

3.2.2 Hedgerow Baseline

Linear hedgerow features are not present in the Application Site.



4 Proposed Design

The proposed design used in this assessment is based on the proposed External Arrangement Plan (see **Appendix A**) and the Arboriculture Impact Assessment report available at the time of assessment (03 August 2026).

The following sections summarise the habitat intervention proposals, which have taken into account the BNG good practice principles, the mitigation hierarchy and the biodiversity gain hierarchy. **Section 5.3** summarises the BNG good practice principles and highlights how each have been met and considered for the Proposed Development.

The post-development design, illustrated using the Metric habitat types, is shown on the Proposed Habitats Plan (**Figure G-1**) provided in **Appendix G**.

4.1 Habitat Retention and Enhancement

The Proposed Development has sought to retain existing trees and a small parcel of modified grassland (G6) where practicable and building B1 within the Application Site. No habitats are proposed for enhancement and there are no opportunities for habitat enhancement within the Application Site. Consequently, all biodiversity gains generated by the Proposed Development arise through habitat creation and the retention of existing trees.

4.1.1 Area Habitat Retention/ Enhancement

No area enhancement²² is proposed.

Existing individual trees, a small section of modified grassland and building B1 are retained as part of the Proposed Development and have been accounted for within the Statutory Biodiversity Metric as retained habitats. A summary of area habitat retention²³ is provided in Table 4-1.

Table 4-1 - Area Habitat Retention

Habitat parcel reference	Habitat type	Area retained (ha)	Area enhanced (ha)	Baseline units retained	Baseline units enhanced	Area lost (ha)	Habitat units lost
B1	Urban – Developed land, sealed surface (Building)	0.1237	0.00	0.00	0.00	0.01	0.00
G6	Grassland – Modified grassland	0.0022	0.00	0.00	0.00	0.01	0.02

²² Habitat enhancement is where habitat is retained and there is an improvement in condition compared to the baseline state, a change to a higher distinctiveness habitat within the same broad habitat group compared to the baseline state or restoration of relict high or very high distinctiveness habitats, or restoration of intertidal habitats.

²³ Habitat retention is when there is no loss of habitat, when habitats are retained in its baseline condition, and when there is no action to enhance the habitat.

Habitat parcel reference	Habitat type	Area retained (ha)	Area enhanced (ha)	Baseline units retained	Baseline units enhanced	Area lost (ha)	Habitat units lost
T7	Urban - Individual trees	0.0163	0.00	0.20	0.00	0.00	0.00
T1, T2, T3, T4, T6	Urban - Individual trees	0.0448	0.00	0.36	0.00	0.00	0.00
T5	Urban - Individual trees	0.0041	0.00	0.02	0.00	0.00	0.00
Total		0.19	0.00	0.57 ²⁴	0.00	0.02	0.02

4.1.2 Hedgerow Retention/ Enhancement

No existing hedgerows are present within the Application Site and therefore, there are no opportunities for hedgerow retention or enhancement.

4.2 Habitat Loss

4.2.1 Area Habitat Loss

The Proposed Development will result in the loss of several baseline area habitats within the Application Site, comprising modified grassland, other neutral grassland, bramble scrub, introduced shrub, vegetated garden habitat and developed land. These habitat losses are associated with the redevelopment and reconfiguration of the existing site. Based on the proposed design, there will be a total loss of 0.27 ha of area habitat features.

Whilst most baseline area habitats will be lost, all existing baseline trees, a small parcel of modified grassland and building B1 within the Application Site will be retained. The Proposed Development includes the creation of replacement grassland, vegetated garden habitat, ornamental hedgerow planting and additional tree planting, which contribute towards delivering BNG.

4.2.2 Hedgerow Habitat Loss

No baseline hedgerows are present within the Application Site. Consequently, the Proposed Development will not result in the loss of any existing hedgerow habitat.

²⁴ This value is reported directly from the Biodiversity Metric. While individual unit values are displayed rounded to two decimal places, the Metric performs calculations using the full underlying precision of the data entered (up to four decimal places for trees). Consequently, the total shown in the summary may differ slightly from the sum of the displayed rounded values. For example, the retained baseline tree units are displayed as 0.20, 0.36 and 0.02 units, which appear to sum to 0.58 units; however, using the underlying unrounded values, the Metric calculates a total of 0.57 units.

4.3 Proposed Development Habitat Creation

The Proposed Development incorporates habitat creation measures to maximise biodiversity value within the constraints of the Application Site and contribute towards delivery of BNG. Habitat creation proposals have been informed by the landscape design, site characteristics and opportunities for biodiversity enhancement associated with the redevelopment. Whilst these measures deliver a net gain, a residual habitat unit deficit remains and is discussed further in **Section 5**. Target habitat conditions have been assigned using the Statutory Biodiversity Metric condition assessment criteria and reflect the realistic likelihood of achieving the proposed habitat conditions through implementation of the landscape specification and ongoing management regime.

Descriptions of the habitat creation proposals (including the translation from landscape design codes to Metric habitat types), assumptions for realistic target condition scores and rationale for assignment of medium or high strategic significance are provided in **Table 4-2**.

In accordance with the LNRS, habitats are assigned a strategic significance of High only when they are located within a mapped Measures Area or Area that Could Become Important for Biodiversity (ACIB) and contribute to the delivery of the relevant LNRS measures. These are outlined within **Table 4-2**.

Table 4-2 - Habitat Creation Proposals

Landscape design code	Habitat type	Target condition and assumptions	Strategic significance
Species Rich Grassland	Grassland – Other neutral grassland The proposed wildflower grassland areas have been classified as Other Neutral Grassland within the Statutory Biodiversity Metric.	Moderate A: Pass - Sowing of a species-rich grassland mix with neutral indicator species, e.g. Germinale Seeds GS8 Creation of Species-Rich Grassland mix. B: Fail - Assumed that habitat area is not large enough to introduce a varied mowing regime. C: Fail – Owing to Application Site constraints, appropriate management will not include scarification or other measures to create sufficient bare ground for plant colonisation. D: Pass - Assumed that appropriate management will control invading bracken or scrub. E: Pass - Assumed that seed mix will not contain >5% cover of undesirable species and that appropriate management will control physical damage and INNPS colonisation. F: Fail - Despite sowing of a species-rich grassland mix,	Low - Area/compensation not in local strategy/ no local strategy. The Application Site is not located within an APIB and no clear evidence has been identified to demonstrate that the habitat directly contributes to delivery of a specific LNRS measure.

Landscape design code	Habitat type	Target condition and assumptions	Strategic significance
		without a proper conservation management plan (the landscape strategy is driven by amenity and visual impact reasons rather than biodiversity), it cannot be guaranteed that there would be at least 10 species per m ² .	
Buffer planting (mix of non-native shrubs and perennials for amenity value)	Urban – Vegetated garden Areas of ornamental and amenity planting associated with the landscape design have been classified as Vegetated Garden habitat.	N/A	Low - Area/compensation not in local strategy/ no local strategy.
Sensory planting (mix of non-native shrubs and perennials for amenity/sensory value)	Urban – Vegetated garden Areas of ornamental and amenity planting associated with the landscape design have been classified as Vegetated Garden habitat.	N/A	Low - Area/compensation not in local strategy/ no local strategy.
Hedgerow (beech hedgerow)	Non-native and ornamental hedgerow	Poor (As per the Metric User Guide, cannot improve hedgerow beyond 'Poor' condition)	Low - Area/compensation not in local strategy/ no local strategy.
New trees (field maple (native))	Individual trees – Urban tree	Moderate A: Pass – Proposed trees will be native. B: Pass – Assumed that the tree canopy will predominantly be continuous or individual trees. C: Fail – Proposed newly planted trees will not be mature. D: Pass – Assumed that proper habitat management will lead to no adverse impact on tree health. Trees will retain >75% of	Low - Area/compensation not in local strategy/ no local strategy.

Landscape design code	Habitat type	Target condition and assumptions	Strategic significance
		expected canopy for their age range and height. E: Pass – Natural ecological niches will be absent for newly planted trees and development of features cannot be guaranteed F: Pass – Assumed that more than 20% of the tree canopy area is oversailing vegetation beneath.	

4.3.1 Area Habitat Creation Proposals

A summary of the area habitat units delivered by the habitat creation proposals is provided in **Table 4-3**. The standard temporal multiplier has been adjusted to reflect the anticipated one-year construction duration, i.e. it is assumed that there will be a **one-year delay** between site clearance and habitat creation.

Table 4-3 - Area Habitat Creation Proposals

Habitat parcel reference	Broad habitat	Proposed habitat	Area (ha)	Distinctiveness	Condition	Strategic significance	Habitat units delivered
G9, G10	Grassland	Other neutral grassland	0.0463	Medium	Moderate	Low - Area/compensation not in local strategy/ no local strategy	0.30
B6	Urban	Developed land, sealed surface (Building)	0.001	V. Low	N/A	Low - Area/compensation not in local strategy/ no local strategy	0.00
D2	Urban	Developed land, sealed surface	0.1667	V. Low	N/A	Low - Area/compensation not in local strategy/ no local strategy	0.00
SM15, SM16, SM17, SM18, SM19, SM20, SM21, SM22, SM23, SM24, SM25, SM26	Urban	Vegetated garden	0.0563	Low	N/A	Low - Area/compensation not in local strategy/ no local strategy	0.10
T8, T9, T10, T11, T12	Individual trees	Urban tree	0.0204 (5 x small trees)	Medium	Moderate	Low - Area/compensation not in local strategy/ no local strategy	0.06
Total habitat area			0.29				
Total site area (excluding area of individual trees)			0.27				
Total habitat units delivered							0.46

4.3.2 Hedgerow Creation Proposals

A summary of the hedgerow units delivered by the hedgerow creation proposals is provided in **Table 4-4**. The standard temporal multiplier has been adjusted to reflect the anticipated one-year construction duration, i.e. it is assumed that there will be a **one-year delay** between site clearance and hedgerow creation.

Table 4-4 - Hedgerow Creation Proposals

Hedgerow reference	Hedgerow type	Length (km)	Distinctiveness	Condition	Strategic significance	Hedgerow units delivered
H1	Non-native and ornamental hedgerow	0.047	V. Low	Poor	Area/compensation not in local strategy/ no local strategy	0.04
Total length (km)		0.047				
Total hedgerow units delivered						0.04

5 BNG Metric

5.1 Habitat Trading

The following section identifies whether habitat trading rules have been met.

5.1.1 Area Habitat

5.1.1.1 Very High Distinctiveness Habitat

The Proposed Development does not result in the loss of any very high distinctiveness habitats. Therefore, the trading rules relating to very high distinctiveness habitats are satisfied.

5.1.1.2 High Distinctiveness Habitat

The Proposed Development does not result in the loss of any high distinctiveness habitats. Therefore, the trading rules relating to high distinctiveness habitats are satisfied.

5.1.1.3 Medium Distinctiveness Habitat

The Proposed Development results in the loss of approximately 0.006 ha of medium distinctiveness bramble scrub habitat. Whilst the Proposed Development delivers gains in other medium distinctiveness habitats, including other neutral grassland and urban trees, replacement habitat is not provided within the same broad habitat group. Consequently, the habitat trading rules for medium distinctiveness habitats are not satisfied.

The Statutory Biodiversity Metric identifies a medium distinctiveness habitat deficit of 0.02 biodiversity units associated with the loss of bramble scrub habitat. Accordingly, compensation through additional habitat provision or registered off-site biodiversity units will be required.

5.1.1.4 Low Distinctiveness Habitat

The Proposed Development results in the loss of areas of modified grassland, introduced shrub and vegetated garden habitat. However, habitat creation proposals generate gains in vegetated garden habitat and compensate for losses of low distinctiveness habitats. Accordingly, the trading rules for low distinctiveness habitats are satisfied.

5.1.1.5 Very Low Distinctiveness Habitat

The Proposed Development results in changes to habitats of Very Low distinctiveness, including developed land and sealed surfaces. In accordance with the Statutory Biodiversity Metric, compensation is not required for losses of Very Low distinctiveness habitats and therefore habitat trading rules do not apply. The Proposed Development also retains the principal building (Building B1) and reuses existing developed areas where practicable, thereby reducing the extent of habitat loss associated with redevelopment.



5.1.2 Hedgerow Module

No baseline hedgerows are present within the Application Site and therefore no losses of hedgerow habitat occur as a result of the Proposed Development. Consequently, the hedgerow trading rules are not applicable. The Proposed Development includes the creation of approximately 0.047 km of non-native and ornamental hedgerow, generating a net gain of 0.044 hedgerow units. The Statutory Biodiversity Metric confirms that the hedgerow module achieves a net gain and that the hedgerow trading rules are satisfied.

5.2 Headline Results

Using the Metric, the Application Site has the following pre-development biodiversity unit values:

- Habitat units: 0.97
- Hedgerow units: 0.00

The proposed design (habitat retention & habitat creation) is predicted to deliver:

- Habitat units: 1.04
- Hedgerow units: 0.04

The assessment shows that the Proposed Development is predicted to result in:

- A net gain of 0.07 habitat units, with a predicted total net change of **+7.06%**.
- As no baseline hedgerows occur within the Application Site, the creation of approximately 0.047 km of non-native and ornamental hedgerow provides an overall gain of 0.04 hedgerow units.

Whilst the Proposed Development delivers an overall increase in biodiversity value, it does not achieve the statutory requirement for a minimum 10% biodiversity net gain. Furthermore, the habitat trading rules are not satisfied due to the loss of medium distinctiveness bramble scrub habitat and the absence of replacement habitat within the same broad habitat group.

To achieve the statutory 10% increase in biodiversity value for area habitat features, the Proposed Development needs to deliver 1.07 habitat units; there is currently a deficit of 0.03 habitat units.. The Proposed Development will need to achieve the 10% increase in biodiversity value for area habitat features through either registered off-site biodiversity gains or statutory biodiversity credits (both of which will need to comply with the habitat trading rules). Should statutory biodiversity credits be relied upon, the Credits Calculator within the Statutory Biodiversity Metric identifies a requirement for approximately 0.06 statutory biodiversity credits.

An application to an accredited habitat bank or provider can be made to obtain costs and feasibility for delivering off-site biodiversity units.

If off-site biodiversity units cannot be bought, then statutory biodiversity credits will need to be purchased. As it is a last resort, the requirement to purchase statutory biodiversity credits will need to be proved by:

- Evidencing why on-site BNG was not possible.



- Evidencing that three local or national off-site unit suppliers, habitat banks or trading platforms have been approached and that insufficient off-site options are available²⁵.

A Biodiversity Gain Plan will be submitted and approved by West Sussex County Council before commencement of the Proposed Development. The Biodiversity Gain Plan will:

- Demonstrate how the Proposed Development will meet the statutory BNG requirements.
- Provide evidence of the decisions made in this BNG assessment.

An HMMP will also be submitted if the Proposed Development relies on off-site biodiversity gains. The HMMP (which may be provided by off-site unit provider) will detail the measures required to ensure the habitat creation and enhancement proposals reach their target condition and give confidence that every effort will be made to enable the Proposed Development to deliver the predicted biodiversity units.

An HMMP may also be required if West Sussex County Council deem that any on-site biodiversity gains are 'significant enhancements'; this can include the creation or enhancement of habitats of medium or higher distinctiveness, such as for the creation of other neutral grassland and urban trees within the Application Site.

5.3 BNG Principles, Mitigation Hierarchy and Biodiversity Gain Hierarchy

Table 5-1 provides evidence of how the design of the Proposed Development has adhered to good practice principles for delivering BNG.

Table 5-1 - BNG good practice principles

Principle	Justification that the principle has been met
1. Apply the mitigation hierarchy	The Proposed Development has sought to minimise biodiversity impacts through the retention and refurbishment of Building B1, retention of all existing trees and retention of a small area of modified grassland (G6). Habitat creation measures have been incorporated into the landscape design to enhance biodiversity value and reduce residual impacts.
2. Avoid losing biodiversity that cannot be offset by gains elsewhere	No irreplaceable habitats are present within the Application Site and therefore no irreplaceable habitat losses will occur as a result of the Proposed Development.
3. Be inclusive and equitable	Ongoing discussions between the project team, landscape architects and client have informed the development of the landscape proposals and biodiversity enhancement measures throughout the design process.
4. Address risks	Habitat creation proposals have been assessed using the Statutory Biodiversity Metric, including application of temporal and difficulty risk multipliers. A one-year delay between habitat loss and habitat creation has been incorporated within the assessment.

²⁵ If the Proposed Development needs less than 0.25 biodiversity units (area or linear), the applicant can buy statutory credits without following this step.



Principle	Justification that the principle has been met
5. Make a measurable net gain contribution	The Proposed Development delivers a measurable increase in biodiversity value, resulting in a predicted biodiversity net gain of 7.06% for area habitats and the creation of 0.04 hedgerow units. The residual biodiversity unit deficit will be addressed through purchase of off-site units (where available), enabling the Proposed Development to achieve the statutory requirement for a minimum 10% biodiversity net gain.
6. Achieve the best outcomes for biodiversity	Retention of existing trees, together with the creation of other neutral grassland, ornamental hedgerow planting and additional urban trees, has maximised biodiversity value within the constraints of the site while providing habitat structure and ecological connectivity/stepping stones in an urban area.
7. Be additional	The habitat creation measures proposed as part of the development which contribute to the 7.06% net gain (including other neutral grassland, ornamental hedgerow planting and five new urban trees) are not required as compensation for protected species or other environmental impacts. These measures therefore provide additional biodiversity benefits beyond the baseline condition of the Application Site Proposed Development.
8. Create a net gain legacy	The proposed habitats will be established and managed in accordance with the landscape specification and maintained over the long term, supporting the delivery of lasting biodiversity legacy. If an HMMP is deemed necessary by West Sussex County Council, this will ensure long-term on-site management.
9. Optimise sustainability	The Proposed Development promotes the adaptive reuse and refurbishment of an existing building, reducing the need for demolition and reconstruction. The landscape proposals incorporate new planting, grassland habitats and a sensory garden, which will provide biodiversity benefits whilst also enhancing the Application Site environment for building users and supporting health, wellbeing and outdoor learning opportunities. Additional urban trees are included. These provide a variety of environmental benefits.
10. Be transparent	The assessment has been undertaken using the Statutory Biodiversity Metric and is supported by baseline habitat surveys, condition assessments and landscape proposals. All assumptions, limitations and assessment outcomes are clearly documented within this report.

The Proposed Development has sought to minimise biodiversity impacts through the retention and refurbishment of Building B1, retention of all existing trees and retention of a small area of modified grassland (G6) within the Application Site. The layout and landscape proposals have been carefully developed to maximise the retention of existing ecological features whilst accommodating the operational requirements of the proposed SEND facility.

Where habitat losses cannot be avoided, these are associated with the redevelopment and reconfiguration of external areas required to support the proposed use of the Application Site. To reduce the magnitude of these impacts, the Proposed Development incorporates the creation of other neutral grassland, vegetated garden habitat, ornamental hedgerow planting and five new urban trees. Despite these measures, the Metric identifies a residual biodiversity unit deficit and a medium distinctiveness habitat trading deficit associated with the loss of bramble scrub habitat. These residual impacts will require additional compensation measures, either through further on-site habitat provision or registered off-site biodiversity units, in accordance with the biodiversity gain hierarchy, as set out in Section 5.2 above.



6 Conclusion

The Biodiversity Net Gain Assessment has been undertaken to support the proposed refurbishment and redevelopment of The Pines, Worthing, for use as a Special Educational Needs and Disabilities (SEND) satellite provision for Oak Grove College. The Proposed Development incorporates the retention and refurbishment of Building B1, retention of all existing trees and retention of a small area of modified grassland (G6), together with the creation of new grassland habitats, vegetated garden habitat, ornamental hedgerow planting and five new urban trees.

The Statutory Biodiversity Metric has been used to quantify the biodiversity value of the Application Site and assess the effect of the Proposed Development on biodiversity. The assessment demonstrates that the Proposed Development will result in a net gain of 0.07 area habitat units, equivalent to a biodiversity net gain of 7.06%. In addition, the creation of approximately 0.047 km of non-native and ornamental hedgerow will deliver 0.04 hedgerow units.

Whilst the Proposed Development delivers an overall increase in biodiversity value, it does not currently achieve the statutory requirement for a minimum 10% biodiversity net gain. The Statutory Biodiversity Metric identifies a shortfall of approximately 0.03 area habitat units. Furthermore, the habitat trading rules are not satisfied due to the loss of medium distinctiveness bramble scrub habitat and the absence of replacement habitat within the same broad habitat group.

To achieve compliance with the statutory biodiversity gain objective and satisfy the habitat trading rules, additional biodiversity units will be required through either further on-site habitat provision, registered off-site biodiversity gains or, as a last resort, statutory biodiversity credits. The Credits Calculator within the Statutory Biodiversity Metric identifies a requirement for approximately 0.06 statutory biodiversity credits.

Overall, the Proposed Development demonstrates application of the mitigation hierarchy through retention of existing ecological features and incorporation of biodiversity enhancements within the landscape design. The residual biodiversity deficit will need to be addressed prior to determination of the planning application to ensure compliance with the statutory biodiversity net gain requirements.

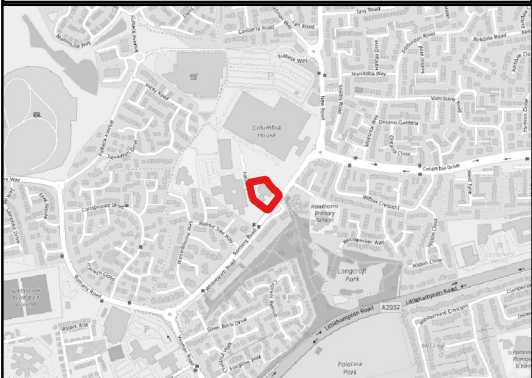


APPENDICES

Appendix A. Proposed Development Plans

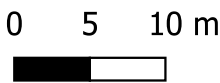
Figure A-1 - Site Boundary Plan





Legend

Red Line Boundary



Original scale: 1:500		Version: 1.0
Base Mapping: Imagery ©2026 Airbus, Maxar Technologies, Map data ©2026, OS Basemap and its contributors ©2026		
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AtkinsRealis UK Limited © Woodcote Grove, Ashley Road, Epsom, KT18 5BW, GB		
Client: West Sussex County Council		
Project: The Pines, Worthing		
Job No: 100115821.010		
Title: Site Location Plan		
Drawn by: JM Date: 24/07/2026	Checked by: NC Date: 11/08/2026	Reviewed by: JB Date: 13/08/2026

Figure A-2 - External Arrangement Plan





DO NOT SCALE

KEY:			
	Existing trees to be retained		New Grassed area <i>Species rich lawn</i>
	Existing trees to be removed		Car Park re-surfacing <i>asphalt wearing course only</i>
	Proposed trees		New Outdoor breakout areas <i>concrete block paving - Type 1</i>
	Proposed hedgerow		New Courtyard/patio areas <i>concrete block paving - Type 2</i>
	Sensory Planting		New Ancillary path <i>concrete block paving - Type 3</i>
	Buffer Planting		Safety surface <i>wetpour rubber crumb surface</i>
	Concrete slab refuse store, ASHP / condenser enclosure, ramps		Minibus parking zone
	Pedestrian safety zone anti-slip coating for asphalt surface		New Raised planters
	Picnic table & bench (under large canopy)		Security fence & gates 2.4m Anticlimb weldmesh
	New Seating		Security fence 0.4m Anticlimb weldmesh
	Internal fence & gates 1.8m weldmesh		Demarcation fence & gate 1.2m Timber palisade

*Refer to drawing PINES-ATR-XX-XX-D-L-461001 for fence & gate details

SAFETY, HEALTH AND ENVIRONMENTAL INFORMATION

In addition to the hazards/risks normally associated with the types of work detailed on this drawing, note the following:

CONSTRUCTION

Refer to designer's risk assessment

MAINTENANCE/CLEANING

Refer to designer's risk assessment

DECOMMISSIONING/DEMOLITION

Refer to designer's risk assessment

It is assumed that all works will be carried out by a competent contractor working, where appropriate, to an approved method statement

Rev.	Date	Description	By	Chk'd	App'd
P01	2026-07-07	Stage 3 Issue	AB	JH	JH

Sustainability		For Information		Status	S2	
Client		West Sussex County Council		Project Title		The Pines SEND School
Scale		1:200		Drawing Title		External Arrangement
Original Size		A1		Drawing Number		PINES-ATR-XX-XX-D-L-401001
Date		2026-07-07		Revision		P01
Designed		AB		Checked		JH
Drawn		AB		Authorised		JH
Date		2026-07-07		Date		2026-07-07
Date		2026-07-07		Date		2026-07-07

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Atkins Project Number: 100115821

Appendix B. Summary of Relevant BNG Legislation

The relevant primary legislation for the statutory framework for BNG is principally set out under Schedule 7A (Biodiversity Gain in England) of the Town and Country Planning Act 1990²⁶, which was inserted into the 1990 Act by Schedule 14 of the Environment Act 2021²⁷. The biodiversity gain objective (the 'biodiversity gain condition') under the statutory framework for BNG is for development to deliver at least a 10% increase in biodiversity value relative to the pre-development biodiversity value of a development site. The increase in biodiversity value can be achieved through on-site biodiversity gains, registered off-site biodiversity gains or statutory biodiversity credits.

The Levelling-up and Regeneration Act 2023²⁸ has amended Schedule 7A of the Town and Country Planning Act 1990:

- Section 135 Biodiversity net gain: pre-development biodiversity value and habitat enhancement.
 - This provides a clause to ensure that habitats assessed for BNG during pre-development calculations are taken at their highest value on site prior to any proposed clearance that could have been undertaken during a previous activity (e.g., a previous planning application). This is to reduce incentives to clear habitats on potential BNG sites or off-site contributions to BNG.

The relevant secondary legislation (BNG regulations) to support the delivery of the statutory framework for BNG is summarised in **Table B-1**.

Table B-1 - Summary of BNG Regulations

Regulation	Summary
The Biodiversity Gain (Town and Country Planning) (Consequential Amendments) Regulations 2024 ²⁹	These regulations make further consequential amendments to existing primary legislation on planning, to integrate the BNG framework. These amendments include the definition of a planning authority under Schedule 7A which sets out the BNG framework.
The Environment Act 2021 (Commencement No. 8 and Transitional Provisions) Regulations 2024 ³⁰	These regulations commence BNG for most types of new planning applications and provides transitional arrangements for section 73 permissions. This includes: ▪ Provision for biodiversity gain as condition of planning permission. ▪ Provision for a register of biodiversity gain sites (the 'biodiversity gain site register'). ▪ Arrangement for the purchase of statutory credits.
The Biodiversity Gain Requirements (Exemptions) Regulations 2024 ³¹	These regulations prescribe exemptions for categories of development to which BNG does not apply. This includes the following: ▪ Householder development. Development which is subject of a householder application as defined within Article 2(1) of the Town and

²⁶ <https://www.legislation.gov.uk/ukpga/1990/8/contents>

²⁷ <https://www.legislation.gov.uk/ukpga/2021/30/schedule/14/enacted>

²⁸ <https://www.legislation.gov.uk/ukpga/2023/55/contents>

²⁹ <https://www.legislation.gov.uk/ukdsi/2024/9780348254419>

³⁰ <https://www.legislation.gov.uk/ukdsi/2024/44/made>

³¹ <https://www.legislation.gov.uk/ukdsi/2024/47/contents/made>



Regulation	Summary
	Country Planning (Development Management Procedure) (England) Order 2015. - Development granted planning permission by a development order under section 59. This includes permitted development rights. - Development subject to the de minimis exemption. Development that does not impact a priority habitat and impacts less than 25 square metres (e.g. 5 m by 5 m) of habitat, or 5 metres of linear habitats such as hedgerows. - Self-build and custom build development. Development which: - consists of no more than 9 dwellings, and - is carried out on a site which has an area no larger than 0.5 hectares, and - consists exclusively of dwellings which are self-build or custom housebuilding as defined in section 1(A1) of the Self-build and Custom Housebuilding Act 2015. - Urgent Crown development granted permission under section 293A Town and Country Planning Act 1990. - Development of a biodiversity gain site. Development which is undertaken solely or mainly for the purpose of fulfilling, in whole or in part, the biodiversity gain condition which applies in relation to another development. - Development related to the high speed railway transport network. Development forming part of, or ancillary to, the high speed railway transport network comprising connections between all or any of the places or parts of the transport network specified in section 1(2) of the High Speed Rail (Preparation) Act 2013.
The Biodiversity Gain (Town and Country Planning) (Modifications and Amendments) (England) Regulations 2024 ³²	These regulations amend the Town and Country Planning (Development Management Procedure) (England) Order 2015 and the Town and Country Planning (Section 62A Applications) (Procedure and Consequential Amendments) Order 2013 to include provisions in respect of applications for planning permission and the submission and determination of Biodiversity Gain Plans, as well as modifications of Schedule 7A of the Town and Country Planning Act 1990 for phased development.
The Biodiversity Gain Requirements (Irreplaceable Habitat) Regulations 2024 ³³	These regulations set out the modifications for irreplaceable habitat. The following habitats are considered to be irreplaceable for BNG metric calculation purposes: - Blanket bog - Lowland fens - Limestone pavements - Coastal sand dunes - Ancient woodland

³² <https://www.legislation.gov.uk/uksi/2024/50/contents/made>

³³ <https://www.legislation.gov.uk/uksi/2024/48/contents/made>

