;
  - Delivered on-site, off-site or as a last resort via the statutory biodiversity credits scheme;
  - Must be included on the National register for off-site net gain delivery sites.
- 1.11. **It does not change existing legal protections for important habitats and wildlife species. The Mitigation Hierarchy is still applicable under BNG, meaning developers should avoid impacts first, then mitigate if avoidance is not feasible, and compensate as a last resort.**
- 1.12. Detailed guidance for land managers, developers and LPAs can be found under the [Biodiversity Net Gain Collection](#) on the gov.uk website.

### To Which Developments Will Biodiversity Net Gain Apply?

- 1.13. The mandatory requirement to achieve at least 10% BNG applies to major development planning applications submitted on and after 12<sup>th</sup> February 2024 and minor development planning applications submitted on or after 2<sup>nd</sup> April 2024. BNG for Nationally Significant Infrastructure Projects (NSIPs) will be required no later than November 2025. BNG will apply to development projects, or components of projects, as far as the low-water mark, including the intertidal zone.

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<sup>1</sup> [Halton Borough Council: Apply for planning](#)  
[Knowsley Council: Planning validation criteria checklist](#)  
[Liverpool City Council: Planning application forms and checklists](#)  
[Sefton Council: Getting your application right first time](#)  
**St Helens Borough Council** do not have a local validation checklist at the time of writing (20/03/24)  
[West Lancashire Borough Council: Registration and validation](#)  
[Wirral Council: Planning application forms and checklists](#)

<sup>2</sup> *Environment Act 2021*, c. 30. Available at: [Environment Act 2021 \(legislation.gov.uk\)](#)

1.14. The following developments exempt from the biodiversity gain planning condition have been confirmed as<sup>3</sup>:

- Householder development as defined within Article 2(1) of the [Town and Country Planning \(Development Management Procedure\) \(England\) Order 2015](#);
- Development granted planning permission by a development order under section 59, this includes permitted development rights;
- Development impacting habitat below a 'de minimis' threshold of 25m<sup>2</sup> for area habitats, or 5m for linear habitats such as hedgerows (explained further in paragraph 1.15);
- Self-build and custom build development<sup>4</sup>;
- Urgent Crown development granted under s293A TCPA 1990;
- Development of a biodiversity gain site; and
- Development related to the high-speed railway transport network.

1.15. The de minimis threshold applies to the sum of all habitat types within a development site, not the size of the development as a whole. Habitat in this context means areas of vegetation or bare earth (i.e. any habitat with a distinctiveness score greater than zero), and does not include sealed surfaces such as concrete, asphalt or existing structures. Any impacts to priority habitat (as specified under Section 41 of the Natural Environment and Rural Communities Act 2006<sup>5</sup>) are not covered under this exemption. If a development impacts less than 25m<sup>2</sup> of non-priority habitat but 5m or more of linear habitat, or vice-versa, then the exemption will not apply and all habitats present would be subject to BNG.

1.16. There are specific modifications for phased development permissions. Instead of the standard approach for the BGP an Overall BGP must be submitted and approved by the planning authority before any development can begin; and a Phase BGP for each phase must be submitted and approved by the LPA before the development of that phase can begin. Further details regarding phased development can be found in paragraph 053 to 063 of the [Biodiversity Net Gain Planning Practice Guidance](#).

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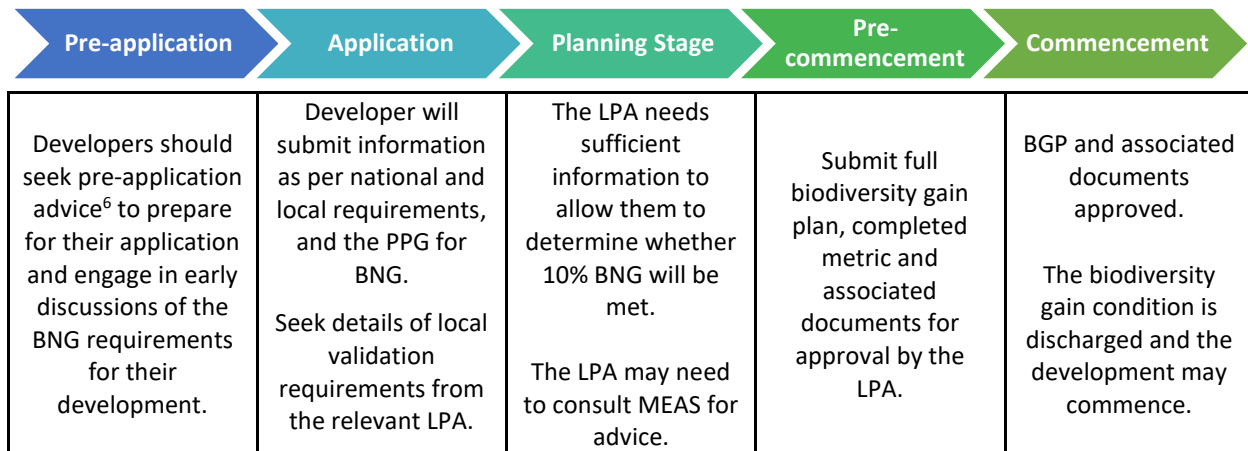
<sup>3</sup> *The Biodiversity Gain Requirements (Exemptions) Regulations 2024*. Available at: [The Biodiversity Gain Requirements \(Exemptions\) Regulations 2024 \(legislation.gov.uk\)](#)

<sup>4</sup> Development which consists of no more than 9 dwellings on a site area no larger than 0.5 hectares and consists exclusively of dwellings which are self-build or custom housebuilding as defined in [section 1\(A1\) of the Self-build and Custom Housebuilding Act 2015](#).

<sup>5</sup> [Habitats and species of principal importance in England - GOV.UK \(www.gov.uk\)](#)

## Biodiversity Net Gain Process

1.17. The following flow chart sets out a simplified process of BNG, highlighting steps and requirements at each stage.



<sup>6</sup> Information on how to seek discretionary pre-application advice can be found on the [MEAS website](#) and the website of each LPA. Further detail can be found in [paragraphs 3.5](#) of this document.



## Liverpool City Region Wide Principles of Best Practice

- 1.18. This document provides best practice approaches which ensure successful implementation of mandatory BNG through the planning system for the benefit of developers and LPAs. The following summarises principles for best practice set out within this document.

### LCR-WIDE PRINCIPLES OF BEST PRACTICE

1. Include **details of Mitigation Hierarchy and Biodiversity Gain Hierarchy at the application stage** within the accompanying report. Where plans are not finalised, then an indication of what is proposed to be retained, created and enhanced should be provided ([paragraphs 3.6-3.14](#)).
2. The **LCR-wide sequential approach** for BNG is followed ([paragraphs 3.15-3.17](#)).
3. For main metric submissions, **UKHab surveys** should be completed by a **suitably qualified ecologist who has achieved FISC level 3 or above**. Sufficient detail of qualifications and/or experience should be provided in the accompany report ([paragraphs 3.28-3.30](#)).
4. Include a **translation from UKHab to the metric habitat** within the accompanying report (main metric submissions only, [paragraph 3.31](#)).
5. Include a **translation from landscape plan terminology to the metric habitat** within the accompanying report ([paragraph 3.43](#)).
6. The **condition assessment details** should be provided for each baseline habitat parcel, including the overall condition score and which criteria pass/fail (main metric submissions only, [paragraphs 3.32-3.35](#)). Post-development condition assessment details of which criteria newly created or enhanced habitats aim to pass should also be provided ([paragraphs 3.46-3.47](#)).
7. Use the list of **strategic documents** as detailed in [paragraphs 3.60 and 3.62](#) to assign **strategic significance**.
8. The **Defra Biodiversity Gain Plan template** should be used ([paragraph 4.5](#)).
9. **Draft versions of the Biodiversity Gain Plan are submitted** to the LPA ([paragraph 4.9-4.10](#)).
10. Allow **data to be shared with the Local Environmental Record Centre** ([paragraph 4.11](#)).
11. The **Natural England HMMP template should be used**, when required. If using an alternative template, the HMMP template checklist by Natural England should be used to inform its contents ([paragraph 4.14](#)).

1.19. The LCR-wide approach covers the six districts within the LCR which include Halton, Knowsley, Liverpool, Sefton, St Helens and Wirral, in addition to West Lancashire. The district boundaries are shown in Figure 1.1.



**Figure 1.1** The LCR-wide districts which are covered by this guidance note.

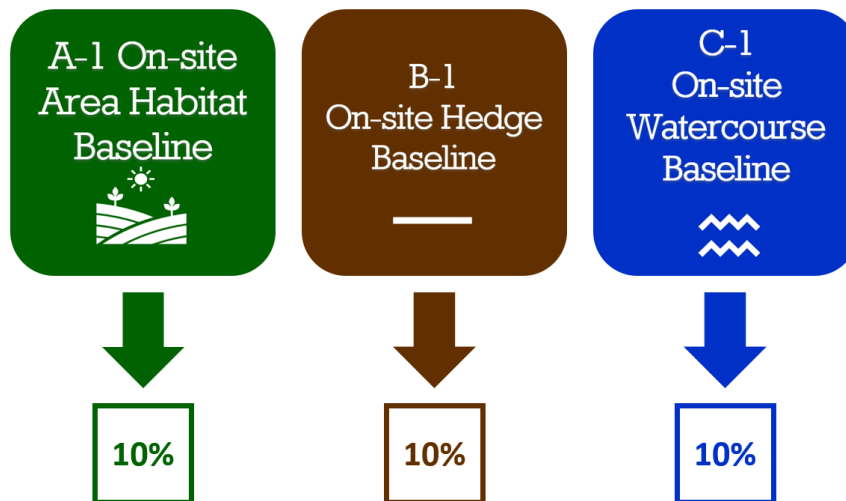
## 2. STATUTORY BIODIVERSITY METRIC CALCULATION TOOLS

### Biodiversity Metrics and Protected Species

- 2.1. The metric does not include species explicitly. Instead, it uses habitat types as a proxy for the biodiversity value of the species communities that make up those different habitats. **The metric does not change existing levels of species protection and does not replace the processes linked to protected species regimes.** Mitigation and enhancements for protected and notable species, such as provision of bat, bird and hedgehog boxes will still be required and will be dealt with separately from BNG provision.
- 2.2. Where habitat creation, enhancement or restoration is required to meet legislative or policy requirements outside of BNG (e.g. pond creation to compensate for the loss of great crested newt habitat), the interventions may only be counted up to net zero within the metric; the 10% gain must be additional and separate to other requirements.

### The Statutory Biodiversity Metric Calculation Tool

- 2.3. The mandatory implementation of BNG requires the metric to be submitted alongside planning applications with the pre-development information completed. LPAs will likely request that post-development information is also provided within the metric, informed by draft landscape plans, to provide sufficient certainty the biodiversity gain condition is capable of being discharged. A fully completed metric informed by finalised landscape plans is required to discharge the pre-commencement condition.
- 2.4. Defra do not intend to make further major changes to the metric before 2026, however minor updates may be undertaken to fix any errors. It is therefore recommended that users check they are using the most recent version.
- 2.5. There are three modules within the metric – habitat area, hedgerow and watercourse. Each module must meet 10% net gain separately; the units delivered cannot be summed, averaged, traded or converted between modules. The requirement to meet 10% in a module is only necessary when a habitat from that module is present in the baseline assessment, i.e. if no hedgerows are present on site, the need for 10% uplift in the hedgerow module is not obligatory.
- 2.6. Specific guidance on the watercourse module is found in [paragraphs 3.70-3.74](#) of this document.



- 2.7. As well as meeting 10% net gain, trading rules must also be followed. Trading rules require losses of habitats to be compensated for on a 'like for like' or 'like for better' basis, depending on the distinctiveness of the habitat in question. The metric will flag when trading rules have not been met. Specific requirements of the trading rules are set out under Section 3 of the [Statutory Biodiversity Metric User Guide](#).
- 2.8. This guidance note only provides a brief overview of the metric. For further details, refer to the Statutory Biodiversity Metric User Guide which is [available on gov.uk](#) along with the metric and condition assessment sheets.

#### Small Sites Metric Calculation Tool

- 2.9. A simplified version of the metric, known as the Small Sites Metric Calculation Tool (hereafter referred to as 'the SSM'), has been produced by Defra with the aim to ease the process for small site developments.
- 2.10. The habitat survey and the SSM calculation must be completed by a 'competent person'. The competency is aligned with the British Standard '[Process for designing and implementing biodiversity net gain: BS 8683:2021](#)'. There is currently no specific requirement for the SSM to be completed by a suitably qualified ecologist however, they need to meet the competencies required by the SSM guidance.
- 2.11. A competent person is someone who *"has the knowledge and skills to perform specified tasks to complete and review the SSM calculations."* This may be obtained through training, qualifications, experience or a combination of these. The developer is responsible for ensuring the person using SSM is competent and will need to submit evidence of their competency to the LPA.

2.12. The user of the SSM should be competent in identifying:

- Habitats present on site (pre-development)
- Management requirements for habitats to be created or enhanced within the landscape design (post-development)

2.13. The SSM can only be used on small sites, that is developments which do not fall under the meaning of major development defined in Article 2(1) of the [Town and Country Planning \(Development Management Procedure\) \(England\) Order 2015](#). Additional criteria are also required to be met which are set out in paragraph 2.15 below. The following table sets out the qualifying criteria for use of the SSM for residential developments and commercial developments.

Residential Developments	Commercial Developments
Where the number of dwellings to be provided is nine or fewer on a site area less than one hectare	The floor space to be created is less than 1000m <sup>2</sup> and the development is carried out on a site area is less than one hectare
Where the number of dwellings to be provided is not known, the site area is less than 0.5 hectare	

2.14. The winning and working of minerals or the use of land for mineral-working deposits and waste developments are considered major developments irrespective of the size of the site.

2.15. It is not appropriate to use the SSM on all small site developments. The following criteria also need to be met to use the SSM:

- Only habitats available within the SSM are present on-site – sites containing additional habitats (including riparian zones where relevant) not included in the SSM must use the main metric;
- No priority habitats are present on-site – some hedgerows and arable field margins are excluded from this point as they are medium distinctiveness habitats included in the SSM;
- There are no statutory protected sites or habitats present; and
- There are no European protected species present.

**2.16. Where these criteria are not met, the main metric must be used.**

2.17. If statutory protected sites or priority habitats are located within 500m of the development boundary, consideration should be given to contracting an ecologist and using the main metric. If the SSM has been used in these cases, justification must be provided as to why the site development will not impact the priority habitat or protected site.

- 2.18. The SSM does not have a section to input off-site information. If purchasing habitat units for a small site development, the SSM should be sent to the off-site provider who can enter the details into the main metric to submit when recording the allocation on the biodiversity gain register.
- 2.19. Even if a site meets all the criteria for use of the SSM, it is not mandatory that the user uses the SSM. It is acceptable for a developer to submit the main metric for a small site development if they choose to do so.
- 2.20. This guidance note only provides a brief overview of the SSM. For further details, refer to the Small Sites Metric User Guide which is [available on gov.uk](#) along with the Statutory SSM.



### 3. BIODIVERSITY NET GAIN DETAILS

#### Preparing an Application for Biodiversity Net Gain

- 3.1. Considering BNG as early on in the development process as possible will provide an understanding of site specific BNG requirements, ensuring the smooth delivery of BNG obligations. Early consideration can ensure that BNG is delivered largely on site and so reduce the requirement for purchase of units from habitat banks or large fees from statutory biodiversity credits. Developers may wish to obtain pre-application advice from the LPA. Developers are strongly encouraged to involve an ecological consultant early in the development design process.

#### Understanding What Habitats are Present

- 3.2. Identifying and understanding the value of the habitats present at baseline can better inform site layout and design. Identifying areas of high biodiversity value, then considering the spatial placement of infrastructure to avoid damage and loss will be beneficial to biodiversity and make it easier to achieve overall biodiversity gains. This is also in accordance with the Mitigation Hierarchy and Biodiversity Gain Hierarchy, which are discussed further in [paragraphs 3.6-3.14](#).
- 3.3. A desk-based study using aerial imagery, street view, and mapping services such as [Magic Maps](#) can provide a basic indication of habitats that may be present. Alternatively, various software options are becoming available on the market using innovative remote sensing technologies. Desk-based habitat studies can provide useful information to gain an understanding of the site and to inform some initial decisions. However, the ecological baseline submitted with your application must be in the form of a habitat survey undertaken by a suitably qualified individual surveying the site in person. **Habitat data provided solely by a desk-based study or by such software will not be acceptable.**
- 3.4. It may also be useful to understand what habitats are present prior to the purchase of land. It is advised that land is researched before purchase to ensure that habitats on the site have not been intentionally degraded to undermine BNG. If activities were carried out on or after the 30<sup>th</sup> of January 2020 which caused a reduction in biodiversity value, the biodiversity value of the habitats before degradation is to be used instead. The exception to this is if degradation occurred as part of planning permission, which is acceptable up to 25<sup>th</sup> August 2023. Further detail can be found in [paragraphs 3.23-3.27](#) of this document.

#### Seek Pre-Application Advice

- 3.5. LPAs can provide pre-application advice<sup>7</sup>. In addition, Mersey Environmental Advisory Service (MEAS) offer specialist advice on ecology and biodiversity, as well as other matters. Information on how to seek MEAS discretionary pre-application advice can be found on the [MEAS website](#). Early consultation will assist applicants in planning for required information and assessments, including site specific BNG advice.

#### The Mitigation Hierarchy and Biodiversity Gain Hierarchy

- 3.6. To ensure that the Mitigation Hierarchy and Biodiversity Gain Hierarchy are adequately applied, developers must consider BNG in the early stages of the site design process. It would be beneficial for landscape architects to be in conversation with ecologists at the design stage. In addition, the sequential approach (detailed in [paragraphs 3.15-3.17](#) of this document) should also be followed.
- 3.7. The Mitigation Hierarchy is set out in paragraph 186(a) of the 2023 [National Planning Policy Framework](#) (NPPF). It states that *“if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.”*
- 3.8. The application of The Mitigation Hierarchy is applicable to BNG applications and is set out within the [Biodiversity Net Gain: Good Practice Principles for Development Guide](#) by the Chartered Institute of Ecology and Environmental Management (CIEEM).
- 3.9. The steps of the Mitigation Hierarchy are set out below.

#### THE MITIGATION HIERARCHY

→			
AVOID	MITIGATE	RESTORE	COMPENSATE
Where possible damage and loss of habitats should be avoided.	Where possible, habitat damage and loss should be mitigated.	Where possible, any damaged or lost habitat should be restored.	As a last resort, damaged or lost habitat should be compensated for.

- 3.10. The Mitigation Hierarchy is a guide to limit negative impacts on biodiversity from development projects. Where negative impacts to habitats are avoided (i.e. habitats are retained) there may also be potential to enhance them to further support net gain

<sup>7</sup> [Halton Borough Council: What you can expect from your pre-application advice](#)

[Knowsley Council: Pre-application advice service for planning](#)

[Liverpool City Council: Planning for businesses and professionals](#)

[Sefton Council: Pre-application advice on development proposals](#)

[St Helens Borough Council: Your guide to planning & building control](#)

[West Lancashire Borough Council: Pre-Application Advice](#)

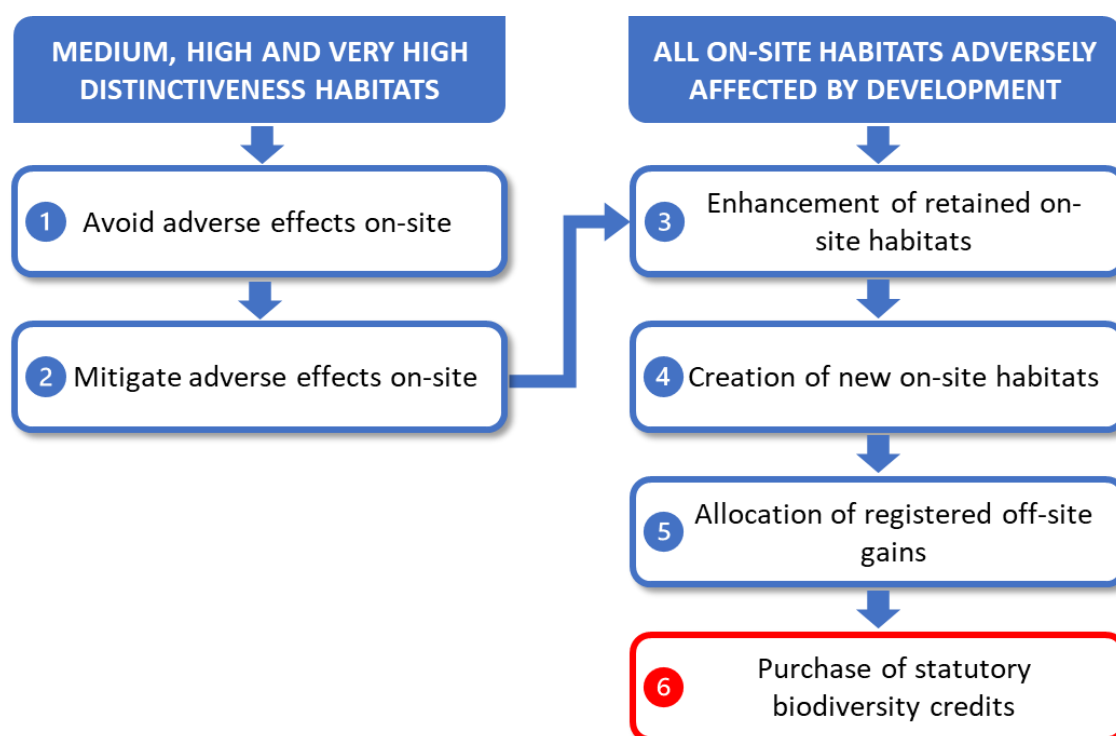
[Wirral Council: Pre-application advice](#)



outcomes. Retention of habitats maintains the number of biodiversity units, whereas enhancement increases the amount of biodiversity units delivered. Habitat creation can also be additional, therefore further contributing to BNG obligations.

3.11. The [Biodiversity Net Gain Planning Practice Guidance](#) sets out the Biodiversity Gain Hierarchy in paragraph 008 which applies an emphasis to medium and higher distinctiveness habitats and relates more specifically to BNG provision. The Biodiversity Gain Hierarchy does not apply to irreplaceable habitats and is distinct from the Mitigation Hierarchy. The Biodiversity Gain Hierarchy is demonstrated in Figure 3.1 and sets out the following list of priority actions:

- **First, in relation to onsite habitats which have a medium, high and very high distinctiveness** (a score of four or more according to the statutory biodiversity metric), avoid adverse effects from the development and, if they cannot be avoided, mitigate those effects; and
- **Then, in relation to all onsite habitats which are adversely affected by the development**, the adverse effect should be compensated by prioritising in order, where possible, the enhancement of existing retained onsite habitats, creation of new onsite habitats, allocation of registered offsite gains and finally the purchase of biodiversity credits.

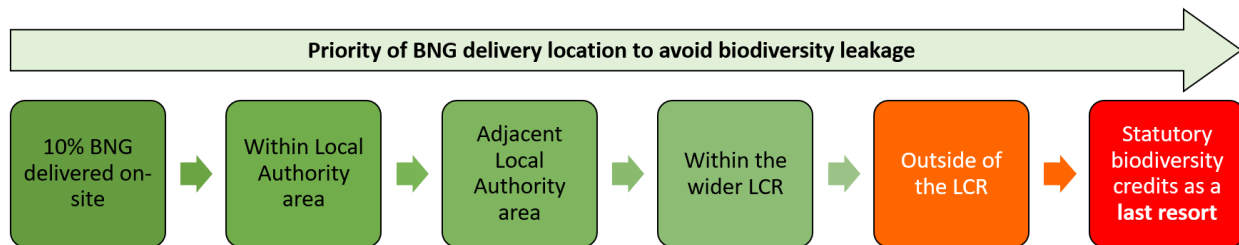


**Figure 3.1** Flow chart representing the order of priorities set out in the Biodiversity Gain Hierarchy.

- 3.12. Please note the avoidance, mitigation and enhancement of any habitats on-site is encouraged where possible. Though priority should be given to medium and higher distinctiveness habitats when designing the site layout.
- 3.13. Developers will need to evidence that they have followed and engaged with both the Mitigation Hierarchy and Biodiversity Gain Hierarchy within their planning application as this will form part of the LPA decision making process. Information on both hierarchies should be included within an accompany survey report. If plans are not finalised at the application stage, then an indication of what habitats are planned or advised to be retained, enhanced or created should be provided. LPAs may request additional draft information. Developers are encouraged to follow the hierarchies from the earliest possible stage when selecting a site and considering development proposals.
- 3.14. The Biodiversity Gain Plan (BGP) template produced by Defra requires an explanation of what steps were taken to avoid or minimise impacts to habitats under Section 4.4. For example, if the development has arrived at the last resort option and must purchase statutory biodiversity credits, detail should be given on how on-site and off-site options were explored but were not suitable. If an off-site habitat bank has been used that is not located within the same local authority area as the development site, an explanation should be given why habitat banks closer to the development site were not suitable for offsetting.

#### Sequential Approach and Off-Site Compensation

- 3.15. The metric incentivises habitat delivery on or close to the development site through a 'Spatial Risk Multiplier', which reduces the value of habitats biodiversity units delivered further away from the development. This is based on three categories: off-site provision located within the same LPA or National Character Area (NCA); within a neighbouring LPA or NCA; or elsewhere (not in a neighbouring LPA or NCA). Geospatial data showing NCA profiles can be downloaded from [gov.uk](https://gov.uk). NCAs within the LCR and West Lancashire include the [Lancashire and Amounderness Plain](#) (32), [Lancashire Coal Measures](#) (56), [Sefton Coast](#) (57), [Merseyside Conurbation](#) (58), [Wirral](#) (59) and [Mersey Valley](#) (60).
- 3.16. Where a development cannot achieve 10% BNG on-site after following the Mitigation Hierarchy and Biodiversity Gain Hierarchy, the developer can secure the unit shortfall off-site. In these cases, the sequential approach set out below should be followed. In the first instance, off-site options within the same Local Authority area should be sought, where ecologically feasible. Where this is not possible, off-site mitigation within the adjacent Local Authority area should be investigated, then elsewhere within the wider LCR. Figure 3.2 summarises the sequential approach that should be followed.



**Figure 3.2** Sequential approach for developments occurring within the LCR.

3.17. The sequential approach should be applied to developments alongside the Mitigation Hierarchy and Biodiversity Gain Hierarchy.

### Understanding Off-Site Options and Statutory Credit Costs

3.18. **It is anticipated that there will be a lack of habitat banks available, particularly in the early implementation of mandatory BNG.**

3.19. Understanding the amount and type biodiversity units that are required to offset the loss from development and researching the availability of units from habitat banks can avoid large unwanted costs from statutory biodiversity credits.

3.20. Developers may enter into a purchase agreement with habitat bank providers to reserve units while the application is being processed. This will also provide confidence to the LPA that BNG obligations are going to be met.

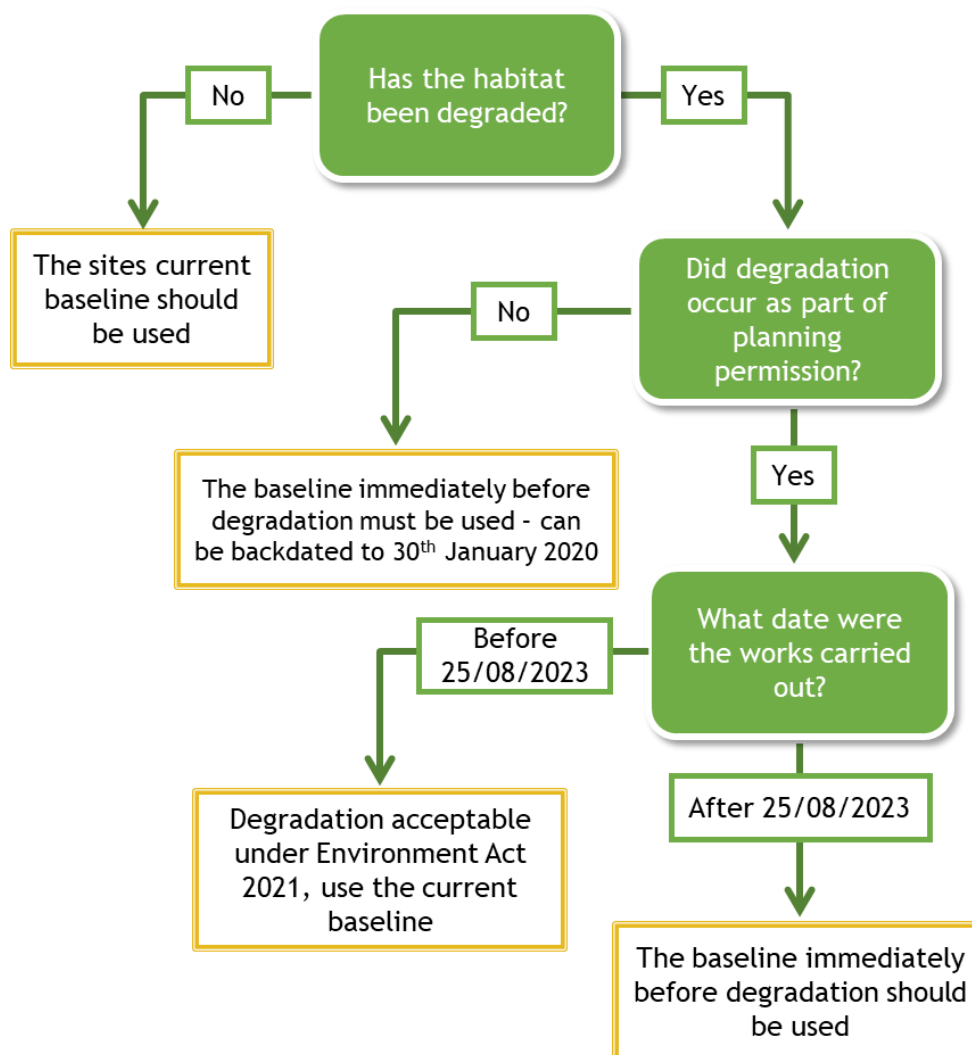
3.21. If units are not available through habitat bank providers, the final option to offset biodiversity losses is purchasing statutory biodiversity credits. The metric automatically calculates the number of credits required, details of which can be found under the 'unit shortfall summary' tab. Statutory biodiversity credits are priced in tiers according to habitat type for area-based biodiversity units and priced separately for hedgerow and watercourse units. Further guidance and price details can be found on the [Statutory Biodiversity Credit Prices](https://www.gov.uk/guidance/statutory-biodiversity-credit-prices) gov.uk webpage.

3.22. **Statutory biodiversity credits are the last resort when offsetting biodiversity losses and are therefore priced intentionally high to disincentivise their use. Furthermore, two credits must be purchased for every one biodiversity unit lost.** Therefore, the applicant may wish to alter the site design to include more retention, enhancement or creation to achieve a higher amount of biodiversity gain on-site and minimise additional offset payments.

### Degraded Sites

3.23. The Environment Act 2021 states that if activities have been carried out on land on or after the 30<sup>th</sup> of January 2020 which have resulted in a reduction to biodiversity, the baseline value of the habitats before degradation occurred is to be used instead.

- 3.24. The only exception to this is if planning permission was granted for the works carried out. However, if activities in connection with planning permission were carried out after the 25<sup>th</sup> August 2023 lowered the biodiversity value of the on-site habitat, then the pre-development biodiversity value of the on-site habitat is taken to be the biodiversity value immediately before the carrying out of the activities.
- 3.25. Use the flow chart in Figure 3.3 below to determine the date of baseline to be used when degradation has occurred on site.



**Figure 3.3** Flow chart to determine the date of baseline when degradation has occurred on a development site.

- 3.26. Data records, aerial imagery, historic field surveys and any other relevant methods may be used to determine the habitat types prior to degradation occurring. A precautionary approach is to be used when assigning condition scores; in the absence of contrary evidence, the highest condition score should be applied.

- 3.27. It is advised that land is researched prior to purchase for development as this regulation would still apply if habitats have been degraded by the previous landowner. The degradation of high value habitats may require a significant number of biodiversity units to be compensated for.

### Completing a Baseline Survey for Biodiversity Net Gain

#### UK Habitat Classification

- 3.28. A habitat survey following the UK Habitat Classification (UKHab) methodology<sup>8</sup> is required to support the BNG assessment. Ideally UKHab surveys are to be completed by an ecologist who holds a Field Identification Skills Certificate (FISC) of level 3 or above. If the ecologist does not hold a FISC, then sufficient detail of qualifications and/or experience is to be provided.
- 3.29. A UKHab survey is not required when the SSM is used. Instead, the habitats should be identified using terminology within the metric.
- 3.30. An accompanying map is required to show the location of baseline habitats within the site. The GIS layers are to be submitted to the LPA where available.
- 3.31. As UKHab and the metric habitats do not fully correspond, the habitat type should be reported in UKHab with a translation to the metric habitat within the accompanying report.

#### Habitat Condition Assessments

- 3.32. Condition assessments of each habitat parcel are to be carried out using the [Statutory Biodiversity Metric Condition Assessments](#). Each habitat parcel is to be assessed individually; where there is a distinct change in a condition across a habitat parcel, the habitat parcel must be split and recorded separately.
- 3.33. Details of condition assessments for each habitat parcel are to be provided to the LPA either within the accompanying survey report or by submitting the condition assessment sheets. The overall condition score is to be provided along with details of what condition assessment criteria pass/failed. This is essential for reviewing in order to ensure the information provided is accurate.
- 3.34. The 'fairly good' and 'fairly poor' conditions are intermediate categories to be used when specific features of condition are not captured in the standard condition assessment. The use of the 'fairly' categories should only be used with the application of ecological expertise and require an explanation for deviating from the standard condition scores. Explanation should be within the relevant 'user comment' section of the metric, as well as detailed in the accompanying report.

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<sup>8</sup> [UK Habitat Classification](#)

- 3.35. Condition assessments do not need to be undertaken when using the SSM as it automatically assigns condition at the pre-development stage.

#### Existing Pre-Development Trees

- 3.36. Section 8 of both the [Statutory Biodiversity Metric User Guide](#) and [Small Sites Metric User Guide](#) provides information on how to input individual trees into the metrics. The tree helper is to be used with the main metric to generate the area values of individual trees. How many individual trees contribute towards the area is to be provided within the user comments of the metric. The SSM has a 'tree area calculator' within it which does not require the area to be input manually.
- 3.37. When recording baseline trees within private gardens, all medium, large and very large trees are to be included.
- 3.38. The [Statutory Biodiversity Metric Condition Assessment](#) for individual trees states that the habitat type 'line of trees' should only be used when the habitat type is found within rural locations. Therefore, groups or stands of trees within urban locations, even when arranged in a line, are to be recorded as the habitat 'individual trees'.
- 3.39. Where medium, large or very large tree within a hedgerow or 'rural' line of trees are being removed post-development, the individual trees being removed are to be recorded as individual trees within the baseline. The same applies to orchards and wood-pasture and parkland habitats; medium, large or very large trees within these habitats that are being removed are to be recorded as individual tree at baseline. However, this does not change the way which you would record the area of orchard or wood-pasture and parkland habitats.
- 3.40. Details on how to record veteran trees can be found under the Irreplaceable Habitats section within [paragraph 3.77](#) of this document and Section 8 of the [Statutory Biodiversity Metric User Guide](#).

#### Post-Development Proposal Information

##### Landscape Plans

- 3.41. Landscape plans must highlight habitats that are proposed for retention, enhancement and creation. It is to be made clear what version of the landscaping plans were used to complete the metric. The finalised landscape plan must be used to inform the metric for discharge of the pre-commencement planning condition, to calculate the post-development biodiversity value as part of the BGP.
- 3.42. Only habitats outside of privately owned plots are to be included within the post-development sheets of the metric. Any planting, including individual trees and hedgerows, within private gardens must be inputted as the habitat type 'Urban – Vegetated garden'.

- 3.43. As planting details within landscape plans are not usually provided in the same terms as metric habitats, it should be clearly stated within the accompanying biodiversity report what the landscape plan habitat has been translated to within the metric.
- 3.44. Following guidance in Section 8 of both the [Statutory Biodiversity Metric User Guide](#) and [Small Sites Metric User Guide](#), in the absence of detailed landscaping information, the metric user should apply a default 70:30 ratio of 'Urban – Developed land; sealed surface' to 'Urban – Vegetated garden' when assessing habitats within areas outlined for housing. This does not account for access roads and public open space. If gardens and houses are clearly not at this ratio it should be adjusted accordingly and explained in the user comments.
- 3.45. It is anticipated that lack of detailed landscaping will only be an issue at the application stage. Therefore, accurate habitat measurements are to be submitted at the pre-commencement stage when the landscaping scheme is finalised.

#### [Habitat Condition Assessments](#)

- 3.46. Condition assessment details are also required for post-development habitats for main metric submissions. The proposed condition scores for habitat enhancements and newly created habitat should be provided along with what condition assessment criteria the interventions aim to pass. This is essential to provide confidence that the proposed habitat works are viable to meet their selected condition. Habitat management and monitoring plans are to show how proposed conditions will be met through the habitat management regime; this is prompted in the Natural England HMMP template.
- 3.47. Within the SSM, some habitats allow the user to assign the post-development condition from a set number of options. As a default, the lower condition should be chosen unless evidence is provided how the higher condition will be achieved. The SSM user should have an understanding of the condition assessment criteria to ensure the suggested condition is achievable. SSM users may wish to seek specialist ecological advice to provide justification. Condition assessments are welcomed to provide additional rationale when a higher condition is selected.

#### [Significant/Non-Significant Enhancements](#)

- 3.48. As part of the BGP, applicants are required to provide information on whether habitat interventions proposed on the development site are considered significant or non-significant.
- 3.49. Significant enhancements require applicants to submit a Habitat Monitoring and Management Plan (HMMP), enter into a legal agreement to secure habitats and commit to maintaining habitats for 30 years, however these obligations do not apply to non-significant enhancements.

3.50. The '[Make on-site biodiversity gains as a developer](#)' guidance describes significant and non-significant enhancements as follows:

- Significant enhancements are areas of habitat enhancement which contribute significantly to the proposed development's biodiversity net gain relative to the biodiversity value before development e.g. creating a wildlife pond or nature park.
- Non-significant enhancements are habitat enhancements that will be included in your metric calculations, but that will not make a significant difference to the development's biodiversity value e.g. private gardens or container planting.

3.51. Significant enhancements will vary between developments but would *usually* be:

- i. Habitats of medium or higher distinctiveness in the metric;
- ii. Habitats of low distinctiveness which create a large number of biodiversity units relative to the biodiversity value of the site before development;
- iii. Habitat creation or enhancement where distinctiveness is increased relative to the distinctiveness of the habitat before development;
- iv. Areas of habitat creation or enhancement which are significant in area relative to the size of the development; and
- v. Enhancements to habitat condition.

#### [Creation of High Value Habitats](#)

3.52. If high or very high distinctiveness habitats are proposed in post-development plans, additional details are required to provide confidence that the habitats will not fail. These habitats have very specific requirements for successful establishment, therefore reference to habitat size, management, environmental conditions and habitat requirements should be included. For example, soil data and hydrology information to support the creation of grasslands. Prompts for more detailed information is within the Natural England HMMP template.

#### [Newly Planted Trees](#)

3.53. Section 8 of the [Statutory Biodiversity Metric User Guide](#) and [Small Sites Metric User Guide](#) provides detailed information on how to record individual trees within the metric. The following points in particular are of note:

3.54. **Size classes for newly planted trees must always be classified as small unless the tree is medium sized or above at the time of planting** i.e. the diameter at breast height is larger than 30cm. Tree sizes should not be projected across the project time frame. The number of trees to be planted is also required to be stated.

3.55. Generally, newly planted trees will only be able to achieve a maximum of moderate condition as they will not pass condition assessment criteria C '*The tree is mature (or more than 50% within the block are mature)*' or E '*Natural ecological niches for vertebrates and*



*invertebrates are present, such as presence of deadwood, cavities, ivy or loose bark*'. Furthermore, following guidance set out within the footnote of the individual tree condition assessment sheet, it is not possible or appropriate to enhance individual trees by attempting to achieve criteria A '*The tree is a native species (or at least 70% within the block are native species)*', C or E.

- 3.56. **Individual trees within private gardens must not be included within the metric calculation** as it is not viable to legally secure habitats within private residential plots.

#### Delay in Starting Habitat Creation

- 3.57. Long construction timelines should be accounted for within the metric, particularly for phased developments. The delay in starting habitat creation function should be used to account for the time difference between the loss and compensation of habitat. If habitat is cleared for a development and the compensation is only delivered after 12 months, the delay in habitat creation function should reflect this i.e. the delay function should represent the time that habitat is absent on the ground. If compensation is delivered within 12 months of the pre-development habitat being cleared, the delay does not need to be applied.

#### Strategic Significance

- 3.58. When completing the metric, the 'strategic significance' score gives additional unit value to habitats that are located within a preferred location for biodiversity. Strategic significance is whether the location of each habitat parcel is identified in a Local Plan or other strategic document as an important area for biodiversity e.g. Local Nature Recovery Strategies (LNRS).
- 3.59. The Liverpool City Region and Lancashire LNRS is in development and will provide a framework for meaningful, ecologically robust habitat delivery through BNG and provide a focus for a strengthened duty on all public authorities to conserve and enhance biodiversity.

3.60. Within the districts of Halton, Knowsley, Liverpool, Sefton, St Helens and Wirral, habitats within or identified by the following areas/plans are considered to be of **high strategic significance** within the metric:

- Statutory protected sites (e.g. SAC, SPA, Ramsar and SSSI, NNR and LNR)<sup>9</sup>;
- Locally designated sites, including Local Wildlife Sites (LWS), Sites of Biological Importance (SBI);
- Local Nature Recovery Strategy (when published);
- Liverpool City Region Ecological Network Nature Improvement Areas and Core Biodiversity Areas;
- [North Merseyside Biodiversity Action Plan Habitats](#) (with the exception of Urban Green Infrastructure and Urban Grasslands that are classified as modified grassland<sup>†</sup>);
- [Wirral Biodiversity Action Plan habitats](#);
- [Halton Biodiversity Action Plan habitats](#);
- Bold Forest Park, St Helens;
- [Sankey Catchment Action Plan, St Helens](#);
- [Draft Wirral Green and Blue Infrastructure Strategy](#);
- Knowsley Strategic Green Links (as defined in policy CS8 of the [Knowsley Local Plan Core Strategy](#)); and
- Green Wedges in Liverpool.

3.61. The [LCR Ecological Network Explorer](#) highlights Core Biodiversity Areas and Nature Improvement Areas within the districts covered in paragraph 3.62.

3.62. For West Lancashire, habitats within or identified by the following areas/plans are considered to be of **high strategic significance** within the metric:

- Locally designated sites, included Biological Heritage Sites (BHS);
- [The Lancashire Ecological Network Approach and Analysis](#);
- [Lancashire Biodiversity Action Plan Habitats](#);
- Nature Conservation Sites as identified within the [Green Infrastructure and Cycling Strategy](#); and
- Local Nature Recovery Strategy (when published).

3.63. Ecological Network Maps are also available in the Lancashire Ecological Network Approach and Analysis that highlight core areas. The Lancashire Ecological Network Approach and

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<sup>9</sup> N.B these designated sites cannot be used to provide off-site BNG.

<sup>†</sup> Urban Green Infrastructure and Urban Grassland habitats are important in a local context particularly for communities. However, they have been excluded from the list of strategically significant habitats in consideration to Biodiversity Net Gain as they are common and widespread habitats and may include amenity grassland areas in parks and playing fields. This would mean that these habitats are amplified in biodiversity value compared with some other more ecologically valuable habitats. However, if these habitats fall under any of the other strategic areas listed, the habitats should be classified as high strategic significance.

Analysis and the Lancashire Biodiversity Action Plan Habitats can be downloaded from the LERN portal; details of how to access the portal are found on [Lancashire.gov.uk](https://lancashire.gov.uk).

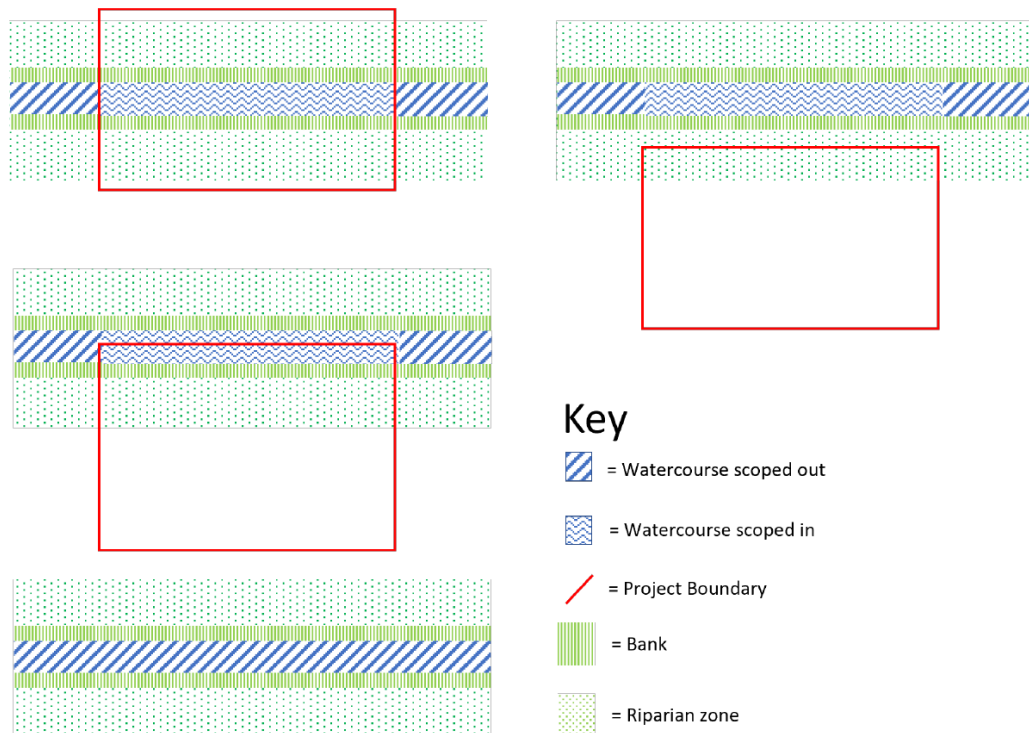
- 3.64. These lists may be subject to updates as future work areas are undertaken.
- 3.65. Locally designated sites have been included in the above lists. However, to ensure that any harmful effects to these, and other designated sites, are appropriately mitigated, separate consideration and assessment outside of the metric will be required. Existing assessment requirements with regards to nationally and internationally designated sites will not change e.g. requirements under the Habitats Regulations will remain.
- 3.66. Following guidance set out in Section 4 of the [Statutory Biodiversity Metric User Guide](#), **the medium strategic significance category cannot be applied as this document has identified areas/plans to assess strategic significance, as listed in paragraph 3.62 and 3.64.** Therefore, habitats are only to be assigned as high strategic significance (located within or identified by an area/plan set out above) or low strategic significance (not located within or identified by an area/plan set out above).
- 3.67. **The publication of the LCR LNRS and Lancashire LNRS will supersede the list of strategic areas/plans set out in paragraphs 3.62 and 3.64.** Once published, only post-intervention habitats may be considered high strategic significance where a) the site has been mapped within the LNRS; and b) the intervention delivers the mapped potential measure for the LNRS for that location. **The medium strategic significance category cannot be applied once the LNRS is published.**

### Watercourses

- 3.68. For site boundaries which cross into the riparian zone<sup>10</sup>, adjacent lengths of the watercourse must be included within the metric assessment. Figure 3.4, taken from the [Statutory Biodiversity Metric User Guide](#), demonstrates cases where a watercourse should be included in an assessment.

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<sup>10</sup> The riparian zone is defined within Section 7 of the Statutory Biodiversity Metric User Guide: “*The riparian zone is a set area from the bank top of the watercourse. The bank top is where there is a break in slope between the river channel and the surrounding land.*” For priority rivers, other rivers and streams, and canals the riparian zone width is 10m from the top of each bank; for ditches the riparian zone is 5m from the top of each bank. Culverts are not applicable to and are not considered to have a riparian zone.



**Figure 3.4** Length of watercourse scoped into the net gain calculations. Image taken from the Statutory Biodiversity Metric User Guide.

- 3.69. Vegetation within the riparian zone must be recorded and assessed separately within the area and/or hedgerow module of the metric if they are within the site boundary.
- 3.70. All watercourses, with the exception of ditches and culverts, should be assessed using the River Condition Assessment (RCA) methodology. To undertake the assessment, assessors should be trained and accredited in the RCA methodology.
- 3.71. Priority rivers are naturally functioning stretches and can be identified on the [Priority River Habitat Map](#). A river may not be listed on the Priority River Habitat Map but still be classified as a priority habitat if [it meets the criteria for inclusion](#).
- 3.72. Please refer to Section 7 of either the [Statutory Biodiversity Metric User Guide](#) or [Small Sites Metric User Guide](#) for further details on how to record watercourses within the appropriate metric.

### Irreplaceable and Very High Distinctiveness Habitats

- 3.73. The NPPF defines irreplaceable habitats as *‘habitats which would be technically very difficult (or take a very significant time) to restore, recreate or replace once destroyed, taking into account their age, uniqueness, species diversity or rarity.’* The list of irreplaceable habitats in place for mandatory BNG have been confirmed as:
- **Ancient woodland**
  - **Ancient and veteran trees**
  - Blanket bog
  - Limestone pavements
  - **Coastal sand dunes**
  - Spartina saltmarsh swards
  - Mediterranean saltmarsh scrub
  - **Lowland fens**
- 3.74. Irreplaceable habitats anticipated to be present within the LCR are highlighted above in **bold**. The list of irreplaceable habitats will undergo a public consultation within the first year of mandatory BNG.
- 3.75. All on-site irreplaceable habitats must be recorded within the metric. All ancient and veteran trees must be recorded on a separate row within the metric and marked as irreplaceable habitats. This includes ancient and veteran trees within woodlands that are not themselves classified as ancient woodland, and those located within hedgerows and lines of trees.
- 3.76. The 10% BNG requirement does not apply to irreplaceable habitats as they are so difficult to create and have such a high biodiversity value that it would be impossible to achieve the required increase.
- 3.77. Instead, any losses or deterioration of irreplaceable habitat requires bespoke compensation which must be agreed with the LPA on a case-by-case basis. The Local Planning Authority will need to ensure compliance with the 2023 [NPPF](#) paragraph 186(c), which states that:
- “development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists.”*
- 3.78. Further guidance can be found under the [‘Irreplaceable Habitats’](#) page on the gov.uk BNG collection.
- 3.79. The planning authority must be satisfied that as a minimum, the compensation plan meets requirements in relevant policy and guidance and delivers appropriate compensation which should aim to reflect the same type of habitat that was lost. Bespoke compensation

must comply with up-to-date policy, legislation and regulations. Where bespoke compensation has been agreed, **the habitat interventions to address specific losses and deterioration should not be recorded within the post-development sheets of the metric.**

- 3.80. A compensation plan is also required to be submitted with the BGP when irreplaceable habitats are impacted. Regulation 3 of the [Biodiversity Gain Requirements \(Irreplaceable Habitat\) Regulations 2024](#), states “*arrangements are appropriate only if they secure that there is a compensation plan in place that secures appropriate compensation relative to the baseline habitat type, and which **does not include the use of biodiversity credits.***”
- 3.81. Where there are no losses or deterioration of irreplaceable habitats, their enhancement can contribute towards the calculation of biodiversity units. The presence of irreplaceable habitat does not affect the need to provide 10% net gain of all other habitats on-site.
- 3.82. The metric includes a metric-specific classification termed ‘very high distinctiveness habitats’ (VHDH) which are highly threatened, internationally scarce habitats that require conservation action. Some VHDH will meet the definition of irreplaceable habitat but not all irreplaceable habitats are VHDH within the metric.
- 3.83. The VHDH metric habitats which are anticipated to be present within the LCR are as follows. Due to the importance of these habitats locally they are all Local Biodiversity Action Plan priority habitats:
- Lowland dry acid grassland
  - Lowland meadows
  - Fens (lowland)
  - Lowland raised bog
  - Purple moor grass and rush pastures
  - Wood-pasture and parkland
  - Species-rich native hedgerow with trees – associated with bank or ditch
- 3.84. Avoiding negative impacts to irreplaceable or VHDH should be a priority. It is advisable to seek pre-application advice from the LPA if irreplaceable or VHDH are present on your development site.
- 3.85. VHDH are valuable and cannot always be adequately compensated for, therefore there is a bespoke compensation option within the metric. Section 3 of the [Statutory Biodiversity Metric User Guide](#) states that when bespoke compensation is used for VHDH: (1) priority should be given to replacing losses with units of the same habitat type; (2) if this is not possible, losses should be replaced by appropriate units of the same habitat distinctiveness; (3) or if that is not possible, appropriate area units of a high habitat distinctiveness. The applicant should submit evidence that steps 1-3 have been followed in priority order.

## 4. WHAT IS REQUIRED TO SUPPORT A PLANNING APPLICATION

### Validation Requirements

- 4.1. Regulation 11 the [Biodiversity Gain \(Town and Country Planning\) \(Modifications and Amendments\) \(England\) Regulations 2024](#) provides details of the minimum information required to be submitted with a planning application, which is also summarised in paragraph 011 of the [Biodiversity Net Gain Planning Practice Guidance](#). However, BNG Planning Practice Guidance in paragraphs 013 and 019 provides further guidance on the additional information likely to be required to be submitted with any planning application to allow the LPA to make a planning decision.
- 4.2. Additional documents will also be required to fulfil local validation requirements<sup>1</sup>, details of which can be sought from the relevant LPA and will likely include draft versions of documents including:
  - Draft landscape plans;
  - Metric with completed post-development information, based on the most recent version of landscape plans;
  - A draft BGP; and
  - A draft HMMP for any significant on-site gains.
- 4.3. Should your development include statutory designated sites, Local Wildlife Sites, priority habitat, irreplaceable habitat or very high distinctiveness habitat you should seek pre-application advice as you may require bespoke mitigation.
- 4.4. **It should be noted that the provision of BNG information does not negate the requirement to submit other ecology information such as protected species surveys or Habitats Regulations Assessment. Ecology surveys will still be required, if applicable, in addition to the BNG assessment.**

### Pre-Commencement Requirements

#### Biodiversity Gain Plan

- 4.5. The [biodiversity gain plan template](#) produced by Defra should be used for all BGP submissions. The template brings together all the required information into one document for approval.
- 4.6. The requirement to achieve 10% BNG is framed nationally as a pre-commencement condition, meaning that the biodiversity gain condition must be discharged before development can begin. The BGP must be submitted and approved by the LPA to discharge the general biodiversity gain condition **prior to commencement of development**.

- 4.7. The finalised BGP to discharge the pre-commencement condition must be accompanied by pre- and post-development plans and a completed metric calculation. Where required, developers must also provide the following with the BGP:
- A compensation plan if the development affects irreplaceable habitats;
  - Biodiversity net gain register reference numbers if using off-site units;
  - Proof of purchase if buying statutory biodiversity credits; and
  - A habitat management and monitoring plan for significant on-site gains.
- 4.8. Further guidance can be found under the [‘Submit a biodiversity gain plan’](#) page on the gov.uk BNG collection.
- 4.9. Developers may wish, or be required to in local validation list, to submit a draft BGP alongside the planning application for discussion with the LPA prior to determination. The final BGP can only be submitted the day after the applicant has received planning permission, however draft versions may be submitted earlier.
- 4.10. The BGP must include confirmation of allocation of units on the national register, or purchase of statutory biodiversity credits, if they are required. This information is necessary to approve the BGP and discharge the biodiversity gain condition. Prior to submission of the final BGP, developers may wish to enter into a purchase agreement to reserve units, this way the developer can and provide confidence to the LPA that the BNG obligation will be met without premature completion of the purchase at a risk of financial loss. The final purchase of units or credits should only be completed once the LPA has agreed that they are acceptable but must be completed in order to discharge the mandatory biodiversity gain condition.
- 4.11. Point 10 of Defra’s BGP template gives the applicant the option to share ecological survey data with the Local Environmental Records Centre (LERC) or other bodies and this is encouraged within the LCR. The LERCs which operate in the LCR are Merseyside Biobank and Cheshire Record. Lancashire Environmental Record Network covers West Lancashire.
- 4.12. The [Biodiversity Net Gain Planning Practice Guidance](#) provides detailed information on the BGP within paragraphs 031 to 052.

#### [Habitat Management and Monitoring Plan](#)

- 4.13. A HMMP is required to be submitted alongside the BGP for significant on-site gains. A draft HMMP should also be submitted with the planning application<sup>11</sup>.
- 4.14. Natural England have published a set of [HMMP tools](#) to assist applicants in writing a HMMP. The Habitat Management and Monitoring Plan Template provided by Natural England is recommended to be used for all HMMP submissions. If an alternative template is used, the HMMP template checklist should be used to inform its contents.

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<sup>11</sup> [Creating a habitat management and monitoring plan for BNG - GOV.UK \(www.gov.uk\)](#)



- 4.15. Typically, a habitat monitoring schedule may be at years 1, 3, 5, 10, 15, 20, 25, 30. However, some habitats, such as grassland and reedbeds, require more frequent monitoring intervals and a schedule including additional years would be more appropriate. The frequency of monitoring reports will be determined together with the LPA based on the requirements of the habitats.
- 4.16. The maintenance of significant on-site habitat enhancement must be legally secured for at least 30 years after the **completion** of the development. LPAs and applicants should work together to clearly establish the point of completion for when the monitoring period begins. The traditional indicators of completion (e.g. buildings regulation notice) may not be appropriate for the formal completion of development for the purpose of these provisions. **The point of completion should include the completion of on-site habitat enhancements, not just the buildings related to the development<sup>12</sup>.**
- 4.17. Further Guidance can be found under the '[Creating a Habitat Management and Monitoring Plan for BNG](#)' page on the gov.uk BNG collection.

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<sup>12</sup> Paragraph 022 of the [Biodiversity Net Gain Planning Practice Guidance](#)

## 5. LOCAL PLAN CONTEXT

- 5.1. It is important to highlight that BNG does not overwrite existing local policies. A number of local policies should also be considered alongside BNG, particularly in the site design process and when selecting sites to provide compensation. Full details of local policies can be found in each of the LPAs Local Plans; however, the following section provides a summary of policies that are relevant to BNG.

### Halton Borough Council

- 5.2. The [Halton Local Plan](#) covers development in the borough up to 2037. The following policies are relevant to the provision of BNG:

- Policy CS(R)20 'Natural and Historic Environment' – Opportunities to enhance the value of Halton's natural assets should be taken including restoring or adding to natural habitats and the creation of habitats where appropriate.
- Policy RD4 'Greenspace Provision for Residential Development' – Where greenspace is provided on-site the developer will be expected to provide an appropriate long term management scheme and to fund the maintenance of the open space at their own expense.
- Policy HE1 'Natural Environment and Nature Conservation' – Any development which may affect a designated natural asset will be considered in line with the Mitigation Hierarchy. Where significant harm cannot be avoided, appropriate mitigation, replacement or other compensatory measures will be required following a sequential approach similar to above.
- Policy HE5 'Trees and Landscaping' – All development will be required to conserve and where appropriate enhance the character and quality of the local landscaping. Development proposals will be required, where appropriate, to include hard and soft landscaping that provides sufficient space for new, or existing trees and planting to grow and supports biodiversity.

### Knowsley Council

- 5.3. The [Knowsley Local Plan Core Strategy](#) will guide development up to 2028. The following policies are relevant to the provision of BNG:

- Policy CS8 'Green Infrastructure' – New development should seek to protect, maintain and where possible enhance biodiversity within and around new developments and provide adequate mitigation and/or as a last resort, compensate for green infrastructure or biodiversity loss.
- Policy CS19 'Design Quality and Accessibility in New Development' - Clause 1d) relates to promoting biodiversity and clause 3b) regards tackling climate change, by integrating biodiversity in accordance with CS8.
- Policy CS21 'Greenspaces and Trees' – Clause 2a) states that developments that result in a loss of urban greenspace are required to provide a surplus for all types of greenspace; clause 3c) states development will be resisted that harms biodiversity; clause 10 a) relates to biodiversity retention; and clause 10b) regards habitat planting.

- Policy CS24 ‘Managing Flood Risk’ – Clause 4a) states new development should include flood mitigation that contributes to biodiversity.

### Liverpool City Council

5.4. Liverpool City Council have developed and adopted an BNG policy advice note<sup>13</sup> which sets out their approach to BNG.

5.5. Within [Liverpool Local Plan 2013 – 2033](#), the following policies are relevant to the provision of BNG:

- Policy STP 2 ‘Sustainable Growth Principles’ – Liverpool City Council will support developments which achieve net environmental gains, for example net gains in biodiversity, contributing to the recovery of priority species and habitats and new habitat creation.
- Policy CC 26 ‘Protection and Enhancement of Green Infrastructure’ – All new development proposals within the city centre to, where possible, provide elements of green infrastructure within the overall design of the scheme, including green roofs and walls, water features linked to SuDS and landscaping with native species.
- Policy GI 3 ‘Green Wedges’ – Development proposals within green wedges must demonstrate that they result in a net gain in biodiversity.
- Policy GI 7 ‘Liverpool City Region Nature Improvement Areas’ – Development within NIAs contributes towards opportunities for habitat creation and management as set out within the NIA Focus Profiles.
- Policy GI 8 ‘New Planting and Design’ – New development should make provision on-site for the planting and successful growth of new trees and landscaping, including any replacement planting provided as compensation for loss due to development.
- Policy GI 10 ‘Green Infrastructure Enhancement’ – All development proposals should contribute to ensuring a net gain in biodiversity in the city including, where relevant, contributing towards the recovery of priority species and habitat and that major development proposals be designed to incorporate green infrastructure measures including integrating or enhancing existing biodiversity features.

### Sefton Council

5.6. The [Local Plan for Sefton](#) covers the period 2015-2030. Within the Local Plan, the following policies may be relevant to the provision of BNG:

- Policy EQ2 ‘Design’ – Seeks structural planting to soften the urban edge and provide a suitable transition to open countryside, for major and urban edge sites.

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<sup>13</sup> [Local Plan supplementary documents and guidance - Liverpool City Council](#)

- Policy EQ8 'Flood risk and surface water' – Seeks sustainable SuDS which are above ground, natural drainage features which enhance water quality and existing habitats and create new habitats, where reasonably practicable.
- Policy EQ9 'Provision of Public Open Space, Strategic Paths and Trees' – Appropriate high quality new public open space must be provided for certain developments. Additionally, developments must not result in an unacceptable loss of, or damage to existing trees or woodlands and any trees lost are to be replaced at a 1:1 ratio within the site.
- Policy NH1 'Natural Assets' – Development should seek to protect and manage Sefton's natural assets. Where possible development should maintain, restore, enhance and extend these assets, create new habitats and green infrastructure, and secure the long-term management of natural assets.
- Policy NH2 'Nature' – Deals mainly with nature conservation.
- Policy NH3 'Development in the Nature Improvement Area' – Development within the NIA contributes towards opportunities for habitat creation and/or enhancement as set out in the NIA profiles.

5.7. The emerging [Bootle Area Action Plan](#) includes the following policies, which once the Plan is at an advanced stage or is adopted, will be relevant to BNG:

- BAAP9 'Nature'
- BAAP24 'Environmental Improvements'.

5.8. Sefton has also adopted a [Nature Conservation SPD](#) which provides further guidance to applicants, developers and other stakeholders. The council intends to update this SPD in 2024.

### [St Helens Borough Council](#)

5.9. Within [St Helens Borough Local Plan up to 2037](#), the following policies are relevant to the provision of BNG:

- Policy LPA11 'Bold Forest Garden Suburb' – Requires the development to provide a well landscaped setting including extensive green links through and around the site.
- Policy LPC06 'Biodiversity and Geological Conservation' – Supports the Mitigation Hierarchy and sets out a sequential approach similar to listed above for the provision of compensatory habitat, with first preference given to creation on the development sites, then to off-site in the immediate locality. Of least preference would be sites with the NIA outside of St Helens.
- Policy LPC08 'Ecological Network' – St Helens Council seek to ensure greater resilience of the natural environment and secure a net gain in biodiversity. To this end it will seek to strengthen those elements of the LCR Ecological Network within the borough.
- Policy LPC10 'Trees and Woodland' – St Helens Council seek to increase the extent of tree cover across the borough. Appropriate new development will be

required to include the planting of new trees, woodlands, hedgerows and/or financial contributions towards off-site provision. Where any tree is justifiably lost its replacement will normally be required on at least a 2 for 1 ratio.

- Policy LPD02 'Design and Layout of New Housing' – New residential developments will be required to provide appropriate landscaping, including tree-lined streets, using native tree and shrub species and where appropriate other boundary treatments.
- Policy LPD03 'Open Space and Residential Development' – Proposals for new residential developments of 30 dwellings or more will be required to make provision for new open space, or the expansion or enhancement of existing open space provision.

### West Lancashire Borough Council

5.10. The current [West Lancashire Local Plan](#) is in place for 2012-2027 but work is currently being undertaken for a [new Local Plan](#) to cover the period 2023-2040. The following policies are relevant to the provision of BNG:

- Policy GN3 'Criteria for Sustainable Development' – Section 4 of the policy concerns 'Landscaping and the Natural Environment' and states that proposals for development should provide sufficient landscaped buffer zones and appropriate levels of public open space/greenspace; minimise the removal of trees, hedgerows and areas of ecological value, or where removal is unavoidable, provide their like for like replacement or provide enhancement on features of ecological value; incorporate new habitat creation where possible; and incorporate and enhance the landscape and nature conservation value of any water features within the site and provide appropriate buffers between them and the development.
- Policy EN2 'Preserving and Enhancing West Lancashire's Natural Environment' – Proposals for development within or affecting certain internationally, nationally or locally designated sites must adhere to the following principles: i) proposals seeking to enhance or conserve biodiversity will be supported in principle, subject to consideration of other Local Plan policies; ii) consideration should be given to the impact on Major Wildlife Corridors on the Policies Map and any on ecological networks identified by any SPD in the future and, where possible, opportunities to support the network in and around the development should be encouraged; iii) where development is necessary, adequate mitigation measures and compensatory habitat creation will be required through planning conditions and/or obligations with an aim of improving the site's overall biodiversity value.
- Policy SP2 'Skelmersdale Town Centre' – Development proposals within the Skelmersdale Town Centre Strategic Development Site are required to make improvements to the Tawd Valley and the River Tawd corridor along with general improvements to green infrastructure in the town along with conserving and enhancing biodiversity.

- Policy SP3 'Yew Tree Farm, Burscough' – Development proposals within the Yew Tree Farm Strategic Development Site are required to conserve and enhance biodiversity and landscape value wherever possible and enhance biodiversity through habitat creation.
- Policy IF2 'Enhancing Sustainable Transport Choice' – Major transport schemes listed within this policy including new rail infrastructure and the proposed A570 Ormskirk bypass must have regard to biodiversity and provide appropriate mitigation measures as recommended in Policy EN2.

5.11. The adopted [Burscough Parish Neighbourhood Plan \(2019\)](#) also contains the following policies relevant to the provision of BNG:

- Policy BPT2 'Environmental Improvement Corridors' – Developments along identified transport corridors will be required to bring improvements to the corridors' green infrastructure through biodiversity enhancements.
- Policy BPEV1 'Green Space' – Developments on sites designated as neighbourhood green spaces will need to mitigate against the loss of habitat and ensure no overall loss in terms of biodiversity.
- Policy BPD1 'Design and Accessibility Principles' – Major developments will be required to take into account and reinforce the existing landscape character and biodiversity assets of the site.

### Wirral Council

5.12. Wirral Council have developed and adopted a [Biodiversity and Net Gain Strategy 2023 – 2028](#), which sets out their approach to BNG and biodiversity in general.

5.13. Wirral Council local plan is currently in the process of being adopted. Once adopted the following policies will be relevant:

- Policy WS 5 'Strategy for Green and Blue Infrastructure, Open Space, Biodiversity and Landscape Protection' – The policy refers to enhancing the quality, accessibility and functionality of green and blue infrastructure while providing measurable biodiversity gains; and protecting, enhancing and ensuring functional connectivity the biodiversity assets within the borough.
- Policy WD 1 'Landscaping' – Landscaping proposals should be designed to delivery BNG and planning conditions will include provision for the future maintenance of newly planted tree stock.
- Policy WD 3 'Biodiversity and Geodiversity' – Supports the Mitigation Hierarchy for a range of sites, including irreplaceable habitats.

### Liverpool City Region Combined Authority

#### [Spatial Development Strategy](#)

5.14. The developing LCR Combined Authority [Spatial Development Strategy](#) will prioritise and identify opportunities for Green Infrastructure, habitat provision and BNG which will be in line with the LNRS. This strategy will not cover West Lancashire.

5.15. The draft Liverpool City Region Spatial Development Strategy contains Policy LCR DP7 'The Natural Environment and Nature Recovery' development plans and proposals should plan positively for the LCR's natural environment by:

- Following the mitigation hierarchy.
- Targeting the location of appropriate mitigation using a sequential approach with the following order of priorities: i) the development site; ii) the immediate locality and/or within the LCR Ecological Network and/or Nature Improvement Area; iii) locations that fall within the LCR Ecological Network and/or Nature Improvement Area and within the local authority area; iv) locations that fall within the LCR Ecological Network and/or Nature Improvement Area within the city region; and v) other ecologically appropriate locations within the city region.
- Securing a minimum 10% BNG requirement and achieving more than 10% on the development site, or where not possible, off-site following the sequential approach.
- Encouraging and supporting proposals that would achieve greater than 10% BNG.

5.16. When finalised, it will form part of the 'Development Plan' for the city region along with Local Plans and Neighbourhood Plans.

#### Local Nature Recovery Strategies

5.17. The Combined Authority have been appointed to produce the LNRS for the Liverpool City Region (Halton, Knowsley, Liverpool, Sefton, St Helens and Wirral). The LNRS is a new system of spatial strategies for nature, introduced by the Environment Act 2021. The LNRS will map out the action needed to restore nature across the LCR. Once published, the LNRS should be used to assign strategic significance scores within the metric.

5.18. The Lancashire LNRS will cover West Lancashire. Progress updates can be found on the [Lancashire.gov.uk](https://lancashire.gov.uk). Once published, the LNRS should be used to assign strategic significance scores within the metric.

#### North West Marine Plan

5.19. For development between the high water mark and low water mark, policies in the [North West Marine Plan](#) are also relevant, especially those relating to Marine Protected Areas and Biodiversity, such as NW-BIO-3 which states that proposals that conserve, restore or enhance coastal habitats in their own right and/or for ecosystem functioning and provision of ecosystem services, will be supported.