



Discharging the Statutory Biodiversity Gain Condition

The biodiversity gain condition has its own separate statutory basis, as a planning condition under paragraph 13 of Schedule 7A of the Town and Country Planning Act 1990. The condition is deemed to apply to every planning permission granted for the development of land in England (unless exemptions or transitional provisions apply).

To discharge the biodiversity gain condition, the statutory framework requires a Biodiversity Gain Plan to be submitted to the Local Planning Authority prior to the commencement of development. The Biodiversity Gain Plan must be submitted in writing, no earlier than the day after planning permission has been granted.

The biodiversity gain plan must contain a number of matters to enable the Local Planning Authority to determine whether the biodiversity gain objective has been met. This will require the developer to submit several documents as evidence alongside Defra's biodiversity gain plan template.

To ensure sufficient evidence is submitted to discharge the biodiversity gain condition, Cotswold District Council has created the following checklists.

Developers must submit the following information:

- A completed **Biodiversity Gain Plan** using the Government's template available from: <https://www.gov.uk/government/publications/biodiversity-gain-plan>
- A completed copy of the **statutory biodiversity metric** or **small sites metric (statutory biodiversity metric)** excel spreadsheet in .xls format. Choice of biodiversity metric must be guided by the following: <https://www.gov.uk/government/publications/statutory-biodiversity-metric-tools-and-guides>
- **On-site baseline map.** The map must be drawn to an identified scale and show the direction of North. It must include all baseline habitats, including the area of each habitat type. If the statutory biodiversity metric has been used, units must be hectares (ha) for the habitat module and kilometres (km) for the watercourse and hedgerow modules. If the small sites biodiversity metric has been used, units must be meters squared (m²) for the habitat module and meters (m) for the watercourse and hedgerow modules. The map must be submitted in two different file formats: pdf. and shp.
- **On-site post intervention map.** The map must be drawn to an identified scale and show the direction of North. It must show existing habitat types to be retained and enhanced, and new habitat types to be created. If the



statutory biodiversity metric has been used, units must be hectares (ha) for the habitat module and kilometres (km) for the watercourse and hedgerow modules. If the small sites biodiversity metric has been used, units must be meters squared (m²) for the habitat module and meters (m) for the watercourse and hedgerow modules. The map must be submitted in two different file formats: pdf. and shp.

Developers may also need to submit the following information:

- **Off-site baseline and post intervention maps** if the developer is delivering off-site gains on land within the developer's ownership or through a third-party landowner. These maps must be drawn to an identified scale and show the direction of North. The maps must show existing habitat types to be retained and enhanced, and new habitat types to be created. If the statutory biodiversity metric has been used, units must be hectares (ha) for the habitat module and kilometres (km) for the watercourse and hedgerow modules. If the small sites biodiversity metric has been used, units must be meters squared (m²) for the habitat module and meters (m) for the watercourse and hedgerow modules. The maps must be submitted in two different file formats: pdf. and shp.
- **Habitat Management and Monitoring Plan (HMMP)***
<https://www.gov.uk/guidance/creating-a-habitat-management-and-monitoring-plan-for-biodiversity-net-gain>. The report must specify how significant on-site, and all off-site habitats will be established, managed and monitored, where applicable.
- **Landscape and Ecological Management Plan (LEMP)*** (or any other management condition linked to biodiversity net gain) if the Local Planning Authority has deemed this an appropriate alternative to a Habitat Management and Monitoring Plan (please refer to the conditions included on your decision notice).
- Biodiversity gains sites register reference number and a confirmation email from Natural England if they're using off-site units.
- Proof of purchase if they're buying statutory biodiversity credits.
- A compensation plan if the development affects irreplaceable habitats.

There are separate requirements for phased development. In this instance, the developer will need to complete and submit the following:

- An overall biodiversity gain plan
- A phase biodiversity gain plan (for each phase of the development)



COTSWOLD

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Further information can be found here:

<https://www.gov.uk/government/publications/biodiversity-gain-plan-phased-development-templates>

Submitting a compliance of condition application

- Developers can apply to discharge the biodiversity gain condition alongside other planning conditions <https://www.cotswold.gov.uk/planning-and-building/planning-permission/make-a-planning-application/planning-application-supporting-information/>
- The Local Planning Authority will create a stand-alone compliance of condition application for the biodiversity gain condition (the suffix of the planning reference will be CONBGP).
- The Local Planning Authority has 8 weeks to approve or refuse the application, and a separate decision notice will be issued.
- The development cannot commence until the biodiversity gain condition has been discharged.

*A HMMP and LEMP are long-term habitat management and monitoring strategies that detail a developer's commitment to achieving the biodiversity gain objective. They are secured through separate conditions to the Biodiversity Gain condition, yet they are intrinsically linked. Therefore, the LPA are requesting developers apply for the approval of the Biodiversity Gain and HMMP or LEMP conditions at the same time.