



Northumberland County Council

Biodiversity Net Gain Advice Note for Developers and Ecological Consultants – Tips and Tricks to Ease the Process November 2024

Introduction

Now that we have been dealing with BNG for a few months it is clear that certain issues are coming up repeatedly, requiring the Council to seek further information before planning applications can be progressed. This note identifies the most common issues and provides advice about how to avoid or address them.

IMPORTANT –Red Line Boundaries can comprise more than one polygon

Where some or all of the habitat to be created or enhanced lies outside of the red line boundary of the development, this area has to be secured using a legal agreement and has to be registered with Natural England before the biodiversity gain condition can be discharged, involving both time and expense for the developer and work for the LPA.

Where the habitat to be created or enhanced lies wholly within the red line boundary, the LPA has discretion to secure it by planning condition or legal agreement, and it does not need to be registered with Natural England. In these cases, we will secure more significant areas by legal agreement and less significant areas by planning condition, avoiding the time and expense of a legal agreement and the time and expense of registration with Natural England.

Consequently, where very small areas of habitat need to be created to achieve net gain it is advantageous to the developer for them to be within the planning application (red line) boundary wherever possible. Please note that the red line boundary for an application can comprise more than one block of land as long as they are within the same ownership (blue line) boundary. Therefore, the development site can have a red line boundary drawn around it, and a separate BNG area within the blue line boundary can also have a red line boundary drawn around it as part of the same planning application. For example if a new farm building is being constructed and BNG requirements are to be satisfied through the planting of mixed scrub in a field corner elsewhere on the farm, this can still count as onsite BNG if a red line boundary plan is submitted with the planning application comprising a red line around the development site and a separate red line around the area to be planted with scrub. This can really save time and expense on small sites.

The BNG Assessment Must Cover the Whole of the Red Line Boundary

The red line boundary of the planning application defines the site to which BNG applies, and the BNG assessment must cover all of this area including any required access.

Private Gardens

Advice concerning private gardens is set out on page 51 of the Statutory Metric User Guide, but please note the following points:

- To avoid undervaluing the baseline value of existing private gardens, important features including trees of medium size or above, hedgerows and ponds should all be recorded as individual habitat parcels.
- BNG gains cannot be legally secured in private gardens and therefore created private gardens should only be recorded as vegetated garden or unvegetated garden as appropriate.
- Where existing private gardens that have important habitat features in them are retained, those features cannot be recorded as enhanced, but they can be recorded as retained.
- Even where a change of use to private garden involves no loss of on-site habitat, BNG is likely to apply due to on-site habitats post development having to be recorded as vegetated / unvegetated garden.
- Habitat creation cannot be included in the metric for private gardens.

Planting Individual trees

As set out in the Metric user guide, all individual trees to be planted must be recorded as small unless they are medium size or above at planting. Medium sized means a minimum of 30cm dbh, which means a girth of at least 94cm. Given that extra heavy standard trees have a girth of 14-16 cm (i.e. a dbh of 4.5-5cm), it is important to understand the implications of saying you will plant trees with a dbh exceeding 30cm. There are very few suppliers of trees of this size, they are vastly expensive and require very involved aftercare including regular watering for several years after planting. Accordingly, we strongly advise against proposing to plant such trees and will require a lot more details if this is proposed, to satisfy ourselves that the BNG being proposed is actually deliverable. It certainly isn't an easy way to satisfy metric requirements.

Numbers of Individual Trees being Lost or Planted



Where individual trees are either being lost or planted, please ensure you include information as to the number of trees being lost or planted, not just their area. This should be included in the 'notes' column of the metric.

We Need 'As Proposed' Plans as Well as Baseline Plans

We are receiving quite a lot of applications where there is a baseline BNG plan, but we are left to try to figure out how BNG is being delivered from a landscape plan which doesn't use UK Hab habitat classifications or relate to the metric. Both baseline and 'as proposed' BNG plans are required, with each habitat parcel relating to a line in the metric and clearly identifiable as such.

Don't Forget About Scrub

Although the term 'scrub' is often used negatively to denote areas of land that are neglected, in ecological terms it simply means areas of native shrub species. These can be of significant value to wildlife, providing shelter and food resources to a wide range of invertebrates and birds. Many shrub species also have attractive flowers and berries or catkins, and so can be of aesthetic value as well. It is easy to establish and one of the simplest habitats to maintain.

Scrub is a medium distinctiveness habitat in the metric, which means it can be used to compensate for the loss of a range of common low distinctiveness habitats such as modified grassland, cereal crops and gardens. Accordingly, this will often be a sensible choice when developers need to create very small areas of habitat to meet their net gain requirements, and in many such situations will be a far more realistic choice than grasslands.

Mixed scrub can be established by planting a mixture of native shrub species such as hawthorn, blackthorn, hazel, goat willow, bramble, dog rose, guelder rose, gorse, broom, crab apple and elder. At least three species should be planted, but the more the better.

Purchase of Biodiversity Units from a Habitat Bank

The purchase on biodiversity units from a Habitat Bank may well be the most realistic solution in many cases, where only some or none of the required BNG can be secured onsite, subject to the BNG hierarchy. There are a number of Habitat Banks in development in Northumberland, with the first two currently in the process of being registered with Natural England and several more to follow. Consequently,

there will soon be a good supply of biodiversity units for sale in Northumberland. The Council will keep a list of sites that have been registered with Natural England, so that developers know who to approach to purchase units.

If the intention is to rely on off-site units to achieve the 10% net gain, then we need confirmation as to whether this is to be achieved on the applicant's own land or by purchasing units from a habitat bank. If it is on the applicant's own land, we would need a location plan and completed metric(s) and assessment, and the gains would need to be secured by s106 agreement. If the intention is to buy units from a habitat bank, then we just need this to be confirmed, and the off-site provision can be secured by a planning condition.

Discharging the Biodiversity Gain Condition

Please don't forget that unless your development is exempt from BNG, development cannot commence until the Biodiversity Gain condition has been discharged, which is done by submitting a Biodiversity Metric and a Biodiversity Gain Plan. A template for the Gain Plan is available here: [Biodiversity gain plan - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/biodiversity-gain-plan). Submissions should be made using a "Application for Approval of Details Reserved by Condition" form.

Further information

[Biodiversity net gain - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/biodiversity-net-gain)

[Statutory biodiversity metric tools and guides - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/statutory-biodiversity-metric-tools-and-guides)

[Biodiversity Net Gain: Good Practice Principles for Development – a Practical Guide \(CIEEM, IEMA and CIRIA\)](https://www.cieem.co.uk/publications/biodiversity-net-gain-good-practice-principles-for-development-a-practical-guide)

[Future Homes Hub: Biodiversity Net Gain Project](https://www.futurehomeshub.co.uk/biodiversity-net-gain-project)

To discuss Northumberland County Council's approach to biodiversity net gain please contact David Feige, Environment and Design Team Manager & County Ecologist – david.feige@northumberland.gov.uk