

# DRAFT Chief Planning Officer's Advice Note: Biodiversity Net Gain in Cornwall

This is one of a series of notes issued by the Chief Planning Officer to guide greater consistency when making planning decisions. These notes may be updated from time-to-time in response to changing circumstances. It provides guidance to help reach a decision only and should not be used as a reason for refusal. The note cannot be used as a substitute for the policies of the adopted Local Plan.

**From 1st March 2020 all major developments must demonstrate at least a 10% Net Gain in Biodiversity.**

Biodiversity Net Gain aims to make space for nature in development and leave the natural environment in a measurably better state than beforehand. As part of the national move towards achieving biodiversity enhancement through development, Cornwall Council will require all major applications to demonstrate at least a 10% Net Gain for Biodiversity as measured against the most up-to-date DEFRA Metric or a yet to be agreed local methodology.

## 1 Introduction

The UK is amongst the most nature-depleted countries in the world with 56% of our species in decline and 15% threatened with extinction. Biodiversity has been increasingly depleted by intensive farming methods and expansion of the built environment. Planning Policy for biodiversity in the UK has been moving in recent years from simply ensuring the **conservation** of the natural world throughout the planning process, to a position where habitats and wildlife are instead **enhanced** by those very developments.

Cornwall Council is now addressing how it can continue to provide the housing and commercial development necessary for our economic and social prosperity, as well as helping to reverse the decline in biodiversity. Biodiversity Net Gain will require developers to ensure habitats for wildlife are enhanced with a demonstrable increase in biodiversity compared to the pre-development baseline. This is most easily achieved by designing Biodiversity Net Gains into the proposal early in the design and layout process.

**It is expected that a minimum 10% Biodiversity Net Gain is achieved within the application site boundary.**

## 2 Planning Policy for Biodiversity Net Gain

Paragraph 170 of the [National Planning Policy Framework 2019](#) and Policies 23 and 28 of the [Cornwall Local Plan Strategic Policies 2010-2030](#) already set out policies which require a Biodiversity Net Gain from development. In order to improve the consistency of the delivery of these net gains Cornwall Council will require from 1st March 2020 that all major developments provide a minimum 10% increase in biodiversity from the pre-development baseline. The (currently draft) Environment Bill will in due course mandate this minimum 10% Biodiversity Net Gain as part of the planning process. At a local level Cornwall Council's Biodiversity Net Gain policy forms a part of its overall [Environmental Growth Strategy 2015-2065](#).

**TIP: The easiest way to achieve Biodiversity Net Gain is to avoid sites with valuable habitats.**



### 3 Measuring Biodiversity

The Council requires that biodiversity is measured, both before and after development, according to the most up to date DEFRA Metric which enables the user to score different habitat types in “biodiversity units” according to predetermined relative biodiversity values. By first measuring and scoring the site in its pre-development state, the Metric provides a baseline unit score to be used in the subsequent design of the development.

The final net gain unit score is then determined by subtracting the number of baseline biodiversity units from the number of future development units (i.e. those projected to be provided). The [DEFRA Metric](#) calculations must be made by a suitably qualified ecologist<sup>1</sup> who will need to undertake an appropriate on site ecological appraisal.

#### Pre-Development Baseline Biodiversity Value



#### Post-Development Biodiversity Value



The Biodiversity Unit Score is modified by various factors such as ‘difficulty’ which quantify the uncertainty of exactly replicating habitat losses. The DEFRA Metric also assigns values for ‘Strategic Location’ which takes account of the unique physical and ecological features of every site. ‘Spatial Risk’ refers to the geographical issues involved in providing replacement habitat in situations when off-site compensation is necessary. For an in depth explanation of the guide please see the DEFRA Metric User Guide or obtain advice from a suitably qualified ecologist.

The latest DEFRA Biodiversity Metric and User Guide can be obtained from the Natural England website:

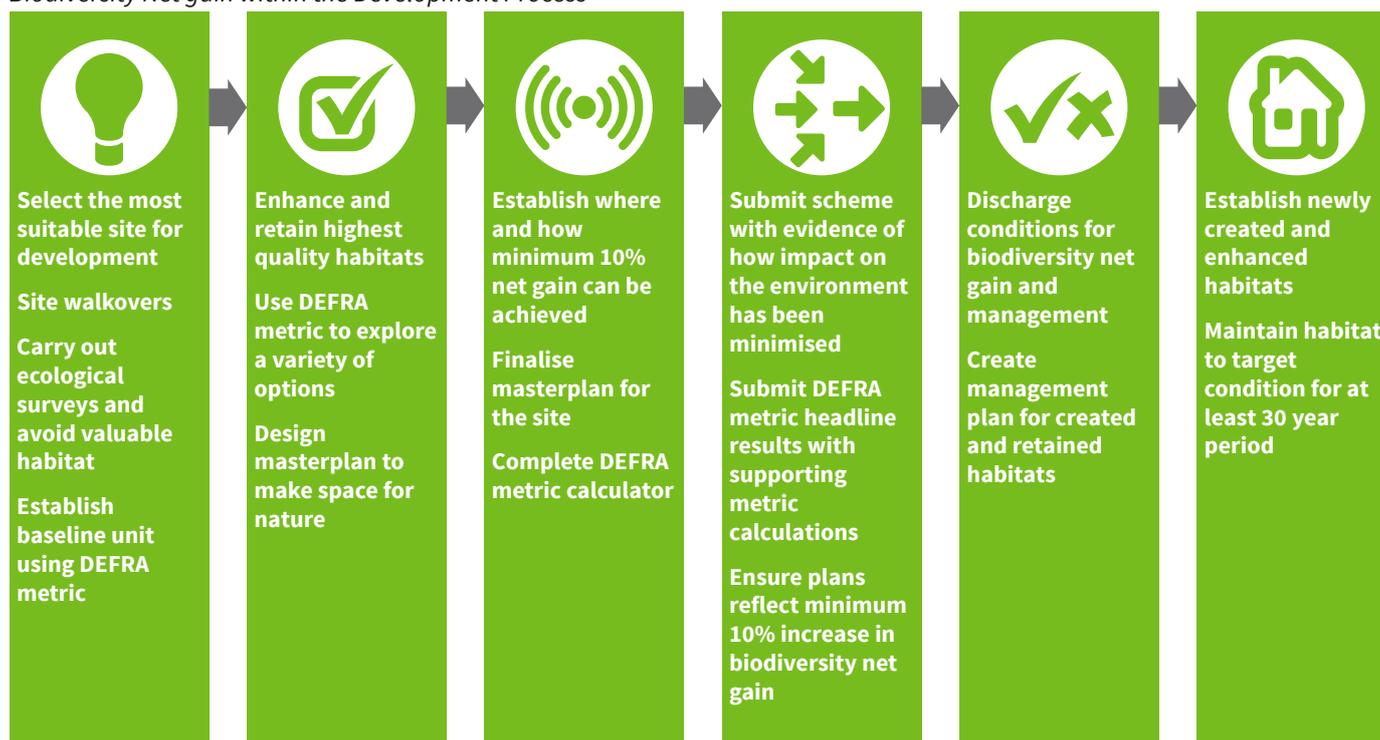
<http://publications.naturalengland.org.uk/publication/5850908674228224>.

<sup>1</sup> Holds a degree or equivalent qualification in ecology or a related subject. Is a practising ecologist, with a minimum of three years relevant experience if working without the support of a more senior ecologist. Is covered by a professional code of conduct and subject to peer review.

## 4 Biodiversity Net Gain for Major Planning Applications

The Planning application process for major developments will proceed as normal and the mitigation hierarchy will still require the earliest integration of biodiversity into the design of the development. However, the process will ultimately be informed by a quantifiable biodiversity calculation unit score. The submission of a stand-alone document which shows a minimum 10% Net Gain increase in the Headline Results from the DEFRA Metric, alongside its associated calculations, will be an **essential requirement at validation stage** from 1st March 2020 and accordingly will form part of the Local Validation List.

Biodiversity Net gain within the Development Process



### Major applications will be expected to:

#### I. Establish Baseline Biodiversity Unit Score (Pre-development)

**Assess** the existing number of Biodiversity Units on the site (pre-development) using the latest version of the [DEFRA Metric](#), as part of on-site ecological appraisals performed by a suitably qualified ecologist.

#### II. Design Net Gains into Master Site Plan

Use the information to **design** the site layout using the principles of the **Mitigation Hierarchy**. All schemes need to demonstrate early consideration of habitat enhancement and retention of the best quality habitats on site.

Proposals must be in accordance with green infrastructure outcomes of the Healthy Green and Inclusive Section of the [Draft Cornwall Council Design Guide](#) (due to be adopted in 2020). It is further recommended that developers apply to the [Building for Nature](#) scheme in order to achieve guidance and accreditation for achieving excellence.

#### III. Calculate Projected Biodiversity Unit Score (Post-development)

**Calculate the Headline Results** of the Biodiversity Net Gain Metric for the completed development alongside standard environmental reporting such as Environmental Impact

Assessments and ecology surveys. This must **demonstrate** how a minimum 10% Net Gain will be achieved over a 30 year time period.

**IV. Submit application for validation**

The submission of a stand-alone document which shows a minimum 10% Net Gain increase in the **Headline Results** from the DEFRA Metric, alongside its associated calculations, will be an **essential requirement at validation stage** from 1st March 2020.

**V. Formulate a Post Construction Environment Management Plan**

**Establish your binding management plan** to ensure that the post development enhanced habitats can be effectively managed to achieve their target condition for a minimum 30 year period.

Please note: The delivery of Biodiversity Net Gains will **be subject to a planning condition** and therefore ongoing monitoring of the condition of the site is essential to avoid enforcement.



**Definition of Major development:**

- 10+ dwellings / over half a hectare / building(s) exceeds 1000sqm,
- Office / light industrial - 1000sqm+ / 1+ hectare
- General industrial - 1000sqm+ / 1+ hectare
- Retail - 1000+ sqm/ 1+ hectare
- Gypsy/traveller site - 10+ pitches, site area exceeds 1 hectare)

In line with DEFRA recommendations developments will be monitored for up to 30 years. This is to ensure that they accord with their biodiversity obligations. These obligations will be secured by way of planning conditions.

## 5 What if Biodiversity Net Gain cannot be achieved on site?

### Compensation and offsetting

We expect a requirement for Biodiversity Net Gain to be borne in mind in decisions to acquire sites. We also expect that it is integrated early into the design process, quantified and provided for within the application site. However in the exceptional circumstance where all possibilities for on-site retention, reduction, mitigation and onsite compensation have been exhausted, the developer may explore measures for the creation of compensatory biodiversity units on separate land to the application site. This is known as **biodiversity offsetting**.

Such off-site compensation must demonstrate the recreation of the unit value of the biodiversity lost **plus the minimum 10% Biodiversity Net Gain enhancement**. It must also demonstrate the provision of replacement habitats that are either of the same habitat type or of a higher quality.

- Cornwall Council Ecologists will enable applicants to find suitable offsetting sites within the emerging Local Nature Recovery Networks or can advise on appropriate existing Conservation Projects.
- Applicants can sign up to a predictable condition or payment of a bespoke S106 planning obligation as part of their planning permission.
- In addition to S106 agreement the forthcoming Environment Bill 2019-2020 intends to introduce Conservation Covenants. These are private agreements between a landowner and a “responsible body” that can be used as an alternative way to create and retain habitats for the 30 year period recommended by DEFRA. Once the Environment Bill achieves Royal Assent it is expected that applicants will be able to include draft conservation covenants with their applications. Further details will be available on this soon.

## 6 Biodiversity Net Gain for Minor Planning Applications

**Applications for smaller sites comprising minor development will not initially require the submission of a DEFRA metric calculation.**

Cornwall Council is currently exploring an approach that either **simplifies the DEFRA Metric or uses a points based system to demonstrate net gain for small scale developments**. This will provide an easy to use and robust form of biodiversity measurement which will enable the developer and Local Authority to make informed decisions about the retention, mitigation and enhancement of existing biodiversity.

The council will be publishing further information on the net gain requirements for minor developments later in 2020.

Until that time developers still need to follow the wider planning principles from the Cornwall Local Plan Strategic Policies 2010-2030 and the National Planning Policy Framework 2019 which requires that all development must provide Biodiversity Net Gain throughout the development process.

#### Definition of Minor development:

- 1-9 dwellings (unless floorspace exceeds 1000m<sup>2</sup> / under half a hectare)
- Office / light industrial - up to 999 m<sup>2</sup>/ under 1 hectare
- General industrial - up to 999 m<sup>2</sup>/ under 1 Hectare
- Retail - up to 999 m<sup>2</sup>/ under 1 hectare
- Gypsy/traveller site - 0-9 pitches

## 7 Exemptions

- Any development defined as Permitted Development by [The Town and Country Planning \(General Permitted Development\) \(England\) Order 2015 \(amended 2019\)](#)
- Any development defined as a [Householders Development](#) (extensions/alterations/outbuildings within the curtilage of a residential dwelling)
- Change of Use Applications

Net gain requirements by application type	Major applications	Minor applications	Householder (extensions/outbuildings) and change of use applications	Permitted development <small>The Town and Country Planning (General Permitted Development) (England) Order 2015 [amended 2019]</small>
<b>Cornwall Council requirement</b>	Minimum 10% biodiversity net gain requirement from 1 March 2020	<b>Initially exempt</b> A requirement based on an abridged version of the DEFRA metric is to be introduced in 2021/22	Exempt (unless national requirements updated)	Exempt (unless national requirements updated)
<b>National requirement</b>	Minimum 10% biodiversity net gain requirement expected to be introduced with environment bill	Simplified version of metric expected to be introduced with modifying condition values pre-populated	Expected to be exempt	Expected to be exempt

## 8 Reserved Matters

Applications which are agreed at Outline Stage will need to prove the 10% minimum Biodiversity Net Gain at Reserved Matters stage. Please note that any Reserved Matters applications pertaining to outline applications approved before 1st March 2020 will be assessed without regard to the specific 10% figure. However those applications must still demonstrate a Net Gain in accordance with the [National Planning Policy Framework 2019](#) and [Cornwall Local Plan Strategic Policies 2010-2030](#).

## 9 Pre-emptive Clearance

The council not tolerate the deliberate clearing of valuable habitats before the application process. **Where there is evidence of deliberate neglect or damage to any of the habitats and species their deteriorated condition will not be taken into consideration and the ecological potential of the site will be used to decide the acceptability of any development proposals.**

## 10 Contact

Please get in touch if you are:

- A landowner who would like to find out more about becoming an offset biodiversity provider
- A developer who wants to find out more about Biodiversity Net Gain requirement will affect your development. Please note that further assistance and ecology specific advice is available through the Cornwall Council [pre-application advice service](#).

**Planning Policy:** localplan@cornwall.gov.uk | 0300 1234 151

**Ecology:** ecology@cornwall.gov.uk | 0300 1234 202

**Illustration: Homes for Wildlife and People – How to build houses in a nature friendly way: A Wildlife Trusts Publication (11th January 2018)**



## Building with wildlife in mind

Housing developments can provide accessible natural areas close to people's homes, designed to complement the wider local landscape and linking up large, nature-rich open spaces with a network of green and blue corridors. Long-term, well-funded management of these wild, open spaces would provide an environment perfect for both people and wildlife. Features could include:

- 1 Permeable driveways to help reduce flood risk
- 2 Trees, hedgerows, water and other habitats integrated with development
- 3 Wildflower verges along roads and formal open spaces
- 4 Lighting designed to avoid disturbing wildlife
- 5 Sustainable urban drainage, swales and raingardens for wildlife and flood relief
- 6 Bat roosts, bird boxes and other wildlife features designed into buildings
- 7 Renewable energy and water efficiency built in from the outset
- 8 Safe, attractive, connected pedestrian and cycle routes
- 9 Features and corridors to help invertebrates, reptiles, hedgehogs and other mammals
- 10 Wildlife-friendly green roofs and walls
- 11 Native, wildlife-friendly plants of local origin used in gardens and landscaping
- 12 Wildlife-permeable boundaries between gardens and open space
- 13 Allotments and community orchards for local food
- 14 Street trees for wildlife, shade and improved air quality
- 15 Interpretation panels to help people understand the needs of wildlife and the environment

## 11 Useful Links

Cornwall Council Biodiversity Net Gain Webpage

<https://www.cornwall.gov.uk/environment-and-planning/planning/planning-policy/adopted-plans/planning-policy-guidance/biodiversity-net-gain/>

Cornwall Council Biodiversity Guide

<https://www.cornwall.gov.uk/environment-and-planning/planning/planning-policy/adopted-plans/planning-policy-guidance/cornwall-planning-for-biodiversity-guide/>

Building with Nature Development Accreditation Standards

<https://www.buildingwithnature.org.uk/>

Cornwall Council Design Guide (including Green Infrastructure)

<https://www.cornwall.gov.uk/environment-and-planning/planning/planning-policy/adopted-plans/planning-policy-guidance/cornwall-design-guide/>

Cornwall Council Environmental Growth Strategy

<https://www.cornwall.gov.uk/environmentalgrowth>

Cornwall Grow Nature Toolkit

<https://www.cornwall.gov.uk/environment-and-planning/grow-nature/>

## Contacts

### **Cornwall Council Planning Service**

[planning@cornwall.gov.uk](mailto:planning@cornwall.gov.uk)

0300 1234 151

### **Marine Management Organisation Licensing Team**

[marine.consents@marinemanagement.org.uk](mailto:marine.consents@marinemanagement.org.uk)

0300 123 1032