

# Biodiversity Net Gain: *East Cambridgeshire*

Interim Guidance Prior to Mandatory Biodiversity Net Gain

November 2022



East Cambridgeshire District Council

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## Interim Guidance

November 2022

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### **Acknowledgements**

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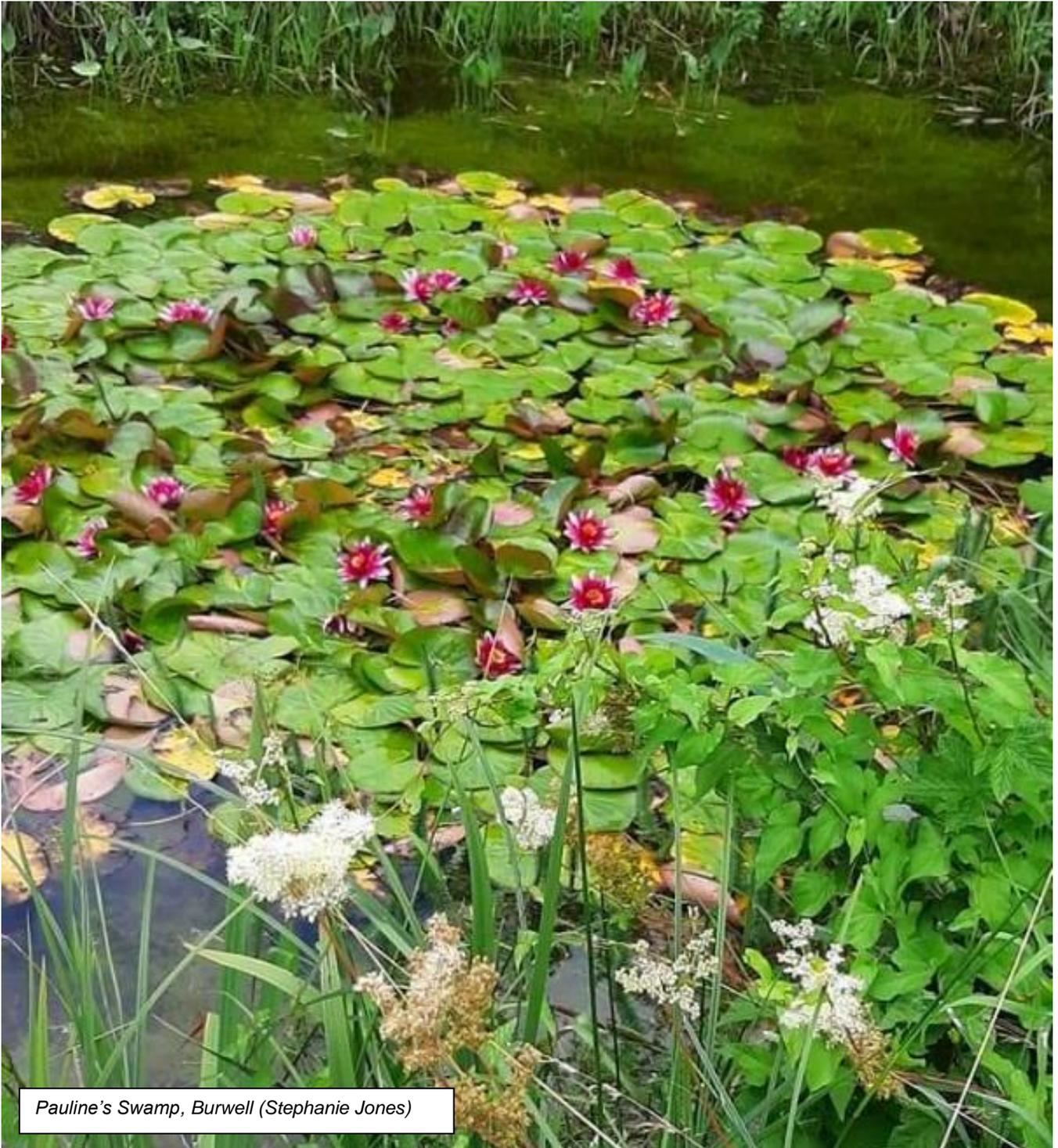
# Biodiversity Net Gain: East Cambridgeshire

## Interim Guidance Note

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*Pauline's Swamp, Burwell (Stephanie Jones)*

# Introduction

This Guidance Note provides interim local advice in relation to Biodiversity Net Gain (BNG) in East Cambridgeshire.

It is primarily targeted at those involved in making and determining planning applications, but could also be of interest to a wider audience, such as landowners interested in increasing biodiversity on their land, community groups or parish councils interested in understanding more about biodiversity net gain and whether there could be opportunities in their area, or just interested members of the public wanting to see biodiversity thrive in East Cambridgeshire.

East Cambridgeshire District Council is committed to boosting the local natural environment throughout the district, and beyond, and this guide is just one of many initiatives to help make that happen.

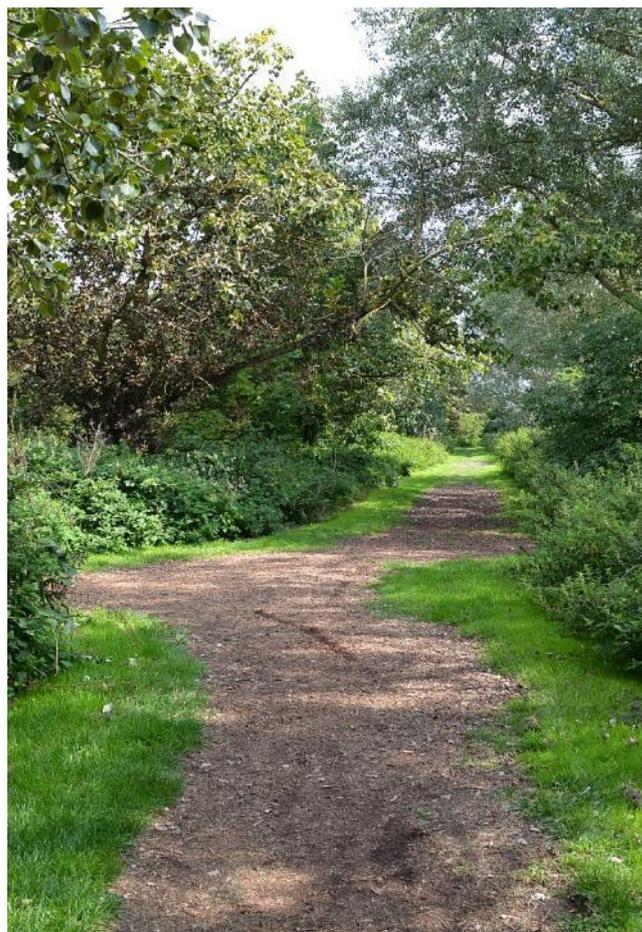
## What is Biodiversity Net Gain (BNG)?

BNG is a new national initiative linked to the planning system. The basic idea is that biodiversity will be in a measurably better state after new development has happened than before the development has taken place. So, if a developer wants to build some new homes on a parcel of land, the developer will have to calculate what level of biodiversity exists before development takes place, and then demonstrate how habitats will be created to increase biodiversity after the development has finished. This does not necessarily mean the same type of biodiversity or habitats are created as currently exists, or created in exactly the same place. It's about an overall increase in habitats and biodiversity, once a proposal has been adjusted for what will be lost and what will be gained. Hence the term 'net gain'.

For more details on the principles of BNG, at a national level, then a useful simple guide prepared by Natural England in April 2022 can be found here: [Biodiversity Net Gain Brochure<sup>1</sup>](https://naturalengland.blog.gov.uk/wp-content/uploads/sites/183/2022/04/BNG-Brochure_Final_Compressed-002.pdf)

## Purpose of this Guide

This guide is to help developers and decision makers on what is expected by the Council when considering BNG proposals, especially in the period prior to mandatory BNG in 2023. This note is not formal planning policy. It does not establish new planning policy, nor does it supersede any existing formally made planning policy. Instead, as explained in the guide, its purpose is to explain how the Council intends to implement existing BNG policy (national and local), and how it intends to prepare for mandatory BNG.



Ely Country Park (ECDC)

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*"Biodiversity net gain offers a new route for development of homes, businesses and infrastructure to play its part in enabling nature to thrive, and to deliver nature-based solutions to climate change, water and air quality and flood risks. It can also help level up access to nature and provide accessible green space on the doorstep of new homes and further afield."*

Marian Spain, Chief Executive,  
Natural England

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<sup>1</sup> See - [https://naturalengland.blog.gov.uk/wp-content/uploads/sites/183/2022/04/BNG-Brochure\\_Final\\_Compressed-002.pdf](https://naturalengland.blog.gov.uk/wp-content/uploads/sites/183/2022/04/BNG-Brochure_Final_Compressed-002.pdf)

# What is the policy and timeframe for implementing BNG?

## Introduction

BNG has been identified as one of the primary mechanisms for the restoration of biodiversity across the UK. Locally, the need is recognised within Cambridgeshire’s Doubling Nature vision. To achieve the vision, a strategic approach to habitat creation and enhancement will be required in line with the Lawton principles of ‘more, bigger, better, and more joined up’. This will require a focus on improving the condition of existing designated biodiversity sites (albeit this must demonstrate additionality), increasing their size, and improving connections between them by creating stepping-stones and corridors of biodiversity rich habitats.

The requirement to deliver BNG is already in place, albeit we are currently in a transition phase from BNG being a national policy *expectation* to BNG becoming a national *mandatory* requirement. In East Cambridgeshire, we have also adopted planning policy which expects BNG to be delivered, in advance of mandatory requirements.

## Environment Act 2021

Nationally, the [Environment Act 2021 \(Schedule 14\)](#)<sup>2</sup> is making BNG a mandatory part of the planning system, though the law is not expected to come into force until late in 2023. Once it is mandatory, there will be strict rules that must be followed, and we expect lots more national guidance on implementing those rules in the run up to mandatory BNG commencing.

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*“November 2021 saw the very welcome addition to the statute book of a new Environment Act... For the first time this Act will set clear statutory targets for the recovery of the natural world in four priority areas: air quality, biodiversity, water and waste, and includes an important new target to reverse the decline in species abundance by the end of 2030. It sets in law new tools that Natural England and others can use to help meet those targets, which will at last enable us to lift the grim graphs of species decline upward towards a Nature-positive 2030.”*  
Tony Juniper, Chair, Natural England, November 2021

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Kingfisher Bridge Nature Reserve (Catherine Looper)

<sup>2</sup> See <https://www.legislation.gov.uk/ukpga/2021/30/schedule/14/enacted>

## National Planning Policy

In advance of the Environment Act requirements coming into force, BNG is already included in [National Planning Policy](#)<sup>3</sup> (see summary box, right). Whilst **national planning policy** is not mandatory in the same way as BNG will be via the Environment Act, it still has considerable weight in the planning decision making process. In simple terms, national policy expects new development to result in a net gain for biodiversity, even prior to the mandatory system coming into effect.

## East Cambridgeshire Policy

Here in **East Cambridgeshire**, we also have local planning policy in support of BNG. Our recent [Natural Environment Supplementary Planning Document](#)<sup>4</sup> (September 2020) contains a series of policies and advice aimed at protecting and boosting the local natural environment. One of those policies is specifically about BNG, and is replicated on the following page.

The SPD also contains planning policies relating to protecting nature sites and species; trees and woodlands; and the use of biodiversity ‘tool kits’.

Policies in the East Cambridgeshire Local Plan (2015) are also referenced in the SPD, and these will also be important when determining planning applications.

### *National Planning Policy Framework (NPPF), 2021*

*“Planning policies and decisions should contribute to and enhance the natural and local environment by...minimising impacts on and providing net gains for biodiversity...” (paragraph 174)*

*“...opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate” (paragraph 180)*



*Below: River Great Ouse, Littleport (Catherine Looper)*



<sup>3</sup> See [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/1005759/NPPF\\_July\\_2021.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1005759/NPPF_July_2021.pdf)

<sup>4</sup> See [https://www.eastcambs.gov.uk/sites/default/files/Natural%20Env%20SPD%20-%20Adoption%20versionAC\\_0.pdf](https://www.eastcambs.gov.uk/sites/default/files/Natural%20Env%20SPD%20-%20Adoption%20versionAC_0.pdf)

## Extract of the Council's Natural Environment SPD, September 2020

### Policy SPD.NE6 Biodiversity Net Gain

In addition to the provisions set out in the Local Plan, all development proposals should contribute to and enhance the natural and local environment by firstly avoiding impacts where possible, where avoidance isn't possible minimising impacts on biodiversity and providing measurable net gains for biodiversity.

If and when a nationally mandated mechanism to secure 'net gains' is introduced, then the following policy will not be implemented. In the absence of any nationally mandated mechanism to secure such 'net gains', the following policy applies:

All development proposals (except householder applications – see below) must provide clear and robust evidence setting out:

- (a) information about the steps taken, or to be taken, to avoid and minimise the adverse effect of the development on the biodiversity of the onsite habitat and any other habitat,
- (b) the pre-development biodiversity value of the onsite habitat based on an up to date survey and ideally using the Defra metric,
- (c) the post-development biodiversity value of the onsite habitat ideally using the Defra metric; and
- (d) the ongoing management strategy for any proposals.

Proposals which do not demonstrate that the post-development biodiversity value of the onsite habitat will not significantly\* exceed the pre-development biodiversity value of the onsite habitat will be refused.

Demonstrating the value of the habitat (pre and post development) will be the responsibility of the applicant, and the information to be supplied will depend on the type and degree of proposals being submitted. The Council strongly recommends the use of available toolkits or biodiversity calculators (see section 14 of this SPD) and/or ecology surveys.

Where insufficient, incomplete or inaccurate information is submitted, meaning the Council is not able to determine whether a proposal is likely to lead to a net gain in biodiversity, a proposal will be deemed to fail the policy requirements (as set out in the Local Plan, the NPPF and this SPD) to take biodiversity opportunities and providing a biodiversity net gain.

Only in exceptional circumstance, the Council may (but is not obliged to) accept off-site biodiversity gains in exchange for on-site biodiversity net gain, but only in instances whereby:

- (i) it is not possible to provide significant net gains on site;
- (ii) the overall net outcome is a significant net gain in biodiversity; and
- (iii) a robust agreement is in place to deliver and maintain such off-site gains.

For householder applications, the detailed provisions of this policy do not apply, but there is still an expectation in most instances that an element of biodiversity gain should be incorporated into the proposal, such as bird boxes, insect 'hotels', bee blocks, bat boxes and/or hibernation holes. More detailed biodiversity gain would be welcomed.

*\* whilst 'significantly' is not defined precisely in this SPD, it should be taken to read that very minor net gains (such as a new bird box) would not constitute a significant gain. The gain should be more considerable, preferably creating habitat gains which support a larger variety of biodiversity. Where space is tight, integrating a variety of measures within the development may be appropriate, such as targeted bird boxes, insect 'hotels', bee blocks, bat boxes, hibernation holes and 'green' roofs.*

# The Approaching to Applying BNG in East Cambridgeshire

## Introduction

In the interim period before BNG becomes mandatory, the Council's approach is to implement existing national and local policy in a way which matches best practice. Such best practice is very similar to how mandatory BNG will operate, so it's a good opportunity to help both developers and decision makers to get familiar with what BNG is and how it should be applied.

## On-site or Off-site?

This is a crucial aspect of how BNG is to work.

Put simply, national and local policy, as well as emerging national practice for mandatory BNG, all point to the same thing: if at all possible, BNG should be delivered 'on-site'.

By 'on-site', that means within the same boundary as the planning application. This is known as the 'red line boundary', which is a line which must be shown on any planning application and identifies the total area to which the planning permission will apply. The line normally includes a much larger area than just where a new building will go, and will include land such as open space.

If BNG cannot be delivered 'on-site' for valid reasons, then a hierarchical approach to delivering BNG 'off-site' will then need to apply. See a later section of this document for details of the hierarchy.



*Jubilee Gardens, Ely (Richard Kay)*

## Quantity of BNG net gain

The Environment Act establishes a minimum of 10% BNG must be achieved, though this applies only when that part of the legislation comes into force (likely late 2023). This mandatory 10% minimum will likely apply to the vast majority of Town and Country Planning Act applications, with just a few exceptions (see below for more information on exemptions).

In the interim period, therefore, there is no legally set minimum % BNG that must be provided. However, reflecting on national and local policy, ECDC intends to seek in in this interim period a minimum of 10% BNG to be achieved on all qualifying development sites. Put another way, if 10% BNG is to be provided, this will be a means of demonstrating that a proposal meets already established national and local policy. A 10%



provision would also meet the East Cambridgeshire Natural Environment SPD requirement for a ‘significant’ uplift in the biodiversity value of habitat created.

If a minimum of 10% net gain is not proposed (or it is not clear what the deliverable and enforceable gain is to be, if any), then a decision maker, in applying national and local policy, will likely conclude that the planning application is not achieving such local and national policy, and weight against the proposal would be applied accordingly. This means there will be a good chance the development will be refused.



For the avoidance of doubt, the Council reserves the right to propose in a future update of the East Cambridgeshire Local Plan policies to instruct a higher percentage BNG target(s) which if adopted would, under current law, take precedence over the nationally mandated 10% BNG. A Neighbourhood Plan (as prepared by a Parish Council or other relevant neighbourhood body) may also attempt to seek a higher % BNG, and, if successful, that would also take precedent over the nationally mandated 10% BNG (but only for proposals within the applicable parish area).



*All Left: wildlife around Great River Ouse, Ely (Richard Garnett)*

## Exemptions from requiring BNG

Whilst national policy or law is not established on this point, it is likely that certain limited types of development will be exempt from having to undertake mandatory BNG. Further details of what will be exempt will be released by Government in the coming months.



For the purpose of this guidance note, and until there is clarity nationally of those development schemes that will be exempt from mandatory BNG, the Council will therefore not require the following planning applications to make provision for BNG. These exemptions are influenced by the [BNG consultation document](#) issued by Defra in January 2022. Of course, even if exempt, the Council will still welcome BNG provision if proposed.

- Small scale developments below a ‘de minimis’ threshold, which we have determined in East Cambridgeshire to be a red line application boundary below 20m2.
- Householder applications (such as a house extension).
- Change of use applications (which involve no new floorspace).
- Applications which are already exclusively for BNG.



Please note that being exempt from BNG does not mean the development is exempt from wider nature related policy requirements, such as protected species, trees or habitats.

## Making Sure a Developer Implements BNG

Once a planning application is granted planning permission by a local council, that permission will always be accompanied by a set of 'planning conditions'. The planning conditions make it clear exactly what the developer must do, when construction takes place. Sometimes, usually larger developments, will also have other 'planning obligations' attached to the planning permission. These are legal agreements (such as 'S106 Agreements') that the developer commits to doing, and are particularly useful, for example, for delivering infrastructure away from the actual development site.

Planning conditions and other obligations will be an essential part of delivering BNG, both at the mandatory stage and in the interim period before then.

The Environment Act<sup>5</sup> is making it mandatory for all planning proposals which are required to undertake BNG (which, we understand, will be the vast majority of proposals), to have a condition attached to any planning permission as follows:

*“the development may not be begun unless—*

- (a) a biodiversity gain plan has been submitted to the planning authority, and*
- (b) the planning authority has approved the plan”*

The above requirement is not yet mandatory (again, this is expected in late 2023), but best practice in the interim period is to implement a similar arrangement.

In East Cambridgeshire, therefore, in the interim period prior to mandatory BNG, an application should include either:

(a) all necessary information in order to determine whether a net gain will be achieved, and if so the Council will include a suitably worded condition (and/or where necessary require some other planning obligation or legal agreement) to secure the delivery of the proposed gain; or

(b) sufficient information to give confidence to the decision maker that a net gain will be possible, but the details are reserved to a later date. If so, the above wording contained in the Act will be used as a condition attached to the planning permission.

*Below: Cherry Hill Park, Ely (Richard Kay)*



<sup>5</sup> See Schedule 14 of the Environment Act

## Submitting Information with Planning Applications (Biodiversity Gain Plan)

If the Council is to seek a 'biodiversity gain plan', as described on the previous page, it needs to be clear what is expected by that. Once mandatory, government will have issued all the necessary guidance, but in the interim period prior to such plans being mandatory, two options exist albeit these are very similar in content.

The first option is to meet, as reasonably as is practical in advance of explanatory national regulations and guidance, the wording as contained in the Environment Act (Sch 14), as set out, right.

The second option is to meet the requirements set out in the East Cambridgeshire Natural Environment SPD Policy SPD.NE6 (see page 4).

The broad intent is the same, in both options.

Inevitably, this is going to be a steep learning curve for both developers and councils in terms of what is expected to be included in a biodiversity gain plan, especially in the interim period before full national guidance is published.

Nevertheless, it is important that the level of information that is submitted in the plan is proportionate to the development proposed. Crucially, this must be detailed and robust enough in order to establish the degree of net gain proposed, and how that net gain will be implemented, managed and monitored.

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The Environment Act (Sch 14) requires the following "matters" to be included in a Biodiversity Gain Plan:

- "(a) information about the steps taken or to be taken to minimise the adverse effect of the development on the biodiversity of the onsite habitat and any other habitat,*
  - (b) the pre-development biodiversity value of the onsite habitat,*
  - (c) the post-development biodiversity value of the onsite habitat,*
  - (d) any registered offsite biodiversity gain allocated to the development and the biodiversity value of that gain in relation to the development,*
  - (e) any biodiversity credits purchased for the development, and*
  - (f) such other matters as the Secretary of State may by regulations specify."*
- 



One potential useful guide is the CIEEM/IEMA/CIRIA publication "[Biodiversity Net Gain Principles and Guidance for UK construction and developments \(ciria.org\)](https://www.ciria.org/CIRIA/Resources/Biodiversity_Net_Gain.aspx)"<sup>6</sup> (2019). This is a free publication, which includes guidance for all parties involved in BNG, some good practice principles as well as technical guides. It also includes information on the 'business case' for including BNG in development.

A submitted biodiversity gain plan must include a mechanism for delivery of the target habitats, management and monitoring of their condition, and an approach to remediation in the event of targets not being met.

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<sup>6</sup> See - [https://www.ciria.org/CIRIA/Resources/Biodiversity\\_Net\\_Gain.aspx](https://www.ciria.org/CIRIA/Resources/Biodiversity_Net_Gain.aspx)

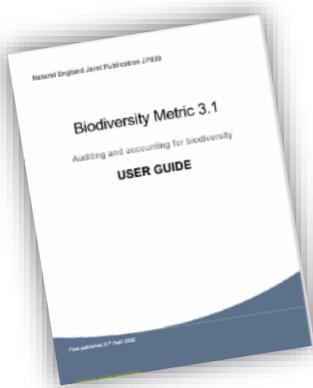
## Calculating BNG

An essential part of BNG is being able to demonstrate that there is a genuine 'net gain' arising. A key challenge is that BNG is not necessarily about replacing like for like (for example, if a new development takes place on a wildflower meadow, then it is not compulsory that a wildflower meadow must form part of the 'gain'). It is about demonstrating a net gain, overall, for biodiversity. Potentially, this could be an extremely subjective matter: one person's view of what constitutes a net gain, could be considered a biodiversity net loss to another person.

To overcome this problem, government is introducing the biodiversity metric.

## Biodiversity Metric

Once mandatory, a crucial part of BNG is the biodiversity metric. The Environment Act requires government to publish such a metric, for use in association with BNG. The metric is a habitat-based approach used to assess an area's value to wildlife. The metric uses habitat features to calculate a biodiversity value.



Government have been trialling versions of a national metric, and the latest version at the time of writing is the [biodiversity metric 3.1 calculation tool and user guide](#)<sup>7</sup> (21 April 2022), which is published on Natural England's Access to Evidence website.

The user guide describes how to gather the information needed for the metric calculations.

You can use the biodiversity metric to calculate how a development, or a change in land management, will change the biodiversity value of a site. For example, building houses, planting a woodland or sowing a wildflower meadow.

You can use the metric to:

- assess the biodiversity unit value of an area of land
- demonstrate biodiversity net gains or losses in a consistent way



Ship Lane Carpark, Ely (Richard Kay)

<sup>7</sup> See - <http://nepubprod.appspot.com/publication/6049804846366720>

- measure and account for direct impacts on biodiversity
- compare proposals for a site - such as creating or enhancing habitat on-site or off-site

It can help you design, plan and make land management decisions that take better account of biodiversity. The metric calculates the values as ‘biodiversity units’. Biodiversity units are calculated using the size of the habitat, its quality and location. You should use the metric and calculator tool with ecological advice.

It is not presently compulsory to use the metric, but it will be once BNG becomes mandatory. In the meantime, it is strongly encouraged to be used in East Cambridgeshire as a means to demonstrate the level of net gain being proposed with a development scheme. Our Natural Environment SPD seeks its use ‘ideally’. If an alternative method is to be used, it will need to be robust and open to scrutiny by the Council, as local planning authority. Not using the standard Biodiversity Metric could result in delays to your planning application.

## The Role of East Cambridgeshire District Council

The Council is the local planning authority for the area, and therefore responsible for determining the vast majority of planning applications within the district. The Council is therefore responsible for assessing compliance with BNG.



East Cambridgeshire  
District Council

The Council will therefore consider and verify the information submitted, checking it is of sufficient quality and depth to enable an assessment to be made. This will include verifying the accuracy of any biodiversity value calculations and the consideration of the merits of any off-site net gain measures.

In considering proposals, the Council will be seeking to ensure that the BNG is the primary use of the space, is ecologically viable and is not subsidising separately required infrastructure (such as green infrastructure requirements associated with a development). Where BNG proposals are linked to other provision, such as wider green infrastructure provision, the LPA will need to be satisfied that it provides a long-term benefit to local biodiversity that is compatible with the other site uses (such as recreational space or sports pitches).

To ensure the delivery of BNG measures (including their maintenance), the Council will use the most appropriate planning tools available, such as conditions (especially if on-site) or through planning obligations (especially if off-site) – see the earlier page on *Making Sure a Developer Implements BNG* for more details.



Great River Ouse, Ely (Richard Kay)

# **BNG and the Link with Local Nature Recovery Strategies (LNRS) and the East Cambridgeshire Nature Recovery Network (NRN)**

## **Local Nature Recovery Strategies (LNRS)**

As well as BNG and many other matters, the Environment Act introduces a statutory requirement for Local Nature Recovery Strategies (LNRS) to be produced by a responsible authority appointed by the Government. Covering the East Cambridgeshire area, the responsible authority is likely to be the Cambridgeshire-Peterborough Combined Authority. This means the Combined Authority will have the responsibility to prepare an LNRS which covers the geographical area of Cambridgeshire and Peterborough. The Combined Authority will likely be assisted by a partnership of Natural Cambridgeshire (the Local Nature Partnership) and all Local Authorities that make up the Cambridgeshire and Peterborough area. Other interested parties will likely be asked to support its preparation.

These strategies will be developed to map important strategic habitat areas where there is an opportunity to improve the local environment, and in turn this will assist the delivery of BNG and other policies. Such areas are likely to be of a large and strategic scale, rather than smaller community-based habitat areas.

Such an LNRS for Cambridgeshire-Peterborough is scheduled to be finalised at a similar time to the mandatory 10% BNG coming into force, in late 2023.

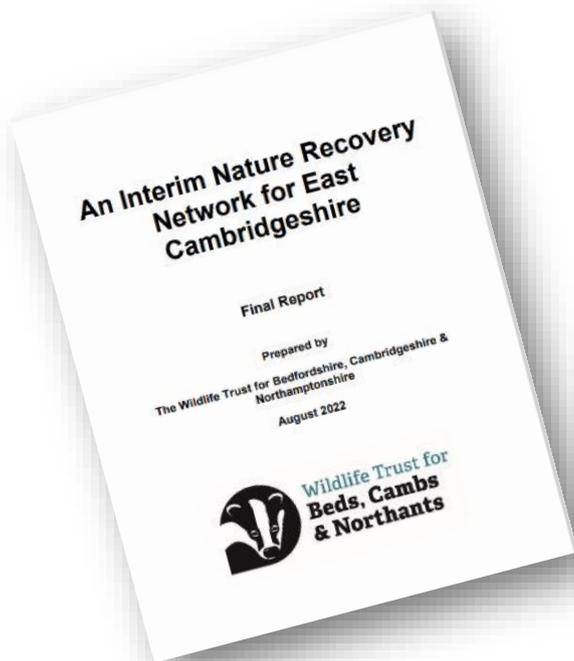
*Rabbit, Cheveley (Stephanie Jones)*





Robin, at Great River Ouse, Ely (Richard Garnett)

## East Cambridgeshire Interim Nature Recovery Network (NRN)

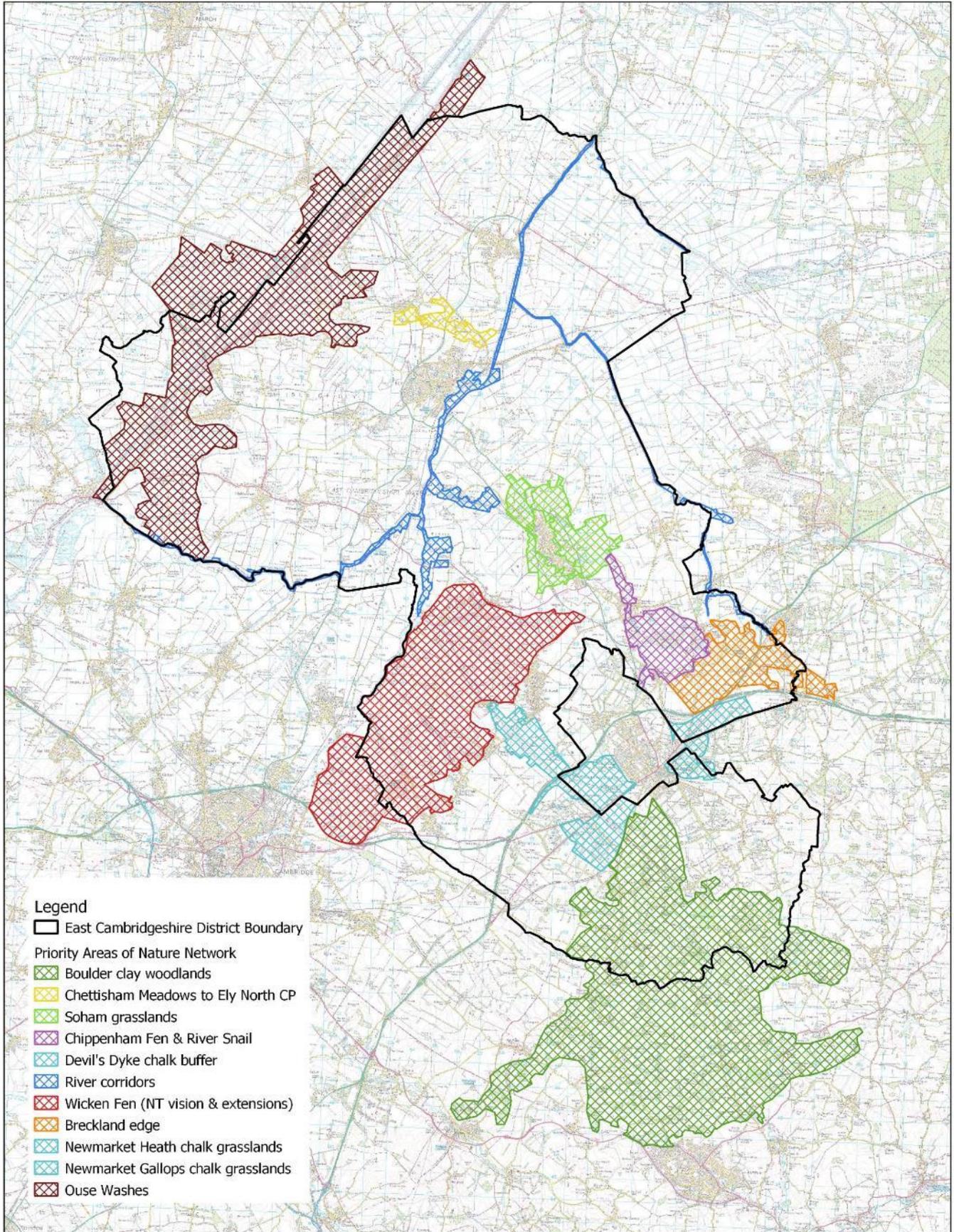


Whilst not a statutory duty, East Cambridgeshire District Council has approved alongside this *Biodiversity Net Gain: East Cambridgeshire* document, a district wide *East Cambridgeshire Interim Nature Recovery Network* (NRN) document, which was prepared for the Council by the local Wildlife Trust. It was prepared partly to influence the LNRS, but also to act as a more refined opportunity mapping tool at a district level, picking up important habitats and landscape areas that have an opportunity to be enhanced.

The NRN identifies nine Priority Areas in East Cambridgeshire for landscape-scale action to support nature's recovery, setting out for each why it has been identified, what the priority action in each could be, and how potentially the actions could be delivered. A map of the nine areas is replicated on the following page.

## Linking BNG to the Interim Nature Recovery Network (NRN)

The NRN provides a local context for securing BNG across East Cambridgeshire. As the NRN report explains, where off-site BNG and enhancement measures are required, these would have most benefit where they are targeted to strategic locations, which contribute to the creation of a functioning nature recovery network. Such locations are also currently rewarded in terms of biodiversity units when using the Defra Biodiversity Metric, the official measure of BNG.



0 2 4 6 8 10 km

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# Delivering BNG: A Hierarchical Approach

## Introduction

Please note that whilst the approach set out in the next section is likely to be very similar to a mandatory BNG approach to on or off-site BNG, there may be some differences. Thus, the approach below only applies in the interim period in advance of a national mandatory approach.

## The hierarchical approach

The location of BNG should be on a hierarchal basis, with on-site BNG taking priority followed by adjacent off-site, then district off-site and finally regional credits. A combination of levels of the hierarchy may be used, however the highest priority locations should be used first to capacity. Where a partial amount of BNG can be delivered at one stage of the hierarchy, then this opportunity should be taken, and only the remaining amount of BNG to be delivered should be considered for the next stage of the hierarchy, and so on.

### Level 1: BNG on-site (within red line of development area)

Under this level, BNG is provided within the red line boundary of the development proposal. Currently this is the simplest option to secure and deliver. The developer will be responsible for matters such as funding baseline assessments, drafting management plans and undertaking any approved scheme monitoring.

BNG best practice is to deliver on-site (within the red line boundary) and this approach is rewarded through the Defra BNG metric 3.1.

On-site BNG will likely form part of a multifunctional space and may not be the primary function. For example, it could be associated with recreational space or Sustainable Urban Drainage Systems. Indeed, a key national policy aim of BNG is to improve people's access to nature. However, where public access and/or multifunctionality is proposed, this needs to be balanced against the risk of overwhelming the biodiversity intentions.



*Common Frog and Privet Hawk Moth Caterpillar, private garden (Russell Place)*

### Level 2: BNG off-site within a priority East Cambridgeshire landscape area

On some sites, it is recognised that practical and sustainable ecological enhancement may not be viable on-site. If so, this is where other levels of the hierarchy should be considered.

Under Level 2, BNG is provided within one of the priority landscapes identified in the East Cambridgeshire Interim Nature Recovery Network publication (August 2022), as referenced on pages 12-13. Such priority landscapes are spread across East Cambridgeshire, and ideally the Priority Landscape nearest the development site should be considered first, under this Level 2. Early engagement and agreement with third party landowners is likely, and the developer would be responsible for funding baseline assessments of the land and drafting management plans. Legal and financial agreements would be required to secure delivery and monitoring.



*Red Kite over Witcham Toll (Richard Garnett)*

### Level 3: BNG off-site but near the development site

If both Level 1 and Level 2 prove fruitless, then the next level of the hierarchy is to deliver BNG off-site, but near the development site. Such land should either be immediately adjacent to the development site or in the very close vicinity (for example, within viewing distance of a site with an ecological direct connection to the development site). Under this Level 3, the Council will particularly scrutinise both the gain being proposed, and the delivery and management arrangements to be put in place. The Council will want to avoid under a Level 3 proposal the provision of small-scale gains, with low biodiversity value and potentially difficult or expensive long term management arrangements.

### Level 4: BNG off-site anywhere in East Cambridgeshire

A Level 4 proposal, which is one contained within (or consistent with) any of the following guidance or strategies, should be next explored (subject to the land being within the East Cambridgeshire area):

- Any published East Cambridgeshire based Parish 'Nature Recovery' (or similar) Plan
- A site listed in the [East Cambridgeshire District County Wildlife Sites SPD](#)<sup>8</sup> (2010)
- A site consistent with the latest published [Cambridgeshire Habitat Opportunity Mapping](#).<sup>9</sup>
- A Habitat Bank (see text box on next page)

Where proposals are for enhancement to a designated County Wildlife Site, they must provide measurable additionality to existing management arrangements and not simply support management that should already be being undertaken by a public body. Sites in private ownership that are in poor condition may be suitable for BNG contributions for enhancement.

### Level 5: Buy BNG Units from a Habitat Bank outside of East Cambridgeshire



*Kingfisher Bridge (Catherine Looper)*

If the above 1-4 steps have not identified a suitable scheme, then the off-site BNG should be delivered within a recognised habitat bank elsewhere within Cambridgeshire.

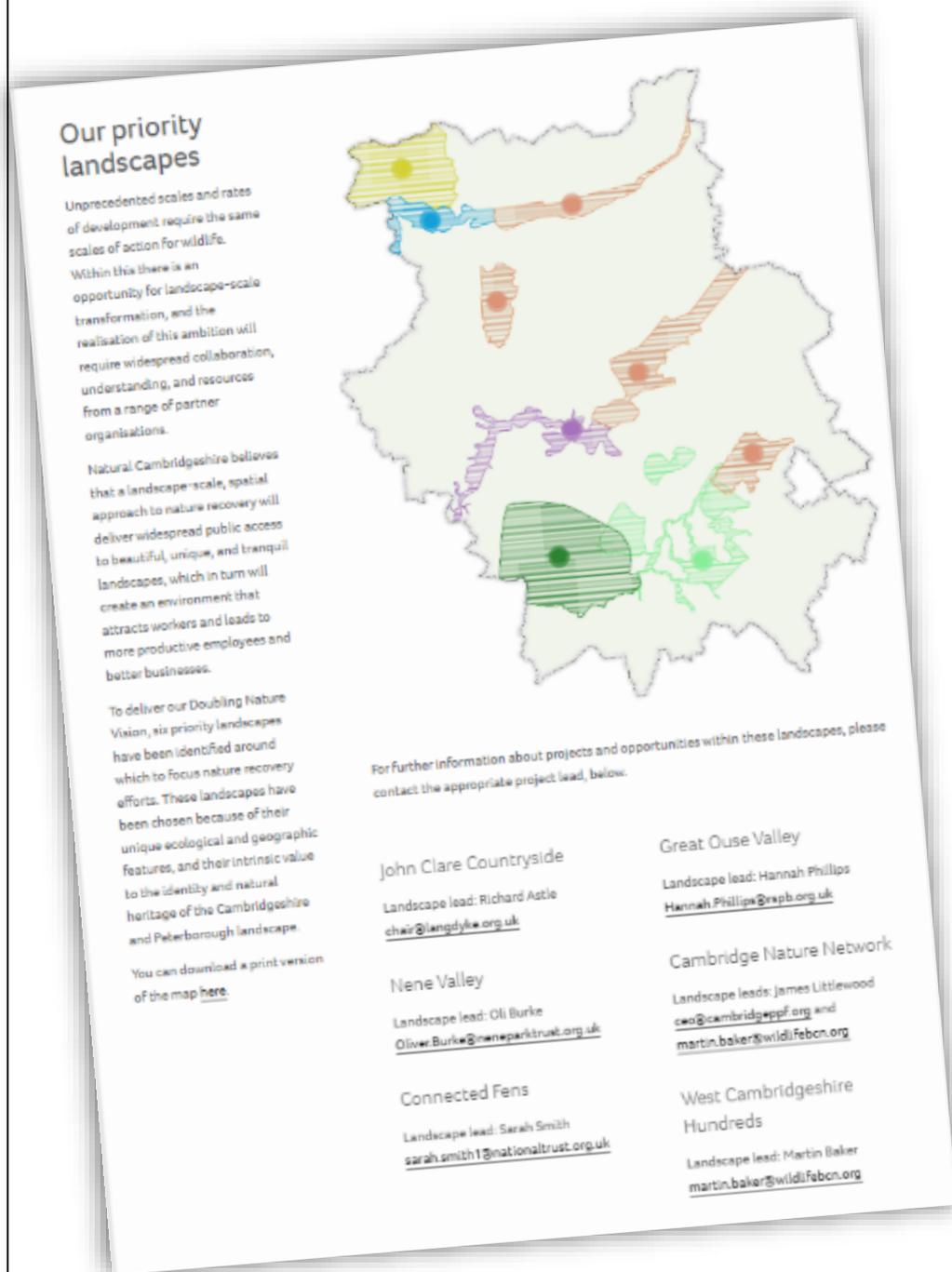
This scenario allows for strategic delivery of BNG; however, it is the **least desirable option** as it is removed from the immediate impact of the development on both local biodiversity and the local community. This option will only be considered if clear evidence is provided that steps 1-4 have been investigated and no suitable options exist.

<sup>8</sup> See - [https://www.eastcambs.gov.uk/sites/default/files/County%20Wildlife%20Sites%20SPD%20-%202010\\_0.pdf](https://www.eastcambs.gov.uk/sites/default/files/County%20Wildlife%20Sites%20SPD%20-%202010_0.pdf)

<sup>9</sup> See - <http://www.cpbiodiversity.org.uk/wp-content/uploads/2018/08/Cambridgeshire-habitat-mapping-final-report-FINAL.pdf>

## Habitat Banking

Habitat banking can help to smooth out supply and demand by completing the necessary works to establish the habitat in advance and 'banking' the resulting units, so they are available for sale when needed by developers. This approach is anticipated to enable delivery of larger, more strategic sites for nature. Habitat created or enhanced after 30 January 2020 will be eligible for registration and sale of the associated biodiversity gains under the mandatory BNG system, provided it meets national criteria. Currently (as at September 2022) there are no known operational Habitat Banks in East Cambridgeshire. However, if created in the interim period prior to statutory BNG and appear consistent with up to date national guidance (emerging or confirmed) on habitat banking, then these will be considered appropriate under Level 4. Habitat Banks will typically be large (40ha +), with a clear and robust long-term management plan.



Left: Natural Cambridgeshire has identified six [priority landscapes](#)<sup>10</sup> across Cambridgeshire and Peterborough around which to focus nature recovery efforts.

These landscapes have been chosen because of their unique ecological and geographic features, and their intrinsic value to the identity and natural heritage of the Cambridgeshire and Peterborough landscape.

Of those priority landscapes, one is named 'Connected Fens', some of which falls in the East Cambridgeshire area.

Ideally, habitat banks could be established in one of the priority landscapes, though there is no requirement to. Habitat Banks can be created anywhere.

<sup>10</sup> See <https://naturalcambridgeshire.org.uk/priority-landscapes/>

# Linking landowners with developers

## Introduction

The Council is aware of a rapidly growing interest and desire to make BNG a success. This includes developers wanting to deliver BNG as part of their proposals, and landowners interested in using their land as a 'home' for BNG works.

## BNG Landowner Register

To help link developers with prospective landowners wishing to offer land for off-site BNG, the Council is in the process of establishing a list of such landowners, together with summary details of their potentially available land within East Cambridgeshire, the potential new habitats to be created and their potential compliance with this guidance note. However, other than a very basic check, such landowners and their land has not been subject to any due diligence by the Council, and the Council takes no responsibility for the accuracy or suitability of the land that may be being proposed for off-site net gain. All such due diligence is the responsibility of the developer.

The BNG Landowner Register, which will hopefully grow over time as more landowners come forward, is intended to be made available as soon as possible on our website.



*Middle Fen, Stuntney (Richard Kay)*

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*Juvenile Robin, Great River Ouse, Ely (Richard Garnett)*