

Biodiversity Net Gain

Technical Advice Note

March 2025

SOUTH DOWNS LOCAL PLAN



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I. INTRODUCTION

What is Biodiversity Net Gain?

- I.1 Biodiversity Net Gain (BNG) is a way of creating and improving biodiversity by requiring development to have an overall positive impact ('net gain') on biodiversity.
- I.2 The principle for development to deliver a net gain for biodiversity has been in the National Planning Policy Framework (NPPF) since 2018 and the South Downs National Park Authority (SDNPA) has had a policy requirement in place for applications to demonstrate that development proposals identify and incorporate opportunities for net gains in biodiversity (Policy SD9(1)(b)) since the adoption of the South Downs Local Plan in 2019.
- I.3 Following the Environment Act 2021, and subsequent secondary legislation, there is a **national mandatory requirement** for BNG for certain types of development, which has very specific technical and procedural requirements associated with this.

Purpose of this Technical Advice Note

- I.4 The purpose of this Technical Advice Note (TAN) is to provide guidance for applicants and decision makers on **how BNG is to be achieved in the South Downs National Park** in accordance with legislation and national policy on BNG, and in accordance with existing South Downs Policy, in particular **how BNG is expected to make a meaningful contribution to nature recovery**. This TAN does not repeat all the national legislation and guidance as this information is set out on the government website. Links are provided for this on page 6 of this TAN.
- I.5 The remainder of **Part I** of this TAN sets out:
 - **Scope** - Information on which applications must deliver BNG or other biodiversity enhancements.
 - **A brief overview of National BNG requirements**
 - **Useful links** – For more information on national BNG requirements.
- I.6 SDNPA requirements for development proposals required to deliver BNG are set out in **Part 2** of the TAN, and is divided into the following sections:
 - **Overarching principles** - The key principles that are expected to be applied and demonstrated by BNG proposals. This includes transitional arrangements in relation to the emerging Local Nature Recovery Strategies being produced by Hampshire, West Sussex, East Sussex and Brighton & Hove Councils.
 - **Supporting your application** – an overview of information to be submitted as part of an application.
 - **Securing and monitoring BNG** – Key principles for how BNG will be secured.

Status of this Technical Advice Note

- I.7 This **guidance will be subject to review and will be updated** as new national policy and guidance is available and through ongoing industry learning on key aspects of implementing BNG at national and local level. **The latest version of the TAN should always be used.**

- I.8 This TAN is a material consideration that will be taken into account by decision makers both at the Authority and at the host authorities working on our behalf when determining planning applications that are within the scope of BNG requirements.

Does my application need to address Biodiversity Net Gain?

- I.9 The South Downs Local Plan (SDLP) Policy SD9(1)(b) requires it to be demonstrated that development proposals identify and incorporate opportunity for net gains in biodiversity. SD9(1)(b) as currently worded applies to all types of applications and section 38(6) of the Planning and Compulsory Purchase Act 2004 says that the determination of planning applications must be made in accordance with the development plan unless material considerations indicate otherwise.
- I.10 Paragraph 020 of the [Planning Practice Guidance](#) states: “*It would be inappropriate for decision makers to continue to give weight to aspects of existing local policies related to biodiversity gains which are inconsistent with the statutory framework for biodiversity net gain... decision makers should not give weight to local policy which requires biodiversity gains for types of development which would now be exempt under the statutory framework*”. The conflict with Policy SD9 is acknowledged and the role of the PPG advice and the statutory provisions is an important material consideration which indicates that BNG should not be applied to exempted development such as householder applications.
- I.11 Mandatory BNG has not yet commenced for Nationally Important Infrastructure Projects (NSIPS).
- I.12 The following types of development are **exempt** from mandatory BNG requirements:
- **Developments below the threshold** – development that **does not impact a priority habitat and impacts less than 25 square metres (5m x 5m) of habitat or 5 metres of linear habitat**. Existing sealed surfaces such as tarmac or buildings are assigned a zero score in the statutory biodiversity metric, meaning that these surfaces are effectively exempted from the 10% net gain requirement.
 - **Householder applications** - as defined within article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015.
 - **Small scale self-build and custom build applications** - as defined in Section 1(A1) of the Self-build and Custom Housebuilding Act 2015, sites up to 9 dwellings with a site area no larger than 0.5 hectares.
 - **Biodiversity gain sites** - developments undertaken for the purpose of fulfilling the BNG planning condition for another development through off-site enhancement, or to permit public access to a biodiversity gain site for educational or recreational purposes without payment of a fee are exempt.

Exempt development – requirements for other biodiversity enhancements

- I.13 **However, it is important to note that other policy requirements in the South Downs LP for biodiversity still apply.** This is recognised by planning practice guidance paragraph 020 which goes on to say: ‘*other local biodiversity policies which require specific enhancements to support biodiversity would continue to apply to these applications where appropriate*’.
- I.14 **All development proposals, even those exempt from national mandatory BNG requirements, must demonstrate overall positive impacts on biodiversity through biodiversity enhancements in accordance with SD9 and SD2 of the adopted SDLP.**

The application of Local Plan Policy SD2 still requires “an overall positive impact on the ability of the natural environment to contribute goods and services” which may include biodiversity enhancements and overall gains and is still applicable. This can include habitat creation and enhancement measures, plus enhancements such as bird boxes which cannot contribute to BNG. Other criteria in Policy SD9 contain important requirements for other aspects of biodiversity. As do many other policies in the SDLP, including but not limited to: SD10 International Sites, SD11 Trees, Woodlands and Hedgerows, SD17 Protection of the Water Environment and SD50 Sustainable Drainage Systems.

- I.15 Section 245 of the Levelling Up and Regeneration Act 2023, also requires the SDNPA **to seek to further** the purposes of the National Park (*emphasis added*), as discussed further in Section 2.

Useful links to legislation, national policy and other guidance

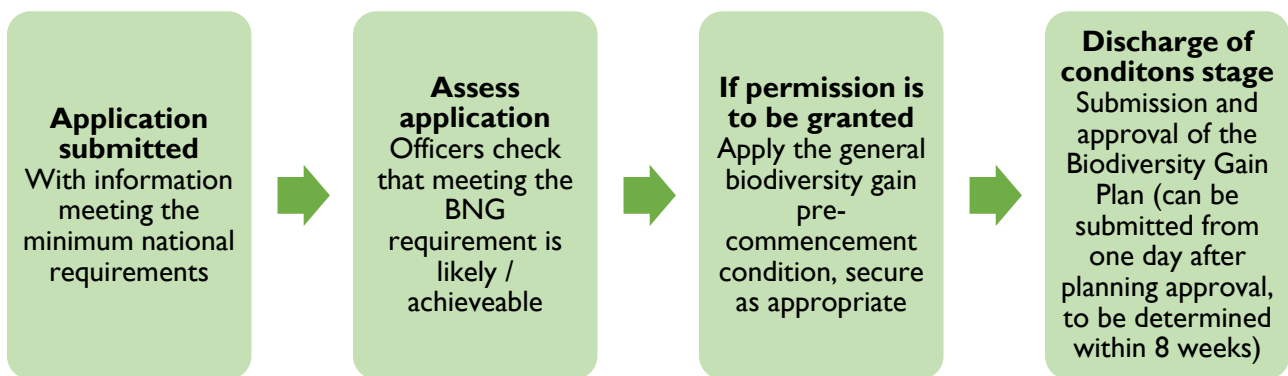
- I.16 Please see below for a series of links to legislation, regulations, national policy and guidance, and other guidance on mandatory BNG:
- Schedule 7A of the Town and Country Planning Act 1990 (as inserted by [Schedule 14 of the Environment Act 2021](#))
 - [6 Statutory Instruments / sets of regulations](#)
 - [Planning Practice Guidance \(PPG\) for BNG](#)
 - The [Statutory Metric](#) and supporting guidance.
 - A range of [Defra guidance notes](#) which includes links and guidance for the Register of offsetting sites.
 - Articles on the [Defra Natural Environment Blog](#)
 - The [Planning Advisory Service \(PAS\) resources](#)
 - The [Chartered Institute of Ecology and Environmental Management \(CIEEM\) guidance](#) including good practice principles and case studies.

An Overview of Mandatory BNG

Key Facts

- **BNG does not change the statutory protection** of certain species, habitats, and designations.
- A **minimum 10% BNG** is required (i.e. 110% of pre-development biodiversity value) as established by the Environment Act 2021.
- Relates to **habitats within the red line** boundary.
- **Significant on site BNG** to be secured for 30 years with an associated **Habitat Management and Monitoring Plan (HMMP)**.
- **Off Site BNG** must be recorded on the national register.
- There are **minimum statutory requirements for what must be provided to support a planning application** in order for it to be validated. The SDNPA has **additional requirements set out in the Local Validation List**.

Planning Applications Process Overview - Summary of the minimum process requirements set out in national regulations and guidance:



BNG Delivery – Onsite, Off Site, Statutory Credits

- Addressing the biodiversity gain hierarchy (37A of the Regulations) and an **appropriate balance** between onsite gains, offsite gains, and the use of statutory biodiversity credits is important.
- Where a development cannot achieve BNG either wholly or partly on site, then the developer can secure the unit shortfall by:
 - **Purchasing units** from appropriate sites on the net gain habitat market (habitat banks),
 - A **bespoke site** for net gain, or
 - As a **last resort**, the purchase of Statutory Credits.
- A completed metric must be provided with onsite and offsite baseline and post-development calculations completed, so that offsets can be married up.
- Offsite units must be purchased (and the purchase registered) before the Biodiversity Gain Plan (BGP) can be approved. **Development cannot commence until the BGP is approved.**



2. BIODIVERSITY NET GAIN REQUIREMENTS FOR DEVELOPMENT PROPOSALS

OVERARCHING PRINCIPLES

- 2.1 This section sets out the principles for achieving landscape led BNG that makes a meaningful contribution to nature recovery. This means the right BNG interventions in the right places, and designed to be fit for purpose.
- 2.2 The First Purpose of the South Downs National Park is to conserve **and enhance** the natural beauty, wildlife and cultural heritage of the area (*emphasis added*). The National Parks and Access to the Countryside Act 1949, as amended by Section 245 of the Levelling Up and Regeneration Act 2023, also requires the SDNPA **to seek to further** the purposes of the National Park (*emphasis added*).

The First Purpose of the South Downs National Park:

‘To conserve and enhance the natural beauty, wildlife and cultural heritage of the area’

Box 1: First Purpose of the National Park

- 2.3 **It is therefore expected that all BNG is delivered within the South Downs National Park, in order to meet the First Purpose and comply with legislative requirements.**

A Landscape-led Approach to BNG in the South Downs

- 2.4 Development proposals are required to take a landscape-led approach in accordance with South Downs Local Plan Policies SD4 (Landscape Character) and SD5 (Design) and supporting information including the Design Guide SPD. It is expected that applications will demonstrate how the overarching landscape-led principles set out in Box 2 have been addressed.
- 2.5 A landscape-led approach should support actions for the ‘right habitats, in the right places, for the right reasons’, maximise multiple benefits, contributing to meaningful nature recovery. The remainder of this section provides information and guidance on how to apply BNG in accordance with the principles below.

Key Principles for a Landscape-Led Approach to BNG in the South Downs

- **Principle 1 - Consider BNG in it’s landscape context at the earliest stages in the design process.** This helps to to achieve better outcomes for biodiversity and avoids the need to retrofit BNG at a late stage resulting in costly changes to design proposals.
- **Principle 2 – Respond to the local landscape, cultural heritage, and ecological context of the site.** Be informed by and positively contribute to the surrounding landscape patterns and elements including habitats, connectivity, historic landscape and cultural heritage features (such as archaeology) in and around the site (i.e. within the Ecological Impact Assessment zone of influence). Evidence to inform this includes the [South Downs Landscape Character Assessment 2020](#) and [South Downs Nature Recovery8 by Landscape Type 2024](#).

- **Principle 3 - Respond to the site-specific evidence within the development site itself.** This includes geology, soils, aspect, slope, topography, existing ecology and past land uses which can provide a positive steer on opportunities for restoration or can impact feasibility of proposals.
- **Principle 4 – Be informed by strategic and/or adopted evidence and guidance.** Local Nature Recovery Strategies (LNRS) are being produced by Hampshire, West Sussex, East Sussex and Brighton & Hove Councils. When published, these will identify areas of principle importance for nature and opportunities for nature recovery. Locations outside these areas can still make a positive contribution to nature though BNG. Information for landscape and ecology of the SDNP can be found in the [South Downs Landscape Character Assessment 2020](#) includes Nature Recovery Zone layers, this evidence should be used to inform BNG proposals.
- **Principle 5 – Apply the Lawton Principles of bigger, better, more joined up... and more.** This could involve repairing or restoring habitats, expanding, buffering and/or connecting habitats, or renaturing habitat that has been heavily modified to function by natural processes.
- **Principle 6 – Support naturally functioning ecosystems and use of nature-based solutions.** e.g. thinking holistically about wider benefits of BNG design and the multiple benefits that may be achieved.
- **Principle 7 – Be well designed to be fit for purpose.** BNG proposals should consider the size, habitat type, context and connectivity of the habitat creation and/or enhancement measures proposed to ensure that the proposals are realistic and capable of the ecological function intended. For example, habitat should not be too small, isolated or impacted by surrounding uses such that it would impair its ecological function. This consideration should include any impacts arising from development such as lighting. Design of habitat creation and enhancement measures are expected to be in accordance with established good practice guidance and professional codes.

Box 2: Key Principles for a Landscape-Led Approach to BNG in the South Downs

How to view the Nature Recovery Zone layers on the South Downs Landscape Character Assessment 2020

- 2.6 The South Downs Landscape Character Assessment 2020 is an interactive and accessible web-based platform with detailed assessment of landscape sensitivities and landscape management, design and development considerations.
- 2.7 The LCA 2020 includes information on nature recovery, including Nature Recovery Zones that define measures that improve nature according to each of the priority habitats in the LCT. There are two Nature Recovery Zones:
- Actions to restore and create new habitat
 - Nature friendly measures to improve and connect existing habitats
- 2.8 To view the map and the Nature Recovery Zones, please take the following steps:

- Click on the link to the interactive map on [this](#) webpage. Then select '1 LCA Map'.
- Enter the address in the top right, zoom in to the relevant area of the National Park using your mouse, or the +/- keys in the top right of the screen.
- Click on the area of shading that covers the area of interest. A box will appear that states that Landscape Character Type (LCT) and Landscape Character Area (LCA). Click on 'more info'. This will open the Story Map for that LCT.
- Click on 'Nature Recovery' in the menu on the left. This will take you to all information on nature recovery. With text information on the left and maps on the right. The text provides information on nature recovery ambitions for this LCT, target species. The map shows priority habitat and the Nature Recovery Zones. Click on the shaded areas on the map for more information.

Delivering BNG to achieve meaningful Nature Recovery

- 2.9 To ensure that proposals align with the Key Principles set out in Box 2 and represent a meaningful contribution to nature recovery within the National Park, the following areas must be addressed by development proposals and demonstrated through the submitted supporting ecology and BNG information.

Demonstration of Competency

- 2.10 [The Statutory Biodiversity Metric User Guide, February 2024](#) states: “Principles and rules underpin the use of the biodiversity metric tool. The first principle is that the metric assessment should be completed by a competent person. A competent person has the knowledge and skills to perform specified tasks to complete and review biodiversity metric calculations. You obtain this through training, qualifications, experience, or a combination of them. Competency is aligned with the British Standard ‘Process for designing and implementing biodiversity net gain (BS 8683:2021)’. You should be a qualified assessor to undertake a river condition assessment.”. See paragraphs 2.58 and 2.59 for further information.

Application of the Mitigation Hierarchy

- 2.11 Statutory delivery of enhanced biodiversity does not override the need to avoid, mitigate and enhance the existing biodiversity value of a site and policy and legislation to prevent this happening has not changed in this regard. The mitigation hierarchy sets out that impacts on biodiversity must first be avoided then mitigated and only as a last resort, compensated. This must be done before measures that will provide a net gain can be identified. Any submitted Ecological Impact Assessment (EclA)/Environmental Impact Assessment (EIA) report will need to clearly evidence the genuine application of the Mitigation Hierarchy prior to the proposed gains in the Biodiversity Gain Plan. The best and most efficient means of avoiding the need to create additional biodiversity is by retaining the most important existing habitats on-site, which then can be targeted for enhancements, e.g. via restoration to improve habitat condition. Mitigation or compensation for any negative impacts to protected/priority species on site is also considerably easier to achieve when adequate and suitable habitat is retained on site.

Additionality and Compensation for Irreplaceable Habitats, Protected and Priority Species

- 2.12 BNG does not replace existing protections for designated sites and protected/priority species. All other biodiversity requirements, policies and best practice must be fully addressed and demonstrated alongside BNG as part of any planning application. **BNG must be in addition to ‘business as usual’ and cannot substitute for other legal instruments requiring biodiversity enhancements, for example on statutory protected sites (such as Sites of Special Scientific Interest (SSSI)).**

Protected and Priority Species

- 2.13 The Statutory Biodiversity Metrics use habitats as a proxy for biodiversity value and do not intrinsically take rare, notable, and protected species and habitat functions into consideration. It will therefore be necessary to demonstrate how species have been considered, protected, and supported through the Ecological Impact Assessment (EclA) process and through good practice BNG design [Biodiversity-Net-Gain-Principles.pdf](#) in order to address legal and policy requirements, including Policy SD9(1)(d) of the South Downs Local Plan. The presence of protected species is expected to influence the design, layout and specification of the proposals for habitat retention, enhancement and creation and this should be clearly demonstrated in the planning application documentation.

Species-specific BNG design advice

- 2.14 The Statutory Metric uses habitats as a proxy for biodiversity value but BNG habitats can be designed and managed to support and enhance opportunities for both protected species and those of conservation concern. This is an emerging area but some examples are:
- The Bat Conservation Trust has produced Biodiversity Net Gain design guidance for bats based on Core Sustenance Zones (the habitat areas present around communal bat roosts for different species) Bats: [Bat-Species-Core-Sustenance-Zones-and-Habitats-for-Biodiversity-Net-Gain.pdf](#);
 - Amphibian and Reptile Conservation are developing guidance to ensure that that efforts to create and enhance habitats for BNG benefits also supports reptile conservation;
 - Applicants and their advising ecologists should refer to available best practice guidance relating to creation/enhancement and ongoing management of habitats which support protected and priority species. The Chartered Institute of Ecology and Environmental Management (CIEEM) has a searchable [Resource Hub | CIEEM](#) and is a useful starting point.

Species-specific habitat enhancements

- 2.15 Further, BNG does not replace or override species-specific enhancements, which should continue to be provided in line with the top tier of the mitigation hierarchy, the NPPF and with South Downs Local Plan Policy SD9.

Irreplaceable habitats

- 2.16 The Schedule to The Biodiversity Gain Requirements (Irreplaceable Habitat) Regulations 2024 (legislation.gov.uk) sets out a list of Irreplaceable Habitats including: blanket bog; lowland fens; limestone pavements; coastal sand dunes; ancient woodland; ancient trees and veteran trees; Spartina saltmarsh swards; Mediterranean saltmarsh scrub.

- 2.17 The previous Government committed to a public consultation on a broader definition of irreplaceable habitat. Intended timescales under the current administration are unknown.
- 2.18 Irreplaceable habitat is very difficult (or takes a very long time) to restore, create or replace once it has been destroyed, due to its age, uniqueness, species diversity and/or rarity. Irreplaceable habitats are by definition highly valued habitats, for which losses cannot be adequately compensated.
- 2.19 Irreplaceable Habitats and their protection should therefore be prioritised in site proposals. Development resulting in the loss or deterioration of Irreplaceable Habitats should be refused, unless there are wholly exceptional reasons as per South Downs Local Plan Policy SD9(2)(d).
- 2.20 The environmental cost of loss or deterioration of Irreplaceable Habitats cannot be adequately captured by the Biodiversity Metric alone. The biodiversity value of Irreplaceable Habitats is therefore not included in the calculation of pre-development biodiversity value and any proposed loss or deterioration to these habitats post-development will require a bespoke compensation package to be agreed with the planning authority, in addition to the Biodiversity Gain Plan.
- 2.21 Applicants are expected to follow Government guidance (including [‘Irreplaceable Habitats’](#) and [‘What Can Count Towards Biodiversity Net Gains’](#), and [Planning Practice Guidance](#)) in the approach to compensation and biodiversity net gain.

Selection of Appropriate and Functional Habitats

- 2.22 Site-specific evidence will be needed to inform BNG choices for the site. A scoping and desk survey can reveal basic information about soils, geology, landforms, archaeology, water and vegetation cover.
- 2.23 Consideration of past uses and how management might have affected the quality and condition of habitats present within and adjacent to the site will provide a useful steer on opportunities for restoration.
- 2.24 Reference should be made to resources such as landscape, historic mapping, geological maps and LIDAR, as well as the [South Downs Landscape Character Assessment 2020](#) and [South Downs Nature Recovery by Landscape Type 2024](#) (Box 2, Principle 2).

Location, Typography and Archaeology

- 2.25 The physical characteristics of the site will have a significant influence on the development of habitats and may be strongly reflected in the surrounding habitats, land use and landscape. A simple description of location and relevant information on aspect, slope, elevation and exposure should therefore be carried out during the site assessment.

Hydrology

- 2.26 The hydrology of the site will also have a strong influence on the development of habitats such as woodland and individual trees. Understanding and mapping the hydrological characteristics of the site is therefore important to inform the design phase. Any broad patterns of surface flow, watercourses (which may be occasional, seasonal or permanent) and evidence of waterlogged ground, seasonal inundation or periodic flooding, should be recorded. These characteristics may be strongly associated with particular features, such as wetland habitats,

and may often provide important opportunities to meet multiple objectives for nature recovery and water and climate change mitigation.

- 2.27 It is particularly important to consider how historic land management has affected the hydrology of a site where woodland or wet grassland restoration is planned, and how the reinstatement of natural hydrological processes could influence and complement the creation of new woods and trees, grassland and the design of wetland features and Sustainable Urban Drainage Systems (SUDS).

Geology and Soils

- 2.28 The geology and soils on the site will strongly influence the development of habitats, shaping species distribution and the development of vegetation communities and structure. Matching species selection and other habitat components with the soils that can sustain them is critical in determining the success of new habitats such as woodland and grassland. Identifying any problems with soils (such as drainage or compaction caused by recent or historic management, pollution, or fire) during the assessment phase is helpful to inform the design and initiation phases. Soil types, texture, structure and fertility can influence habitat creation in many ways. For example, on many arable and agriculturally improved pasture soils, high fertility in the topsoil may hinder opportunities to develop species-rich grassland.

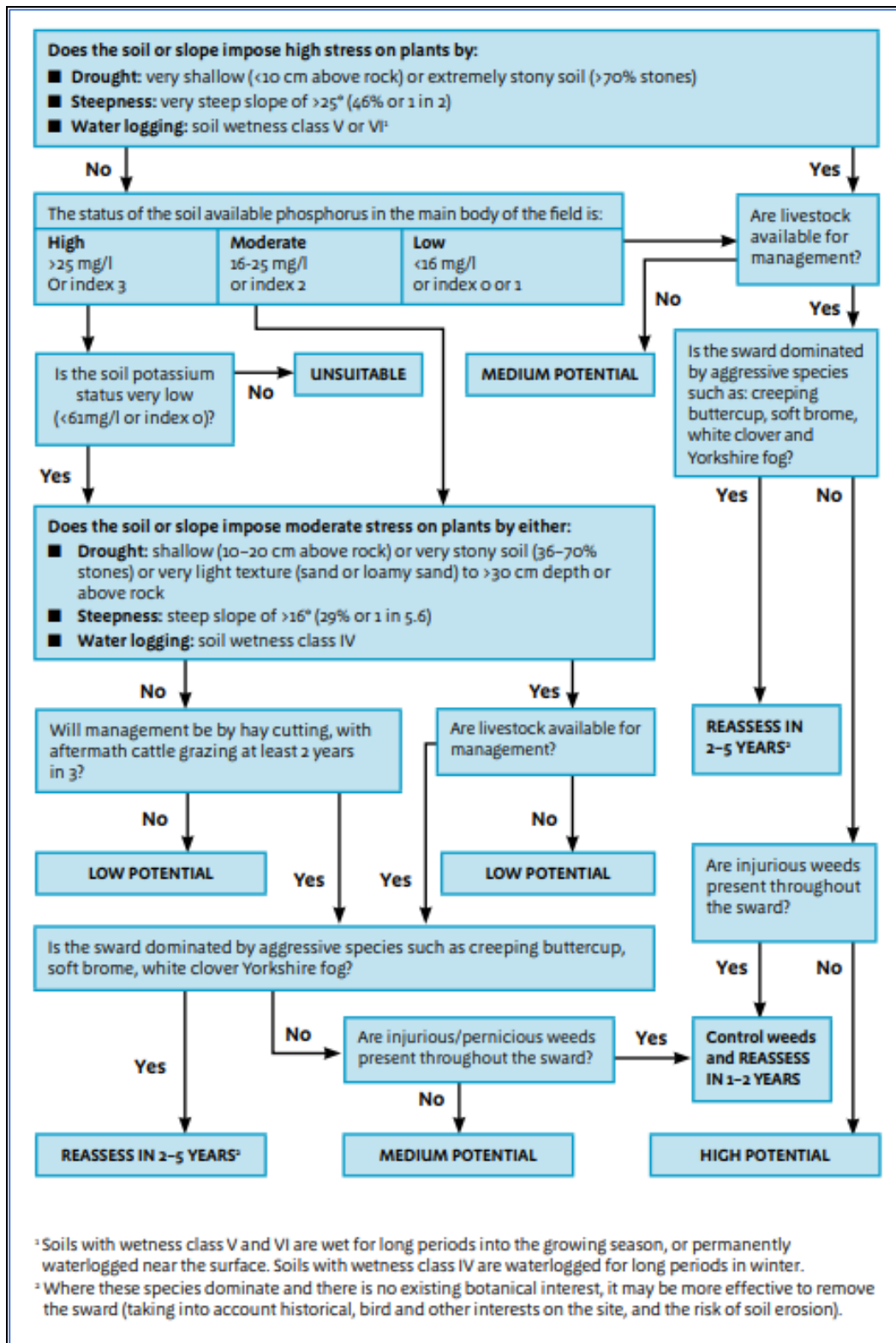
Soil Assessment to Support BNG Proposals

- 2.29 For some sites, data on soil condition/structure and pH and hydrological testing will be necessary to inform appropriate BNG design, particularly where High and Very High distinctiveness habitats are being considered as these habitat types require very specific environmental conditions to become successfully established.
- 2.30 *Grassland Habitats – creation or enhancement:* It is recommended that enhancement or creation proposals which include BNG heathland or grassland habitat that is of medium distinctiveness (off-site and/or on-site) and with an outcome of moderate condition or above should have a soil assessment undertaken, to determine the nutrient levels present.
- 2.31 The soil survey should be undertaken in accordance with the following guidance:
- a) Natural England TIN 035: Soil sampling for habitat recreation and restoration – 2006 – provides methodology and details of appropriate augers.
 - b) Plantlife Managing Meadows guidance: [Managing Meadows - Plantlife](#)
 - c) Natural England Guidance on [Soil texture - TIN037](#)
- 2.32 The following parameters should be provided for soil nutrient analysis:
- Available Phosphorus (P)
 - Available Potassium (K) •
 - Available Magnesium (Mg)
 - Total Nitrogen (N)
 - Soil texture
 - pH (water)

- 2.33 When considering soil survey results, reference should be made to guidance that provides indicative thresholds for the suitability of botanical enhancement of species - poor grassland, e.g. Key 2c from the Farm Environment Plan Manual 'key to botanical enhancement potential of species-poor grassland' (Box 3). Depending on the results and the desired outcome it may be possible to reduce nutrients using a variety of methods to achieve an acceptable level for restoration, although it may be more appropriate to consider an alternative target habitat for BNG, or to delay commencement of BNG until nutrients are at a more appropriate level.
- 2.34 Applicants should provide evidence that project targets are achievable and viable within the project time frame, supported by ecological best practice. This should include consideration of factors such as: habitat size (and potential for edge effects), type, location and geology, hydrology, slope, management, environmental conditions, access arrangements (e.g. for mowing/grazing).
- 2.35 If the time for a habitat to reach target condition exceeds the project timeframe, then the following should be considered: whether more achievable outcomes would be more appropriate; whether a longer project timeframe or agreement is required (for example, where like-for-like replacement of a high distinctiveness habitat such as lowland calcareous grassland is required).

Scrub Habitats

- 2.36 Many of our native species have evolved to thrive in mixed farmland landscapes which are characteristic of the South Downs: mosaics of arable land, hedgerows, grazed pasture, hay meadows, field margins, scrub, woodland and wetlands provide them with the best chances of finding areas which meet all their requirements for nesting, shelter and sources of food. Scrub is a vital component within these mosaics and supports many of our native species of plant, insect, reptiles and amphibians, birds and mammals. It can be a few scattered hawthorn bushes, a patch of nettles and bramble, a dense thicket next to a woodland or some young birch trees and gorse bushes growing on heathland, and different plant and animal communities will be present, depending on factors such as soil type, levels of grazing, topography and drainage.
- 2.37 Where appropriate, opportunities should be taken to protect and enhance this valuable successional habitat within the SDNPA, along with appropriate management to prevent encroachment into other valuable habitats such as chalk grassland and woodland.
- 2.38 Reference should be made to the [South Downs Landscape Character Assessment 2020](#) and [South Downs Nature Recovery by Landscape Type 2024](#) resources and best practice guidance such as [The Scrub Management Handbook: Guidance on the management of scrub on nature conservation sites - IN124](#).



Box 3: Key 2c – Key to the botanical enhancement of species-poor grassland. From Natural England Farm Environment Plan (FEP) Manual – 3rd Edition, February 2010 (page 79)

Strategic Significance

The Statutory Metric

- BNG is calculated using the Statutory Metric. This uses habitats as a proxy for biodiversity (measured as Biodiversity Units (BUs)).



- The Metric has three distinct BNG type categories: **habitat (area)**, **hedgerow (linear)** and **watercourse (linear)** biodiversity units. **These are not interchangeable** - i.e., 10% gain required for each where they are present.

Statutory Biodiversity Metric: inputs and outputs

<u>Pre-development</u>	<u>Post-development</u>
<ul style="list-style-type: none"> Habitat Size Habitat Distinctiveness (Type) Habitat Condition Strategic Significance 	<ul style="list-style-type: none"> Habitat Size Habitat Distinctiveness Habitat Condition Strategic Significance <p>PLUS</p> <ul style="list-style-type: none"> Temporal Risk (on and off-site) – time to target condition. Difficulty Risk (on and off-site) - difficulty to create habitat. Spatial Risk (off-site only) – distance from impact.

- 2.39 Strategic significance is one of the inputs of the Statutory Metric. It is one of three core habitat quality inputs (the others being distinctiveness and condition) which contribute towards the calculation of biodiversity units. It is a multiplier within the calculation with the three levels – low, medium and high - that responds to the local significance of the habitat based on its location and the habitat type. This multiplier is applied to the baseline (the current habitats) and the proposed post-development (the proposed habitat enhancement and creation) calculations.
- 2.40 The [The Statutory Biodiversity Metric, February 2024](#) states that ‘Where a Local Nature Recovery Strategy (LNRS) has been published, you should use the relevant published LNRS, and the descriptions set out in table 7 [of the User Guide] to assign strategic significance’. In this area, the Responsible Authorities for preparing LNRS are Hampshire County Council (Hampshire LNRS) and Sussex County Council (West Sussex and East Sussex LNRS – delivered together as Sussex Nature Recovery).
- 2.41 Once approved LNRS are published, the ‘high’ strategic significance category will be limited to land identified within the LNRS, land outside this will be categorised as ‘low’ and the ‘medium’ category will disappear.

SDNPA Interim Approach Prior to Publication of LNRS

2.42 In the absence of LNRS, the User Guide states: 'If an LNRS has not yet been published, a relevant planning authority should specify alternative documents for assigning strategic significance whilst an LNRS is put in place' and refers to Table 8 within the User Guide for assigning strategic significance. In summary:

- High – When the habitat type is mapped and described as locally ecologically important within a specific location in a formally identified local strategy.
- Medium – When the habitat and location is ecologically desirable but not in local strategy.
- Low – When the area / compensation is not in local strategy and where habitat and location is not ecologically desirable as per the medium category.

2.43 Prior to publication of the relevant LNRS, SDNPA have developed an interim approach which should maximise the attraction of locating off-site net gain projects within the existing designated sites and BOAs, where these will have most impact on repairing habitat connectivity (a key aspect of 'landscape-scale' conservation) and therefore recovery of SDNPA's nature/biodiversity. The approach is explained further below.

Area-based Habitat Units

2.44 Whilst the LNRS framework is in development, in the South Downs National Park the areas classed as having 'High' strategic significance will comprise existing designated sites (Special Protection Areas (SPAs), Special Areas of Conservation (SACs), Sites of Special Scientific Interest (SSSIs), Local Wildlife Sites (LWS/SINC/SNCI) and Ancient Woodland) and Biodiversity Opportunity Areas (BOAs) (excluding built or sealed surfaces or land within these areas). This is on the basis that they are well established, known, understood, and applied in planning, are referred as part of SDLP Policy SD9 and its supporting text, and these are expected to inform the Hampshire, West Sussex, and East Sussex LNRS.

2.45 A map of the BOAs and designated sites is available on the SDNPA website. In addition, designated sites can be viewed on the South Downs Local Plan Policies Map. BOAs in Sussex can be viewed on the [Sussex Local Nature Partnership \(LNP\) website](#) and BOAs in Hampshire can be viewed on the [Hampshire County Council website](#).

2.46 The 'Medium' category comprises Priority Habitats outside of BOAs and the zones mapped in the Nature Recovery section of the South Downs Landscape Character Assessment 2020. This is not a formally identified strategy, but it is an evidence document for restoration and nature friendly habitat enhancement and creation for landscape types across the National Park. Table 1 gives definitions for how strategic significance should be applied to the baseline habitat area calculations. Table 2 gives definitions for how strategic significance should be applied to the post-development habitat area calculations.

Table 1: Strategic Significance for baseline habitat area calculations

Strategic significance (metric multiplier)	Definition
High (x1.15)	With the exception of built or sealed surfaces or land within these areas, every constituent habitat-type: <ul style="list-style-type: none"> • Within Biodiversity Opportunity Areas (BOAs); and

	<ul style="list-style-type: none"> • Within designated sites (Special Protection Areas (SPAs), Special Areas of Conservation (SACs), Sites of Special Scientific Interest (SSSIs) and Local Wildlife Sites (LWS/SINC/SNCI) and Ancient Woodland) <p>A map of the BOAs and designated sites is available on the SDNPA website.</p>
Medium (x1.10)	Priority Habitat/Habitats of Principal Importance beyond BOAs and areas within mapped South Downs Landscape Character Area Nature Recovery Zones layers 'Nature friendly actions to improve and connect existing habitats' and 'Actions to restore and create new habitats' should be scored as medium strategic significance (i.e., location ecologically desirable but not in local strategy).
Low (x1.0)	All other habitats should be scored as low strategic significance (i.e., area not in local strategy).

Table 2: Strategic significance for post-development habitat area calculations

Strategic significance (metric multiplier)	Definition
High (x1.15)	<p>Within BOAs and other designated sites outside these areas, BNG proposals can be scored as 'high significance' when the proposals are enhancement or habitat restoration of:</p> <ul style="list-style-type: none"> • Irreplaceable Habitats/Priority Habitat/Habitats of Principle Importance or equivalent quality, or • Habitats which support species of conservation importance relevant for those areas, or • Habitats which support the wider objectives of the BOA/designated site
Medium (x1.10)	Actions to create or improve other habitats within Priority habitats or within the LCA Nature Recovery Zone layers 'Nature friendly actions to improve and connect existing habitats' and 'Actions to restore and create new habitats', outside of BOAs or designated sites will be scored of medium significance (i.e., location ecologically desirable but not in local strategy).
Low (x1.0)	Enhancements to any habitats beyond BOAs/ LCA Nature Recovery Zone layers or outside of designated sites and outside Priority Habitat/Habitats of Principal Importance will be scored of low strategic significance (i.e., not in local strategy).

Hedgerow Units

2.47 Hedgerows and treelines are characteristic and widely distributed habitats across the South Downs and BNG proposals should follow the Key Principles set out in Box 2. However, it is not considered appropriate to assign general spatial constraints for strategic significance of these features. Strategic significance of hedgerow habitats and treelines should therefore be defined by their distinctiveness, as set out in The Statutory Biodiversity Metric User Guide and Table 3.

Table 3: Strategic significance for hedgerow habitats

High (x1.15)	<p>All very high and high distinctiveness hedgerows:</p> <ul style="list-style-type: none"> • Species-rich native hedgerow with trees associated with bank or ditch (very high) • Species-rich native hedgerow with trees (high) • Species-rich native hedgerow associated with bank or ditch (high) • Native hedgerow with trees associated with bank or ditch (high)
Medium (x1.1)	<p>All medium distinctiveness hedgerows or ecologically valuable line of trees:</p> <ul style="list-style-type: none"> • Species-rich native hedgerow • Native hedgerow associated with bank or ditch • Native hedgerow with trees • Ecologically valuable line of trees • Ecologically valuable line of trees associated with bank or ditch
Low (x1.0)	<p>All very low and low distinctiveness hedgerow or line of trees:</p> <ul style="list-style-type: none"> • Native hedgerow (low) • Line of trees (low) • Line of trees associated with bank or ditch (low) • Non-native and ornamental hedgerow (very low)

Watercourse Units

2.48 Rivers and streams are Habitats of Principal Importance (Section 41 of the NERC Act). Rivers and chalk streams and their tributaries are characteristic features of the South Downs and their associated catchments are distributed across its extent, including (from west to east) the Itchen, Meon, Rother, Arun, Adur Ouse and Cuckmere. Although BNG proposals should align with the Key Principles set out in Box 2, it is not deemed appropriate to assign general spatial constraints for strategic significance. Instead watercourse units should be defined by their distinctiveness, as set out in The Statutory Biodiversity Metric User Guide and Table 4.

Table 4: Strategic significance for watercourse habitats

High (x1.15)	<ul style="list-style-type: none"> • Rivers (Priority Habitat) • All other rivers and streams (including ephemeral streams) • Ditches within statutory and non-statutory designated sites and priority habitats • All culverts & channels that link high priority rivers, streams, ditches
Medium (x1.1)	<ul style="list-style-type: none"> • Ditches without designations
Low (x1.0)	<ul style="list-style-type: none"> • All other flow paths and dry drainage channels

Guidance on Transitional LNRS Approach

- 2.49 There are implications as to how the strategic significance multiplier is applied within the metric to baseline and post intervention on and off-site biodiversity habitats before and after the publication of a LNRS and for live applications within the planning portal at the time a LNRS is formally published. The Planning Advisory Service and Defra have provided guidance for use during this transition phase [LNRS & Strategic Significance Multiplier Transition Guidance | Local Government Association](#).

Spatial Risk Multiplier (for offsite Biodiversity Units)

- 2.50 For the South Downs National Park, the key categories in the Statutory Metric are:
- Compensation inside Local Planning Authority (LPA) boundary or National Character Area (NCA) of impact site
 - Compensation outside LPA or NCA of impact site, but in neighbouring LPA or NCA
 - Compensation outside LPA or NCA of impact site and neighbouring LPA or NCA
- 2.51 The SDNPA boundary is intersected by several LPA and NCA boundaries. Development sites within the SDNP boundary which rely wholly or partially on off-site BNG provision are expected to deliver the required Biodiversity Units within the South Downs National Park unless there are exceptional reasons why this cannot be achieved. Within the National Park boundary, preference should be given to off-site provisions which fall within the same NCA (and ideally within the same Landscape Character Area (LCA) as the impact site), unless there are ecological or other reasons why this cannot be achieved.

Selling excess Biodiversity Units

- 2.52 National guidance allows the sale of excess Biodiversity Units where more than 10% biodiversity gain is demonstrated on site. Should the sale of excess units be sought, national legislation and [guidance](#) must be followed, excess units must be identified as clearly within the red line of the site, and a buffer of Biodiversity Units will be expected to minimise risks around failure to deliver the minimum 10% gain. The size of the buffer will be agreed between the concerned party and the planning authority and will be determined on a case-by-case basis depending on the habitat types and areas involved and the overall quality of the scheme.

SUPPORTING YOUR APPLICATION

SDNPA Pre-application Service

- 2.53 The Authority rolled out a new Pre-Application service on 1 October 2024 to streamline and speed up the service. There are now two stages, with Stage 1 providing a brief, desktop appraisal to assess the in-principle acceptability of a proposal, and Stage 2 providing more detailed advice with at least one site visit or meeting: [Fees for pre-application advice -South Downs National Park Authority](#).
- 2.54 Advice will be given at Stage 1 as to whether the proposal is likely to be subject to statutory Biodiversity Net Gain. Biodiversity Net Gain (BNG) metric checks are also available to see whether a BNG metric is valid prior to submission.

Local Requirements

- 2.55 In addition to Statutory BNG information set out in Article 7 of The Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended), applicants are required to submit the following additional information as set out in the SDNPA Local Validation List [Local Validation List - South Downs National Park Authority](#):
- BNG Strategy setting out how 10% BNG will be achieved, and
 - Completed draft Statutory BNG Metric for the proposed scheme
- 2.56 Habitat condition is an input required for the Statutory Metric. Condition assessment methodology and condition assessment sheets are provided as part of the Statutory Metric Guidance from Defra. Condition assessments and associated sheets should be completed following the Defra guidance. These completed condition assessment sheets are expected to be provided with the completed draft Statutory Metric for the proposed scheme.
- 2.57 A statement of competency including qualifications, training, and relevant experience (Paragraph 2.4) should be provided in the Biodiversity Strategy submitted at validation stage.
- 2.58 The Full Statutory Metric should be completed by a suitably qualified Ecologist and, for Metrics containing watercourse units, the River Condition Assessment component should be completed by a [qualified assessor](#) and evidence should be provided to confirm this (Paragraph 2.10).
- 2.59 Where appropriate, applicants are encouraged to include a draft Biodiversity Gain Plan and a draft Habitat Management and Maintenance Plan at validation stage, to inform discussion around feasibility, securing and monitoring of BNG. However, this is not a requirement of validation.
- 2.60 Applicants are encouraged to use Natural England's HMMP guidance and templates, which are available for both major and small sites [Habitat Management and Monitoring Plan Template - JP058](#).

Exempt Sites – LURA Section 245 Duty and Local Plan and BNG Policy

- 2.61 For sites that are exempt from mandatory BNG requirements (paragraph 1.12), Section 245 of the Levelling Up and Regeneration Act 2023 and South Downs Local Plan Policy SD9(1)(b)

remains relevant, and applicants are encouraged to provide a minimum of 10% BNG, with habitat gains ideally demonstrated via the BNG Metric, as well as wider biodiversity enhancements including measures relating to protected and priority species such as wildlife boxes, log piles, dead wood, etc. Refer also to Paragraphs 1.12 to 1.14 and 2.2.

Major Sites - Delivery of Meaningful BNG

2.62 By virtue of their size, major applications are likely to present the best opportunities for achieving ecologically functional, landscape-driven biodiversity gains. The SDNPA therefore attaches high importance to the delivery of BNG on major sites. Applications should clearly demonstrate how the BNG proposals have been developed in line with the overarching principles set out in this document, the approach taken to retaining, protecting and improving Irreplaceable Habitats and in the application of the BNG Hierarchy in relation to very high, high and moderate distinctiveness habitats.

Outline and Phased Developments

2.63 Guidance on BNG and phased developments is provided in Paragraphs 53 to 63 of the BNG Planning Policy Guidance [Biodiversity net gain - GOV.UK](#) and associated phased development templates are available here: [Biodiversity gain plan: phased development templates - GOV.UK](#).

SECURING BNG

Principles for Securing BNG

Significant on-site habitat

- 2.64 On-site habitat that is considered to contribute towards significant BNG must be legally secured, with management and monitoring agreed for at least 30 years. The SDNPA will decide on the most appropriate mechanism at planning application stage.
- 2.65 What counts as significant will vary depending on the scale of development and existing habitat. The SDNPA's current definition of 'significant' is set out in Box 4.

Box 4: SDNPA Working Definition of 'Significant'*

Significant BNG requiring Section 106 legal agreement to secure habitat management and monitoring fees is taken to be:

- **All major planning permissions**
- **Minor planning permissions on a case-by-case basis where the following habitat exists or will be provided:**
 - **Chalk grassland**
 - **Irreplaceable/priority habitat**
 - **Habitats of high distinctiveness**

* Please note that this definition is subject to review

- 2.66 It is anticipated that a Section 106 legal agreement (S.106) will not be necessary for the majority of small sites; however, this depends on whether any of the on-site habitat / BNG provision meets the SDNPA definition of 'significant' (see Box 1). This will be considered on a case by case basis.
- 2.67 A S.106 will be necessary whenever:
- on-site BNG is deemed to be 'significant'; and / or
 - the proposal includes 'selling BNG credits' to other schemes / developers; and
 - In addition, a S.106 will be required for any schemes which propose 'off-site' BNG that does not form part of a registered 'Habitat Bank' within the SDNP (where BNG credits are sold to developers).
- 2.68 The provision of non-significant statutory BNG and its management and monitoring will be secured by planning conditions.

Using Units Purchased from a Registered Habitat Bank within the SDNP

- 2.69 There is no requirement for units purchased from local registered habitat banks within the SDNP to be secured via S.106. Instead, the Biodiversity Gain Plan, when submitted, should include proof of purchase of the relevant units.

Purchasing Biodiversity Units outside the SDNP and Statutory (National) Credits

- 2.70 In accordance with the biodiversity gain hierarchy, Government guidance makes it clear that the use of statutory BNG credits should be a last resort, and that developers wanting to buy statutory credits must prove why they cannot meet BNG using on-site and off-site options.
- 2.71 The use of statutory credits or off-site BNG units is not permitted to compensate for the loss of Irreplaceable Habitats. A bespoke compensation package needs to be agreed with the planning authority, in addition to the Biodiversity Gain Plan (see also paragraphs 2.16 to 2.20).
- 2.72 The need to meet the National Park's statutory Purpose 1 and comply with SD9 gives even more weight to the use of statutory credits or purchase of habitat bank units outside the SDNP as a last resort. Whilst National Guidance suggests that, in cases where less than 0.25 biodiversity units (area or linear habitat) are required, statutory credits can be purchased without providing evidence that insufficient off-site options are available, this is not appropriate in a National Park where a number of registered Habitat Banks already exist, unless it can be demonstrated that units of the required habitat type/tier are not available within the National Park (see Paragraph 2.3).
- 2.73 If a developer wishes to use any statutory credits, or units from habitat banks outside the SDNP, they must provide:
1. Evidence that they considered on-site BNG and the reasons why this is not possible.
 2. Evidence that the developer has approached 3 local suppliers, habitat banks or trading websites and (with respect to statutory credits) that insufficient off-site unit options are available in England. For example, correspondence emails or a PDF download showing a marketplace search.
- 2.74 The LPA needs to be satisfied by the evidence before they can allow developers to proceed. The applicant will need to include proof of purchase in their BNG plan when they submit this for discharge. However, a S.106 may be required to secure BNG outside the SDNP.