Sheffield City Council Local Plan NWS31 – Baseline Biodiversity Net Gain Assessment

Sheffield City Council

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Executive Summary

Cura Terrae Land & Nature (Cura Terrae) was commissioned in July 2025 by Sheffield City Council (SCC) to undertake a baseline Biodiversity Net Gain Assessment (BNGA) for a circa 3.91-hectare (ha) area of land between Storth Lane and School Lane, Wharncliffe Side, Sheffield, S35 0DT (Ordnance Survey National Grid Reference (OS NGR): SK 29645 94442), hereafter referred to as 'the Site' and as annotated in Figure 1.

The red line boundary for the Site is taken from the *'Housing Site'* boundary for NWS31, as detailed in the *'Sheffield Plan Proposed Additional Site Allocations May 2025'* document (SCC, 2025). At the time of writing, no detailed development proposals for the Site were available. However, it is understood that SCC may consider removing the Site from its current Green Belt designation and bringing it forward for potential residential development in the future.

Cura Terrae was also commissioned to undertake a Preliminary Ecological Appraisal (PEA) of the Site *('Sheffield City Council Local Plan NWS31 – Preliminary Ecological Appraisal'* Ref. 25518 V1.0 dated August 2025) (PEA, Cura Terrae 2025) along with habitat condition assessments to inform this baseline BNGA. The baseline biodiversity value of the Site has been determined using the Department for Environment, Food and Rural Affairs (DEFRA) *'Statutory Biodiversity Metric User Guide'* (SBM) (DEFRA, 2024a).

For area-based habitats, the Site has a baseline biodiversity value of 34.89 Habitat Units (HU). For hedgerow habitats, the Site has a baseline biodiversity value of 6.24 Hedgerow Units (HeU). No watercourses, including ditches, were recorded on-site, although the Tinker Brook is located within 10 m of the Site. Given no River Condition Assessment (RCA) has been undertaken to date, no Watercourse Units (WU) are included in the baseline metric calculations at this stage.

It is envisaged that this baseline BNGA will form an ecological baseline to inform the council's decision of removing the Site's current Green Belt designation. Any Biodiversity Net Gain (BNG) strategy associated with proposals for the Site should include retention of key on Site habitats and should include enhancement of habitats and new habitat creations works on Site, outline recommendations of which are included within this report. The Site habitats are considered to offer potential to support a range of species/species groups and opportunities exist to enhance habitats on Site to generate additional biodiversity value, and options such as registering the Site as a BNG site on the national register should be a consideration together with any upcoming Local Nature Recovery Strategy biodiversity priorities.

A full BNGA (feasibility and design stage) including a RCA of the neighbouring Tinker Brook should be undertaken for the Site should any enhancement or development proposal be brought forward to provide a predicted quantitative biodiversity value ahead of planned works and review options to achieve 10% BNG on Site post-intervention wherever possible. A Biodiversity Gain Plan (BGP) and associated Habitat Management and Monitoring Plan (HMMP) should be produced for the Site in tandem with Biodiversity Net Gain Assessment (BNGA).

1. Introduction

1.1 Background

1.1.1 Cura Terrae Land & Nature (Cura Terrae) was commissioned in July 2025 by Sheffield City Council (SCC) to undertake a baseline Biodiversity Net Gain Assessment (BNGA) for a circa 3.91-hectare (ha) area of land between Storth Lane and School Lane, Wharncliffe Side, Sheffield, S35 0DT (Ordnance Survey National Grid Reference (OS NGR): SK 29645 94442), hereafter referred to as 'the Site' and as annotated in Figure 1.

1.1.2 The red line boundary for the Site is taken from the *'Housing Site'* boundary for NWS31, as detailed in the *'Sheffield Plan Proposed Additional Site Allocations May 2025'* document (SCC, 2025). At the time of writing, no detailed development proposals for the Site were available. However, it is understood that SCC may consider removing the Site from its current Green Belt designation and bringing it forward for potential residential development in the future.

1.1.3 Cura Terrae was also commissioned to undertake a Preliminary Ecological Appraisal (PEA) of the Site (*'Sheffield City Council Local Plan NWS31 – Preliminary Ecological Appraisal'* Ref. 25518 V1.0 dated August 2025) (PEA, Cura Terrae 2025) along with habitat condition assessments to inform this baseline BNGA. The baseline biodiversity value of the Site has been determined using the Department for Environment, Food and Rural Affairs (DEFRA) *'Statutory Biodiversity Metric User Guide'* (SBM) (DEFRA, 2024a).

1.1.4 This report details the results of the baseline BNGA using biodiversity metric calculations based on the PEA (Cura Terrae, 2025). The methodologies employed and all survey findings are described along with an evaluation and assessment of the ecological value of the Site. Any recommendations to enhance habitats on Site to generate additional biodiversity value are also detailed where considered feasible.

1.2 Biodiversity Net Gain Assessment

1.2.1 Under the Environmental Act 2021, developments are required to achieve a minimum of 10% Biodiversity Net Gain (BNG) to ensure that biodiversity of the Site post development is greater than that present at baseline (pre-development) value. BNG calculations are conducted through assessing the type and condition of habitats on a site and then comparing the anticipated changes in habitat types and condition based on the development proposals. A BNGA follows the mitigation hierarchy, which sets out that everything possible must be done to firstly avoid, secondly minimise and thirdly restore/rehabilitate losses of biodiversity on Site. Only as a last resort are residual losses compensated for through biodiversity offsetting, whereby the loss of biodiversity is compensated for via new habitat creation off Site or by paying a financial sum to an offset provider. BNGA reports should adhere to the BNG good practice principles (Appendix 1).

1.3 Relevant Legislation and Policy

1.3.1 This BNGA has been compiled with reference to the following relevant nature conservation legislation, planning policy and the UK Biodiversity Framework (Appendix 2) from which the protection of sites, habitats and species is derived in England including:

- UK Government's 25 Year Environment Plan (Defra, 2018);
- Biodiversity 2020: A Strategy for England's Wildlife and Ecosystem Services (Defra, 2011);
- National Planning Policy Framework (NPPF) (DLUHC, 2024);
- The Natural Environment and Rural Communities (NERC) Act (HMSO, 2006);
- The Environment Act (Defra, 2021); and,
- The Local Biodiversity Action Plan (LBAP) for Sheffield originally produced by the Sheffield Biodiversity Partnership (Sheffield Biodiversity Steering Group, *'Sheffield Local Biodiversity Action Plan'*, 2002) with updates made in 2012 (in partnership with SCC) including production of Action Plans for four main habitat types (grassland, woodland, heathland and wetland), Action Plans for the River Don and South Yorkshire Navigation Canals, and Action Plans for Green Roofs.

2. Methodology

2.1 Background

2.1.1 This baseline BNGA uses the industry recognised best practice methodology within the *'Statutory Biodiversity Metric User Guide*' (SBM) (DEFRA, 2024a).

2.1.2 The SBM uses habitat features as a measure for the value and importance to nature. The following information on each habitat are required for the metric inputs:

- Type;
- Area/length;
- Distinctiveness (automatically calculated);
- Irreplaceable habitats;
- Condition; and,
- Strategic significance.

2.2 Biodiversity Metric Inputs

Habitat Type and Area/Length

2.2.1 The Site was surveyed on 23rd July 2025 by Senior Ecologist James Storey BSc MSc. The Site visit included an ecological walkover survey using the UK Habitat Classification System (UK Hab 2.0) (UKHab Ltd., 2023). The habitats present within the Site were identified and classified according to the UK Habitat Classification system which closely aligns with the SBM. The baseline habitats are displayed in Figure 1.

2.2.2 The SBM uses a classification system based mainly on the UKHab, with input from other systems including the Water Framework Directive (WFD) Lakes Typology (UKTAG, 2003), the European Nature Information System (EUNIS) habitat type hierarchical view (EEA, 2019), Natura 2000 Annex I habitats (JNCC, 2019) and habitats specific to the SBM.

2.2.3 The area/length covered by each habitat type was mapped using the QGIS 3.32.1 Geographical Information System (GIS).

Habitat Distinctiveness

2.2.4 For all baseline habitats the distinctiveness of each habitat type is automatically calculated within the SBM.

Habitat Condition

2.2.5 The condition of a habitat is a measure of the biological 'working-order' of a habitat type judged against the perceived ecological optimum state for that particular habitat. The condition assessments were undertaken using the *'The Statutory Biodiversity Metric -Technical Annex 1: Condition Assessment Sheets and Methodology' spreadsheet'* (DEFRA, 2024b), see Appendix 4.

2.2.6 Following the UKHab ecological walkover survey at the Site the condition of each habitat type was assessed and categorised as either Good, Moderate or Poor.

2.2.7 If a habitat type varied in condition within the Site this was recorded and mapped.

Habitat Strategic Significance

2.2.8 The SBM accounts for whether the habitat is situated in an area locally identified as significant for nature.

2.2.9 Data on areas and habitats locally identified as significant for nature were obtained from the following sources:

- Multi-Agency Geographical Information for the Countryside (MAGIC) website for mapped statutory designated sites (https://magic.defra.gov.uk/magicmap.aspx);
- Habitats listed within the Local Biodiversity Action Plan (LBAP) for Sheffield; and,
- The Sheffield Loal Plan (2009).

2.3 Biodiversity Metric Baseline Calculations

2.3.1 Biodiversity metric calculations provide a numerical score for the value of existing habitats on the Site in Habitat Units (HU), Hedgerow Units (HeU) and Watercourse Units (WU), where relevant, in order for the baseline value of the Site to be quantitatively assessed.

2.3.2 Using the SBM, habitat values are calculated based on whether they occur commonly or whether they are rare, their area (ha) (or length (km) for linear features such as hedgerows), condition and importance within the local area, usually identified from local relevant planning policies or documents. This gives individual baseline HU, HeU and WU.

2.3.3 Individual trees are classified as either Urban Tree or Rural Tree, depending on the extent of urbanisation around them. The size of a tree is either Small, Medium, Large or Very Large, dependent on the diameter at breast height (centimetres). A biodiversity metric area equivalent (hectares) is automatically calculated within the SBM dependent on the tree size, however this area measurement is not included within the total habitat area (in ha) of the Site. All ancient and veteran trees are recorded individually within the biodiversity metric tool and marked as an irreplaceable habitat. This includes ancient and veteran trees in woodlands that are not themselves ancient woodlands and those in hedgerows and lines of trees.

2.4 Trading Rules

2.4.1 The trading rules establish minimum requirements for creating and enhancing habitats to offset specific habitat losses, ensuring no net loss. The SBM considers distinctiveness as described earlier and using this data, SBM applies trading rules that require that any habitat loss is replaced on a 'like for like' or 'like for better' basis. The trading rules are detailed below in Table 1.

Table 1: Trading Rules within the SBM

Distinctiveness Group	Trading Rules
Very High	Bespoke compensation likely to be required
High	Same habitat required
Medium	Same broad habitat or a higher distinctiveness habitat required
Low	Same distinctiveness or better habitat required
Very Low	Compensation not required

2.5 Assumptions and Limitations

2.5.1 For strategic significance, all habitats recorded at the Site have been assigned '*High strategic significance'* due to either being listed as priority habitats within the Sheffield LBAP and/or being located within the Green Belt designation covered by the Sheffield Local Plan.

2.5.2 The quantification of biodiversity is one of a number of factors to be considered when assessing the impact of the any proposed development on biodiversity. Note that this baseline BNGA does not cover potential impacts of any proposed development on protected species and designated sites. These are outlined within the PEA Report (Cura Terrae, 2025).

2.5.3 As identified in the PEA, the Tinker Brook is located within 10 m of the Site adjacent to the south boundary and may be impacted by any future proposals. A River Condition Assessment (RCA) was not undertaken per the scope of works agreed between SCC and Cura Terrae, which would produce watercourse units (WU) and form part of the baseline biodiversity calculations for the Site. It has therefore been recommended that an RCA is undertaken of the Tinker Brook should proposals be brought forward for the Site.

2.5.4 It is envisaged that this baseline BNGA will form an ecological baseline to inform the council's decision of removing the Sites current Green Belt designation. Note that a full Feasibility Stage BNGA will be required including a review of any outline recommendations made within this report alongside finalised plans for the Site where these become available.

2.5.5 The information contained within this report is considered valid for a period of 24 months from the date of the July 2025 PEA survey visit (CIEEM, 2019). If any detailed proposals have not been brought forward by July 2027, it is recommended that the Site is re-surveyed to determine if there have been any significant changes to baseline habitats within that timeframe.

3. Findings and Evaluation

3.1 Baseline Habitats

3.1.1 Baseline area-based habitats recorded for the Site comprised Woodland and forest – Lowland mixed deciduous woodland, Grassland – Other neutral grassland, Heathland and shrub – bramble scrub, Heathland and shrub – Blackthorn scrub, and Individual trees – Rural tree, as illustrated in Figure 1.

3.1.2 The total area of the Site has been calculated at 3.91 ha. The habitat type, distinctiveness, condition, area and HU of the area habitats are provided within Table 2. Baseline area habitats have a biodiversity value of 34.89 HU, as shown in Appendix 3.

Table 2: Baseline Area-based Habitats, Distinctiveness, Condition and Habitat Units

Habitat Reference	Habitat Type	Distinctiveness	Condition	Area (ha)	Habitat Units
W1	Woodland and forest - Lowland mixed deciduous woodland	High	Moderate	0.06	0.83
ONG1	Grassland – Other neutral grassland	Medium	Moderate	0.76	6.99
ONG2	Grassland – Other neutral grassland	Medium	Moderate	1.07	9.84
ONG3	Grassland – Other neutral grassland	Medium	Moderate	1.11	10.21
ONG4	Grassland – Other neutral grassland	Medium	Moderate	0.51	4.69
BS1	Heathland and shrub – Bramble scrub	Medium	Condition Assessment	0.25	1.15

Habitat Reference	Habitat Type	Distinctiveness	Condition	Area (ha)	Habitat Units
			N/A		
BS2	Heathland and shrub – Bramble scrub	Medium	Condition Assessment N/A	0.11	0.51
BS3	Heathland and shrub – Blackthorn scrub	Medium	Moderate	0.04	0.37
T1-2	Individual trees – Rural tree	Medium	Moderate	0.0081	0.07
T3	Individual trees – Rural tree	Medium	Good	0.0163	0.22
Total Habitat Units (HU)					**34.89**

3.1.3 Baseline hedgerow habitats recorded for the Site comprised Species rich native hedgerow with trees (H1, Figure 1) and Ecologically valuable line of trees (L1-3, Figure 1).

3.1.4 The total hedgerow length for the Site has been calculated at approximately 0.50 km. The hedgerow type, distinctiveness, condition and HeU are provided within Table 3. Baseline hedgerow habitats produced a biodiversity value of 6.24 HeU, as shown in Appendix 3.

Table 3: Baseline Hedgerow Habitats, Distinctiveness, Condition and Hedgerow Units

Habitat Type	Distinctiveness	Condition	Length (km)	Hedgerow Units
H1 – Species-rich native hedgerow with trees	High	Good	0.083	1.72
L1 – Ecologically valuable line of trees	Medium	Good	0.154	2.13

Habitat Type	Distinctiveness	Condition	Length (km)	Hedgerow Units
L2 - Ecologically valuable line of trees	Medium	Moderate	0.151	1.39
L3 - Ecologically valuable line of trees	Medium	Moderate	0.109	1.00
Total Hedgerow Units (HeU)				**6.24**

3.1.5 No watercourses, including ditches, were recorded on-site, although the Tinker Brook is located within 10 m of the Site. Given no RCA has been undertaken to date, no Watercourse Units (WU) are included in the metric calculations at this stage.

4. Assessment and Recommendations

4.1 Summary of Baseline Metric Calculations

4.1.1 For area-based habitats, the Site has a baseline biodiversity value of 34.89 HU. For hedgerow habitats, the Site has a baseline biodiversity value of 6.24 HeU. No Watercourse Units (WU) are included in the baseline metric calculations at this stage.

4.2 Recommendations

4.2.1 It is envisaged that this baseline BNGA will form an ecological baseline to inform the council's decision of removing the Site's current Green Belt designation. Any Biodiversity Net Gain (BNG) strategy associated with proposals for the Site should include retention of key on Site habitats and should include enhancement of habitats and new habitat creations works on Site. The Site habitats are considered to offer potential to support a range of species/species groups and opportunities exist to enhance habitats on Site to generate additional biodiversity value, and options such as registering the Site as a BNG site on the national register should be a consideration together with any upcoming Local Nature Recovery Strategy biodiversity priorities.

4.2.2 The following habitat retention, enhancement and compensation measures which take into account the BNG good practice principles (CIEEM, CIRIA, IEMA, 2016) and mitigation hierarchy are recommended for the Site, and should be reviewed and verified with an appointed landscape architect if detailed proposals become available:

- Areas of lowland mixed deciduous woodland, bramble scrub and blackthorn scrub should be retained where any future development plans would feasibly allow, with any retained areas of woodland enhanced to achieve good condition.
- Areas of other neutral grassland should be retained where feasible and incorporated into any areas of proposed Public Open Space (POS), and managed appropriately to achieve good condition through a relaxed mowing regime to maximise biodiversity value.
- Individual trees should be retained where feasible and additional native tree planting should be incorporated across the Site, consisting of a mixture of pollen, fruit and berry producing species.
- The species-rich native hedgerow with trees and ecologically valuable lines of trees should be retained and incorporated into any proposed boundary treatments where feasible. Planting native shrub species within gaps between trees as part of L2 and L3 would allow this habitat to be enhanced to species-rich native hedgerow with trees through an appropriate management regime to achieve good condition.
- In order to satisfy the trading rules as set out in the SBM, any loss of lowland mixed deciduous woodland and species-rich native hedgerow with trees must be compensated for with the *'same habitat required'* and the loss of other neutral grassland, bramble scrub, blackthorn scrub, rural trees, and ecologically valuable line of trees habitats must be compensated for with the '*same broad habitat or a higher distinctiveness habitat required'*.

4.2.3 A full BNGA (feasibility and design stage) should be undertaken for the Site should any enhancement or development proposal be brought forward to provide a predicted quantitative biodiversity value ahead of planned works and review options to achieve 10% BNG on Site post-intervention wherever possible. A Biodiversity Gain Plan (BGP) and associated Habitat Management and Monitoring Plan (HMMP) should be produced for the Site in tandem with Biodiversity Net Gain Assessment (BNGA).

4.3 BNG Principles

4.3.1 Appendix 1 details the BNG good practice principles (CIEEM, CIRIA, IEMA, 2016) which should be adhered to when undertaking BNG assessments in association with proposed developments. The actions within Appendix 1 should be taken into account throughout the design stage of any development at the Site should detailed proposals be brought forward.

4.3.2 The information contained within this report is considered valid for a period of 24 months from the date of the August 2025 PEA survey visit (CIEEM, 2019). If any detailed proposals have not been brought forward by August 2027, it is recommended that the Site is re-surveyed to determine if there have been any significant changes to baseline habitats within that timeframe.

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Figure 1: Baseline Habitat Map

Legend

- Site boundary
- Species-rich native hedgerow with trees
- Ecologically valuable line of trees
- Rural tree
- Other neutral grassland
- Lowland mixed deciduous woodland
- Blackthorn scrub
- Bramble scrub

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Sheffield City Council

SCC Local Plan NWS31 Baseline BNGA Figure 1. Baseline Habitat Map

Appendix 1: BNG Good Practice Principles

The BNG good practice principles are based upon issued joint guidance from the Chartered Institute for Ecology and Environmental Management (CIEEM), the Construction Industry Research and Information Association (CIRIA) and Institute for Environmental Management and Assessment (IEMA) (CIEEM, CIRIA & IEMA (2016 and CIEEM, CIRIA & IEMA 2019).

Principle	Description
1. Apply the mitigation hierarchy	Do everything possible to first avoid and then minimise impacts on biodiversity. Only as a last resort, and in agreement with external decision-makers where possible, compensate for losses that cannot be avoided. If compensating for losses within the development footprint is not possible or does not generate the most benefits for nature conservation, then offset biodiversity losses by gains elsewhere.
2. Avoid losing biodiversity that cannot be offset by gains elsewhere	Avoid negative impacts on irreplaceable biodiversity – these impacts cannot be offset to achieve No Net Loss or Net Gain.
3. Be inclusive and equitable	Engage stakeholders early, and involve them in designing, implementing, monitoring and evaluating the approach to Net Gain. Achieve Net Gain in partnership with stakeholders where possible, and share the benefits fairly among stakeholders.
4. Address risks	Mitigate difficulty, uncertainty and other risks to achieving Net Gain. Apply well-accepted ways to add contingency when calculating biodiversity losses and gains in order to account for any remaining risks, as well as to compensate for the time between the losses occurring and the gains being fully realised.
5. Make a measurable Net Gain contribution	Achieve a measurable, overall gain for biodiversity and the services ecosystems provide while directly contributing towards nature conservation priorities.
6. Achieve the best outcomes for biodiversity	Achieve the best outcomes for biodiversity by using robust, credible evidence and local knowledge to make clearly-justified choices when: • Delivering compensation that is ecologically equivalent in type, amount and condition, and that accounts for the location and timing of biodiversity losses;

	• Compensating for losses of one type of biodiversity by providing a different type that delivers greater benefits for nature conservation; • Achieving Net Gain locally to the development while also contributing towards nature conservation priorities at local, regional and national levels; • Enhancing existing or creating new habitat; • Enhancing ecological connectivity by creating more, bigger, better and joined areas for biodiversity.
7. Be additional	Achieve nature conservation outcomes that demonstrably exceed existing obligations (i.e. do not deliver something that would occur anyway).
8. Create a Net Gain legacy	Ensure Net Gain generates long-term benefits by: • Engaging stakeholders and jointly agreeing practical solutions that secure Net Gain in perpetuity; • Planning for adaptive management and securing dedicated funding for long-term management; • Designing Net Gain for biodiversity to be resilient to external factors, especially climate change; • Mitigating risks from other land uses; • Avoiding displacing harmful activities from one location to another; • Supporting local-level management of Net Gain activities.
9. Optimise sustainability	Prioritise Biodiversity Net Gain and, where possible, optimise the wider environmental benefits for a sustainable society and economy.
10. Be transparent	Communicate all Net Gain activities in a transparent and timely manner, sharing the learning with all stakeholders.

Appendix 2: BNG Policy and Legislation

National

UK Government's 25 Year Environment Plan

The UK Government's 25 Year Environment Plan (DEFRA, 2018) states a desire to '*embed a 'net environmental gain' principle for development to deliver environmental improvements locally and nationally*' and plans to consult on making Biodiversity Net Gain a mandatory requirement.

On 14th March 2019, Her Majesty's Treasury confirmed that following consultation, the government will use the forthcoming Environment Bill to mandate BNG for development in England, ensuring that the delivery of much-needed infrastructure and housing is not at the expense of vital biodiversity.

Biodiversity 2020: A strategy for England's wildlife and Ecosystem Services

Biodiversity 2020: A strategy for England's wildlife and ecosystem services (DEFRA, 2011) is the national strategy for biodiversity. This sets out an ambition to halt the loss of biodiversity and see an increase in the area of priority habitats by 200,000 ha by 2020. Biodiversity 2020 sets in policy the objectives to improve our wildlife sites, make them bigger, develop more of them and join them up (summarised as 'Bigger, Better, More and Joined').

National Planning Policy Framework

The revised National Planning Policy Framework (NPPF) (DLUHC, 2024) refers to conserving and enhancing the natural environment. This requires Local Authorities in England to take measures to:

Conserve and enhance biodiversity;

Protect the habitats of these species from further decline;

Protect the species from the adverse effect of development; and

Refuse planning permission for development, if significant harm resulting from a development cannot be avoided, adequately mitigated, or, as a last resort, compensated for.

Although not currently a legal obligation, the NPPF refers to biodiversity and environmental net gains in the following paragraphs:

Transport Infrastructure

- Paragraph 102. "*Transport issues should be considered from the earliest stages of plan-making and development proposals, so that:*

d) the environmental impacts of traffic and transport infrastructure can be identified assessed and taken into account – including appropriate opportunities for avoiding and mitigating any adverse effects, and for ***net environmental gains.****"*

Planning Decisions

- Paragraph 120. "*Planning policies and decisions should a) encourage multiple benefits from both urban and rural land … and taking opportunities to* ***achieve net environmental gains - such as developments that would enable new habitat creation****."*
- Paragraph 174. *"Planning policies and decisions should contribute to and enhance the natural and local environment by: … d) minimising impacts on and* ***providing net gains*** *for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures."*
- Paragraph 179. "*To protect and enhance biodiversity and geodiversity plans should b) promote the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species; and identify and pursue opportunities for securing* ***measurable net gains for biodiversity****."*
- Paragraph 180. "*When determining planning applications, local planning authorities should apply the following principles: a) 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; … and d) … opportunities to improve biodiversity improvements in and around developments should be integrated as part of their design, especially where this can secure* ***measurable net gains for biodiversity****."*

Natural Environment and Rural Countryside Act

The Natural Environment and Rural Countryside (NERC) Act (HMSO, 2006) requires public bodies, including local authorities, '*to have regard to the conservation of biodiversity in England when carrying out their normal functions'*.

Section 40 sets out that:

Paragraph 1. *"Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity";* and that

Paragraph 3. *"Conserving biodiversity includes, in relation to a living organism or type of habitat, restoring or enhancing a population or habitat"*.

Section 41 sets out that:

Paragraph 1. *"The Secretary of State must… publish a list of the living organisms and types of habitat … of principal importance for the purpose of conserving biodiversity"* based on consultation with Natural England*;* and that

Paragraph 3a. Every planning authority must *"a) take such steps… to further the conservation of the*

living organisms and types of habitat included in any list published under this section, or (b) promote the taking by others of such steps".

Environment Act

Schedule 7a of the Environment Act (HMSO, 2021) makes provision for grants of planning permission in England to be subject to a condition to secure that the biodiversity gain objective is met.

Schedule 7a Part 1 sets out that:

(1) The biodiversity gain objective is met in relation to development for which planning permission is granted if the biodiversity value attributable to the development exceeds the pre-development biodiversity value of the onsite habitat by at least the relevant percentage.

(2) The biodiversity value attributable to the development is the total of—

(a) the post-development biodiversity value of the onsite habitat,

(b) the biodiversity value, in relation to the development, of any registered offsite biodiversity gain allocated to the development, and

(c) the biodiversity value of any biodiversity credits purchased for the development.

(3) The relevant percentage is 10%.

The Environment Act 2021 (Commencement No. 8 and Transitional Provisions) Regulations 2024 should also be consulted which includes several provisions of the Act coming into force on 12th February 2024.

Appendix 3: The Statutory Biodiversity Metric Tool

Provided as a separate Microsoft Excel Spreadsheet.

Appendix 4: Condition Assessment Results

Provided as a separate Microsoft Excel Spreadsheet.