Biodiversity Net Gain Planning Guide

October 2026

Lincolnshire COUNTY COUNCIL
Working for a better future

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Disclaimer

WSP have provided this document in an advisory capacity and do not take legal ownership of the recommendations and requirements herein. WSP have facilitated this report to address a client-identified requirement, not to form our own unilateral advice.

LCC as the client accept all responsibility for the recommendations eventually released into the public domain, in particular if the contents of this guide become a supplementary planning document once the new Local Plan is published.

1 Executive Summary

1.1.1. This guide provides comprehensive advice on biodiversity net gain (BNG) policy and implementation, reinforcing national directives and aligning with the planning policies outlined in the Minerals and Waste Local Plan.

1.1.2. BNG is calculated using the government's Statutory Biodiversity Metric to establish the biodiversity value of the site before and after development. Once planning permission has been granted, a biodiversity gain plan must be approved before the commencement of the development to show how BNG will be delivered over a 30-year period, in line with the biodiversity net gain hierarchy set out in legislation. The resultant habitat will be secured via planning conditions, legal agreements and / or conservation covenants.

1.1.3. The expectation is that BNG should be provided on the development site. If this is not possible, developers can use off-site solutions or a mix of both on-site and off-site methods. As a final option, statutory biodiversity net gain credits can be brought from the government.

1.1.4. A glossary of key definitions presented within this document provided at Appendix A. This document should also be read in conjunction with the policies set out in the Lincolnshire Minerals and Waste Local Plan and the relevant district / borough / city local plans.

1.1.5. Although not legally binding this guidance acts as a material consideration in relation to applications in Lincolnshire, for example;

- minerals developments such as sand and gravel and limestone extraction and restoration and building stone quarries;
- waste management developments, such as household waste recycling centres, recycling and treatment facilities, landfill sites etc.;
- county council developments, such as new schools, highways, libraries and emergency service provision; and,
- Nationally Significant Infrastructure Projects.

1.1.6. The aim of the document is to assist developers, planners and other stakeholders in navigating the BNG requirements set out in legislation, and ensuring a minimum of 10% BNG is achieved. BNG aims to ensure that new development leaves biodiversity in a better state than before.

1.1.7. In summary, this guidance document seeks to clarify policy requirements, encourage best practices, facilitate compliance, and ultimately enhance biodiversity outcomes on development sites in Lincolnshire.

2 Introduction

2.1 Purpose and Status of this Guide

2.1.1. This document provides detailed advice and guidance on biodiversity net gain set out in national and local planning policies to inform decisions on minerals, waste and county council developments and nationally significant infrastructure projects in Lincolnshire.

2.1.2. This document offers practical guidance to developers, planners and other stakeholders on meeting the BNG requirements established in the Environment Act and National Planning Policy Framework[3]. It will ensure that all development projects that require planning permission from Lincolnshire County Council (LCC) achieve at least 10% BNG. For district-specific guidance, please visit the district council websites[1].

2.1.3. This document **will not be legally binding but is a material consideration in determining planning applications** for which LCC are the planning authority.

2.1.4. In the context of BNG and supporting biodiversity outcomes, this document aims to:

- clarify policy requirements;
- promote best practice;
- facilitate compliance with regulations and policy;
- enhance biodiversity outcomes; and,
- support decision-making.

2.1.5. Sections 2 to 4 offer detailed legislative information and outline the methodologies and processes essential for achieving BNG. These sections will provide the applicant with the necessary knowledge to understand the legal requirements and the steps involved in implementing BNG effectively.

2.1.6. Sections 5 to 7 will guide the applicant through various stages of the planning process. These sections will provide the applicant with specific guidance on the BNG information required at each stage of the planning process, ensuring that the applicant submits the correct and required information to LCC.

2.2 Summary of Biodiversity Net Gain

2.2.1. BNG is an approach to developments in England that aims to leave the natural environment in a measurably better state than before. By law, all developments (apart from specified exceptions) are required to provide 10% BNG (as defined in the 1990 Town and Country Planning Act (1990)[2] . BNG will also apply to Nationally Significant Infrastructure Projects (NSIPs) from late 2025 onwards.

[1] Gov (2024) Find your local council. Available online at: Find your local council - GOV.UK
[2] Town and Country Planning Act (1990). This is available online at: Town and Country Planning Act 1990.

2.2.2. BNG is a quantitative approach that adopts the government's Statutory Biodiversity Metric, which measures the value of all types of habitat in Lincolnshire.

2.2.3. The purpose of BNG is not only to meet the requirement for a 10% net gain in isolation but is to create better, healthier and more biodiverse landscapes, with the hope of restoring biodiversity and valuable habitats within Lincolnshire,

3 Policy and Legislation

3.1 Legislation

3.1.1. BNG is mandatory under Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021)[3]. This means that most major developments such as waste and mineral developments (with exemptions) must deliver a minimum of 10% net gain for biodiversity as a condition of planning permission, measured by the Statutory Biodiversity Metric.

3.1.2. There are a number of statutory instruments that work together to deliver BNG in England, including:

- the Biodiversity Gain (Town and Country Planning) (Consequential Amendments) Regulations 2023[4];
- the Biodiversity Gain Sites Register (Financial Penalties and Fees) Regulations 2023[5];
- the Biodiversity Gain Site Register Regulations 2023[6];
- the Biodiversity Gain Requirements (Exemptions) Regulations 2023[7];
- the Biodiversity Gain Requirements (Irreplaceable Habitats) Regulations 2023[8];
- the Biodiversity Gain (Town and Country Planning) (Modifications and Amendments) (England) Regulations 2024[9];
- The Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended); and,
- The Environment Act 2021 (Commencement No. 8 and Transitional Provisions) Regulations 2024.

3.1.3. The requirements of these instruments are additional to those in the Town and Country Planning Act 1990 (as amended).

3.1.4. All development proposals must follow the order of steps in the 'Mitigation Hierarchy' (as detailed in **section 4.2**), and the 'Biodiversity Gain Hierarchy' (as detailed in **section 4.3**).

3.1.5. All significant onsite gains **must** be secured managed and maintained for a period of 30 years through a condition or legal agreement. All offsite gains **must** be legally secured, managed and maintained for the same period.

[3] Gov (2021) Environment Act. Available at: Environment Act 2021
[4] Gov (2024) The Biodiversity Gain Sites Register. Available Online at: The Biodiversity Gain (Town and Country Planning) (Consequential Amendments) Regulations 2024
[5] Gov (2024) The Biodiversity Gain Sites Register. Available Online at: The Biodiversity Gain Site Register (Financial Penalties and Fees) Regulations 2024
[6] Gov (2024) The Biodiversity Gain Site Register Regulations. Available Online at: The Biodiversity Gain Site Register Regulations 2024
[7] Gov (2024) The Biodiversity Gain Requirements (Exemptions) Regulation. Available Online at: The Biodiversity Gain Requirements (Exemptions) Regulations 2024
[8] Gov (2024) The Biodiversity Gain Requirements (Irreplaceable Habitat) Regulations. Available Online at: The Biodiversity Gain Requirements (Irreplaceable Habitat) Regulations 2024
[9] Gov (2024) The Biodiversity Gain (TCPA) (Modifications and Amendments). Available Online at: The Biodiversity Gain (Town and Country Planning) (Modifications and Amendments) (England) Regulations 2024

3.1.6. Mandatory BNG does not replace existing legislations and protections for sites, habitats and species.

3.1.7. All government policy and guidance relating to BNG is available to view at https://www.gov.uk/government/collections/biodiversity-net-gain.

3.1.8. LCC is also required to have regard to the conservation and enhancement of biodiversity when it carries out its normal functions, as set out in the Natural Environment and Rural Communities Act 2006.

3.1.9. BNG is a key cross-cutting theme to deliver the statutory environmental targets and commitments set out in the government's Environmental Improvement Plan [10].

3.2 National Planning Policy Framework

3.2.1. The revised National Planning Policy Framework (NPPF) refers to conserving and enhancing the natural environment[11]. This requires local planning authorities in England to take measures to:

- conserve and enhance biodiversity;
- identify, map and safeguard components of local wildlife-rich habitats and wider ecological networks within plans;
- promote the conservation, restoration and enhancement of priority habitats, ecological networks and priority species within plans, in addition to secure measurable net gains for biodiversity; 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.

3.2.2. The revised NPPF refers to biodiversity and environmental net gains in the following ways:

Transport infrastructure:

- It encourages early consideration of transport issues in development proposals, so that net adverse effects can be avoided and mitigated, and environmental gains can be achieved.

Planning decisions:

- It encourages planning decisions that encourage multiple benefits for people and the environment, such as new habitat creation or public access;
- It encourages planning decisions that enhance the natural environment by minimising impacts on and providing net gains for biodiversity, including promotion of coherent ecological networks;

[10] Gov (2023) Environmental Improvement Plan. Available Online at: Environmental Improvement Plan 2023 - GOV.UK
[11] Gov (2012) National Planning Policy Framework. Available Online at: National Planning Policy Framework - Guidance - GOV.UK

- It encourages benefits to priority habitats, ecological networks and priority species, including opportunities for measurable gains for biodiversity; and,
- It advocates refusal of applications that fail to adhere to the mitigation hierarchy, or to provide measurable gains for biodiversity.

National Policy Statements

3.2.3. For Nationally Significant Infrastructure Projects (NSIP), the applicant will be expected to show how the development has taken advantage of opportunities to conserve and enhance biodiversity and geological conservation interests set out in the National Networks National Policy Statement (NPS) (Department for Transport, 2024)[12].

3.2.4. The government will set out the concept and policy requirements in a Biodiversity Gain Statement. Once these provisions are initiated, the government will need to be satisfied that the biodiversity gain objective in any applicable biodiversity gain statement has been fulfilled.

3.3 Local Policy

3.3.1. Planning applications submitted to LCC must take account of, and will be determined in accordance with, the planning policies set out in the development plan, including;

- Lincolnshire Minerals and Waste Local Plan - Core Strategy and Development Management Policies[13] (adopted in 2016);
- Lincolnshire Minerals and Waste Local Plan - Site Locations Document (adopted in 2017)[14];
- district / borough / city local plans; and,
- neighbourhood plans.

3.3.2. These proposals should also take account of the priorities set out in the following county council documents:

- Lincolnshire County Council Green Master Plan (2020-2025)[15]
- Lincolnshire Local Transport Plan (2022-2026)[16]
- Lincolnshire Streetscape Design Manual[17]
- Joint Lincolnshire Flood Risk and Water Management Strategy (2019-2050)[18]
- Lincolnshire Waterways Development Strategy (2018-2028)[19]

[12] Gov (2024) NSIPS. Available Online at: Nationally Significant Infrastructure Projects: National Policy Statements - GOV.UK
[13] Lincolnshire Count Council (2016) Lincolnshire Minerals and Waste Local Plan – Core Strategy and Development Management Policies. Available Online at: https://www.lincolnshire.gov.uk/downloads/file/2361/core-strategy-and-development-management-policies
[14] Lincolnshire County Council (2017) Lincolnshire Minerals and Waste Plan – Site Locations Document. Available Online at: https://www.lincolnshire.gov.uk/directory-record/63740/site-locations
[15] Lincolnshire County Council (2020-2025). Green Master Plan, *'Initial Action Plan'*. Available Online at: Initial Action Plan 2020-2025 – Lincolnshire County Council
[16] Lincolnshire County Council (2022-2026) Local Transport Plan. Available Online at: https://www.lincolnshire.gov.uk/downloads/file/7200/local-transport-plan-5
[17] Lincolnshire County Council (2016) Streetscape Design Manual. Available Online at: https://www.lincolnshire.gov.uk/downloads/file/1950/streetscape-design-manual-pdfa
[18] Lincolnshire County Council (2019), Lincolnshire Flood Risk and Water Management Strategy (2019-2050). Available Online at: Joint flood risk water management strategy 2019-2050

3.3.3. The next chapters outline the process of securing BNG from the application stage to implementation and the hierarchy of priority actions, from on-site provision and mitigation through to off-site measures.

[19] Lincolnshire County Council (2018). Strategy for Waterways Development (2018-2028). Available Online at: Lincolnshire

4 Onsite Biodiversity Net Gain Processes

4.1.1. This section provides guidance on implementing and ensuring onsite BNG is designed and achieved in a development process. It provides practical steps to guide applicants in minimising negative impacts on biodiversity and increasing the biodiversity value of development.

4.2 Mitigation Hierarchy

4.2.1. The mitigation hierarchy **must** be used to guide developments in minimising any negative impacts on biodiversity.

4.2.2. Applicants **must** first demonstrate appropriate application of the mitigation hierarchy, by avoiding onsite loss, mitigating loss if it cannot be avoided, remediating lost or damaged biodiversity onsite, and as a last resort, compensating for any losses.

4.2.3. It is expected that any medium and high distinctiveness habitats will be retained and enhanced onsite.

4.2.4. For further information relating to the mitigation hierarchy refer to the NPPF.

4.3 Biodiversity Gain Hierarchy

4.3.1. The Biodiversity Gain Hierarchy, which is separate from the standard mitigation hierarchy, has been designed for the purpose of the statutory framework for the discharge of the biodiversity gain condition. It takes account of the habitat categories in the Statutory Biodiversity Metric and the routes to achieving at least a 10% gain.

4.3.2. Developers **must** follow the Biodiversity Gain Hierarchy priority actions as follows:

- 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) 1) the avoidance of adverse effects from the development and, 2) if they cannot be avoided, the mitigation of 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, 1) the enhancement of existing onsite habitats, 2) creation of new onsite habitats, 3) allocation of registered offsite gains and finally 4) the purchase of biodiversity credits.

4.3.3. Note that these priority actions do not apply to irreplaceable habitats, any loss of which is considered unacceptable.

4.3.4. Applicants are expected to submit the following information prior to determination to show compliance with the Biodiversity Gain Hierarchy (further detail in **section 5.4**);

- written evidence of the steps undertaken to influence the design process;
- the steps involved designing the project to avoid impacts on biodiversity from the outset (e.g. timing activities and modifying project design); and
- a written statement of compliance with the Biodiversity Gain Hierarchy.

4.3.5. If applicants cannot avoid adverse effects from the development onsite, they **must** provide justification for this and proceed to the next stage of the Biodiversity Gain Hierarchy with written justification.

4.3.6. For further information relating to the Biodiversity Gain Hierarchy refer to the national Planning Practice Guidance[20].

4.4 Ten Good Practice Principles

4.4.1. All Ten Good Practice Principles **should** be adhered to in a demonstratable way. Applicants **are advised to** justify how all these have been considered and whether they have or have not been met within the submission of an application.

4.4.2. The Ten Good Practice Principles are highlighted in **Table 4-1.**

Table 4-1 – Biodiversity Net Gain Ten Good Practice Principles

Principle	Principles Definition
Principle 1	Apply the Mitigation Hierarchy
Principle 2	Avoid losing biodiversity that cannot be offset by gains elsewhere
Principle 3	Be inclusive and equitable
Principle 4	Address risks
Principle 5	Make a measurable Net Gain contribution
Principle 6	Achieve the best outcomes for biodiversity
Principle 7	Be additional
Principle 8	Create a Net Gain legacy
Principle 9	Optimise sustainability
Principle 10	Be transparent

4.4.3. For further information on how to implement the Ten Good Practice Principles, please refer to CIEEM Good Practice Principles[21].

[20] Gov (2024) Biodiversity Net Gain Planning Practice Guidance. Available Online: https://www.gov.uk/guidance/biodiversity-net-gain

4.5 Degradation

4.5.1. Applicants **must** confirm whether activities occurring within the planning application boundary before the date of the application have resulted in a loss of biodiversity value ('degradation').

4.5.2. If degradation has occurred, applicants **must** provide the following when submitting a planning application;

- a statement setting out that these degradation activities have been carried out;
- confirmation of the date immediately before these activities were carried out;
- the pre-development biodiversity value of the site on this date;
- the completed Statutory Biodiversity Metric calculation tool showing the calculations; and,
- any available supporting evidence of this.

4.5.3. For establishing the pre-development biodiversity value onsite in the case of degradation, please refer to the Biodiversity Net Gain national Planning Practice Guidance[20] .

4.6 Irreplaceable Habitat

4.6.1. All irreplaceable habitats **must** be recorded within the Statutory Biodiversity Metric and within the irreplaceable habitats sheet of the Statutory Biodiversity Metric (see the definition and full list of irreplaceable habitats for BNG in the Biodiversity Gain Requirements (Irreplaceable Habitat) Regulations 2024).

4.6.2. The 10% BNG requirement **does not apply** when there is a loss of irreplaceable habitat because it would be impossible to achieve. Instead, applicants **must** minimise adverse impacts and agree on a compensation strategy with LCC.

4.6.3. Applicants should consider irreplaceable habitats at the start of the design and planning process, in order to avoid adverse impacts. At the planning application stage, applicants **must** satisfy the minimum information requirements.

4.6.4. Compensation for irreplaceable habitat needs to be relative to the baseline habitat type. LCC will agree on compensation as part of the determination of the planning application, on a case-by-case basis.

4.6.5. If an irreplaceable habitat is identified within the planning application boundary, the following must be submitted as part of the planning application:

- a description of any irreplaceable habitat on onsite must be provided within the planning application;

[21] CIEEM et al (2019) Biodiversity Net Gain *Good Practice Principles*. Available Online at: Biodiversity Net Gain: Good Practice Principles for Development, A Practical Guide. | CIEEM

- a plan of existing irreplaceable habitat onsite at the date of the planning application.

4.6.6. For further information regarding irreplaceable habitats please refer to Biodiversity Net Gain National Planning Practice Guidance (Irreplaceable habitat guidance)[22].

4.7 Applying Strategic Significance

4.7.1. Strategic significance refers to the local importance of a habitat based on its location and type. It helps prioritise areas for biodiversity enhancement and conservation.

4.7.2. Defra has published a user guide for the Statutory Biodiversity Metric which sets out how strategic significance should be established. It states, *'Strategic significance is the local significance of the habitat based on its location and habitat type*" and states that where a Local Nature Recovery Strategy (LNRS) has been published, it should be used to determine which habitats have a high strategic significance. The Greater Lincolnshire LNRS was published at the end of July 2026 and sets out a strategic approach to biodiversity restoration across Greater Lincolnshire.

4.7.3. Applicants must consider the priorities and opportunities for nature recovery outlined in the Greater Lincolnshire Local Nature Recovery Strategy (LNRS).

4.7.4. Details of the Greater Lincolnshire LNRS can be found at: www.glincslnrs.org.uk.

4.8 The Statutory Biodiversity Metric

4.8.1. The Statutory Biodiversity Metric is used to measure the biodiversity value of area, linear and water habitats. It calculates the number of biodiversity units a habitat contains before and after development, helping to ensure the development achieves 10% BNG.

4.8.2. For both the Statutory Biodiversity Metric and Small Sites Metric, the following requirements should be demonstrated within a planning application:

- metrics **must** be carried out by a competent person[23];
- use of the Statutory Biodiversity Metric **must** adhere to;
  - the four Biodiversity Metric Rules (see Table 4.2); and,
  - the nine Statutory Biodiversity Metric Principles (see Table 4.3); and,
- applicants **must** submit a completed Statutory Biodiversity Metric calculation tool (in raw excel format) showing the calculations of the pre-development biodiversity value of the onsite habitat on the date of application (or proposed

[22] Irreplaceable habitat guidance is available online at: Irreplaceable habitat - GOV.UK

[23] A competent person is defined as '*person who can demonstrate they have acquired through training, qualifications or experience, or a combination of these, the knowledge and skills enabling that person to perform a specified task*' (BS 8683:2021). In the context of BNG, demonstrable evidence may include a relevant vocational or degree level certification (conservation, biology, GIS), a Field Identification Skills Certificate (FISC) of Level 3 or above, three year's professional Ecological experience, and/or listed and named project work examples summarised in a brief curriculum vitae (CV) format.

earlier date), including the publication date of the Statutory Biodiversity Metric.

Statutory Metric Principles

Table 4.2: Nine Statutory Biodiversity Metric Principles

Principle	Requirement
Metric Principle 1	Competency requirements must be complied with.
Metric Principle 2	The use of this biodiversity metric does not override existing biodiversity protections, statutory obligations, policy requirements, ecological mitigation hierarchy or any other requirements. This includes consenting or licensing processes, for example woodlands.
Metric Principle 3	This biodiversity metric should be used in accordance with established good practice guidance and professional codes.
Metric Principle 4	This biodiversity metric is not a complex or comprehensive ecological model and is not a substitute for expert ecological advice.
Metric Principle 5	Biodiversity Units are a proxy for biodiversity and should be treated as relative values
Metric Principle 6	This biodiversity metric is designed to inform decisions in conjunction with locally relevant evidence, expert input, or guidance.
Metric Principle 7	Habitat interventions need to be realistic and deliverable within a relevant project timeframe
Metric Principle 8	Created and enhanced habitats should be, where practical and reasonable, local to any impact and deliver strategically important outcomes for nature conservation
Metric Principle 9	This biodiversity metric does not enforce a minimum habitat size ratio for compensation of losses. Proposals should aim to:A) maintain habitat extent - supporting more, bigger, better and more joined-up ecological networks; and B) ensure that proposed or retained habitat parcels are of sufficient size for ecological function.

4.8.3. For further information on how to apply the Statutory Biodiversity Metric, refer to the DEFRA Statutory Biodiversity Metric: User Guide[24].

[24] DEFRA (2023) Statutory Biodiversity Metric: User Guide. Available Online at: https://www.gov.uk/government/publications/statutory-biodiversity-metric-tools-and-guides

Biodiversity Metric Rules

4.8.4. Applicants **must** follow the Biodiversity Metric Rules as set out in the Statutory Biodiversity Metric User Guide when using the Statutory Biodiversity Metric. **Table 4:3** below.

Table 4.3: Biodiversity Metric Rules

Rule	Rule Detail
Rule 1	The trading rules of this biodiversity metric must be followed.
Rule 2	Biodiversity unit outputs, for each type of unit, must not be summed, traded or converted between types. The requirement to deliver at least a 10% net gain applies to each type of unit.
Rule 3	To accurately apply the biodiversity metric formula, you must use the statutory biodiversity metric calculation tool or small sites biodiversity metric tool (SSM) for small sites. The tools remove the need for a user to manually calculate the change in biodiversity value. The tool will summarise the results of the calculation and inform a user whether the biodiversity net gain objective has been met.
Rule 4	In exceptional ecological circumstances, deviation from this biodiversity metric methodology may be permitted by the relevant planning authority.

Rule 4

4.8.5. Rule 4 allows for deviations from standard trading rules in specific scenarios to achieve exceptional ecological outcome results.

4.8.6. The use of Rule 4 is permitted only through prior agreement with the relevant consenting body or planning authority. How Rule 4 is applied is dependent on the specifics of the application.

4.8.7. An applicant **must** provide:

- evidence of specific ecological expertise relevant to the site;
- robust justification for the decision to apply the rule; and,
- robust evidence demonstrating the ecological benefits of the intervention.

4.8.8. Rule 4 cannot be used to justify a planning proposal as acceptable if the ecological outcomes of that proposal are otherwise unacceptable or detrimental to the natural environment.

4.8.9. LCC will always review the acceptability of these proposals when Rule 4 is triggered, and it is expected that applicants will engage at the pre-application stage where this rule may apply.

4.9 The Small Sites Metric

4.9.1. Small sites **must** achieve a 10% net gain using the Small Sites Metric (SSM), which is a simplified version of the Statutory Biodiversity Metric.

4.9.2. The SSM is a specific version of the Statutory Biodiversity Metric designed for smaller developments. The SSM will be applied where the floor space to be created is less than 1,000 square metres OR where the site area is less than one hectare.

4.9.3. Where a development meets the above criteria but has statutory designated habitat, priority habitats, protected sites or European protected species present, the Statutory Biodiversity Metric **must** be used[25].

4.9.4. Where a development requires off-site compensation, the Statutory Biodiversity Metric **must** be used.

4.9.5. For further information on how to apply the Small Sites Metric, please refer to:

the DEFRA Statutory Biodiversity Metric: User Guide[24]

[25] Defra (2024) The Small Sites Metric User Guide. Available Online at: The_Small_Sites_Metric__Statutory_Biodiversity_Metric__-_User_Guide__23.07.2024_.pdf

5 Submitting a Planning Application

5.1.1. This section details the information required for LCC to validate and determine relevant applications, and to discharge conditions, in relation to biodiversity net gain.

5.1.2. A summary of what is required in each stage of the planning application process is presented in **Table 5-1.** For more detailed information refer to **section 5.3** for validation, **section 5.4** for determination and **section 5.5** for pre commencement

Table 5-1 – Information to be submitted for each planning stage and by unit type/ location.

Location/ Type of Units	Required for Validation	*Encouraged* for Determination	Planning Permission Granted	Required Pre-commencement (Condition Discharge) or Reserved Matters	Commencement
Onsite	• Biodiversity Gain Statement (BGS) including baseline Metric & GIS-based plan	• *Draft Biodiversity Gain Plan (BGP) or BNG report including baseline & indicative post dev Metric & GIS-based plans* • *Draft Habitat Management and Monitoring Plan (HMMP)*		• Full BGP or BNG report including baseline & accurate post dev Metric & GIS-based plans • Full HMMP • Section 106 or conservation covenant signed. Commitment to creating or enhancing habitats and managing the habitats for at least 30 years (if relevant)	
If offsite solution required:				If offsite solution required:	
Offsite (applicant owned)	• BGS	• *Draft BGP or BNG report* • *Justification for use (evidence that the BNG Hierarchy has been applied)* • *Draft HMMP*		• Full BGP • Full HMMP • Section 106 or Conservation Covenant Signed (Commitment to creating or enhancing habitats and managing the habitats for at least 30 years).	
Offsite (third party provider)	• BGS	• *Draft BGP or BNG report* • *Justification for use (evidence that the BNG Hierarchy has been applied)* • *Emails/ other evidence of availability of units*		• Full BGP • Proof of Offsite Biodiversity Units purchased, including registration number	
Offsite (Statutory Biodiversity Credits)	• BGS	• *Draft BGP or BNG report* • *Justification for use (evidence that the BNG Hierarchy has been applied)*		• Full BGP • Proof of Statutory Biodiversity Credits purchased, including registration number.	

5.2 Exempt Planning Applications

5.2.1. The following developments are exempt from the Biodiversity Net Gain Condition, as stated within BNG national Planning Practice Guidance[20]:

- Householder development;
- Development granted planning permission by a development order under s.59 of the Town and Country Planning Act 1990. This includes permitted development rights; granted under the provisions of the Town and Country Planning (General permitted Development) (England) Order 2015 (as amended)
- Development no larger than 0.2ha (applies from 6th August 2026)
- Development subject to the *de minimis* exemption[26];
- Temporary development that is permitted for a period of 5 years or less (applies from 6 August 2026)[27].
- Urgent crown development granted permission under section 293A of the Town and Country Planning Act 1990;
- Development of a biodiversity gain site; and,
- Development related to the high-speed railway transport network.

5.2.2. For greater clarity on the definition of developments exempt from the Biodiversity Net Gain Condition, please refer to paragraphs 003 to 005 of Biodiversity Net Gain National Planning Practice Guidance[20].

5.2.3. In addition to the above, the following types of application currently fall outside of the scope of the requirement to deliver Biodiversity Net Gain[20]:

- retrospective planning permissions made under section 73A; of the Town and Country Planning Act 1990;
- Applications made under section 73 of the Town and Country Planning Act 1990; where the original permission to which section 73 relates was either granted before 12 February 2024 or the application for the original permission was made before 12 February 2024;

5.3 BNG Information Required for Validation

5.3.1. The following content is required to validate a planning application which is **not to proceed in phases;**

- a statement as to whether the applicant believes that planning permission, if granted, would be subject to the biodiversity gain condition;

[26] Development subject to the de minimis exemption is a development that does not impact a priority habitat and impacts < 25 square metres of onsite habitat, and < 5 metres of linear habitats such as hedgerows.
[27] For temporary developments, Applicants are required to submit a completed Biodiversity Metric which establishes the biodiversity baseline at the time of the application.

- a completed biodiversity metric (either Statutory or Small sites), stating the publication date of the tool, and showing the calculation of the pre-development onsite value on the relevant date, and post-development biodiversity value;
- where the applicant wishes to use an earlier date, the proposed earlier date and the reasons for proposing that date;
- a statement confirming whether the biodiversity value of the onsite habitat is lower on the date of application (or an earlier date) because of the carrying on of activities ('degradation') in which case the value is to be taken as immediately before the carrying on of the activities, and if degradation has taken place supporting evidence of this;
- a description of any irreplaceable habitat (as set out in column 1 of the schedule to the Biodiversity Gain Requirements (Irreplaceable Habitat) Regulations (2024)[28]) on the land to which the application relates, that exists on the date of application, (or an earlier date);
- a plan drawn to an identified scale which must show the direction of north, showing onsite habitat existing on the date of application (or an earlier date), including any irreplaceable habitat; and,
- where the applicant believes that planning permission, if granted, would not be subject to the biodiversity gain condition, the reasons for that belief.

5.3.2. Failure to adhere to the minimum 'National Validation Requirements' as set out in this section will result in the planning application not being validated.

5.3.3. All such information can be summarised in a Biodiversity Gain Statement (BGS) which is provided alongside the completed metric.

5.4 BNG Information Advised for Determination

5.4.1. It is advised that the following information be provided to enable LCC to determine the planning application:

1. A written BNG report or *draft* Biodiversity Gain Plan (BGP) including:
    I. a completed biodiversity metric (either Statutory or small sites) for pre-development and post-development;
    II. additional detail and explanation to justify decisions about habitat conditions. Condition assessment sheets should:
        - be completed and submitted, identifying which criteria are currently met by onsite habitats;
        - include additional detail and explanation to justify decisions about habitat conditions; and

[28] Gov (2024) The Biodiversity Gain Requirements (Irreplaceable Habitat) Regulations 2024. Available Online at: The Biodiversity Gain Requirements (Irreplaceable Habitat) Regulations 2024

- clearly show which areas and mapped polygons or lines correspond to different condition assessments;

III. pre-development and post-development plans (showing the location of onsite habitat, the direction of north) should be drawn to an identified scale. Applicants should clearly show which areas and mapped polygons or lines correspond to different condition assessments, taking account of the following guidelines. Habitat mapping (non-GIS) should:

- be accurately scaled in reports showing pre- and post-development habitat side-by-side;
- include the condition of habitats, clearly shown; and
- use the UKHab methodology.

2. For applications for pre- and post-development habitats, GIS shapefiles should be provided showing onsite and offsite BNG (where necessary) and be clearly labelled confirming the size of area, linear and watercourse habitats presented in the metric and mapping. LCC should be provided with the information to monitor the contribution of BNG to the objectives of the Greater Lincolnshire Local Nature Recovery Strategy.
3. A compensation plan if the development affects irreplaceable habitat;
4. A description of how they will manage and monitor (minimum 30 years) significant onsite gain.

5.4.2. The BNG Report or draft BGP should:

- describe how the development is compliant with the Biodiversity Gain Hierarchy (see **section 4.3**);
- identify how retained habitats will be protected through construction and how management will maintain condition;
- state any proposed significant onsite or offsite gains, including creation and enhancements;
- describe how habitat enhancements and ongoing management will be carried out;
- describe how management prescriptions will result in habitats meeting condition criteria to reach the planned uplift in condition;
- describe how habitats will be created and managed to reach and maintain the planned habitat condition;
- provide detailed assessments of the risks and challenges (technical and administrative) associated with achieving the planned condition and how management will overcome them;

- include descriptions of aims and objectives in non-technical terms understandable to the general public, including new residents and businesses;
- identify roles and responsibilities for initial creation or enhancement and ongoing management, as well as contingencies if those individuals or organisations are unable to carry out their responsibilities; and,
- in the circumstance where 10% net gain is not achieved onsite, a narrative as to how the developer intends to meet the minimum 10% net gain offsite.

Onsite gains

5.4.3. A significant onsite gain should meaningfully enhance the biodiversity value of the site, achieving substantial habitat enhancements within the development site that contribute notably to the site's biodiversity value compared to its baseline value.

5.4.4. Significant onsite gains and/or significant enhancements hold the same meaning[29]. Defra have produced guidance on which habitat interventions could be classed as 'significant' Make onsite biodiversity gains as a developer - GOV.UK[30]

5.4.5. LCC suggest the following criteria would be used to classify significant onsite gains:

- habitats of medium or higher distinctiveness in the Statutory Biodiversity Metric;
- habitats of low distinctiveness which create a large number of biodiversity units relative to the biodiversity value of the site before development;
- habitat creation or enhancement where distinctiveness is increased relative to the distinctiveness of the habitat before development;
- areas of habitat creation or enhancement which are significant in area relative to the size of the development; and,
- enhancements to habitat condition, for example from poor or moderate to good.

5.4.6. In very limited circumstances (for example, where a single or very small number of urban trees of medium distinctiveness are proposed but these are the only habitats which would otherwise meet the threshold for significant gains), it may be deemed disproportionate to require 30 years management and therefore those on site enhancements will not be classified significant gains. However, this will be determined on a case-by-case basis by LCC.

5.4.7. If low distinctiveness habitats are proposed, then these will not ordinarily be deemed as significant gains, unless they are considered to provide a significant number of units and are providing most, if

[29] Significant enhancements or Significant onsite gains are areas of habitat enhancement which contribute significantly to the proposed development's BNG, relative to the biodiversity value before development.
[30] Gov (2024) Make onsite biodiversity gains as developers. Available Online at: Make onsite biodiversity gains as a developer - GOV.UK

not all, of the required net gains for a development. This will also be determined on a case-by-case basis by LCC.

5.4.8. LCC encourages developers to engage a recognised conservation body in the delivery of long-term habitat creation proposals. If high or very high distinctiveness habitats are to be delivered a specialist contractor or nature conservation body must be appointed to assist with delivery.

5.4.9. Developers should work with ecologists to put forward what they consider is significant onsite gain. LCC will determine significant onsite gain for each development on a case-by-case basis, using the most up to date government guidance.

Draft Habitat Management and Monitoring Plan (HMMP)

5.4.10. Applicants are encouraged to provide a *draft* HMMP as part of the application which sets out the indicative proposals for long term maintenance of habitats to be secured through planning condition or planning obligation. Further information relating to the HMMP is set out in **section 6.2**.

Offsite gains

5.4.11. The following information can be provided as part of the BNG report or draft BGP prior to determination:

- a narrative on how they intend to secure offsite gains, if onsite is not plausible. Applicants may use both onsite and offsite gains. Applicant can indicate whether offsite gains are to be secured via their own land, offsite compensatory units or statutory biodiversity credits;
- if the applicant wishes to secure offsite gains through their own land, prior to determination, applicants can provide further detail on the location, and potential units that can be secured within this holding. Evidence can be submitted as part of the draft BGP.
- if the applicant wishes to secure offsite gains through offsite compensatory units, prior to determination, applicants can provide further detail, where possible, in regard to its location.

5.4.12. Prior to determination, applicants **do not** need to purchase units. However, they may wish to reserve units if planning to purchase from offset providers on the market, which can be illustrated in submitted documentation.

5.4.13. For further information about securing offsite gains, and steps to follow, applicants should refer to Make offsite biodiversity gains as a developer - GOV.UK[31].

[31] Gov (2023) Make offsite biodiversity gains as a developer. Available Online at: Make offsite biodiversity gains as a developer - GOV.UK

Statutory biodiversity credits

5.4.14. Prior to determination, applicants should indicate to LCC whether statutory biodiversity credit acquirement is needed to meet the 10% net gain requirement. LCC will need to approve this method, and it must be a last resort.

5.4.15. Applicants should inform LCC as early as possible, if statutory biodiversity credits are needed.

5.4.16. Developers **should not** purchase statutory credits until they have planning permission and are ready to discharge the biodiversity gain condition.

5.4.17. Statutory biodiversity credits - GOV.UK[32] provides further information on how to find out the type of statutory biodiversity credits that the proposed development requires and how to purchase them.

5.5 BNG Information Required Post-Determination (Pre-Commencement)

Key information required

5.5.1. The statutory framework for biodiversity net gain involves the discharge of the biodiversity gain condition following the grant of planning permission to ensure the objective of at least 10% net gain will be met for a development.

5.5.2. The determination of the BGP under this condition is the mechanism to confirm whether the development meets the biodiversity gain objective. Development may not be begun until the BGP is approved.

5.5.3. In order to satisfy the statutory BGP condition and any other BNG conditions imposed on the planning permission, at post-determination but pre-commencement, the following information **must** be provided:

- a completed Statutory Biodiversity Metric detailing the level of biodiversity net gain that will be achieved by the scheme. The Statutory Biodiversity Metric must now reveal a minimum 10% net gain in biodiversity units, and adhere to all metric trading rules for the planning condition to be discharged;
- the biodiversity hierarchy and good practice principles of this guidance document (see **section 4.3** and **4.4**) **should have been** met and evident within the Statutory Biodiversity Metric and associated documents;
- a *complete* BGP containing detailed information on how the 10% BNG will be achieved. All sections of the BGP template[33] must be completed, or equivalent information provided;

[32] Gov (2023) Statutory Biodiversity Credits. Available Online at: Statutory biodiversity credits - GOV.UK
[33] Gov (2024) Biodiversity Gain Plan Template. Available Online at: https://www.gov.uk/government/publications/biodiversity-gain-plan

- a *complete* Habitat Management and Monitoring Plan (HMMP) should be provided to allow LCC to confirm that the proposals are achievable. The HMMP should use the Natural England template[34] and clearly identify the activity and timeline of the initial completion period and the management for the subsequent 30 years. This should also contain any invasive species management plan required;
- where offsite compensation is being used (including use of statutory credits), this **must** now be confirmed and **must** be included within the 'offsite 'tabs of the metric; and,
- sufficient details of the offsets including proof of purchase and (in the case of offsite compensation) Biodiversity Gain Site Register reference numbers **must** be provided.

5.5.4. Failure to provide the information detailed in this section and below may result in the application being refused.

Entering a legal agreement

5.5.5. For any gains that are not secured via a planning condition, there are two types of legal agreement available:

- a section 106 agreement[35] with LCC; or,
- or a conservation covenant[36] with a responsible body.

5.5.6. LCC will charge fees for any section 106 agreements they enter into, in order to cover the cost of fulfilling the monitoring responsibilities of such an agreement. For further information see **section 6.3.**

5.5.7. The legal agreement for significant onsite or offsite gains must last at least 30 years, providing management and monitoring (see **section 6**).

5.5.8. An HMMP can be used to provide more information. It does not replace the legal agreement. You can include your HMMP within your legal agreement or draft it as a separate document.

Section 106 agreement: Onsite

5.5.9. Significant onsite gains can be secured via a section 106 agreement. If this is the case, LCC will charge management and monitoring fees in accordance with **section 6.3**.

Section 106 agreement: Offsite under applicant control

5.5.10. Land within the developer's control which is used for off-site BNG delivery should be secured for the length of the net gain agreement, either via section 106 agreements, or a conservation covenant.

[34] Natural England (2024) Habitat Management and Monitoring Plan Template. Available Online at: https://publications.naturalengland.org.uk/publication/5813530037846016
[35] Gov (2019) Planning Obligations Guidance. Available Online at: Planning obligations - GOV.UK
[36] Gov (2024) Getting and Using and conservation covenant agreement. Available Online at: Getting and using a conservation covenant agreement - GOV.UK

Conservation covenant

5.5.11. A conservation covenant is a voluntary, legally binding agreement between a landowner and a responsible body to conserve biodiversity on a piece of land. Conservation covenants are used to ensure long-term biodiversity enhancements and management.

5.5.12. Evidence that the site has been legally secured and on the Biodiversity Gain Site Register **must** be submitted to LCC prior to commencement of development[37] / [38].

Third party supplier

5.5.13. Applicants **must** provide evidence of the purchase of units if a third-party supplier has been used. No section 106 or conservation covenant will be applicable, rather the purchase will be guaranteed to the applicant via third party supplier agreements, and the allocation of a BNG register number.

Offsite statutory credits

5.5.14. Applicants **must** provide information on use of statutory credits within a BGP or BNG report and justify how they have followed the BNG Hierarchy.

5.6 Phased Developments and Outline Planning

5.6.1. There are separate requirements for phased developments and outline planning[39] in addition to the information required in see **section 5.3** and **5.4.**

5.6.2. A phased development **must** meet the biodiversity gain objective of at least 10% net gain unless it is exempt or subject to transitional arrangements.

5.6.3. The modifications of a phased development apply to:

a) a grant of outline planning permission where the reservation of matters for subsequent approval has the effect of requiring or permitting development to proceed in phases; or

b) a grant of any kind of planning permission, where the grant is subject to conditions which require development to proceed in phases.

5.6.4. The following information **must** be provided to satisfy the condition associated with a phased development:

- Developers **must** submit a draft **Overall BGP**;
- Developers **must** submit a **Phased BGP** for each reserved matters application, which must be completed for each phase. A Phase BGP for each phase **must** be submitted to and approved by LCC before the development of that phase can begin.

[37] Gov (2024) Register a biodiversity gain site, *guidance*. Available Online at: Register a biodiversity gain site - GOV.UK
[38] Gov (2024) Search the biodiversity gain sites register, *guidance*. Available Online at: Search the biodiversity gain sites register - GOV.UK
[39] Gov (2024) Modifications and Amendments Regulations. Available Online at: https://www.legislation.gov.uk/uksi/2024/50/contents/made

- Developers must provide sufficient information to consider how the 10% objective will be met across the whole development (not each phase).
- Developers should make clear within the application and overall BGP where they rely on assumptions for each phase and justify with relevant evidence.
- Developers are encouraged to engage with LCC.
- Developers should consider whether the phased development has been allocated in a local plan and consider the strategic significance of the site within their overall BGP.
- Developers should consult relevant planning policies set out in the Minerals and Waste Local Plan and other relevant statutory plans (see **section 3.3**).

5.6.5. Where proposals have not been finalised for later stages, applicants will need to make assumptions about the likely development and habitat enhancements, to determine post-development biodiversity value.

5.6.6. LCC **must** have approved both the overall BGP, and the first phase BGP before work commences.

5.6.7. For further clarity regarding validation requirements for phased developments, please refer to the Biodiversity Net Gain national Planning Practice Guidance[24].

5.7 Minerals and Waste Management Sites

5.7.1. Reviews of Old Mineral Permissions (ROMP) are not within scope of biodiversity net gain as they do not require a require planning permission under the Town and Country Planning Act.

5.7.2. Mineral and landfill site restoration schemes often include inherent good-quality opportunities to achieve large gains for biodiversity due to their size, location and the restricted use of restored sites.

5.7.3. As such, for mineral or landfill restoration schemes, LCC encourages applicants and operators to consider achieving gains greater than 10%. Such restoration schemes should also align future outputs with the emerging Greater Lincolnshire Nature Recovery Strategy.

5.7.4. LCC supports early engagement between officers, applicants and other relevant bodies (e.g. Natural England, Greater Lincolnshire Nature Partnership and Lincolnshire Wildlife Trust) to agree on the habitat types to be prioritised in the site's restoration and agreement over desired outcomes.

6 Management and Monitoring

6.1.1. After delivery of the BNG habitats (enhancements or creation), habitats deemed to contribute to significant gains must be managed to maintain their desired condition for biodiversity net gain. They should be managed and monitored with recorded conditions for at least 30 years.

6.1.2. Once planning permission has been granted, developers **must** submit a BGP (see **section 5.4**) and a Habitat Management and Monitoring Plan (HMMP).

6.2 Habitat Management and Monitoring Plan

6.2.1. In addition to a BGP, a HMMP must be submitted to satisfy the requirements of the planning condition and must include;

- a summary of the BNG outcomes to be achieved;
- a biodiversity baseline assessment of the scheme against which BNG outcomes are assessed and monitored;
- BNG targets associated with the scheme;
- demonstration of how habitats will reach the target condition, as presented within the final statutory biodiversity metric;
- demonstration of how offsite gains or significant onsite enhancements will be managed, considering any legal restrictions and requirements;
- the number of years to achieve and then maintain the BNG targets;
- a programme detailing the long-term phases of the management and monitoring activities (only for phased developments);
- a monitoring plan to inform decisions about management, whether assessing progress towards the BNG targets is on track and whether changes to management are required to achieve the targets;
- the roles and responsibilities and required competencies of those involved with implementing and monitoring the BNG design during implementation and postimplementation stages.
- a monitoring schedule, information on when and how habitats will be monitored, which may vary depending on the type of habitat.

6.2.2. Additional monitoring may be required for novel mitigation solutions, the outcomes of which should be made available to the wider ecological consultancy industry where appropriate.

6.2.3. If the offsite gains are secured through a third party landowner, then the HMMP can be agreed separately.

6.2.4. Please refer to Creating a habitat management and monitoring plan for BNG - GOV.UK[40] for further information, templates and tools to guide the HMMP process.

6.3 Monitoring Fees

6.3.1. BNG monitoring fees will apply to all offsite BNG provision and where significant onsite enhancements are being proposed (**see section 5.4 Onsite Gains**).

6.3.2. The applicant is responsible for ensuring a monitoring report is sent to LCC at the necessary timescale, **on years 1, 3, 5, 10, 15, 20, 25 and 30.** LCC will track planning permissions and the required monitoring, including in which years information will be due, and may take enforcement action where information is not submitted on time, or is incomplete.

6.3.3. The monitoring reports **must** identify any significant failings in establishment and management and detail remedial action which needs to be undertaken to correct for any failings.

6.3.4. The reports **must** also detail who is responsible for the management including any adaptive management and remedial action which is proposed to correct for any habitat establishment failings.

6.3.5. Management and monitoring of BNG will be secured through a planning obligation (section 106 agreement).

6.3.6. Where LCC is responsible for monitoring compliance, the section 106 agreement will include provisions to secure payment of monitoring fees associated with the review of reports required to be submitted by the applicant.

6.3.7. LCC monitoring fees for onsite section 106 agreements are presented in **Table 6-1**.

Table 6-1: Fees for S106 agreements

Site size category	Site size	Fee (£)
Very Small	Less than 0.5ha	£4,000
Small	0.5 – 10 ha	£8,000
Medium	10 - 20 ha	£14,000
Large	Greater than 20 ha	£20,000

6.3.8. The fees presented in Table 6-1 should be considered as a minimum for each size category. In certain cases, it may be necessary to agree a bespoke fee for instance in the case of particularly large or complex sites. The fees will be paid as a one-time upfront payment to cover the entire 30-year monitoring period.

[40] Gov (2023) Creating a habitat management and monitoring plan for BNG. Available Online at: Creating a habitat management and monitoring plan for BNG - GOV.UK

6.4 Compliance

6.4.1. A failure to deliver, or attempt to deliver, biodiversity net gain outcomes which have been secured with conditions subject to which planning permission has been granted, may result in enforcement action being taken by LCC. Where a restriction or requirement imposed under a planning obligation has been breached, this is enforceable by injunction. The Environment Act 2021 makes provision for the breach, enforcement and defences to the breach of obligation under a conservation covenant.