

CABINET

**COUNCILLOR JONATHAN CANTY
DEVELOPMENT AND ECONOMIC GROWTH
PORTFOLIO HOLDER
REPORT NO. PG2401**

9 JANUARY 2024

KEY DECISION? YES

**BIODIVERSITY SUPPLEMENTARY PLANNING DOCUMENT AND
RUSHMOOR HABITAT BANK**

SUMMARY:

The Environment Act 2021 introduces a new mandatory requirement for new development to provide at least 10% Biodiversity Net Gain (BNG). To support the implementation of this requirement and maximise local BNG delivery, Officers are seeking to establish a 'Habitat Bank' of off-site BNG units. To provide further guidance to applicants, a Biodiversity Supplementary Planning Document and Habitat Bank Procedure Note has been drafted.

RECOMMENDATIONS:

It is recommended that the Cabinet:

1. Approves the adoption of the Biodiversity Supplementary Planning Document and delegates to the Head of Property and Growth, in consultation with the Portfolio Holder for Development and Economic Growth, to make any necessary factual, statutory and/or non-substantive amendments;
2. Approves the collection of a Biodiversity Net Gain monitoring fee and delegates the agreement of the fee charges to the Head of Property and Growth, in consultation with the Portfolio Holder for Development and Economic Growth;
3. Approves the launch of the Rushmoor Habitat Bank and delegates to the Head of Property and Growth, in consultation with the Portfolio Holder for Development and Economic Growth, agreement on the pricing of Biodiversity Net Gain Habitat Units prior to launch;
4. Approves the adoption of the Rushmoor Habitat Bank Procedure Note and delegates to the Head of Property and Growth, in consultation with the Portfolio Holder for Development and Economic Growth, to make any necessary factual, statutory and/or non-substantive amendments.

1. INTRODUCTION

- 1.1. The purpose of this report is to set out how the Council will implement the new mandatory requirement for Biodiversity Net Gain (BNG) on new developments and seek the Cabinet's approval to:
 - adopt the Biodiversity Supplementary Planning Document (SPD),
 - collect a fee to monitor compliance with the new requirement,
 - launch the Rushmoor Habitat Bank, and
 - adopt the Rushmoor Habitat Bank Procedure Note.
- 1.2. This is a key decision because the mandatory requirement and associated guidance will apply to new developments across the Borough. The ecological enhancements delivered through the Rushmoor Habitat Bank will also deliver Borough-wide benefits for communities.

2. BACKGROUND

- 2.1. The Environment Act 2021 sets out a suite of legal requirements which mandate action, under the oversight of the newly formed Office for Environmental Protection (OEP). Part 6 of the Act introduces a new mandatory requirement for new development to provide at least 10% Biodiversity Net Gain (BNG). BNG will be secured through planning condition for all planning permissions granted that exceed a specified de minimus and excluding householder applications. A Biodiversity Metric has been produced by the Department for Environment, Food & Rural Affairs (DEFRA) as a tool to measure BNG. DEFRA will specify the statutory version of this metric for use with all relevant planning applications.
- 2.2. The introduction of the mandatory requirement was expected to come into force on large sites in November 2023, but this has been delayed and is now expected to be required from January 2024 on large sites and from April 2024 on small sites. In addition, the detail on implementation of this requirement has been expected through secondary legislation and guidance, which has also been delayed.
- 2.3. A Biodiversity Metric has been produced by the DEFRA as a tool to measure BNG. DEFRA will specify the statutory version of this metric for use with all relevant planning applications.
- 2.4. Local Planning Authorities are encouraged to translate the statutory requirement into local planning policy/guidance to ensure effective local implementation. This allows the local authority to set what local strategies they require developers to take into account in delivering BNG, such as our Green Infrastructure Strategy and the emerging Local Nature Recovery Strategy (LNRS), for example in targeting offsite BNG delivery and to determine the 'strategic significance' score that is part of the Biodiversity Metric. This means that BNG can contribute to wider nature recovery plans in addition to local objectives. It can help ensure that the right habitats are provided in the right places.

- 2.5. In line with the existing mitigation hierarchy, the Environment Act 2021 requires that measures to avoid and mitigate for adverse impacts on biodiversity are exhausted within the development site boundary before off-site compensation is considered. Where land is not available locally to accommodate off-site habitat provision, Natural England are also establishing a national Biodiversity Credits scheme. This scheme will allow developers to purchase credits of known value which will discharge their BNG duties. The biodiversity gain inherent within these credits will be implemented at a national level.
- 2.6. Local authorities can also use their own land to offer off-site biodiversity units for sale. This has a number of advantages including:
- delivering ecological value on our estates that would otherwise need to be funded through core estates management,
 - offering confidence that proposed ecological enhancements will be effectively delivered and removes risk of costly enforcement action,
 - providing 'off-the-shelf' units for sale to reduce potential delays to the planning process,
 - ensures that off-site BNG can still be delivered locally and reduces the need for use of the national credits.

3. DETAILS OF THE PROPOSAL

Biodiversity Supplementary Planning Document (SPD)

- 3.1. The draft Biodiversity Supplementary Planning Document (SPD) (Appendix 1) provides further guidance to support Policies NE1 (Thames Basin Heaths Special Protection Area) and NE4 (Biodiversity). It will also guide the local implementation of the statutory BNG requirement. The SPD cannot introduce new policies, but it will be a material consideration in planning decisions.
- 3.2. The emphasis of the SPD is on how biodiversity considerations, including Biodiversity Net Gain, should be incorporated into the development process from the outset to ensure that legislation and Local Plan policy requirements are met, and best practice standards are achieved. It includes recommendations that the appropriate professional advice is sought when addressing the requirements of SPD and signposts to how and when to seek professional help throughout.
- 3.3. The SPD sets out the following sequential approach to the provision of Biodiversity Net Gain:
1. Onsite
 2. A combination of partial onsite and off-site solutions within the Borough
 3. Complete off-site provision within the Borough,
 4. Complete off-site provision which is geographically adjacent to the Borough or physically connected to the Borough's ecological network,

5. Complete off-site provision outside of the Borough, with preference given to locations within adjacent Local Authorities, having regards to opportunities to restore and enhance functional green corridors that connect with the Borough,
 6. As a last resort, the Environment Act 2021 allows applicants to purchase Statutory Biodiversity Credits under the national scheme for the purpose of meeting BNG.
- 3.4. The SPD includes a signpost to purchasing off-site BNG units from a Rushmoor Habitat Bank (under step 2 and 3 of the sequential approach). Information on the procedures for purchasing these credits or units will be set out in the Rushmoor Habitat Bank Procedure Note (Appendix 2). More detail on the Habitat Bank and the procedure note is set out later in this report.
- 3.5. A Biodiversity Statement must be submitted with all non-exempt planning applications. Within this, the Council will seek detailed evidence of how this sequential hierarchy approach has been followed and justification for any off-site BNG.
- 3.6. The purchase of Biodiversity Units from the Rushmoor Habitat Bank provides an opportunity for applicants to meet the mandatory requirements and for net gain to be delivered in the Borough, in accordance with this sequential approach. If applicants choose not to purchase these units to provide off-site net gain, or the Council is unable or unwilling to provide the appropriate units, it will be the applicant's responsibility to find a suitable location for the delivery of off-site BNG, in accordance with the sequential approach set out above.
- 3.7. The guidance included in the Supplementary Planning Document can 'hang' off the adopted Rushmoor Local Plan. In relation to BNG, Policy NE4 (Biodiversity) states:

"Development proposals should seek to secure opportunities to enhance biodiversity and include proportionate measures to contribute, where possible, to a net gain in biodiversity, through creation, restoration, enhancement and management of habitats and features, including measures that help to link key habitats."
- 3.8. On this basis, Planning Committee Members and planning officers have been working in accordance with this Policy and a Briefing Note (published April 2022) which seeks officers to adopt a proactive approach in encouraging and securing BNG prior to the introduction of the statutory requirement.
- 3.9. Once the statutory requirement is in force, officers can continue to be proactive and seek to maximise BNG. However, setting a requirement for a higher percentage of BNG (i.e. above 10%) can only be achieved through the preparation of a new Local Plan. Therefore, this will need to be considered in more detail as the new Local Plan is prepared and supporting evidence is collected, particularly on viability.

Monitoring and Compliance

- 3.10. The Environment Act 2021 requires mandatory BNG habitat to be secured for at least 30 years via planning obligation or conservation covenants. It is the responsibility of the developer / person securing the habitat, to ensure and demonstrate delivery of habitat in accordance with the agreed Biodiversity Gain Plan.
- 3.11. The Council will be required to monitor the delivery of the BNG and compliance with the Biodiversity Gain Plan. This will include the need for site visits at set points over the 30 years. Therefore, Officers are proposing that a monitoring fee is introduced. This will apply to delivery of BNG on-site or off-site, apart from where applicants purchase units from the Rushmoor Habitat Bank.
- 3.12. A monitoring calculator is being prepared which will allow applicants to easily determine the scale of the fee. This will be dependent on the size of the biodiversity net gain site and the technical difficulty of the habitats being created.

Rushmoor Habitat Bank

- 3.13. As set out in paragraph 2.5, local authorities can offer off-site BNG units and there are a number of advantages to doing so. Therefore, officers have undertaken preparatory work to establish whether a 'Habitat Bank' of units can be created and offered once the mandatory requirement is in place. This has focussed initially on the Council's three Suitable Alternative Natural Greenspaces (SANG) and a number of urban tree planting locations.
- 3.14. The intention is that the Rushmoor Habitat Bank will be launched and the units will be available for applicants to purchase at the point the mandatory requirement for large sites comes into force. This is expected in January 2024, but the government has not yet published a specific date.
- 3.15. Officers have prepared a Rushmoor Habitat Bank Procedure Note. This supports the Biodiversity Supplementary Planning Document (SPD) and provides clear step by step guidance on how applicants can secure and purchase units from the Bank. It will be kept under review and the availability of units will be monitored regularly to ensure we are proactive in identifying further opportunities for units to be included on other parts of the Council's estate, where suitable.
- 3.16. ACD Environmental Ltd have been commissioned to prepare BNG baseline surveys on the sites to be included in the Habitat Bank. This has identified a suite of ecological habitat enhancement and creation opportunities and will inform the pricing of the Habitat Bank units. The detailed work on the pricing of units is underway and will be available as part of the Procedure Note when published.

- 3.17. Once launched, the availability of Habitat Bank units will be kept under review and Officers will explore the potential for habitat creation and enhancement opportunities on other parks and greenspaces within the Council's ownership.

Consultation

- 3.18. The preparation of the SPD has been undertaken in accordance with Town and Country Planning (Local Planning) (England) Regulations 2012. This has included a public consultation for a period of 6 weeks between 29 August 2023 and 10 October 2023. More information on the consultation, a summary of the main issues raised and how those issues have been addressed in the revised SPD, is set out in the Biodiversity SPD (Regulation 12) Consultation Statement (Appendix 3).
- 3.19. As part of the preparation of the SPD, Officers are required to determine whether the following is required:
- A Strategic Environmental Assessment (SEA) in accordance with the European Directive 2001/42/EC and associated Environmental Assessment of Plans and Programmes Regulations 2004; and
 - An assessment to establish whether there would be any significant effects on European site(s) in accordance with Regulation 61 of the Conservation of Habitats and Species Regulations 2017 (as amended)
- 3.20. The Council prepared a Screening Statement, which provided sufficient information to ascertain whether the SPD is likely to have significant environmental effects. Before making a determination under Regulation 9, the three statutory bodies (Environment Agency, Historic England and Natural England) were consulted between 29th August 2023 and 10th October 2023. The responses received have supported the conclusions of the Screening Statement (i.e. that the SPD is unlikely to have any significant environmental effects and therefore does not require a Strategic Environmental Assessment).
- 3.21. Where the Council determines that a SEA is not required, Regulation 9(3) of the SEA Regulations states that the Council must prepare a statement within 28 days of making its determination (Appendix 4).
- 3.22. Early discussions on options for the implementation of BNG and the scope of the SPD were held at the meeting of the Strategic Housing and Local Plans Group (SHLPG) on 5th July 2023. The draft SPD was shared at the meeting of the SHLPG on 10th August 2023 and endorsed by the Group, including the then Portfolio Holder for Planning and the Economy, prior to public consultation.

Alternative Options

- 3.23. One alternative option is to not adopt a Biodiversity SPD and/or Habitat Bank Procedure Note. However, this would result in a lack of guidance and

clarity on how we are implementing and ensuring compliance with the mandatory requirement. This is also likely to increase the demand on officer time to appropriately guide applicants on how they meet the requirement, the potential to increase issues at validation stage. It also has the potential to increase the need for enforcement and compliance.

- 3.24. The second alternative option would be to not establish or launch a Habitat Bank on Council owned land. However, this could impact on the ability of applicants to secure off-site BNG in accordance with the sequential approach. Given the urban nature of the Borough, there is a risk that a lack of available off-site provision will result in a greater proportion of net gain delivered outside of the Borough, including through the national credits scheme.

4. IMPLICATIONS (of proposed course of action)

Risks

- 4.1. Biodiversity Net Gain measures need to be secure in land tenure and funding for a minimum of 30 years to ensure delivery of BNG in line with statutory obligations. Therefore, the pricing of the Rushmoor Habitat Bank units will need to be based on an assessment based on reasonable assumptions of likely management costs and inflation.

Legal Implications

- 4.2. Applicants will be required to legally secure off-site BNG or significant on-site gains for at least 30 years. The latter can be secured by legal agreement or planning condition. Off-site BNG must be secured by the following legal agreements:
- a planning obligation (section 106) agreement between the landowner and the LPA, where the LPA will be responsible for enforcing the agreement.
 - a conservation covenant agreement between the landowner and a responsible body. The Government has not yet published a list of responsible bodies.
- 4.3. The applicant will be required to meet the reasonable legal costs of the Council in the preparation of any agreement.
- 4.4. The Council will be required to legally secure the BNG units provided on the Rushmoor Habitat Bank. Based on initial discussions, Officers consider that the use of conservation covenants may be the most appropriate. However, this is reliant on the availability of a willing responsible body and based on initial discussions with potential candidates, Officers are concerned that a suitable body will not be available. Therefore, Officers are currently reviewing the recently published regulations and considering the best approach and may seek further legal advice.

Financial and Resource Implications

- 4.5. To support the work required to prepare for the requirement, DEFRA have provided additional burdens funding. However, there has been no information provided on the potential availability of additional funding to deal with the resource implications of implementing this additional requirement. As a result, Officers are proposing that a monitoring fee is charged to fund part of the additional resources required to deliver this requirement.
- 4.6. The delivery of the requirement will also be assisted by the signposting and guidance contained in the SPD and procedure note.

Equalities Impact Implications

- 4.7. There are no equalities impact implications arising from the recommendations.

Other

- 4.8. There are not considered to be any other implications.

5. CONCLUSIONS

- 5.1. The Environment Act 2021 introduces a new mandatory requirement for new development to provide at least 10% Biodiversity Net Gain (BNG). This is due to come into force on large sites in January 2024.
- 5.2. Local Planning Authorities are encouraged to translate the statutory requirement into local planning policy/guidance to ensure effective local implementation. A Biodiversity SPD has been prepared to provide further guidance to support Policies NE1 (Thames Basin Heaths Special Protection Area) and NE4 (Biodiversity) of the Rushmoor Local Plan. It will also guide the local implementation of the statutory BNG requirement, including a sequential approach to enable local delivery of BNG.
- 5.3. The SPD includes a signpost to purchasing off-site BNG units from a Rushmoor Habitat Bank. The purchase of Biodiversity Units from the Rushmoor Habitat Bank provides an opportunity for applicants to meet the mandatory requirements and for net gain to be delivered in the Borough, in accordance with the sequential approach. Information on the procedures for purchasing these credits or units will be set out in the Rushmoor Habitat Bank Procedure Note (Appendix 2).
- 5.4. The Environment Act 2021 requires mandatory BNG habitat to be secured for at least 30 years via planning obligation or conservation covenants. The Council will be required to monitor the delivery of the BNG and compliance with the Biodiversity Gain Plan. Therefore, Officers are proposing that a monitoring fee is introduced.

APPENDICES

- Appendix 1 – Draft Biodiversity Supplementary Planning Document (SPD)
- Appendix 2 – Draft Rushmoor Habitat Bank Procedure Note
- Appendix 3 – Biodiversity Supplementary Planning Document (SPD) (Regulation 12) Consultation Statement
- Appendix 4 – Biodiversity Supplementary Planning Document (SPD) Strategic Environmental Assessment (SEA) and Habitats Regulations Assessment (HRA) Screening Determination Statement

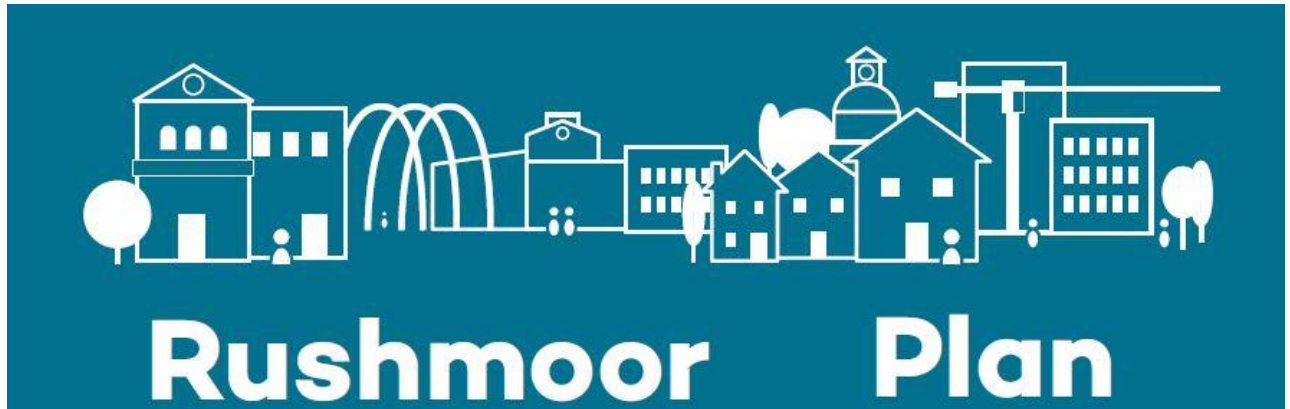
BACKGROUND DOCUMENTS:

There are no background documents.

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DRAFT

Biodiversity

Supplementary Planning Document

[Insert adoption month] 2024

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1. Introduction

What is a Supplementary Planning Document?

- 1.1 A Supplementary Planning Document (SPD) supports national planning policy guidance and elaborates upon policies in the Development Plan, in this instance the [Rushmoor Local Plan 2014-2032](#) (adopted February 2019)¹. SPDs are one of the material considerations that can be taken into account when determining a planning application.
- 1.2 This SPD elaborates upon the following Local Plan policies:
 - Policy NE1 – Thames Basin Heaths Special Protection Area
 - Policy NE4 – Biodiversity
- 1.3 The SPD was subject to six weeks' public consultation between 29th August and 10th October 2023, and it was adopted on [insert date], in line with the decision taken by the Council's Cabinet on [insert date].

What is the Purpose of this SPD?

- 1.4 The purpose of this SPD is to provide further guidance and explain how biodiversity considerations, including Biodiversity Net Gain (BNG), should be incorporated into the development process from the outset to ensure that legislation and Local Plan policy requirements are met, and best practice standards are achieved.
- 1.5 This SPD outlines the principles that will be followed in determining planning applications. However, each case will always be considered on its own merits, taking account of all relevant policies of the Local Plan. The biodiversity considerations identified in this document should be brought together with other site considerations and other design objectives to inform the overall design and layout of development.

What is Biodiversity and Why Does it Matter?

- 1.6 Biodiversity is the variety of plant and animal life which is found in a place. It encompasses the whole range of mammals, birds, reptiles, amphibians, fish, insects and other invertebrates, plants, fungi, and micro-organisms such as protists, bacteria and viruses. It is essential for the processes that support all life on Earth, including humans.
- 1.7 A healthy and abundant biodiversity is vital to support the ecosystems we rely on, including food production through crop pollination and soil nutrients, flood protection through rainfall absorption and the slowing of water flow, and air filtration, through the removal of pollutants and combating climate change. An implication of losing biodiversity is that we will struggle to maintain the ecosystem services needed to sustain life.

What types of development does this Supplementary Planning Document apply to?

- 1.8 The guidance is relevant to all scales of development (including those that require a statutory Environmental Impact Assessment (EIA)) although it is recognised that not all the requirements will be relevant to every type of proposal. The council will seek information

¹ <https://www.rushmoor.gov.uk/rushmoorlocalplan>

proportionate to the scale of the development proposed and the extent to which it is likely to impact upon the natural environment (for example, development adjacent to designated habitats will generally require a greater level of information). It is recognised that household applications and small-scale proposals will usually have more limited impacts upon the natural environment.

Structure and Contents of the Supplementary Planning Document

- 1.9 The SPD sets out the guidance and good practice for all stages of the planning and development process and is structured as follows:
- The planning policy and legislative context (chapter 2)
 - Information on Biodiversity within the Borough (chapter 3)
 - Advice on meeting the mandatory Biodiversity Net Gain requirement (chapter 4)
 - Advice on how proposals should take account of biodiversity, including the mandatory Biodiversity Net Gain requirement, at each stage of the planning process (chapter 5)

Professional Advice

- 1.10 It is recommended that appropriate professional advice is sought when addressing the requirements of this SPD. A list of locally-based appropriately qualified ecological consultants can be found within the Professional Directory of the Chartered Institute of Ecology and Environmental Management (CIEEM) (www.cieem.net). More information on securing appropriate ecological advice is set out in Appendix 2.
- 1.11 Applicants should liaise with the Council and Hampshire County Council's archaeological advisers, as appropriate, when considering proposals that impact on the historic environment.

2. Policy and Legislation

Legislation

- 2.1 There is a wide variety of legislation and policy provision relating to biodiversity from an international level through to a local level. Applicants must demonstrate that proposals are compliant with all relevant legislation regarding the protection of wildlife and habitats and should ensure that they receive the necessary professional advice to be able to do so. Key legislation is summarised in Table 1.

Table 1 – Summary of Relevant Legislation

Legislation	Key Information
Environment Act 2021 ²	<p>Enacted in November 2021 with a target to halt a decline in the abundance of species. Schedule 14 makes provision for biodiversity gain to be a condition of planning permission setting out key requirements in relation to biodiversity and development management through amendments to the Town and Country Planning Act 1990 including:</p> <ul style="list-style-type: none"> • mandatory delivery of minimum 10% Biodiversity Net Gain (BNG) above the pre-development value of the site unless exempt; • biodiversity value and BNG to be measured using the statutory (official) version of the biodiversity metric tool (see important note in box on page 9) by a suitably qualified and experienced ecologist; • submission of a Biodiversity Gain Plan³ as a condition of planning permission; • BNG to be provided on-site, off-site or through a statutory biodiversity credit scheme; • habitat secured for at least 30 years via planning obligations or conservation covenants. <p>The requirements for BNG are due to become mandatory in January 2024.</p> <p>The relevant biodiversity net gain regulations most directly relevant to planning are:</p> <ul style="list-style-type: none"> • The Environment Act 2021 (Commencement No. 8 and Transitional Provisions) Regulations [2024] which commence biodiversity net gain for most types of new planning applications and provides transitional arrangements for section 73 permissions. • The Biodiversity Gain Requirements (Exemptions) Regulations [2024]⁴ [Draft Statutory Instrument] which prescribe exemptions

² <https://www.legislation.gov.uk/ukpga/2021/30/contents/enacted>

³ <https://www.gov.uk/government/publications/biodiversity-gain-plan>

⁴ <https://www.gov.uk/government/publications/the-biodiversity-gain-requirements-exemptions-regulations-2024>

Legislation	Key Information
	<p>for categories of development to which biodiversity net gain does not apply.</p> <ul style="list-style-type: none"> • The Biodiversity Gain (Town and Country Planning) (Modifications and Amendments) (England) Regulations [2024]⁵ [Draft Statutory Instrument] which 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 related to planning applications and the Biodiversity Gain Plan, as well as modifications for phased development. • The Biodiversity Gain Requirements (Irreplaceable Habitat) Regulations [2024]⁶ [Draft Statutory Instrument] which set out the modifications for irreplaceable habitat. <p>In addition, there are regulations for the Biodiversity Gain Site Register⁷ established under section 100 of the Environment Act 2021 for registered offsite biodiversity gains.</p> <p>Draft BNG guidance based on the regulations has also been published. This Planning Practice Guidance will come into force once regulations have passed through parliament.</p>
Natural Environment and Rural Communities Act 2006 ⁸	<p>Section 40 (as amended by the Environment Act) places a duty on public bodies in England to conserve and enhance biodiversity. It requires local authorities to have regard to the purpose of conserving and enhancing biodiversity in a manner that is consistent with the exercise of their normal functions such as policy and decision making. Section 41 requires the Secretary of State to publish and maintain lists of species and types of habitats to be of "principal importance" for the purposes of conserving biodiversity, known as Priority habitats and species.</p>
Wildlife and Countryside Act 1981 (as amended) ⁹	<p>The primary mechanism for the protection of all wildlife in the UK and includes schedules that set out those species with additional levels of protection. It also provides the basis for the identification of sites of national importance for nature conservation, Sites of Special Scientific Interest.</p>

⁵ <https://www.gov.uk/government/publications/the-biodiversity-gain-town-and-country-planning-modifications-and-amendments-england-regulations-2024>

⁶ <https://www.gov.uk/government/publications/the-biodiversity-gain-requirements-irreplaceable-habitat-regulations-2024>

⁷ <http://www.gov.uk/government/publications/the-biodiversity-gain-site-register-regulations-2024>

⁸ <https://www.legislation.gov.uk/ukpga/2006/16/contents>

⁹ <https://www.legislation.gov.uk/ukpga/1981/69/contents>

Legislation	Key Information
Conservation of Habitats and Species Regulations 2017 (as amended) ¹⁰	Often referred to as the Habitats Regulations, these provide protection for designated sites, habitats and species considered to be of international importance, including the designation of Special Areas of Conservation (SACs) and Special Protection Areas (SPAs) Sites and European Protected Species.
Protection of Badgers Act 1992 ¹¹	This Act refers specifically to Badgers, making it an offence to kill, injure or take a Badger, or to damage or interfere with a sett or disturb a badger while it is occupying a sett, unless a licence is obtained from a statutory authority.
Hedgerow Regulations 1997 ¹²	These Regulations provide a framework for the identification of protected hedgerows with importance for wildlife, landscape and heritage. For projects that do not require planning consent, the requirements of the Regulations need to be met to permit the removal of any hedgerow or hedgerow section, except if it forms a curtilage to a property.
Crime and Disorder Act 1998 ¹³	Section 17 states that all relevant authorities, including city, town and parish councils, have a duty to consider the impact of all their functions and decisions on crime and disorder in their local area. To prevent wildlife crime, planning decisions, including permitted development and listed building consents, need to consider how to avoid any action which contravenes current legislation governing the protection of wild animals and plants.
Levelling Up and Regeneration Act ¹⁴	The LURA paves the way for a number of reforms to the planning system, including new requirements for the preparation of Local Plans and Supplementary Plans. The Act states that Local Plans and Supplementary Plans must take account of any local nature recovery strategy that relates to all or part of the local planning authority's area, including: <ul style="list-style-type: none"> • areas identified of particular importance for biodiversity, • areas where the recovery or enhancement of biodiversity could make a particular contribution to other environmental benefits, • priorities set out in the strategy for recovering or enhancing biodiversity, and • the proposals set out in the strategy as to potential measures relating to those priorities.

¹⁰ <https://www.legislation.gov.uk/ukxi/2017/1012/contents/made>

¹¹ <https://www.legislation.gov.uk/ukpga/1992/51/contents>

¹² <https://www.legislation.gov.uk/ukxi/1997/1160/contents/made>

¹³ <https://www.legislation.gov.uk/ukpga/1998/37/contents>

¹⁴ <https://www.legislation.gov.uk/ukpga/2023/55/contents/enacted>

Statutory Biodiversity Metric

To prove you have accurately calculated the number of biodiversity units for existing habitat, or habitat enhancements to achieve BNG, you must use the calculator called the statutory biodiversity metric tool. This accurately applies the statutory (official) biodiversity metric formula.

A statutory (official) version of the biodiversity metric tool is available from <https://www.gov.uk/government/publications/statutory-biodiversity-metric-tools-and-guides>

Applicants must use the statutory version of the tool when BNG becomes mandatory. Do not use previous versions as these calculations will not be accepted in planning applications.

National and Regional Policy Context

- 2.2 The [National Planning Policy Framework](#)¹⁵ (NPPF) sets out broad principles, which councils must take into consideration when deciding whether to grant planning permission. Chapter 15 sets out the Government's objectives with regards to 'Conserving and Enhancing the Natural Environment', including through protecting and enhancing valued landscapes and sites of biodiversity or geological value; recognising the intrinsic character and beauty of the countryside; and minimising impacts on and providing net gains for biodiversity.
- 2.3 National guidance to support the NPPF is published online in the form of [Planning Policy Guidance](#)¹⁶, including links to [Natural England's standing advice](#)¹⁷ on protected sites and species.
- 2.4 [Government Circular 06/2005](#)¹⁸ provides further guidance on the law relating to planning and nature conservation. It clarifies the need for information submitted in support of planning applications to be sufficient to provide LPAs with certainty of likely impacts including whether mitigation measures can be secured, prior to determination. It gives weight to the conservation of biodiversity within the planning process to avoid decisions being challenged.
- 2.5 Natural England launched a [Green Infrastructure Framework](#)¹⁹ in January 2023. The Green Infrastructure Framework is a commitment in the Government's 25 Year Environment Plan. It supports the greening of our towns and cities and connections with the surrounding landscape as part of the Nature Recovery Network.
- 2.6 The approach to mitigation set out in South East Plan Policy NRM6 is further detailed in the [Thames Basin Heaths Special Protection Area Delivery Framework \(2009\)](#)²⁰. This was endorsed by the Thames Basin Heaths Joint Strategic Partnership Board (JSPB) in 2011 and informs the approach followed by local authorities affected by the SPA.

¹⁵ <https://www.gov.uk/government/publications/national-planning-policy-framework--2>

¹⁶ <https://www.gov.uk/government/collections/planning-practice-guidance>

¹⁷ <https://www.gov.uk/guidance/protected-species-how-to-review-planning-applications>

¹⁸ <https://www.gov.uk/government/publications/biodiversity-and-geological-conservation-circular-06-2005>

¹⁹ <https://designatedsites.naturalengland.org.uk/GreenInfrastructure/Home.aspx>

²⁰ <https://www.rushmoor.gov.uk/media/g2xfm2g2/thames-basin-heaths-special-protection-area-delivery-framework.pdf>

- 2.7 Within 400m of the SPA the impact of new residential development is considered likely to be such that it is not possible to conclude no adverse effect on the SPA regardless of mitigation. On this basis, there is a presumption against development within this zone.
- 2.8 The Delivery Framework provides a recommended approach to the provision of measures in respect of sites between 400m and 5km from the SPA to avoid an in-combination likely significant effect and/or adverse effects on the integrity of the SPA. The strategy advocates the provision of Suitable Alternative Natural Greenspace (SANG) to attract visitors away from the SPA to less sensitive natural areas, and Strategic Access Management and Monitoring (SAMM) measures, including funding for a team of rangers to educate users of the SPA, and the public in general, regarding the need to control dogs and avoid disturbing the nesting birds.
- 2.9 The Council has published an [Avoidance and Mitigation Strategy](#)²¹ that enables residential development to take place in Rushmoor, which the special protection area legislation would otherwise prevent.

Local Policy Context

- 2.10 The [Rushmoor Local Plan](#)²² includes a 'vision' of how the Borough might look once the Local Plan policies have been implemented and includes the following vision relating to the Borough's environment:
- "Rushmoor's environmental assets, both natural and man-made, provide a sustainable environment for present and future generations (healthy, green, open). This includes the parks of Aldershot and Farnborough and other green infrastructure, such as the Suitable Alternative Natural Greenspaces (which help to deflect recreational pressures away from internationally important heathlands) and important watercourses in the Borough, specifically the Blackwater River, Basingstoke Canal and Cove Brook (green, open, great places to go, lots to do)."*
- 2.11 The adopted Local Plan also includes the following objective to:
- "To conserve and enhance the Borough's built, historic and natural environment, including heritage assets, areas of ecological value and the water environment."*
- 2.12 This SPD seeks to assist in the delivery of these objectives by providing further detail to support the implementation of the following Local Plan policies:
- Policy NE1 – Thames Basin Heaths Special Protection Area
 - Policy NE4 - Biodiversity
- 2.13 The SPD should also be read in conjunction with the council's other planning policy documents. These are available on the Council's website at www.rushmoor.gov.uk/planningpolicy

²¹ <https://www.rushmoor.gov.uk/media/2fvbfgju/tbh-ams-2023.pdf>

²² <https://www.rushmoor.gov.uk/rushmoorlocalplan>

Local Strategies

2.14 There are a number of strategies which are relevant to the requirements set out in this SPD.

Table 2 – Summary of Relevant Local Strategies

Strategy	Relevant Information
Local Nature Recovery Strategies (LNRS) ²³	Local Nature Recovery Strategies (LNRS) are spatial strategies that will establish priorities and map proposals for specific actions to drive nature's recovery and provide wider environmental benefits. In July 2023, The Secretary of State for Environment, Farming and Rural Affairs appointed Hampshire County Council as the 'responsible body' to prepare the LNRS for Hampshire. It is expected that the Hampshire LNRS will be submitted to DEFRA in December 2024. More information on the relationship between LNRS and Biodiversity Net Gain is set out in chapter 4 below.
Thames Basin Heaths Special Protection Area Avoidance and Mitigation Strategy ²⁴	The Avoidance and Mitigation Strategy sets out the approach that the Council will follow to seek to avoid harm on the Special Protection Area arising from additional residential development.
Green Infrastructure Strategy ²⁵	This Strategy identifies the valuable Green Infrastructure in and around the Borough, seek to protect, harness and sustain the benefits it provides, and identify opportunities to enhance what we have.
Biodiversity Opportunity Areas Hampshire Biodiversity Information Centre ²⁶	Targeted landscape-scale approach to conserving biodiversity within Hampshire. They identify opportunities for habitat creation and restoration where such actions will have the greatest positive impact for wildlife. See Table 3 below for further information.

Best Practice

2.15 The Council advises that applications follow the relevant British Standards, including Biodiversity - Code of practice for planning and development (BS42020) and Process for designing and implementing Biodiversity Net Gain (BS8683). BS42020 gives recommendations and provides guidance primarily for ensuring that actions and decisions taken at each stage of the planning process are informed by sufficient and appropriate ecological information. BS8683 builds on BS42020 and sets out a process for implementing biodiversity net gain (BNG) at all stages of the planning process.

²³ <https://www.hants.gov.uk/landplanningandenvironment/nature-recovery-hampshire/hampshire-strategy>

²⁴ <https://www.rushmoor.gov.uk/media/2fvbfgju/tbh-ams-2023.pdf>

²⁵ <https://www.rushmoor.gov.uk/planning-and-building-control/planning-policies/green-infrastructure-strategy/>

²⁶

<http://www.hants.gov.uk/landplanningandenvironment/environment/biodiversity/informationcentre/information#step-6>

- 2.16 Surveys and data submitted in support of applications should be undertaken in accordance with industry best practice. More information is provided in Appendix 2.

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3. The Borough's Biodiversity Resource

- 3.1 This section identifies and summarises designated sites, and provides an overview of legally protected, notable and Priority habitats and species, which need to be identified, protected and enhanced throughout the design and development process (inclusive of direct and indirect impacts). All such sites and species are material to planning decisions.
- 3.2 The table below provides a summary and maps are provided below to show the location of designated sites in and around the Borough. Further information on internationally and nationally statutory designated sites can be obtained through the [Multi-Agency Geographic Information for the Countryside \(MAGIC\) Map](#)²⁷, including boundaries and links to site descriptions. Information on locally designated sites is available via [Rushmoor Local Plan Online Maps](#) and [Hampshire Biodiversity Information Centre](#)²⁸

Table 3 – Summary of Rushmoor's Biodiversity Resource

Designation/Species/ Habitats	Key Information
Internationally Designated Statutory Nature Conservation Sites	<p>Special Protection Areas (SPA) and Special Areas of Conservation (SAC) are sites of international importance which form the UK's national site network protected by The Conservation of Habitats and Species Regulations 2017 (as amended) (the Habitats Regulations). Ramsar Sites are wetlands of international importance that have been designated under the criteria of the international Ramsar Convention on Wetlands; these are also protected under the Habitats Regulations. Collectively, these sites are now known as Habitats Sites as defined by the NPPF. There is one Habitats site located within Rushmoor Borough: Thames Basin Heaths Special Protection Area²⁹</p> <p>There are a number of Habitats sites around the Borough and therefore any potential impacts of certain types of development may need to be considered. More information is available in the Local Plan Habitats Regulations Assessment³⁰.</p> <p>These sites have the strongest level of protection in planning under The Conservation of Habitats and Species Regulations 2017 which restricts the granting of planning permission for development which is likely to have a significant effect on an SPA or SAC. The approach to applications in relation to the Thames Basin Heaths Special Protection Area is set out in Local Plan Policy NE1 (Thames Basin Heaths Special Protection Area) and further guidance is available in the Avoidance and Mitigation Strategy³¹.</p>

²⁷ <https://magic.defra.gov.uk/MagicMap.aspx>

²⁸ <https://rushmoorcouncil.sharepoint.com/sites/CorporatePlanning/PolicyAndConservation/SPDs, Guidance and Strategies/Biodiversity SPD>

2023/experience.arcgis.com/experience/eb76b6189b774d30b6bdc42e34ff678f

²⁹ <https://jncc.gov.uk/jncc-assets/SPA-N2K/UK9012141.pdf>

³⁰ https://www.rushmoor.gov.uk/media/wrznaddk/habitats_reg_assessment_2017_-_final.pdf

³¹ <https://www.rushmoor.gov.uk/spa>

Designation/Species/ Habitats	Key Information
Other Statutory Nature Conservation Sites Sites of Special Scientific Interest (SSSI)	<p>Sites of Special Scientific Interest (SSSI) are designated due to the special interest of their flora, fauna, geological, geomorphological or physiographical features. The five Sites of Special Scientific Interest (SSSI) within the Borough area:</p> <ul style="list-style-type: none"> • Bourley and Long Valley SSSI • Castle Bottom to Yateley and Hawley Meadows SSSI • Eelmoor Marsh SSSI • Foxlease and Ancells Meadows SSSI • Basingstoke Canal SSSI <p>More information on SSSIs is available via the Multi-Agency Geographic Information for the Countryside (MAGIC) Map</p>
Other Statutory Nature Conservation Sites Local Nature Reserves	<p>Local Nature Reserves (LNR) are statutorily protected local sites, designated by local authorities for their special natural interest, educational value and the access to nature that they offer. There is one Local Nature Reserve located within the Borough area³²:</p> <p>Rowhill Copse Local Nature Reserve³³</p>
Locally Designated Non-Statutory Sites Sites of Importance for Nature Conservation	<p>Local Wildlife Sites, also known as Sites of Importance for Nature Conservation in Hampshire, are sites of County Importance for wildlife. Rushmoor has 38 Sites of Importance for Nature Conservation (SINCs), formally selected by panel for their important habitats and species. The location of SINCs are available on Rushmoor Local Plan Online Maps³⁴ and more information on SINCs is available from the Hampshire Biodiversity Information Centre³⁵.</p>
Locally Designated Non-Statutory Sites Road Verges of Ecological Importance (RVEI)	<p>Rushmoor Borough has two Road Verges of Ecological Importance (RVEI)³⁶, a Hampshire-wide non-statutory wildlife conservation designation designed to identify and appropriately manage wildlife-rich road verges. Both RVEIs in Rushmoor Borough are owned and managed by the MoD and have been selected for their botanical interest. More information on RVEI is available from Hampshire Biodiversity Information Centre³⁷.</p>

³² Rowhill Copse Local Nature Reserve, owned by Rushmoor Borough Council, is on the southern edge of Aldershot but is primarily within Surrey.

³³ <https://www.rushmoor.gov.uk/rowhillnaturereserve>

³⁴ <https://www.rushmoor.gov.uk/planning-and-building-control/planning-policies/the-rushmoor-local-plan/local-plan-policies-map/>

³⁵ www.hants.gov.uk/landplanningandenvironment/environment/biodiversity/informationcentre/sincs

³⁶ Shoe Lane, Aldershot (east side of Shoe Lane, south-west corner of the Army Golf Course) and A325 Slip to Alison's Road (South side of road on corner with Farnborough Road).

³⁷ www.hants.gov.uk/landplanningandenvironment/environment/biodiversity/informationcentre/roadverges

Designation/Species/ Habitats	Key Information
Protected Species	<p>These species are protected by law. The presence of legally protected species and the extent to which they could be impacted is a material consideration in the determination of planning applications. Populations of many species are dynamic, therefore existing records can only be used as a guide to likely presence and should be tested by appropriate field survey work based on current best practice, including expiration of validity. Local records of protected species are available from the Hampshire Biodiversity Record Centre.</p>
Priority Species	<p>Priority species are those identified as being the most threatened and in need of conservation action. They are included within the Section 41 list prepared under the Natural Environment and Rural Communities Act (Annex 3 – Table 3.1)</p> <p>Hampshire Biodiversity Record Centre provides records of Priority Species within its data search.³⁸</p>
Notable Species	<p>The term “notable” has a specific meaning relating to assessing and monitoring the distribution of species and is typically used to understand distribution trends with the use of additional criteria e.g., Red Data Book (Red List), providing status in a global or national context, and alongside the International Union for Conservation of Nature (IUCN) rarity levels. Notable habitats and species are not legally protected but are considered to be of local importance and conservation concern of relevance for biodiversity consideration.</p> <p>Local records of protected species are available from the Hampshire Biodiversity Record Centre.</p>
Priority Habitats	<p>Priority habitats are those identified as being the most threatened and therefore in need of conservation action and are of principal importance for the conservation of biodiversity. These are included within the Section 41 list prepared under the Natural Environment and Rural Communities Act. (See Annex 3 – Table 3.3)</p> <p>Natural England maintains inventories of Priority habitats, which can be viewed on the Multi-Agency Geographic Information for the Countryside³⁹ map. These inventories should only be viewed as provisional, with the presence or absence of Priority habitats to be confirmed by up-to-date field survey results, with reference to the published UK Priority habitat descriptions.</p>

³⁸

<https://www.hants.gov.uk/landplanningandenvironment/environment/biodiversity/informationcentre/requestdatasetsearch>

³⁹ <https://magic.defra.gov.uk/MagicMap.aspx>

Designation/Species/ Habitats	Key Information
Rare Species Inventory	<p>The nature conservation status of species has been determined by the assessment of populations against threat and rarity criteria, often at local, national and international levels. Species with higher rarity and threat status are generally known as Red List species. Swift, greenfinch and house martin were added to Red Lists in December 2021. The Hampshire Biodiversity Record Centre maintains the Hampshire Rare Species Inventory, which includes all national Red List species along with those that are considered rare in Hampshire according to stated criteria.</p>
Irreplaceable Habitats	<p>Paragraph 175 of the NPPF (2018)⁴⁰ includes a presumption against development that would result in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) unless there are wholly exceptional reasons, and a suitable compensation strategy exists.</p> <p>Natural England have published an BNG irreplaceable habitats list to support the launch of mandatory BNG, ahead of a public consultation on a broader definition of irreplaceable habitat in 2024. This list has also been set out in the draft regulations (The Biodiversity Gain Requirements (Irreplaceable Habitat) Regulations [2024]⁴¹ [Draft Statutory Instrument]).</p> <p>For now, in mandatory BNG, the list of habitats will be:</p> <ul style="list-style-type: none"> • Ancient woodland • Ancient and veteran trees • Blanket bog • Limestone pavements • Coastal sand dunes • Spartina saltmarsh swards • Mediterranean saltmarsh scrub • Lowland fens

⁴⁰ <https://www.gov.uk/guidance/national-planning-policy-framework/15-conserving-and-enhancing-the-natural-environment>

⁴¹ <https://www.gov.uk/government/publications/the-biodiversity-gain-requirements-irreplaceable-habitat-regulations-2024>

Designation/Species/ Habitats	Key Information
Invasive non-native species	<p>Vigorous or invasive non-native plant species can impact negatively upon biodiversity by out-competing native flora, limiting the available feeding and cover areas and becoming monocultural habitat.</p> <p>Landscaping schemes should look to avoid invasive non-native species listed and known to be a local problem, opting to include locally appropriate and beneficial species of biodiversity value.</p> <p>Terrestrial species of particular concern include Cotoneaster species, Japanese Knotweed (<i>Fallopia japonica</i>), Indian Balsam (<i>Impatiens glandulifera</i>) and Giant Hogweed (<i>Heracleum mantegazzianum</i>). More information is available on the webpages of the GB Non-native Species Secretariat⁴².</p> <p>It is an offence to spread, or cause to grow, certain plant species listed on Schedule 9 of the Wildlife and Countryside Act, 1981 as amended⁴³. It should be noted that where proposals could result in the spread of non-native invasive plant species, suitable measures will need to be agreed and/or undertaken to control them.</p>
Biodiversity Opportunity Areas (BOAs)	<p>Biodiversity Opportunity Areas (BOAs) have been identified across South-East England to provide a landscape-scale framework for delivering the maintenance, restoration and creation of wildlife habitats. Their purpose is to identify areas where there is the most potential for improving biodiversity and subsequently serve as a focus for where conservation effort and resources can have the greatest benefit.</p> <p>Key BOAs of relevance within Rushmoor Borough are as follows:</p> <ul style="list-style-type: none"> • BOA no. 13 – Blackwater Valley • BOA no. 37 – Thames Basin Heaths & Plantations <p>More information is available from the Hampshire Biodiversity Information Centre⁴⁴</p>
Ecological Network Mapping	<p>An Ecological Network Map within the Borough has been produced by the Hampshire Biodiversity Information Centre (HBIC) on behalf of the Hampshire Local Nature Partnership (LNP). It consists of areas identified as being suitable for habitat creation based on habitat mapping for the county and other factors such as geology, hydrology and topography. More information is available from the Hampshire Biodiversity Information Centre⁴⁵</p>

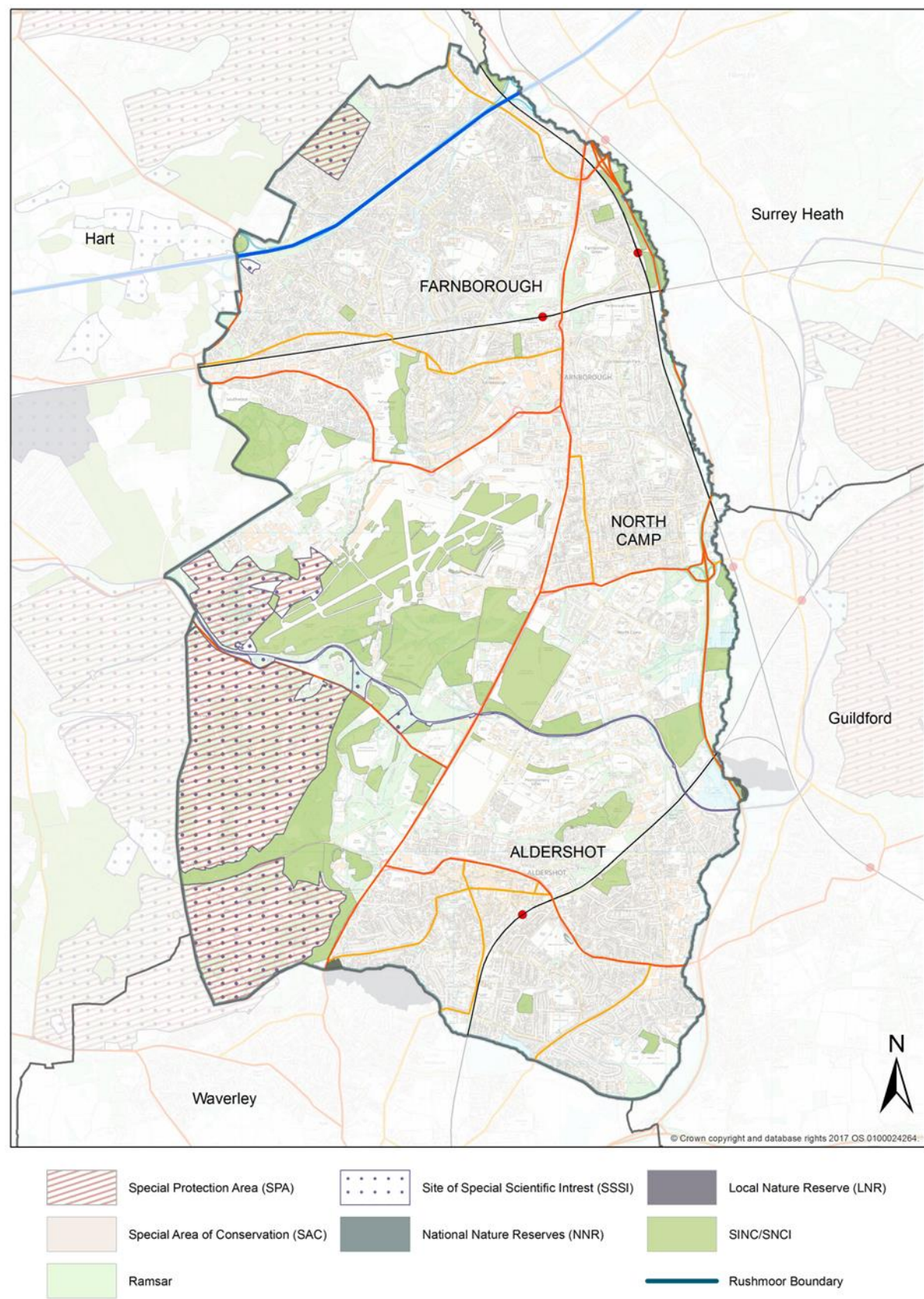
⁴² <https://www.nonnativespecies.org/home/index.cfm>

⁴³ <https://www.legislation.gov.uk/ukpga/1981/69/contents>

⁴⁴ www.hants.gov.uk/landplanningandenvironment/environment/biodiversity/informationcentre/information#step-6

⁴⁵ www.hants.gov.uk/landplanningandenvironment/environment/biodiversity/informationcentre/information#step-7

Map 1 – Designated Sites



4. Biodiversity Net Gain

What is Biodiversity Net Gain (BNG)?

- 4.1 Biodiversity Net Gain (BNG) is an approach to development that aims to leave biodiversity in a measurably better state than it was beforehand. Where a development will have an impact on biodiversity, developers need to provide an increase in appropriate natural habitat and ecological features over and above that being affected. This can be achieved through the creation of new habitats or by enhancing existing natural habitats.
- 4.2 To achieve BNG, developments should seek to:
- Value the environment in decision-making,
 - Leave the environment in a better state than they found it,
 - Create more habitat for wildlife.
- 4.3 The idea behind BNG is that developers will have to quantify their proposed development's anticipated impact on biodiversity as part of their planning application. They will be required to identify, and subsequently fund, a long-term plan that can deliver at least a 10% improvement to the biodiversity of the site's habitats, either on-site, or, if this cannot be achieved partially or entirely, they must do so off-site.
- 4.4 Biodiversity Net Gain is not intended to address the potential impacts of a development on protected species. All proposed development sites should still be subject to protected species surveys, as advised by a suitably qualified ecologist, in line with best practice survey methodologies. Proposals for BNG provision should have regards to the results of these protected species surveys. Where specific protected species impact avoidance and mitigation measures are proposed, these measures should be incorporated within the BNG habitat provision.

Relationship between BNG and the Mitigation Hierarchy

- 4.5 Development proposals must comply with relevant planning policies requiring the protection and enhancement of ecological features such as trees, hedgerows and streams within the application site boundary, and incorporate green infrastructure and open space within development design. In accordance with paragraph 180a of the NPPF, proposals must also follow the 'mitigation hierarchy' which seeks to limit the negative impacts of development on biodiversity from the outset.
- 4.6 The mitigation hierarchy requires that avoidance of harm to biodiversity must always be sought in the first instance. Development design should be an iterative process that takes account of the need to deliver BNG and incorporates this within site design. Development design should be adjusted to avoid adverse impacts to habitats wherever possible. Planning applications should provide evidence that the development has sought to avoid adverse impacts. Where avoidance of harm is demonstrated to not be possible, minimisation of the negative impact of the development should be sought, followed by restoration where negative impacts cannot be avoided or minimised. As a last resort, offsetting of the negative impacts through compensation must be provided.

- 4.7 The need to provide BNG does not override the various existing statutory legal and policy protections in place for designated (protected) sites, protected or priority species and the habitats that support them, and irreplaceable or priority habitats. Therefore, it is important to note that the requirement for BNG is in addition to adherence to the mitigation hierarchy as shown in Figure 1 below.

Figure 1 – The Relationship between the Mitigation Hierarchy and BNG

Positive +					Net Gain
Negative -	Impact on Biodiversity	Residual Impact on Biodiversity	Residual Impact on Biodiversity	Residual Impact on Biodiversity	Offset
				Restore	Restore
			Minimise	Minimise	Minimise
		Avoid	Avoid	Avoid	Avoid
Step 1 → Step 2 → Step 3 → Step 4					

- 4.8 The potential impact of new development on a protected site or species and priority habitats inside or outside the development site boundary has to be considered in the usual way in accordance with statutory obligations. Compensation and mitigation needed to comply with legislation in connection with designated sites, protected or priority species and priority habitats are unlikely to contribute towards BNG. BNG is required in addition to any mitigation/compensatory measures required for these features.

BNG and Irreplaceable Habitats and Protected Species

- 4.9 Natural England have published an BNG irreplaceable habitats list to support the launch of mandatory BNG, ahead of a public consultation on a broader definition of irreplaceable habitat in 2024. This list has also been set out in the draft regulations ([The Biodiversity Gain Requirements \(Irreplaceable Habitat\) Regulations \[2024\]](https://www.gov.uk/government/publications/the-biodiversity-gain-requirements-irreplaceable-habitat-regulations-2024))⁴⁶ [Draft Statutory Instrument]].
- 4.10 For now, in mandatory BNG, the list of habitats will be:

- Ancient woodland
- Ancient and veteran trees

⁴⁶ <https://www.gov.uk/government/publications/the-biodiversity-gain-requirements-irreplaceable-habitat-regulations-2024>

- Blanket bog
 - Limestone pavements
 - Coastal sand dunes
 - Spartina saltmarsh swards
 - Mediterranean saltmarsh scrub
 - Lowland fens
- 4.11 Irreplaceable habitats have significant protection in the National Planning Policy Framework. Impacts on these habitats from development require a strong justification. BNG will strengthen these protections further. For BNG purposes, the 10% net gain requirement is not applied to irreplaceable habitats, as they are so valuable, they cannot be easily recreated.
- 4.12 Irreplaceable habitats must still be recorded in the biodiversity metric, but any impacts to these habitats will flag as unacceptable and requiring bespoke compensation to be agreed with the planning authority. If there are no impacts, enhancement of irreplaceable habitats can contribute to towards a developments BNG requirement.
- 4.13 Development cannot provide BNG to compensate for any losses or impacts to internationally and nationally designated sites. However, internationally and nationally designated sites (such as SPAs/SACs, SSSIs NNRs and LNRs) and irreplaceable habitats may potentially be used for off-site BNG providing the net gain is appropriate, suitable and accords with the conservation objectives of those sites. However, it should be noted that the Government intends to produce further guidance on the circumstances in which these wildlife sites can be used for BNG. BNG on these sites is likely to be harder to achieve due to the existing high ecological baseline.
- 4.14 There is potential for stacking of environmental benefits particularly where development requires mitigation for protected species or to achieve nutrient neutrality as examples. However, early consultation with Natural England and the Council's Ecologist strongly advised that where stacking of environmental benefits is proposed, it must be ensured that there is no impermissible double counting involved.
- 4.15 Locally protected non-statutory sites such as Sites of Importance for Nature Conservation (SINCs) and Country Parks can be used for off-site BNG, subject to the requirement to demonstrate measurable additional biodiversity net gain above the elevated existing baseline of these sites.
- 4.16 A thorough understanding of a proposed development site's habitat, the presence of protected and priority species, and the potential impacts arising from proposed development, including on biodiversity outside the application site is needed. As ecological expertise will be required, it is suggested that applicants enlist the help of a suitably qualified ecologist such as those listed under the directory on the Chartered Institute of Ecology and Environmental Management (CIEEM) to undertake this task.

Which Planning Applications Will Biodiversity Net Gain Apply to

- 4.17 From January 2024 [exact date to be confirmed by Government], a Biodiversity Net Gain will be required on developments in the Town and Country Planning Act 1990, unless exempt.

4.18 This does not apply to:

- retrospective planning permissions made under section 73A; and
- section 73 permissions where the original permission which the section 73 relates to was either granted before [exact date to be confirmed by Government] or the application for the original permission was made before [exact date to be confirmed by Government]

4.19 The approval of reserved matters for outline planning permissions are not within the scope of biodiversity net gain (as they are not a grant of planning permission).

Small Sites

4.20 From April 2024, the 10% requirement will also be introduced for small sites. Small sites are defined for the purpose of BNG as:

- For residential: where the number of dwellings to be provided is between one and nine inclusive of a site having an area of less than one hectare, or where the number of dwellings to be provided is not known, a site area of less than 0.5 hectares.
- For non-residential: where the floor space to be created is less than 1,000 square metres OR where the site area is less than one hectare.

Exemptions

4.21 There are specific exemptions from biodiversity net gain for certain types of development. The exemptions are set out in paragraph 17 of Schedule 7A of the Town and Country Planning Act 1990 and the [Biodiversity Gain Requirements \(Exemptions\) Regulations \[2024\]](#)⁴⁷ [Draft Statutory Instrument]. They are summarised as follows:

- **Temporary exemption for non-major developments (until April 2024)** (see para 4.20 above)
Defined as development not defined as major development under the Article 2 Town and Country Planning (Development Management Procedure) (England) Order 2015. The exemption will continue to apply to section 73 permissions where the original permission which the section 73 relates to was subject to this temporary exemption.
- **Householder development**
As defined within article 2(1) of the Town and 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. 5m by 5m) of habitat, or 5 metres of linear habitats such as hedgerows.
- **Self-build and custom build development**

⁴⁷ <https://www.gov.uk/government/publications/the-biodiversity-gain-requirements-exemptions-regulations-2024>

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 under s293A TCPA 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 planning condition which applies in relation to another development.

- 4.22 Where applicants consider that the development that they are proposing is exempt, the applicant must provide a statement as part of the planning application form [a revised application form is being prepared by Government] setting out why they believe this is the case. In some cases, the exemption or transitional provision will be evident as they relate to the type of permission (i.e. the planning application form for household development already includes a pre-populated statement). In other cases, evidence may need to be provided.
- 4.23 The Government recognises that exempt development outside the scope of mandatory net gain still provides opportunity for biodiversity enhancements that could be secured through planning policy and are intending to develop planning policy for minor development such as householder and de-minimis development, to seek to secure proportionate on-site biodiversity enhancements where possible.

Demonstrating BNG (the Statutory Biodiversity Metric)

- 4.24 Demonstrating BNG requires an approach to measuring biodiversity. A [Statutory Biodiversity Metric](https://www.gov.uk/government/publications/statutory-biodiversity-metric-tools-and-guides)⁴⁸ has been produced by Defra as a tool to measure biodiversity. DEFRA will specify the statutory version of this metric for use with all relevant planning applications. DEFRA has also produced a simplified version of the Statutory Biodiversity Metric called the [Small Sites Metric](https://www.gov.uk/government/publications/statutory-biodiversity-metric-tools-and-guides)⁴⁹ which can be used by small scale development subject to certain criteria being met. Applicants should ensure that the most up to date, statutory, version of the Metric is used.
- 4.25 Both metrics are designed to provide a means of assessing changes in biodiversity value (losses or gains) brought about by development or changes in land management. It uses habitat, the places in which species live, as a proxy to describe biodiversity. These habitats are converted into measurable 'biodiversity units' which are the 'currency' of the metric.
- 4.26 A BNG baseline assessment is required to enable the post-development biodiversity value (BNG) of the site to be demonstrated upon application. Pre-development biodiversity value must be calculated before any site clearance or other habitat management work has taken place. However, if this is known to have happened, the condition of the site on or after 30th January 2020 will be taken as the baseline of the habitat as stated in Schedule 14 Part 1 paragraph 6 of the Environment Act.

⁴⁸ <https://www.gov.uk/government/publications/statutory-biodiversity-metric-tools-and-guides>

⁴⁹ <https://www.gov.uk/government/publications/statutory-biodiversity-metric-tools-and-guides>

- 4.27 Trading Rules ('Rule 3') to compensate for losses is automatically applied by the metric and sets minimum habitat creation and enhancement requirements to compensate for specific habitat losses (up to the point of no net loss). These requirements are based on habitat distinctiveness and condition, as set out in the statutory Metric User Guide. This is to ensure that enhancements deliver either like-for-like or better ('trading up') and in order to protect the existing biodiversity value, the metrics require there to be no "trading down" of habitat distinctiveness.

Strategic Significance of BNG

- 4.28 A key principle of BNG is that habitats enhanced or created – either on or off site – must be like for like, or better. The baseline assessment of a development site will identify habitats present and the extent to which they may be adversely impacted by development.
- 4.29 Strategic significance is the local significance of the habitat based on its location and habitat type. Assessors should assign a strategic significance category ([see the Statutory Biodiversity Metric User Guide](#)⁵⁰) for each individual habitat parcel both at baseline and at post-intervention. This should be determined by the use of published plans, strategies or policies which are relevant to the habitat's location, including:
- Local Nature Recovery Strategy (*once published*)
 - Species Conservation Strategies (*once published*)
 - Protected Site Strategies (*once published*)
 - Hampshire Biodiversity Opportunity Area Statements
 - Rushmoor Green Infrastructure Strategy

Local Nature Recovery Strategies (LNRS)

- 4.30 Local Nature Recovery Strategies (LNRS) are spatial strategies that will establish priorities and map proposals for specific actions to drive nature's recovery and provide wider environmental benefits. Once produced, LNRSs and associated maps can be used to target delivery of Biodiversity Net Gain through identifying areas and opportunities for the creation, enhancement and recovery of habitats. BNG measures could therefore contribute to the locally identified objectives and targets for recovery of nature that may be set out in the LNRS.
- 4.31 As noted above, LNRS plays a role in BNG by determining the 'strategic significance' multiplier within the biodiversity metric. When creating or enhancing the habitat in a location identified in your LNRS, you will be able to create 1.15x more units than you would otherwise have created. This multiplier only applies if you deliver the habitat specified, and in the location identified, in the LNRS. Therefore, this mechanism means that there is an incentive for applicants to align with the LNRS in their area when choosing the location of off-site BNG units.

Species Conservation Strategies

- 4.32 Established by the Environment Act 2021, species conservation strategies aim to safeguard the future of the species that are at greatest risk. The strategies will find better ways to

⁵⁰ <https://www.gov.uk/government/publications/statutory-biodiversity-metric-tools-and-guides>

comply with existing legal obligations to protect species at risk and to improve their conservation status.

Protected Site Strategies

- 4.33 Established by the Environment Act 2021, protected site strategies take a new approach to protecting and restoring species and habitats in protected sites. Protected site strategies will provide ways to overcome offsite pressures such as nutrient pollution in the wider catchment.

Biodiversity Opportunity Areas

- 4.34 BOAs represent a targeted landscape-scale approach to conserving biodiversity in Hampshire. They identify opportunities for habitat creation and restoration where resources can be focused to have the greatest positive impact for wildlife. BOAs were identified through extensive mapping work carried out by the Hampshire Biodiversity Information Centre (HBIC) in consultation with a wide range of biodiversity partners. 41 BOAs were selected representing core areas of biodiversity interest in Hampshire. Statements have been produced for each BOA to indicate priorities for that area. More information is available from [Hampshire Biodiversity Information Centre](#)⁵¹, including maps and statements
- 4.35 Rushmoor is located within the following BOAs:
- [Thames Basin Heaths & Plantations \(Hants\)](#) (BOA 37)⁵²
 - [Blackwater Valley \(Hants\)](#)⁵³ (BOA 13)
- 4.36 The [Blackwater Valley BOA statement](#)⁵⁴ (see page 12 of the Hampshire BOA Statements) highlights the importance of the River Blackwater and its tributaries for instream aquatic species and floodplain grassland habitats. The network of lakes associated with gravel extractions and the diverse range of bird species found in these wetlands, are referenced. Opportunities for biodiversity restoration or enhancements within the Blackwater Valley BOA are identified as wetland habitats features (Floodplain grazing marsh; wet woodland; Purple moor grass and rush pastures; lowland meadows; reed beds and enhancement of gravel pits for biodiversity following mineral extraction).
- 4.37 The [Thames Basin Heaths and Plantations BOA statement](#)⁵⁵ (see page 35 of the Hampshire BOA Statements) highlights the importance of the Thames Basin Heaths Special Protection Area (SPA) and the internationally rare and protected habitats and species present. Opportunities for biodiversity restoration and enhancements within the Thames Basin Heaths and Plantations BOA are restoration of heath and related habitats (lowland dry acid grassland; lowland heath; purple moor grass and rush pastures; lowland meadows).

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<https://www.hants.gov.uk/landplanningandenvironment/environment/biodiversity/informationcentre/information#step-6>

⁵² <https://documents.hants.gov.uk/biodiversity/37ThamesBasinHeathsBOAmap.pdf>

⁵³ <https://documents.hants.gov.uk/biodiversity/13BlackwaterValleyBOAmap.pdf>

⁵⁴ <https://documents.hants.gov.uk/biodiversity/BOAStatements.pdf>

⁵⁵ <https://documents.hants.gov.uk/biodiversity/BOAStatements.pdf>

Rushmoor Green Infrastructure Strategy

- 4.38 The [Rushmoor Green Infrastructure Strategy](#)⁵⁶ assessed the Borough's existing green infrastructure assets and network. This included an analysis of how the network currently functions by area, where assets were grouped by themes (including Biodiversity) to analyse how the different elements of green infrastructure functions offer different benefits across the area.

Achieving Biodiversity Net Gain

- 4.39 Opportunities are likely to exist within most development proposals to retain, create and manage habitats for biodiversity and provide BNG on-site
- 4.40 The biodiversity gain hierarchy for the purpose of the statutory framework for biodiversity net gain is set out in Article 30A of the Development Management Procedure Order. This hierarchy is set out in the [Biodiversity Net Gain Planning Practice Guidance](#)⁵⁷ [Draft] (Paragraph: 007 Reference ID: 74-007-2023). It is distinct from the mitigation hierarchy set out in the National Planning Policy Framework. In order to comply, applicants will need to demonstrate, that have followed the following hierarchy in order of priority:
- avoiding adverse effects of the development on onsite habitat with a habitat distinctiveness score, applied in the biodiversity metric, equal to or higher than six;
 - so far as those adverse effects cannot be avoided, mitigating those effects;
 - so far as those adverse effects cannot be mitigated, habitat enhancement of onsite habitat;
 - so far as there cannot be that enhancement, creation of onsite habitat;
 - so far as there cannot be that creation, the availability of registered offsite biodiversity gain;
 - so far as that offsite habitat enhancement cannot be secured, purchasing biodiversity credits.
- 4.41 BNG should therefore be achieved on-site with retained and enhanced habitats, appropriate buffers and creation of habitats to increase connectivity for wildlife. Where appropriate evidence demonstrates that BNG cannot be fully achieved on-site, off-site BNG can be explored. BNG should be delivered without harm to the historic environment (see paragraph 5.3).

⁵⁶ <https://www.rushmoor.gov.uk/planning-and-building-control/planning-policies/green-infrastructure-strategy/>

⁵⁷ <https://www.gov.uk/guidance/draft-biodiversity-net-gain-planning-practice-guidance>

4.42 On this basis, Biodiversity Net Gain shall be provided following a locally set sequential approach:

1. Onsite
2. A combination of partial onsite and off-site solutions within the Borough
3. Complete off-site provision within the Borough,
4. Complete off-site provision which is geographically adjacent to the Borough or physically connected to the Borough's ecological network,
5. Complete off-site provision outside of the Borough, with preference given to locations within adjacent Local Authorities, having regards to opportunities to restore and enhance functional green corridors that connect with the Borough.
6. As a last resort, the Environment Act 2021 allows applicants to purchase [Statutory Biodiversity Credits](#)⁵⁸ under the national scheme for the purpose of meeting BNG.

4.43 The Council will seek evidence through the [Biodiversity Gain Plan](#)⁵⁹ of how the Biodiversity Gain Hierarchy and the above local sequential hierarchy approach has been followed. The Statutory Biodiversity Metric referenced above, includes a spatial distance multiplier which incentivises implementation of the planning mitigation hierarchy presented in paragraph 4.38 above.

Onsite Net Gain

4.44 Where the metric calculations demonstrates that at least 10% or more net gain can be achieved onsite, there is no need to consider any further measures. Onsite BNG measures shall be located so that they are connected to the wider ecological network enabling greater habitat connectivity and linkages. Applicants should seek the support of an ecologist to ensure this is achieved in line with the [Biodiversity Gain Plan](#)⁶⁰ submitted in accordance with planning condition prior to commencement of development. More information on the ecological network is provided in the [Hampshire Ecological Network Map](#)⁶¹ and in the [Rushmoor Green Infrastructure Strategy](#)⁶². Measures need to be secure in land tenure and funding for a minimum of 30 years to ensure delivery of BNG in line with statutory obligations. Ongoing management may be secured by legal agreement or Conservation Covenant.

Providing and Securing Off-Site Biodiversity Net Gain in the Borough

4.45 If it is not possible to achieve 10% minimum BNG completely onsite, and off-site measures are required, the same assessment process has to be undertaken to establish the biodiversity unit

⁵⁸ <https://www.gov.uk/guidance/statutory-biodiversity-credit-prices>

⁵⁹ <https://www.gov.uk/government/publications/biodiversity-gain-plan>

⁶⁰ <https://www.gov.uk/government/publications/biodiversity-gain-plan>

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<https://www.hants.gov.uk/landplanningandenvironment/environment/biodiversity/informationcentre/information#step-7>

⁶² <https://www.rushmoor.gov.uk/planning-and-building-control/planning-policies/green-infrastructure-strategy/>

values on the off-site compensatory land predevelopment and post-development to calculate how many units the 'net gain delivery site' can contribute as compensation.

- 4.46 The change in biodiversity units on the development site is then added to the change in units on the delivery site to provide a total change in biodiversity units for the development. The total change in units needs to be sufficient to ensure a 10% minimum net gain is achieved.
- 4.47 Rushmoor Borough Council will be establishing a Habitat Bank of units (more detail is provided in paragraph 4.39 below). If applicants choose not to purchase these units to provide off-site net gain, it will be the applicant's responsibility to find a suitable location for the delivery of off-site BNG, in accordance with the sequential approach set out in paragraph 4.33.
- 4.48 Where developers have provided an off-site BNG solution, a legal agreement or Conservation Covenant between the landowner and/or provider of the off-site solution, applicant and the Council will be required. The purpose of the legal agreement or Conservation Covenant is to secure the habitat creation and enhancement ambitions of the Statutory Biodiversity Metric and ensure the Biodiversity Statement accompanying the Metric is delivered and subsequently managed and monitored for at least 30 years. Actions set out in the Biodiversity Statement accompanying the Metric will underpin the [Biodiversity Gain Plan](#)⁶³ required by planning condition to be submitted to the Council for approval in writing after the grant of planning permission and prior to the commencement of development. The legal agreement or Conservation Covenant will also include a provision for the responsibility of undertaking the works to achieve BNG to be passed on to any subsequent landowner(s).

Rushmoor Habitat Bank

- 4.49 Rushmoor Borough Council is establishing a 'Habitat Bank' of BNG units. Applicants will be able to purchase these units in accordance with the sequential approach in the box in paragraph 4.33. Prior to the launch of the Rushmoor Habitat Bank, a procedure note will be prepared setting out the process for securing units. Units will be costed at a price below those for sale under the national statutory biodiversity credits scheme, in order to incentivise delivery of BNG locally.

Providing and Securing Off-Site Biodiversity Net Gain outside of the Borough

- 4.50 Where it has been clearly shown there are no available opportunities to deliver BNG off-site in the borough, applicants may provide BNG outside of the borough in accordance with the sequential approach set out in paragraph 4.33, or as a last resort purchase statutory BNG credits using the national statutory credit scheme or other future habitat bank schemes being developed by third parties.
- 4.51 If applicants purchase statutory biodiversity credits, a 'spatial risk multiplier' will apply, which doubles the amount of credits you need. You must buy 2 credits for every 1 biodiversity unit you need to compensate for. You can find more information about the spatial risk multiplier in the [Statutory Biodiversity Metric user guide](#)⁶⁴.

⁶³ <https://www.gov.uk/government/publications/biodiversity-gain-plan>

⁶⁴ <https://www.gov.uk/government/publications/statutory-biodiversity-metric-tools-and-guides>

- 4.52 Applications that propose to provide BNG outside of the Borough or purchase statutory credits will be reviewed on a case-by-case basis to ensure they have complied with the planning mitigation hierarchy sequential approach to BNG provision.

Monitoring, Management, Maintenance of BNG and evaluation of compliance

- 4.44 The Environment Act required mandatory BNG habitat to be secured for at least 30 years via planning obligation or conservation covenants. It is the responsibility of the developer / person securing the habitat, to ensure and demonstrate delivery of habitat in accordance with the agreed Biodiversity Gain Plan. Failure to comply with the general biodiversity gain condition by commencing development without approval of the Biodiversity Gain Plan will be a breach of planning control.
- 4.45 Natural England have produced a standardised template for a Habitat Management and Monitoring Plan (HMMP). This is a detailed plan that outlines how the land will be managed over at least 30 years to create and enhance habitats for biodiversity net gain (BNG) and manage and monitor the BNG. The template incorporates supporting guidance and includes the following, which can be downloaded from the [Natural England website](#)⁶⁵:
- Habitat Management and Monitoring Plan Template
 - Companion Document
 - HMMPT Checklist
- 4.46 The template is to be submitted by the developer / person securing the habitat to the Council, for approval in writing, to demonstrate compliance with the Biodiversity Gain Plan for the required 30 years.
- 4.47 The Council will be required to monitor the delivery of the BNG and compliance with the Biodiversity Gain Plan. This will include the need for site visits at set points over the 30 years. Therefore, a monitoring fee will be charged to monitor the delivery of BNG on-site or off-site, apart from where applicants purchase units from the Rushmoor Habitat Bank.
- 4.48 A monitoring calculator is being prepared which will allow applicants to easily determine the scale of the fee. This will be dependent on the size of the biodiversity net gain site and the technical difficulty of the habitats being created.

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<https://publications.naturalengland.org.uk/publication/5813530037846016#:~:text=A%20habitat%20management%20and%20monitoring%20plan%20%28HMMP%29%20is,net%20gain%20%28BNG%29%20manage%20and%20monitor%20the%20BNG>

5. Biodiversity and the Planning Process

- 5.1 The purpose of this chapter is to show how issues relating to biodiversity, including Biodiversity Net Gain will need to be assessed to inform the planning process. The Draft SPD was prepared prior to the publication of [Draft Biodiversity Net Gain Planning Practice Guidance](#)⁶⁶. Prior to adoption of the SPD, this section will need to be updated to ensure that the requirements are in accordance with this guidance.
- 5.2 It is crucial that biodiversity is considered at an early stage and proposals are supported with appropriate evidence, where relevant. This will help enable efficient and effective decision-making. Appendix 4 provides guidance on opportunities to enhance and integrate biodiversity into new development.
- 5.3 Rushmoor's historic environment needs also to be considered when developing proposals to support or enhance its biodiversity. Newly created or altered habitats will sit within a historical landscape and may have both positive and negative impacts on setting as well as physical and chemical conditions of heritage assets.
- 5.4 Applicants will often require an ecologist to undertake ecological surveys and reporting to meet the council's requirements for providing adequate ecological information. Contracting a member of a professional institute, such as the [Chartered Institute of Ecology and Environmental Management \(CIEEM\)](#)⁶⁷ means that you are engaging a professional who is working to high standards. Applicants needing to find an ecological consultant can use the [find-a-consultant tool](#)⁶⁸ on the CIEEM website. The CIEEM website also provides further information on ecological surveys and their purpose, which describes the different types of reports that you may be asked for by the council and includes a householder's guide to engaging an ecologist. More information is available in Appendix 2.
- 5.5 The table below outlines the recommended procedure to follow in order to ensure that biodiversity is properly addressed through all stages of the planning process. Further guidance on each stage is set out below.

Table 4 – Summary of the recommended procedure at each stage

Stage	Key Considerations	Outputs
Stage 1 – Pre-Application and Design Stage (Preparing the Planning Application)		
1a – Biodiversity Checklist	Check whether biodiversity features are present and likely to be affected.	Biodiversity Checklist. Preliminary Ecological Appraisal (PEA) including Ecological Constraints and Opportunities Plan (ECOP).
1b – Pre-application Advice	Option to seek pre-application advice to ensure policy and statutory requirements are fully understood and to clarify the scope of any information likely to be required in further assessments.	

⁶⁶ <https://www.gov.uk/guidance/draft-biodiversity-net-gain-planning-practice-guidance>

⁶⁷ <https://cieem.net/>

⁶⁸ <https://cieem.net/i-need/finding-a-consultant/>

Stage	Key Considerations	Outputs
		Pre-Application Advice.
1c – Ecological Survey and Assessment	Appropriate habitat and species surveys and assessment carried out by suitably qualified ecologist.	Ecological Impact Assessment with information from all ecological surveys including PEA / ECOP, and habitats and species surveys.
1d – Avoidance, Mitigation and Compensation	Scheme layout design and landscaping revised to avoid harm / impacts to protected species and habitats; minimise impacts to identified features, then compensate for harm as a last resort in accordance with the planning mitigation hierarchy. Opportunities to restore and enhance biodiversity sought and demonstrated.	
1e – Biodiversity Net Gain viability	For non-exempt developments (see paragraph 4.17 to 4.23), BNG habitat baseline assessment carried out using the Statutory Biodiversity Metric. Opportunities to ensure a minimum 10% biodiversity net gain as a result of development should be presented within the Statutory Biodiversity Metric. Proposals should have regards to site specific species and habitat surveys as well as whether proposals are realistically viable in view of proposed site usage. Identify BNG requirement. Proposals must specify where the minimum 10% biodiversity net gain is to be achieved having regards to the sequential approach presented in paragraph 4.33 above and the strategic significance of location as detailed above.	Statutory Biodiversity Metric and accompanying habitat mapping.
1f – Demonstrate Biodiversity Net Gain	For non-exempt developments (see paragraph 4.17 to 4.23), landscaping and site layout designed to incorporate enhancements to effectively deliver net gains, having regards to proposed site usage. Statutory Biodiversity Metric completed for post-development design, demonstrating an achievable minimum 10% biodiversity net gain. Where off-site delivery of biodiversity net gain is proposed, identify or reserve biodiversity units in the off-site market or through statutory credits as a last resort having regards to the sequential approach presented in	Completed Statutory Biodiversity Metric and accompanying habitat mapping. Biodiversity Statement based on Metric findings, including details of off-site biodiversity units where relevant.

Stage	Key Considerations	Outputs
	paragraph 4.33 above and the strategic significance of location as detailed above.	
Stage 2 – Application and Validation (Submitting the Planning Application)		
Submission of planning application and accompanying information	<p>Ensure the application includes the required assessments and accompanying information.</p> <p>Ensure all assessments undertaken in accordance with specified standards by suitably qualified professionals.</p>	<p>Biodiversity Checklist</p> <p>Ecological Surveys and Impact Assessment (where relevant) including EcIA / PEA / ECOP</p> <p>Completed Statutory Biodiversity Metric submitted in full excel format.</p> <p>Biodiversity Statement</p>
Stage 3 – Determination of planning application		
Biodiversity net gain secured by legal agreement / conservation covenant	Proposed net gain must be financially secure and secure in land tenure for a minimum of 30 years, having regards to all expected habitat delivery costs as well as ongoing management, monitoring and remediation actions.	If required, secure biodiversity units in the off-site markets or statutory credits from Natural England where appropriate.
Discharge of pre-commencement planning conditions – Biodiversity Net Gain	<p>Planning permission for all developments required to demonstrate a Biodiversity Net Gain, will be subject to a pre-commencement planning condition which requires submission of a Biodiversity Gain Plan.</p> <p>The Biodiversity Gain Plan should demonstrate secure delivery of a minimum 10% biodiversity net gain, secure for at least 30 years, implementing the results of the submitted Statutory Biodiversity Metric and in line with the legal agreement or conservation covenant.</p>	Submission of final Biodiversity Gain Plan ⁶⁹ for approval in writing by Council.
Discharge of pre-commencement planning conditions - other	<p>Production of required documentation, which may include:</p> <ul style="list-style-type: none"> Construction Environmental Management Plan (CEMP) Landscape and Ecology Management Plan (LEMP). 	Submission of required supporting documentation for approval in writing by the Council.

⁶⁹ <https://www.gov.uk/government/publications/biodiversity-gain-plan>

Stage	Key Considerations	Outputs
Stage 4 – Construction Phase		
Construction	Ensure good practice is followed during construction including protected species impact avoidance, mitigation and enhancement recommendations, CEMP and LEMP requirements.	Demonstration of working in accordance with Biodiversity Gain Plan, species impact avoidance, mitigation and enhancement recommendations, Construction Environmental Management Plan (CEMP) and Landscape and Ecology Management Plan (LEMP)
Stage 5 – Management and Monitoring		
Operation	Ensure adequate provision is made for ongoing management and monitoring of biodiversity habitats retained or created including any requirements relating to a species specific actions and LEMP, where relevant.	LEMP – Landscape and Ecology Management Plan
Biodiversity Net Gain	BNG Habitat Management and Monitoring Plan written in accordance with best practice and template document ⁷⁰	Demonstrate adherence to Biodiversity Gain Plan to Council via regular submission of Habitat Management and Monitoring Plan, as required.

Stage 1 – Pre-Application and Design Stage (Preparing the Planning Application)

1a – Biodiversity Checklist

5.6 The Biodiversity Checklist (Appendix 1) helps to identify developments which may have an impact on certain habitats and species. If the Checklist indicates that development could have

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<https://publications.naturalengland.org.uk/publication/5813530037846016#:~:text=A%20habitat%20management%20and%20monitoring%20plan%20%28HMMP%29%20is,net%20gain%20%28BNG%29%20manage%20and%20monitor%20the%20BNG>

a potential impact on protected or Priority habitats or species, or sites such as a designated site, further ecological survey and assessment will be required.

- 5.7 If the checklist flags up a potential impact on a protected or Priority habitat or species, seeking the early advice and input from a suitably qualified and experienced ecologist, and the undertaking of a Preliminary Ecological Appraisal can help to ensure biodiversity is considered throughout the design of the development and ensure that any sensitivities are identified at an early stage, in order to avoid impacts and manage ecological constraints and opportunities in a more transparent, efficient and cost-effective way.

1b – Pre-application Advice

- 5.8 The council offers a [paid pre-application advice service](#)⁷¹. This may help to ensure that policy and statutory requirements are fully understood at an early stage; and that potential biodiversity sensitivities are identified, and discussions held at an early stage, in order to seek advice and avoid impacts. The pre-application service may be particularly valuable to householders and those who are not regularly involved in development, who may not routinely seek professional ecological support, or be aware of all the relevant legislative requirements or issues. For large developments, appropriate early consideration of ecological constraints will enable design and layout to better have regards to and avoid these constraints.
- 5.9 Applicants should [seek environmental advice from Natural England](#)⁷² early in the planning process, if development proposals:
- are likely to affect protected sites and areas.
 - are likely to affect protected species.
 - affects the best and most versatile agricultural land (1, 2 or 3a).
 - affects ancient woodland.
 - includes restoring land previously used for mining or waste management to agricultural use.
 - includes environmental opportunities that could be achieved such as 'green infrastructure' and biodiversity improvements of the site and surrounding area.

1c – Ecological Survey and Assessment/BNG Baseline Assessment

- 5.10 Where appropriate, planning applications will need to be supported by adequate ecological information, using up to date desk studies and site assessment to inform survey methodologies sufficient in scope to allow the impact of a proposal to be appropriately assessed to enable the council to demonstrate in the exercise of planning functions how it is fulfilling the duty to have regard to the conservation and enhancement of biodiversity. This includes householders and developers of small sites where there may be risks of impacts to

⁷¹ <https://www.rushmoor.gov.uk/planning-and-building-control/planning-permission-and-applications/planning-applications/advice-for-developers-and-householders/pre-application-advice/>

⁷² <https://www.gov.uk/guidance/developers-get-environmental-advice-on-your-planning-proposals>

habitats and species. More information on this is set out in Appendix 2 and is available from [CIEEM](#)⁷³.

- 5.11 Surveys for many habitats and protected species can only be undertaken at certain times of year in order to provide reliable data and meet best practice survey guidelines. More information, including a survey calendar is provided in Appendix 2.
- 5.12 A BNG baseline assessment is required to enable the post-development biodiversity value (BNG) of the site to be demonstrated upon application (see stage 1e below). As required by the Environment Act, pre-development biodiversity value must be calculated before any site clearance or other habitat management work has been undertaken. However, if this is known to have happened, the condition of the site on or after 30th January 2020 will be taken as the baseline of the habitat as stated in Schedule 14 Part 1 paragraph 6 of the Environment Act. An earlier baseline may be required where activity has reduced the biodiversity value of a site. Where previous surveys are not available, this will be established through best available evidence including Hampshire Biodiversity Records Centre records and habitat areas identified through aerial photographs.
- 5.13 Habitat mapping methodologies need to be appropriate to their purpose. For BNG calculations, UK Habitats Classification is required to populate the Statutory Biodiversity Metric.
- 5.14 Applications should be supported by the full Metric calculations in original excel spreadsheet format.

1d – Avoidance, Mitigation and Compensation

- 5.15 The results of any ecological surveys and assessment should feed into the initial design process, as should the ECOP. These will help ensure the layout and design of the development avoids wherever possible and minimises impacts to the features identified in steps A1 and A3, thus ensuring design is in accordance with the mitigation hierarchy. Design in accordance with the mitigation hierarchy should be considered as a sequential process, with each step in the hierarchy being considered in turn and incorporated into the design, before the next step is considered.

1e and 1f– Biodiversity Net Gain

- 5.16 BNG or biodiversity enhancements are additional to any measures necessary to deal with impacts from the development and should not be used to provide either mitigation or compensation. All BNG should conform to [Biodiversity Net Gain - Good Practice Principles for Development](#)⁷⁴.
- 5.17 Please note that some development is exempt from the mandatory BNG requirement (see paragraph 4.17 to 4.23 for more information).

BNG for small sites

- 5.18 For small sites, BNG measures should be clearly identified in supporting information and illustrated on the relevant plans. The measures should be proportionate to the scale and type

⁷³ <https://cieem.net/resource/guide-to-ecological-surveys-and-their-purpose/>

⁷⁴ <https://cieem.net/i-am/current-projects/biodiversity-net-gain/>

of development, appropriate to the site's location and surroundings, and should be focussed on supporting recognised nature conservation priorities.

5.19 For small sites, the [Statutory small sites Biodiversity Metric](#)⁷⁵ is available in a beta version and should be used to demonstrate biodiversity value and net gain. It has been specifically designed for use on small development sites, defined (for the purposes of this Small Sites Metric) as sites where the following criteria are met:

5.20 Residential development:

- there are fewer than 10 residential units on a site area (no more than 9 units) less than 1 hectare; or
- if number of residential units is not known, the site area is less than 0.5 hectares

5.21 Non-residential development:

- where the floor space to be created is less than 1,000 square; or
- where the site area is less than 1 hectare

5.22 The Small Sites Metric cannot be used on such sites where:

- habitats not available in the Small Sites Metric are present
- priority habitats are within the development site (excluding some hedgerows and arable field margins)
- European protected species are present on the development site
- any offsite interventions are required

5.23 Guidance has been published by Natural England on how to use the metric and this is [available to download](#)⁷⁶ alongside the metric.

BNG for larger applications

5.24 For larger developments, or where a priority habitat is present on site, the latest version of the [Statutory Biodiversity Metric](#)⁷⁷ should be used as a tool to inform the assessment of demonstrating biodiversity value and measurable mandatory net gain of at least 10%. Guidance has been published by Natural England on how to use the metric and this is [available to download](#)⁷⁸ alongside the metric.

5.25 A Biodiversity Net Gain report should also be submitted. It is anticipated that the government will provide further guidance on the content of a BNG report, however prior to this being released, a Biodiversity Net Gain report in line with [Biodiversity Net Gain Report and Audit Templates \(CIEEM, 2021\)](#)⁷⁹ should be submitted with planning applications.

⁷⁵ <https://www.gov.uk/government/publications/statutory-biodiversity-metric-tools-and-guides>

⁷⁶ <https://www.gov.uk/government/publications/statutory-biodiversity-metric-tools-and-guides>

⁷⁷ <https://www.gov.uk/government/publications/statutory-biodiversity-metric-tools-and-guides>

⁷⁸ <https://www.gov.uk/government/publications/statutory-biodiversity-metric-tools-and-guides>

⁷⁹ <https://cieem+.net/resource/biodiversity-net-gain-report-and-audit-templates/>

- 5.26 For outline applications, a Biodiversity Net Gain Feasibility Assessment report should be submitted, and for full and reserved matters applications, a Biodiversity Net Gain Design Stage report should be submitted. This should include:
- Steps taken to avoid adverse impacts to biodiversity
 - Pre-development and post-development biodiversity value
 - Additional information to explain and justify the approach to delivering net gain, including notes on the existing and target habitat condition and any assumptions made.
- 5.27 The council will verify the accuracy of the biodiversity value calculations and consider the merits of any on or off-site BNG measures. Any scheme for BNG 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. Schemes for the delivery of BNG should be developed with regards to BS8683:2021 “Process for designing and implementing biodiversity net gain – Specification”. Planning conditions will be used to secure delivery of BNG measures and their long-term management. Obligations, such as Section 106 agreements may be used where BNG is on land outside the applicant’s control.

Stage 2 – Application, Validation (Submitting the Planning Application) and Determination of planning permission

- 5.28 Planning applications must be accompanied by all necessary and relevant ecological information in order for it to be validated and determined. This will vary between applications and will depend on the proposal and the site itself. The [local requirements list](#)⁸⁰ will be updated to reflect the information required depending on planning application type, in accordance with the adopted version of this SPD. Information required could include:
- Biodiversity Checklist (validation requirement for certain applications)
 - Preliminary Ecological Appraisal
 - Ecological Impact Assessment
 - Ecological Constraints and Opportunities Plan
 - Statutory Biodiversity Metric
 - Biodiversity Statement
- 5.29 Protected species information is key to supporting determination. Validation of an application does not necessarily mean there is sufficient information to allow for determination. The submitted EcIA has to provide the council with certainty of all likely ecological impacts on designated sites and protected or Priority species, and demonstrate that effective and deliverable mitigation can be secured either by condition or mitigation licence from Natural England.

⁸⁰ <https://www.rushmoor.gov.uk/planning-and-building-control/planning-permission-and-applications/planning-applications/apply-for-planning-permission/local-requirements-for-planning-applications/>

- 5.30 If insufficient ecological information is provided, the council may suggest the application is withdrawn, decline to validate the application, or refuse it on grounds that there is insufficient information to make a lawful determination.
- 5.31 Where a development is required to demonstrate a Biodiversity Net Gain, the requirement to submit a Biodiversity Gain Plan will be subject to a pre-commencement planning condition. Submission to and approval in writing of a Biodiversity Gain Plan by the Council prior to the commencement of development will secure discharge of this condition.

Stage 3 – Construction Phase

- 5.32 The construction process may involve demolition or clearance of vegetation which has the potential for impacts on biodiversity. Even where development does not involve demolition or site clearance, wildlife can still suffer from disturbance. The Hazard Prevention Checklist (Appendix 3) identifies a range of hazards associated with the construction stage.
- 5.33 Practical measures which may be appropriate depending on the scale of development include:
- Sensitive siting and timing of construction activities including works compounds,
 - Fencing to protect sensitive features,
 - Wildlife exclusion barriers,
 - Sensitive construction lighting,
 - Provision of temporary shelters,
 - Containment and control of invasive species
- 5.34 A precautionary approach to site clearance will be required for all development to ensure reckless actions are avoided and wildlife crime is prevented. All protected and Priority species on site will need to be moved to a place of safety. This may include supervision of any habitat works by an Ecological Clerk of Works.
- 5.35 A Construction Environment Management Plan: Biodiversity may be required by condition for some developments. This will need to include details of all necessary ecological mitigation measures, including protection measures for retained habitats and species and any requirement for ecological supervision during works on site using a suitably experienced Ecological Clerk of Works. Where mitigation or compensatory measures are sought, these must be delivered in accordance with best practice.

Stage 4 – Management and Monitoring

- 5.36 Where habitats are retained within a development site boundary, the council will seek to secure their long-term management via condition requiring relevant details to be provided within a Landscape and Ecological Management Plan.
- 5.37 Where species are predicted to be affected by proposals and habitat to support their population is retained or created on or off site, such as receptor sites for translocated animals, the council will seek to include monitoring of the effectiveness of mitigation. This will be separate from any legal requirement attached to a licence approved by Natural England and

will be secured by condition. Additional monitoring may be required for novel mitigation solutions.

- 5.38 All management plans should include appropriate monitoring to ensure effectiveness and should include a process for remediation and review for any measures that have not been effective. The results of such monitoring should be reported to the council for review of management aligned to the LEMP.

Monitoring Biodiversity Net Gain

- 5.39 To deliver genuine Biodiversity Net Gain on-site will require careful design, zoning and management to ensure there are no recreational conflicts with the proposed areas for habitat creation that might prevent objectives from being achieved. The Environment Act requires mandatory BNG habitat to be secured for at least 30 years via planning obligations or conservation covenants. A Habitat Management and Monitoring Plan should be submitted for approval in writing, to demonstrate compliance with the Biodiversity Gain Plan for the required 30 years.
- 5.40 More details of how BNG should be monitored is set out in paragraph 4.44-4.48.

Appendix 1 – Biodiversity Checklists

- A1.1 Protected species and habitats are a material consideration within the planning process. This means our planning officers are required to consider potential adverse impacts of a development as part of the planning application process.
- A1.2 Hampshire County Council have developed Biodiversity Checklists for Householders and for Full applications
<https://www.hants.gov.uk/landplanningandenvironment/environment/biodiversity/development/checklists>
- A1.3 The Checklists can help identify if potential adverse impacts on protected species or habitats may occur and whether further ecological information may be required. We recommend that the relevant checklist is completed and submitted at pre-application and / or application stage.
- A1.4 Rushmoor includes a range of designated and non-designated heritage assets, including the possibility of undiscovered archaeological remains. If the proposed scheme lies within an area or place designated for its heritage significance, liaison with the Council and Hampshire County Council's archaeological advisers is recommended if the site is likely to include archaeological remains.
- A1.5 Conclusions are indicative. A response of 'no' does not necessarily rule out the requirements for further survey. You may be required to substantiate your answers. You may wish to seek professional ecological advice when completing the Checklist to ensure accuracy.

Biodiversity Checklist for Householder Applications

Planning ref: (for office use)

Site address:

There are many legally protected sites of nature conservation importance (see Note 1) across Hampshire alongside non-statutory wildlife sites (Note 2), priority habitats (Note 3) and a wide range of legally protected and other notable species (Note 4). Developments can adversely affect these, and Local Planning Authorities (LPAs) are legally required by Government to consider the conservation of biodiversity when determining a planning application. Government planning policies for biodiversity are set out in the National Planning Policy Framework (NPPF), while the Local Authority's local plan will set out how they address these requirements in local policy terms. LPAs need to be able to understand what the potential impacts of the development might be and if there are impacts on biodiversity, how these will be avoided, mitigated, or compensated.

This Checklist will help you work out if your proposal is likely to affect biodiversity, what additional information you will need to provide to support your application and how to get that information.

Guidance for applicants

If your answers to the questions in **Sections 1** and/or **2** identify that your project may potentially have an adverse impact on designated sites, priority or other notable habitats or legally protected or notable species then you will need to submit a suitable report such as a Preliminary Ecological Appraisal, Ecological Impact Assessment or species-specific survey which demonstrates the following:

- Information about the sites, species, habitats or features that could be affected (such as location, size, abundance, importance)
- Likely impacts of your development on habitats, sites or species identified
- How alternative designs and locations have been considered
- How adverse impacts will be avoided
- How any unavoidable impacts will be mitigated (reduced) (*see note 6*)
- How impacts that cannot be avoided or mitigated will be compensated (*see note 6*)
- Any proposals for enhancements of biodiversity

Where more targeted and specific reports are necessary (for example bat surveys), these must:

- Be undertaken by an appropriately qualified and experienced person
- Be of appropriate scope and detail (i.e., be carried out to established standards)
- Be conducted at an appropriate time of year, in suitable weather conditions and using approved methodologies.

Reports may not be required where applicants are able to provide pre-application correspondence from Natural England, the Local Authority ecologist or your ecological adviser that confirms that they are satisfied that the proposal will not have an adverse impact on any features identified in Sections 1, or 2. Your local authority ecologist contact details are given on page 5.

The application may not be validated if any of the information submitted proves to be inadequate. If validated and the information is subsequently found not to fully address any potential impacts then further information may be required during the course of any planning application, for instance if any of the information you have provided needs clarification, or if other potential impacts are identified. **If sufficient information on ecological issues is not**

provided by the time the application needs to be determined, the application may be refused. This can include information (surveys and data searches) considered out of date.

It is strongly advised that you consider biodiversity at the **earliest** possible stage in your project as there are seasonal constraints to much of the survey work that may be needed to support your application.

For further advice on competent ecologists that can undertake specialist survey work, please see the Chartered Institute of Ecological and Environmental Management <http://www.cieem.net> in the first instance.

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Please let us know if this checklist has been completed or checked by a qualified ecologist	YES/NO
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SECTION 1 – Designated Sites and Habitats

Please answer ALL questions Yes or No		YES/NO
If you have answered ' YES ' is it possible that the development could have an impact on the identified site? (see note)		
Please provide further information***		
1.1	Is the application site on or within 50m of a SSSI, SAC, SPA or Ramsar site? (see note 1)	
1.2	Are any of the following present on or within 50m of the application site? <i>Please see <u>note 2 & 3</u> for further information on identifying these.</i>	
	a) Site of Importance for Nature Conservation	
	b) Native woodland including ancient semi-natural <u>and replanted</u> woodland	
	c) Veteran (particularly old / large) trees	
	d) Water courses (rivers or streams)	
	e) Lakes or ponds	
	f) Wetlands or marshes	
	g) Species-rich meadow / grassland	
	h) Heathland/acid grassland/mire/scrub	
	i) Coastal grassland/saltmarsh/shingle/mudflats	
	j) Hedgerows supporting mainly native species	

*** This may simply be a brief explanation stating that the identified feature is outside the development footprint and boundaries, or it may be a more formal biodiversity assessment or survey report. Please note that submitted information will be reviewed by the Planning Authority's ecological advisor and you may be asked for further clarification if necessary either prior to validation or during the application process.

Data on site designations, habitats and species can be obtained from the [Hampshire Biodiversity Information Centre](#)

Section 2 – Legally protected and other notable species

PROPOSAL DETAILS Please answer ALL questions Yes or No by marking against each feature	YES/ NO	If you have ticked ' YES ' to any of these, you will need to consider potential impacts to the following:	Survey attached?
3.1 Will the proposal affect any of the following features / structures? (note 5 and note 7)			
Buildings or structures exhibiting features likely to support bat roosts or swift nests (e.g. in gaps/crevices/cracks within building materials; hanging tiles, timber weatherboarding/cladding; roof voids; etc.)		Bats and bat roosts	
Underground structures (e.g. cellars, caves, mines)		Swift nests	
Structures where there is known current or historic bat use			
3.2 Will the proposal affect trees with any of the following features? (notes 4, 5 and 7)			
Old and veteran trees or other trees with a circumference greater than 1m at chest height		Bats and bat roosts Nesting birds	
Trees exhibiting, or likely to exhibit holes, cracks, splits, cavities etc. and/or heavy vegetation		Other Notable species	
3.3. Will the proposals affect any of the following wetland features (notes 4 and 5)			
Streams, rivers or lakes on or within 25m of the application site that would be affected (including their banks and adjacent habitat) by the development?		Bat foraging habitat Otters, Water vole White-clawed crayfish Nesting birds Other Notable species	
Ponds within 100m, particularly any that are well-connected to the application site by hedgerows, ditches, woodland, grassland or field boundaries?		Amphibians (particularly with respect to great crested newts)	
3.4 Will the proposals affect any of the following features (notes 4 and 5)			
Deciduous (i.e. not mainly conifer) woodland?		Bat foraging habitat	
Field hedgerows over 1m tall and over 0.5m thick?		Dormice Nesting birds	
Areas of scrub well-connected to woodland or hedgerows?		Badger Reptiles	
Species-rich meadows or grassland on or directly adjacent to the site?		Other Notable species	
Mature or overgrown gardens, rough grassland, derelict/brownfield land, railway land or allotments			
Coastal grasslands/arable		Brent Geese & wader feeding/roost sites	

Notes

Note 1

SSSI = Site of Special Scientific Interest, designated and protected under UK law.; <https://designatedsites.naturalengland.org.uk/>

SAC = Special Area of Conservation and SPA = Special Protection Area. These are designated and protected under EU law. See <http://jncc.defra.gov.uk/page-1527> They will also be designated as SSSI.

Ramsar site = internationally important wetland, designated under the Ramsar Convention. These sites may also be SPAs / SACs and SSSIs. See <http://jncc.defra.gov.uk/page-1527> for more information.

You can find out if your application site is on or near any of these sites from www.magic.gov.uk or the LPA's Local Plan Proposals Map, or from the [Hampshire Biodiversity Information Centre](#)

Note 2

[SINC – Site of Importance for Nature Conservation](#). These are not legally protected, but are identified in planning policy as being of importance for biodiversity and are considered during the planning process.

The LPA's Local Plan Proposals Map may identify the location of any SINC's but more definitive and up-to-date maps are available from the [Hampshire Biodiversity Information Centre](#)

Note 3

Priority Habitats are also called [Habitats of Principal Importance in England under Section 41 NERC Act 2006](#). They comprise natural or semi-natural habitats that have been identified as being at risk (in that they are rare or in decline) or are important for certain key species of plant or animal. Areas of designated Ancient Woodland and some Priority Habitats can be found on www.magic.gov.uk. More definitive and up-to-date maps of Priority habitats are available from the [Hampshire Biodiversity Information Centre](#)

Note 4

Notable species include species protected under European legislation and the Wildlife & Countryside Act 1981 (as amended); species listed under; S41 of the Natural & Environment and Rural Communities Act 2006 (Priority species); the IUCN Red List of Threatened Species; the Birds of Conservation Concern Red list; and species listed as being nationally, county, or vice-county rare or scarce.

The [Hampshire Biodiversity Information Centre](#) holds data on the known locations of over 1million protected and notable species records. However, absence of a record does not mean absence of a species.

Note 5

Effects could be DIRECT, such as destruction, removal or modification, or INDIRECT through disturbance such as run-off, noise, dust, lighting or increased recreational use.

Note 6

Avoidance = measures taken to avoid impacts – should be the first consideration; Mitigation = measures which make unavoidable impacts less severe; Compensation = measures which counterbalance remaining impacts, resulting in an overall no net loss of biodiversity. (NB 'Mitigation' as a general term, or a 'mitigation strategy' is often used to cover all these processes).

Note 7

The types of feature highlighted in this Checklist have a higher likelihood of supporting bats and is taken from the list produced by the Bat Conservation Trust in their good practice survey guidelines (see <http://www.bats.org.uk/pages/guidanceforprofessionals.html>). However, it is important to recognise that many buildings that do not meet these criteria may also support bats.

Important: this checklist cannot include reference to *all* protected or notable species in *all* circumstances where they may be affected. Legislation relating to protected species does apply in all circumstances and it is the responsibility of the developer to ensure that the species and their habitats are not impacted as a result of development.

If protected species are found during the course of development, work should be halted and advice sought from Natural England, the local authority ecologist or a qualified private ecologist.

Biodiversity Checklist for Full Applications

Planning ref: (for office use)

Site address:

There are many legally protected sites of nature conservation importance (see Note 1) across Hampshire alongside non-statutory wildlife sites (Note 2), priority habitats (Note 3) and a wide range of legally protected and other notable species (Note 4). Developments can adversely affect these, and Local Planning Authorities (LPAs) are legally required by Government to consider the conservation of biodiversity when determining a planning application. Government planning policies for biodiversity are set out in the National Planning Policy Framework (NPPF), while the Local Authority's local plan will set out how they address these requirements in local policy terms. LPAs need to be able to understand what the potential impacts of the development might be and if there are impacts on biodiversity, how these will be avoided, mitigated, or compensated.

This Checklist will help you work out if your proposal is likely to affect biodiversity, what additional information you will need to provide to support your application and how to get that information.

Guidance for applicants

If your answers to the questions in **Sections 1, 2 and/or 3** identify that your project may potentially have an adverse impact on designated sites, priority or other important habitats or legally protected or notable species then you will need to submit a suitable report such as a Preliminary Ecological Appraisal, Ecological Impact Assessment or species-specific survey which demonstrates the following:

- Information about the sites, species, habitats or features that could be affected (such as location, size, abundance, importance)
- Likely impacts of your development on habitats, sites or species identified
- How alternative designs and locations have been considered
- How adverse impacts will be avoided
- How any unavoidable impacts will be mitigated (reduced) (*see note 6*)
- How impacts that cannot be avoided or mitigated will be compensated (*see note 6*)
- Any proposals for enhancement of biodiversity

Where more targeted and specific reports are necessary (for example bat surveys), these must:

- Be undertaken by an appropriately qualified and experienced person
- Be of appropriate scope and detail (i.e. be carried out to established standards)
- Be conducted at an appropriate time of year, in suitable weather conditions and using approved methodologies.

Reports may not be required where applicants are able to provide pre-application correspondence from Natural England, the Local Authority ecologist or your ecological adviser that confirms that they are satisfied that the proposal will not have an adverse impact on any features identified in Sections 1, 2 or 3.

The application may not be validated if any of the information submitted proves to be inadequate. If validated and the information is subsequently found not to fully address any potential impacts then further information may be required during the course of any planning application, for instance if any of the information you have provided needs clarification, or if other potential impacts are identified. **If sufficient information on ecological issues is not provided by the time the application needs to be determined, the application may be refused. This can include information (surveys and data searches) considered out of date.**

Appendix 1 - Draft Biodiversity Supplementary Planning Document (SPD)

It is strongly advised that you consider biodiversity at the **earliest** possible stage in your project as there are seasonal constraints to much of the survey work that may be needed to support your application.

For further advice on competent ecologists who can undertake specialist survey work, please see the Chartered Institute of Ecological and Environmental Management <http://www.cieem.net> in the first instance.

Please let us know if this checklist has been completed or checked by a qualified ecologist	YES/NO
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SECTION 1 – Legally protected sites for nature conservation

Please answer Yes or No to the following question. If you answer ' YES ', it is possible that the development could have an impact on the designated site (see note 5). Please provide further information with your application.	YES/NO
<p>Does the application lie within:</p> <ul style="list-style-type: none"> • 2km of a SAC, SPA or Ramsar site • An SSSI Impact Risk Zone (IRZ) and does it correspond to any of the development types listed in the results. <p>See Note 1 and http://magic.defra.gov.uk/Metadata_for_magic/SSSI%20IRZ%20User%20Guidance%20MAGIC.pdf for guidance on the interpretation and use of the Impact Risk Zones for Sites of Special Scientific Interest</p>	

SECTION 2 – Habitats and locally designated sites

<p>Please answer ALL questions Yes or No</p> <p><i>Many of the features described below may support a Priority Habitat. See note 3 for further information on identifying these.</i></p> <p>If you have answered 'YES', is it possible that the development may have an impact on the designated site or habitat? Please PROVIDE further information if that is the case</p>	YES/ NO
Are any of the following present on or within 100m of the application site?	
▪ <i>Site of Importance for Nature Conservation (SINC) See Note 2</i>	
▪ <i>Native woodland including ancient semi-natural and <u>replanted</u> woodlands</i>	
▪ <i>Veteran (particularly old / large) trees</i>	
▪ <i>Water courses (rivers or streams)</i>	
▪ <i>Lakes or ponds</i>	
▪ <i>Wetlands or marshes</i>	
▪ <i>Unimproved/semi-improved species-rich grassland</i>	
▪ <i>Arable field margins supporting assemblages of rare arable plants</i>	
▪ <i>Heathland/acid grassland/mire/scrub</i>	
▪ <i>Coastal grassland/saltmarsh/shingle/mudflats</i>	
▪ <i>Hedgerows supporting mainly native species</i>	

The [Hampshire Biodiversity Information Centre](#) can provide detailed maps showing boundaries of all site designations and Priority habitats.

Section 3 – Legally protected and other notable species

PROPOSAL DETAILS Please answer ALL questions Yes or No by marking against each feature	YES/ NO	If you have ticked ' YES ' to any of these, you will need to consider potential impacts to these species.	Survey attached?
3.1 Will the proposal affect any of the following features / structures? (see note 2 and note 7)			
Buildings or structures exhibiting features likely to support bat roosts or swift nests (e.g. in gaps/crevices /cracks/voids within roofs or building materials such as hanging tiles, soffits, cladding etc.)		Bats and bat roosts Swift nests	
Underground structures (e.g. cellars, caves, mines)			
Bridges or similar structures			
Structures where there is known current or historic bat use			
Agricultural buildings particularly of traditional brick, timber or stone construction and/or with exposed timber beams greater than c.20cm thick.		Bats and bat roosts Barn owl/Little owl Nesting birds	
Other large agricultural buildings		Barn owls/Little owl	
3.2 Will the proposal affect trees with any of the following features? (see note 2)			
Old and veteran trees or other trees with a circumference greater than 1m at chest height		Bats and bat roosts Nesting birds Other Notable species	
Trees exhibiting, or likely to exhibit holes, cracks, splits, cavities etc. and/or heavy vegetation			
3.3. Will the proposals affect any of the following wetland features (note 2)			
Streams, rivers or lakes on or within 25m of the application site that would be affected (including their banks and adjacent habitat) by the development?		Bat foraging habitat Otters, Water vole White-clawed crayfish Nesting birds Other Notable species	
Ponds within 100m, particularly any that are well-connected to the application site by (e.g. Hedges, ditches, woodland, grassland or field boundaries?)		Amphibians (particularly with respect to great crested newts)	
3.4 Will the proposals affect any of the following features (note 2)			
Deciduous woodland?		Bat foraging habitat Dormice Nesting birds Badger Reptiles Other Notable species	
Field hedgerows over 1m tall and over 0.5m thick?			
Areas of scrub well-connected to woodland or hedgerows?			
Species-rich meadows or grassland on or directly adjacent to the site?			
Mature or overgrown gardens, rough grassland, derelict/brownfield land, railway land or allotments			
Coastal grasslands/arable		Waders and Wildfowl feeding/roost sites	

Notes

Note 1

Impact Risk Zones (IRZs) is a GIS tool developed by Natural England to make a rapid initial assessment of the potential risks to SSSIs posed by development proposals. They define zones around each SSSI which reflect the particular sensitivities of the features for which it is notified and indicate the types of development proposal which could potentially have adverse impacts. The SSSI IRZ Dataset can be downloaded from the [Natural England Open Data Geoportal](https://naturalengland-open-data-geoportal.naturalengland.org.uk/). It is also available to view on www.magic.gov.uk

SSSI = Site of Special Scientific Interest, designated and protected under UK law.; <https://designatedsites.naturalengland.org.uk/>

SAC = Special Area of Conservation and SPA = Special Protection Area. These are designated and protected under EU law. See <http://jncc.defra.gov.uk/page-1527> They will also be designated as SSSI

Ramsar site = internationally important wetland, designated under the Ramsar Convention. These sites may also be SPAs / SACs and SSSIs. See <http://jncc.defra.gov.uk/page-1527> for more information.

You can find out if your application site is on or near any of these sites from www.magic.gov.uk or the LPA's Local Plan Proposals Map, or from the [Hampshire Biodiversity Information Centre](http://hampshirebiodiversityinformationcentre.co.uk/)

Note 2

SINC – Site of Importance for Nature Conservation. These are not legally protected, but are identified in planning policy as being of importance for biodiversity and are considered during the planning process.

The LPA's Local Plan Proposals Map may identify the location of any SINC's but more definitive and up-to-date maps are available from the [Hampshire Biodiversity Information Centre](http://hampshirebiodiversityinformationcentre.co.uk/)

Note 3

Priority Habitats are also called Habitats of Principal Importance in England under Section 41 NERC Act 2006. They comprise natural or semi-natural habitats that have been identified as being at risk (in that they are rare or in decline) or are important for certain key species of plant or animal. Areas of designated Ancient Woodland and some Priority Habitats can be found on www.magic.gov.uk. More definitive and up-to-date maps of Priority habitats are available from the [Hampshire Biodiversity Information Centre](http://hampshirebiodiversityinformationcentre.co.uk/)

Note 4

Notable species include species protected under European legislation and the Wildlife & Countryside Act 1981 (as amended); species listed under; S41 of the Natural & Environment and Rural Communities Act 2006 (Priority species); the IUCN Red List of Threatened Species; the Birds of Conservation Concern Red list; and species listed as being nationally, county, or vice-county rare or scarce.

The [Hampshire Biodiversity Information Centre](http://hampshirebiodiversityinformationcentre.co.uk/) holds data on the known locations of over 1million protected and notable species records. However absence of a record does not mean absence of a species.

Note 5

Effects could be DIRECT, such as destruction, removal or modification, or INDIRECT through disturbance such as run-off, noise, dust, lighting or increased recreational use.

Note 6

Avoidance = measures taken to avoid impacts – should be the first consideration; Mitigation = measures which make unavoidable impacts less severe; Compensation = measures which counterbalance remaining impacts, resulting in an overall no net loss of biodiversity. (NB 'Mitigation' as a general term, or a 'mitigation strategy' is often used to cover all these processes).

Note 7

The types of feature highlighted in this Checklist have a higher likelihood of supporting bats and is taken from the list produced by the Bat Conservation Trust in their good practice survey guidelines (see <http://www.bats.org.uk/pages/guidanceforprofessionals.html>). However, it is important to recognise that many buildings that do not meet these criteria may also support bats.

Important: this checklist cannot include reference to *all* protected or notable species in *all* circumstances where they may be affected. Legislation relating to protected species does apply in all circumstances and it is the responsibility of the developer to ensure that the species and their habitats are not impacted as a result of development.

If protected species are found during the course of development, work should be halted and advice sought from Natural England, the local authority ecologist or a qualified private ecologist.

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Appendix 2 – Ecological Survey and Assessment

- A2.1 Where appropriate, planning applications will need to be supported by adequate ecological information, using up to date desk studies and site assessment to inform survey methodologies sufficient in scope to allow the impact of a proposal to be appropriately assessed to enable the council to demonstrate in the exercise of planning functions how it is fulfilling the duty to have regard to the conservation and enhancement of biodiversity. This includes householders and developers of small sites where there may be risks of impacts to habitats and species. More information is available from [CIEEM](#).⁸¹

Securing Appropriate Ecological Advice

- A2.2 All ecological surveys, including protected species and habitat surveys, must be undertaken in accordance with accepted industry best practice survey guidelines. Surveys and data gathered not in accordance with best practice guidelines may not be accepted as constituting appropriate supporting information.
- A2.3 It is therefore advisable to seek professional advice and support through suitably qualified ecological consultants, as appropriate.
- A2.4 The Chartered Institute of Ecology and Environmental Management (CIEEM) is the leading professional membership body representing and supporting ecologists and environmental managers in the UK. Members of CIEEM are required to work in accordance with specified professional standards, whose competence has been assessed as part of their membership registration, driving best practice compliance.
- A2.5 The CIEEM 'Registered Practices Directory' provides a 'search' function to allow searches for local consultants qualified in the relevant specialism that you require. Directory Registered Practices are committed to ensuring that all their ecologists and environmental managers are working to high standards and undertake regular continuing professional development.
- A2.6 The Registered Practices Directory can be found online here at <https://cieem.net/i-need/finding-a-consultant/>
- A2.7 Be aware that different surveys may require different specialisms. Please ensure that the consultant you appoint is qualified to undertake the survey work you require, including protected species licences if appropriate.
- A2.8 It is often helpful to appoint an ecological consultancy who is based locally to your project site. Not only will this reduce travel and expenses, the ecological consultant will also have useful local knowledge of the types of habitats and species present locally and relevant to your proposals.

Baseline Information

- A2.9 Appropriately detailed biodiversity baseline information is required to inform the need for further detailed survey and support evidence-based conclusions. Such data identifies the presence of designated sites and existing records of protected and priority habitats and

⁸¹ <https://cieem.net/resource/guide-to-ecological-surveys-and-their-purpose/>

species that could be affected by development within the appropriate and sufficient zone of influence⁸². Some ecological data is available from open access sources such as DEFRA's MAGIC [Multi Agency Geographic Information for the Countryside \(MAGIC\) map](https://www.hants.gov.uk/landplanningandenvironment/environment/biodiversity/informationcentre)). However, more detailed and locally specific data is only available from the Hampshire Biodiversity Records Centre (HBIC) (<https://www.hants.gov.uk/landplanningandenvironment/environment/biodiversity/informationcentre>). Developers are advised to commission an ecological data search from HBIC to support their planning application prior to submission, in order to ensure that all relevant ecological constraints are appropriately identified and addressed. The data generated through a desk study should be properly analysed and interpreted, with the results used to inform further ecological survey where required in line with ecological best practice. Reustls should also inform the development proposal design including implementation of the mitigation hierarchy to support a planning application.

- A2.10 Data search requests should be for a minimum 1 km buffer from the red line boundary for protected and Priority species and 2 km for all designated sites, extending further where for example mobile species, such as bats and birds could be affected whilst passing through the project site.
- A2.11 While older data may be less relevant in some cases, it may provide the only baseline available for a site and so should not be discounted.
- A2.12 An absence of records does not mean a record of absence and ecological consultants need to use their professional judgment to ensure that biodiversity features are not overlooked. Survey and assessment of all species likely to be present on and adjacent to the development site and any which could be affected indirectly should be covered.

Preliminary Ecological Appraisal (PEA)

- A2.13 A PEA is a rapid assessment, carried out by ecologists, of the ecological features present or potentially present within a site and its surrounding area (zone of influence) and typically comprises a desk study and a walkover survey. It is an initial means of recording the habitats and condition of a site and predicting the likely ecological constraints and opportunities that might arise if the site is developed.
- A2.14 PEAs should be commissioned at the earliest stages of design, and their results used to inform the developer's design team, influence the layout and form of the proposals and as an evidence-base to show the implementation of the mitigation hierarchy. Identifying important ecological features at the outset and avoiding impacts will limit the loss of biodiversity and reduce the need for mitigation and compensation measures.
- A2.15 Where relevant, these reports will include recommendations for further survey, particularly in relation to protected and Priority species where habitats likely to support such species are recorded and are to be impacted by the development.
- A2.16 A PEA should only be submitted as part of a planning application where it can be demonstrated that the project would have no significant ecological effects, no mitigation is

⁸² The area(s) over which ecological features may be affected by the biophysical changes caused by a proposed development project and associated activities.

required, and no further surveys are necessary. Where these cannot be demonstrated, the PEA should be superseded by an Ecological Impact Assessment (EclA) report.

- A2.17 A PEA is unlikely to be sufficient where designated sites and/or protected and priority habitats and species are likely to be affected and further surveys will be required. Development affecting non-designated sites and some householder applications may need a PEA.
- A2.18 More information PEA is available from [CIEEM](#)⁸³

Ecological Impact Assessment (EclA)

- A2.19 Where the Biodiversity Checklist/PEA identifies likely development impacts on biodiversity and / or the need for further ecological survey work, the results of such surveys must be submitted with the planning application, clearly assessing the impacts of the proposed development on such ecological features, identifying any significant effects as well as impacts on any designated sites or protected species, and detailing both the mitigation measures required, and how these will be secured. The findings of an assessment will help the council understand the project's ecological constraints and requirements and provide assurance that effective and deliverable mitigation can be secured. Surveys must be carried out during the appropriate season (see Annex 4) and in accordance with published standards.
- A2.20 An EclA should be produced in accordance with best practice guidance (BS42020:2013) and should contain all necessary survey results and a full assessment of ecological impacts. It should include reporting on all biodiversity features within the development site and wider area (zone of influence), proportionate and fully detailed mitigation and compensation measures that can be secured by condition or obligation, or by appropriate species licensing, and contain evidence that it has informed the design and has recommendations that have been embedded into the design.
- A2.21 Surveys and reports have a finite lifespan due to the response of habitats to environmental factors and changes in management and the dynamic nature of species populations. CIEEM guidance highlights issues with lifespan and the validity of reports in different circumstances. Outline or phased developments are likely to require conditions for further surveys to keep the survey information up to date.
- A2.22 In addition to the information within BS42020:2013, CIEEM provides detailed guidance about expectations in the reporting of biodiversity information in support of planning applications. Applicants are encouraged to choose professional ecologists that will comply with these expectations and can demonstrate their suitability for the role. Full details of those involved in survey work and reporting should be included in all reports with a summary of their experience and competence.
- A2.23 Where ecological information on species and habitats does not follow the mitigation hierarchy or is inadequate in the EclA, further ecological surveys will be required and should be provided prior to determination. Further surveys will not be secured through planning

⁸³ <https://cieem.net/wp-content/uploads/2019/02/Guidelines-for-Preliminary-Ecological-Appraisal-Jan2018-1.pdf>

conditions, unless in exceptional circumstances, as identified in paragraph 9.2.4 of BS42020:2013. An ecological report needs to be fit for purpose as this will reduce the risk of delay, cost and/or uncertainty associated with determination. All ecological reports need to be clear and unambiguous as to what measures will be implemented.

A2.24 The council expects that all biodiversity records obtained during surveys to be submitted to Hampshire Biodiversity Record Centre, as required by CIEEM's code of professional conduct. Applicants must not seek to restrict their ecological consultants from submitting biodiversity records.

A2.25 More information EclA is available from [CIEEM](#)⁸⁴

Ecological Constraints and Opportunities Plan (ECOP)

A2.26 An Ecological Constraints and Opportunities Plan (ECOP) is a useful tool/drawing, submitted as part of the required ecology reports, used to present or 'traffic light' ecological information to other professionals and can assist with gaining the best outcomes for biodiversity. It has three main roles:

- at the pre-application stage, an ECOP may be used as an iterative tool within the design team to inform the overall design process;
- at the decision-making stage, it may be used to provide summary information for the decision-maker showing graphically how the mitigation hierarchy has been applied in practice – as such, it is an opportunity to show what and where the key biodiversity constraints and opportunities are associated with the proposed development described in the planning application; and
- at the implementation stage, it may be used to provide an overview, showing how and where biodiversity is to be addressed during the actual development works or aftercare period (e.g. as a summary drawing forming part of a construction environmental management plan)

A2.27 An ECOP should be prepared using the results from ecological surveys, and initial identification of sensitive features and potential impacts, along with an assessment of their condition in relation to their potential for enhancement.

A2.28 The level of detail in the ECOP should be proportionate to the nature and scale of the proposed development and should be used to inform the site design and layout, with biodiversity balanced against other competing needs, e.g. the need for amenity space.

A2.29 An ECOP should be submitted as part of an EclA where potential ecological impacts are predicted and to evidence-base implementation of the mitigation hierarchy.

BNG Baseline Assessment

A2.30 Unless a site is exempt (see paragraph 4.17 to 4.23), a BNG baseline assessment is required to enable the post-development biodiversity value (BNG) of the site to be demonstrated upon application. As required by the Environment Act, pre-development biodiversity value

⁸⁴ <https://cieem.net/wp-content/uploads/2018/08/ECIA-Guidelines-2018-Terrestrial-Freshwater-Coastal-and-Marine-V1.1Update.pdf>

must be calculated before any site clearance or other habitat management work has been undertaken. However, if this is known to have happened without the benefit of existing planning permission or felling licence, the condition of the site on or after 30th January 2020 will be taken as the baseline of the habitat as stated in Schedule 14 Part 1 paragraph 6 of the Environment Act. An earlier baseline may be required where activity has reduced the biodiversity value of a site. Where previous surveys are not available, this will be established through best available evidence including Hampshire Biodiversity Records Centre records and habitat areas identified through aerial photographs.

- A2.31 Habitat mapping methodologies need to be appropriate to their purpose. For BNG calculations, UK Habitats Classification is required to populate the Statutory Biodiversity Metric.

Other Types of Assessment

- A2.32 The consultant ecologist should determine whether the site falls within a SSSI Impact Risk Zone, as shown on the [Multi Agency Geographic Information for the Countryside \(MAGIC\) map](#)⁸⁵, which would indicate that the development could result in indirect impacts that require consultation with Natural England.

When to Undertake Ecological Surveys

- A2.33 Surveys for many habitats and protected species can only be undertaken at certain times of year in order to provide reliable data and meet best practice survey guidelines.
- A2.34 The following survey calendar indicating optimal and suboptimal survey windows for the more common habitat types and protected species.

⁸⁵ <https://magic.defra.gov.uk/>

Survey Calendar

	Optimal
	Sub-optimal
	Not acceptable

The following table provides a guide on appropriate survey seasons and is based on current industry best-practice.

Survey Type	January	February	March	April	May	June	July	August	September	October	November	December
Vegetation				Extended Phase 1 habitat and NVC (Woodland: April-June; Grassland: June-August)								
Badger		Bait marking and sett search							Bait marking and sett search			
Bats	Preliminary Roost Assessment (all year); Preliminary Ground Level Tree Roast Assessment (optimal between November and March)											
	Hibernation				Emergency/ return to roost and activity						Hibernation	
Hazel Dormouse				Nest tube (nut search from September to December)								Nut search
Otter			Preferable survey season									
Water Vole												
Birds	Wintering birds		Migratory/ breeding birds	Breeding birds					Migratory birds		Wintering birds	
Great Crested Newt	Habitat suitability index											
				eDNA presence/absence								
			Presence/absence and population size class assessment									
				Refugia search								
Natterjack Toad												
Reptiles												
Invertebrate												
White-clawed Crayfish												

Appendix 3 - Biodiversity on Development sites: A hazard prevention checklist during construction and operation

A3.1 This checklist aims to help implement the mitigation hierarchy: avoid impacts and embed mitigation during construction as well as inform the design and location of compensation post construction.

Table 5 – Recommended Hazard Checklist

Hazard	Considerations
Construction Phase	
Ancillary structures such as paths and other hardsurfaces	<p>These are often excluded from planning application drawings, but their construction and location can damage biodiversity features. Ensure their design, location and construction method take account of biodiversity features e.g. permeable paving systems which can integrate vegetation.</p> <p>Development design should have regards to maintaining commuting and foraging routes of mobile protected species such as badgers and bats. Vegetated wildlife corridors across development sites should be retained while new roads should incorporate mammal tunnels in suitable locations, to avoid road deaths.</p>
Assembly areas for components of construction.	Plan locations in advance and site well away from sensitive areas. Include in Ecology report site plan.
Demolition operations.	<p>Falling rubble and storage areas for demolished structures can cause unnecessary damage if not properly planned for.</p> <p>Consideration is required to avoid emissions of chemical pollutants, aerial dust and siltation of surface waters.</p>
Interruptions to established management regimes	It is important to maintain established habitat management regimes throughout the construction process. In some cases, it may be necessary to modify these to help buffer biodiversity features from construction impacts. Seek ecological advice
Introduction of imported soils	<p>Often landscaping schemes involve the importation of topsoil which is inappropriate to the locality or the nature conservation feature. In general, nutrient-rich topsoil should be avoided in habitat management and creation schemes. Introduction of topsoil can also promote the spread of invasive plant species.</p>
Lighting	Lighting/floodlighting can interfere with nocturnal animal behaviour patterns. All lighting schemes should be designed to minimise light spill and maintain dark unlit features on and off-site including on

Hazard	Considerations
	surrounding natural features such as trees and greenspaces. Schemes should be in accordance with best practice guidelines BCT & ILP (2023) Guidance Note 08/23. Bats and artificial lighting at night. Bats and the Built Environment. Bat Conservation Trust, London & Institution of Lighting Professionals, Rugby. (https://www.bats.org.uk/news/2023/08/bats-and-artificial-lighting-at-night-ilp-guidance-note-update-released)
Provision of services and utilities (e.g. underground power lines, water supply and drainage / gully pots)	These are often excluded from planning application drawings, but their construction and location can damage biodiversity features including trapping and killing animals such as toads and amphibians in gully pots. Ensure their location is included in the Ecology report and their design and effects fully considered.
Removal of site offices/ compounds and final site clearaway after construction	Due care is needed, for example to ensure protective fencing is maintained in good condition until all danger of damage to biodiversity features by construction-related activity is passed.
Storage areas for construction and landscaping materials	Ensure such storage areas are identified and considered in the ecological report.
Structural works to existing buildings including conversions.	Although the footprint of the development may be the same as existing, construction activity may affect nearby biodiversity features. Such development may also affect species which use buildings, such as bats and nesting birds.
Temporary access routes for construction vehicles - both on and off site.	Plan locations in advance and site well away from sensitive areas. Include in ecological report site plan.
Temporary fencing	Protective fencing should be sturdy and form a sufficiently robust barrier to prevent accidental damage to nature conservation features. Temporary fencing for construction purposes should avoid severing areas of habitat.
Temporary offices and compounds	Plan locations in advance and site well away from sensitive areas. Include in Ecology report site plan.
Topsoil and sub-soil removal	Consider locations for storage and include in Ecology report. Ensure topsoil removal does not promote the spread of invasive species to new locations. Consideration is required to avoid emissions of chemical pollutants, emissions of aerial dust and siltation of surface waters.

Hazard	Considerations
Vegetation clearance	Direct loss of habitat; timing of removal to minimise impact and meet legislative requirements for protected species (e.g. nesting birds, hibernating herptiles); ensure controlled removal of undesirable species such as Invasive Non-native Species (e.g. Japanese Knotweed)
Occupation/Operational phase	
Landscape management	Appropriate aftercare, such as watering, is crucial to the successful integration of nature conservation features into development. Specialist contractors may be required at particularly sensitive locations. Chemical applications should be avoided.
Pets	Pets can have a severe predation and disturbance effect on reptiles, mammals and birds. Major scheme design should aim to minimise this risk, for example by buffering habitat resources such a woodland from development, and in the location and types of nest boxes and bird feeders used.
Public access	Increased public access to urban nature conservation features should be encouraged but such access should be carefully considered in the design and management of schemes to ensure nature conservation benefits are sustained.
Vandalism	The design of nature conservation features within development should take account of potential vandalism issues and other anti-social behaviour.
Vehicle access around and on/off-site	Plan locations for all roads and paths in advance and site well away from sensitive areas. Soil compaction issues. Ensure temporary access is included in ecological report site plan.

Appendix 4 - Opportunities to Enhance Biodiversity on Development Sites

- A4.1 When determining planning applications, National planning policy requires local planning authorities to seek opportunities to improve biodiversity in and around developments, integrated as part of their design.

Species Enhancement Opportunities

- A4.2 Protected species are a material consideration within the planning process. Inclusion of species enhancement features within the design of a new build will help a developer demonstrate to the Council that the development has taken protected species into account within design and is seeking a net gain in biodiversity as a result of the build. This will help a developer meet national planning policy obligations even where a development may be exempt from statutory obligations under the Environment Act to demonstrate a biodiversity net gain.

Integrated Boxes

- A4.3 Integrated habitat boxes are solid boxes usually made of insulating concrete that provide an internal roost or living space, ready to be integrated into the fabric of a building as it is built or renovated. Such features can also be retrospectively fitted to existing buildings. Integrated habitat boxes are designed to require minimal or no maintenance, are discrete and long lasting. These features are permanent and provide good temperature. Integrated boxes are therefore encouraged as best practice. Such features are available for bats, a range of bird species, solitary bees, bumble bees and other insects. Bat access roof tiles can provide roosting opportunities for crevice dwelling species or access into roof void where appropriate, for void dwelling species.

Bird Boxes and Swift Bricks

- A4.4 Species record searches and ecological surveys will identify habitat types present at and adjacent to a development site, as well as which species are present. Proposals for bird boxes should have regards to existing records and seek to retain and enhance these existing species. Species specific bird boxes are available for a range of species including swift, starlings, sparrows, different species of tit, redstarts, robins and wrens. Integral nest boxes should be selected and installed in accordance with British Standard BS42021:2022 'Integral nest boxes. Selection and installation for new developments. Specification'.
- A4.5 The installation of a minimum of two bird boxes on new buildings will provide additional nesting habitat for birds. This should be using the following examples or a similar alternative brand:
- Schwegler No 17 Swift Nest Box (buildings)
 - Schwegler 1SP SparrowTerrace (buildings)
 - Schwegler 1B Nest Boxes (trees)
 - Schwegler 2H Robin Boxes (trees)
 - Woodstone Nest Box (buildings or trees)

- A4.6 Tree boxes should be positioned approximately 3m above ground level where they will be sheltered from prevailing wind, rain and strong sunlight. Small-hole boxes are best placed approximately 1-3m above ground on an area of the tree trunk where foliage will not obscure the entrance hole. Swift and sparrow boxes should be positioned at the eaves of a building.

Bat Boxes

- A4.7 Species record searches will identify which bat species are present locally to the development site. Proposals for bat boxes should have regards to existing records and seek to retain and enhance these existing species. Where active bat roosts have been identified as present within or adjacent to the development site, a protected species mitigation licence may be required from Natural England prior to the commencement of works in order to ensure compliance with protected species law. Works must be undertaken in accordance with the methodology set out within the agreed protected species licence, which may include provision of bat habitat features.
- A4.8 The installation of a minimum of two bat boxes on new buildings will provide additional roosting habitat for bats. This should be using the following examples or a similar alternative brand:
- 2F Schwegler Bat Box (trees)
 - 1FF Schwegler Bat Box (trees)
 - 2FN Schwegler Bat Box (trees)
 - Beaumaris Bat Box (buildings)
 - Vivara Pro Woodstone Bat Box (buildings)
- A4.9 Bat boxes should be positioned 3-5m above ground level facing in a south or south-westerly direction with a clear flight path to and from the entrance, away from artificial light. Alternatively, bat boxes could be incorporated into new buildings, such as
- Habibat Bat Box Schwegler
 - 1FR Bat Tubes
- A4.10 Bat tubes should be inserted into the fabric of the building during construction, positioned 3-5m above ground level facing in a south or south-westerly direction with a clear flight path to and from the entrance and facing landscapes areas, away from artificial light.

Reptiles

- A4.11 Widespread reptiles are often present within our more urban environments. Developments should have regards to maintaining wildlife corridors so that reptiles may continue to move across development sites for foraging. Reptiles thrive in non-uniform habitats such as grassland with tussocks and areas of southfacing open ground for basking. Retention of log piles and creation of more formal hibernacula in sunny and warm locations, will also provide safe refuge spaces. Advice on logpile and hibernacula design best practice are available online from trusted sources such as The Wildlife Trusts or Amphibian and Reptile Conservation.

Bug-hotels and Log Piles

- A4.12 Bug-hotels and log piles Inclusion of landscaping features that mimic natural insect habitats specifically dead wood piles and stands for beetles such as stag beetle, and nesting sites for solitary bees and wasps (Aculeate hymenoptera), when combined with biodiverse planting, provide easy-wins for local wildlife including shelter and foraging opportunities for birds and bats and other mammals such as hedgehog. Features can be as small as a few logs piled in the corner linking to boundary hedges, or bug hotels comprising of wood drilled with small holes located in a sunny spot. If development requires vegetation or tree removal, then the arisings can be used to create instant habitat features on the site without the need to bring in outside materials and with no added costs.

Butterfly and Bee Banks

- A4.13 Butterfly and bee banks can be easily created from mounds of chalk planted with wildflower species which thrive on chalk such as ox-eye daisy, field scabious, betony and kidney vetch. Low-lying species that do not have a particularly high sward are of particular value to invertebrates, as are areas of bare ground and chalk. Relatively small banks can be created in sunny aspects and connected to the wider landscape as part of a landscaping scheme and will attract a range of pollinating insects such as bees and butterflies, as well as providing habitat for many other invertebrates.

Biodiverse Roofs and Walls

- A4.14 Biodiverse, living or green roofs and walls can provide valuable habitat on sites particularly where space for new habitat creation is constrained and are therefore good options for highly urban developments. They can play an important role in providing new habitat for species displaced by the development, for invertebrates and wildlife species that already live in the city and gardens and for connecting up the wider landscape. In addition to ecological and aesthetic improvements, biodiverse roofs can provide a range of other benefits, such as slowing storm runoff, reducing flood risk, cooling urban areas and increasing energy efficiency. There is also evidence that green roofs increase the efficiency of photo voltaics.

Sustainable drainage systems (SuDS)

- A4.15 SuDS can include permanent water features, such as ponds, as well as features such as rain gardens and swales that fill up during rainfall events to manage surface water run-off, helping to ensure water quality is not adversely affected by development. SuDS have the potential to improve biodiversity by enhancing existing and creating new wildlife habitats and can deliver BNG if designed to provide natural habitats, particularly using locally native species. [Further guidance](https://www.rspb.org.uk/globalassets/downloads/documents/positions/planning/sustainable-drainage-systems.pdf)⁸⁶ on maximising the benefits to biodiversity from SuDS has been published by the RSPB and Wildfowl and Wetlands Trust.
- A4.16 SuDS can also provide additional benefits such as improved air quality, noise mitigation and access to nature. Inclusion of SuDS within a site is the preferred approach to managing rainfall and surface water runoff. It is essential that the management of water is considered at the earliest stage of a development and built into the design, although SuDs can also be

⁸⁶ <https://www.rspb.org.uk/globalassets/downloads/documents/positions/planning/sustainable-drainage-systems.pdf>

retrofitted. The choice and design of SuDS must be appropriate to the site to ensure there is no adverse impact on groundwater quality.

Habitat Enhancement Opportunities

- A4.17 Planting palates should favour native species or species of known biodiversity benefit when planting new trees and shrubs, preferably of local provenance from seed collected, raised and grown only in the UK, suitable for site conditions and complimentary to surrounding natural habitat. Planting should focus on nectar-rich flowers and/or berries as these can also be of considerable value to wildlife.

Green Infrastructure and Ecological Networks

- A4.18 The arrangement of garden spaces within a development should aim to form a connected network, with links to surrounding green space and the wider landscape including Priority habitats and designated sites, thus forming part of a nature recovery network, rather than creating isolated pockets or islands within the built landscape. Boundaries should be designed to facilitate the movement of wildlife between properties within a development. Native species rich hedgerows are the preferred boundary treatment.
- A4.19 Further guidance is available in the [Natural England Green Infrastructure Planning and Design Guide](https://designatedsites.naturalengland.org.uk/GreenInfrastructure/downloads/Design%20Guide%20-%20Green%20Infrastructure%20Framework.pdf)⁸⁷

Maintenance and management of measures

- A4.20 To ensure long-term benefits for biodiversity are maximised, any measures incorporated within a development must be maintained and appropriately managed. Where measures provide mandatory biodiversity net gain, these must be maintained and managed for a minimum period of 30 years, as required by the Environment Act 2021. Maintenance and management may be secured by planning condition or obligation.

⁸⁷ <https://designatedsites.naturalengland.org.uk/GreenInfrastructure/downloads/Design%20Guide%20-%20Green%20Infrastructure%20Framework.pdf>

Rushmoor Borough Council

DRAFT

**Rushmoor Habitat Bank
Procedure Note**

[Insert adoption month] 2024

Introduction and Background

- 1.1 The [Environment Act 2021](#)¹ makes provision for biodiversity gain to be a condition of planning permission by setting out key requirements in relation to biodiversity and development management through amendments to the Town and Country Planning Act 1990, including:
- mandatory delivery of a minimum of 10% Biodiversity Net Gain (BNG) above the pre-development value of the site unless exempt,
 - biodiversity value and BNG to be measured using the [Statutory Biodiversity Metric](#)² by a suitably qualified and experienced ecologist,
 - submission of a Biodiversity Gain Plan as a condition of planning permission,
 - BNG to be provided on-site, locally off-site (or a combination of both) or through a statutory biodiversity credit scheme,
 - habitat legally secured for at least 30 years via planning obligations or conservation covenants, and
 - legally secured off-site BNG must be registered on the national Biodiversity Gain Site Register [add link once available].
- 1.2 The requirements for BNG are due to become mandatory in January 2024 for larger sites and April 2024 for small sites. The Council adopted a Biodiversity Supplementary Planning Document (SPD) in [add date once adopted]³. Chapter 4 of the SPD provides more detail on how the Council will implement the mandatory requirement and should be read in conjunction with this procedure note. There are specific exemptions from BNG for certain types of development. The exemptions are set out in paragraph 17 of Schedule 7A of the Town and Country Planning Act 1990 and the [Biodiversity Gain Requirements \(Exemptions\) Regulations \[2024\]](#)⁴ [Draft Statutory Instrument]. These are also summarised on page 23-24 of the Biodiversity SPD.
- 1.3 The Biodiversity SPD sets out a clear sequential approach for BNG provision and requires that applicants provide evidence to demonstrate that BNG cannot be fully achieved on-site before off-site BNG can be explored. On this basis, the Biodiversity SPD sets out the following sequential approach:

¹ <https://www.legislation.gov.uk/ukpga/2021/30/contents/enacted>

² <https://www.gov.uk/government/publications/statutory-biodiversity-metric-tools-and-guides>

³ <https://www.rushmoor.gov.uk/planning-and-building-control/planning-policies/supplementary-planning-documents-and-advice-notes/>

⁴ <https://www.gov.uk/government/publications/the-biodiversity-gain-requirements-exemptions-regulations-2024>

Figure 1: BNG Sequential Approach (extract from Biodiversity SPD [insert adoption date])

1. Onsite
2. A combination of partial onsite and off-site solutions within the Borough
3. Complete off-site provision within the Borough,
4. Complete off-site provision which is geographically adjacent to the Borough or physically connected to the Borough's ecological network,
5. Complete off-site provision outside of the Borough, with preference given to locations within adjacent local authorities, having regard to opportunities to restore and enhance functional green corridors that connect with the Borough.
6. As a last resort, the Environment Act 2021 allows applicants to purchase [Statutory Biodiversity Credits](#)⁵ under the national scheme for the purpose of meeting BNG.

- 1.4 The purpose of this procedure note is to provide guidance on how applicants can purchase off-site BNG units from the Rushmoor Habitat Bank.
- 1.5 A Biodiversity Statement must be submitted with all non-exempt planning applications for consideration before the application can be determined (see paragraph 1.2 above for information about exempt developments). The Biodiversity Statement must clearly demonstrate, and allow the Council to assess, how and whether a development will meet the BNG requirements. The Biodiversity Statement must provide clear mapped information on the location of all off-site compensation BNG and detailed evidence of how this sequential hierarchy approach has been followed, as part of the justification of any off-site BNG.
- 1.6 The purchase of Biodiversity Units from the Rushmoor Habitat Bank provides an opportunity for applicants to meet mandatory requirements and for net gain to be delivered in the Borough, in accordance with this sequential approach. If applicants choose not to purchase these units to provide off-site net gain, or the Council is unable or cannot prioritise the application for allocation of Biodiversity units, it will be the applicant's responsibility to find a suitable location for the delivery of off-site BNG, in accordance with the sequential approach set out above.

Rushmoor Habitat Bank BNG Units

- 1.7 The sale of Rushmoor Habitat Bank units will enable the delivery of BNG through habitat restoration and enhancement measures on land owned and / or managed by Rushmoor Borough Council, including:
 - Rowhill Nature Reserve
 - Southwood Country Park
 - Southwood Woodlands

⁵ <https://www.gov.uk/guidance/statutory-biodiversity-credit-prices>

- 1.8 The Rushmoor Habitat Bank also includes opportunities for the planting of new trees within the urban environment individually or in groups at numerous planting locations across Rushmoor. Urban tree BNG Units can encompass a range of species and tree size at planting.
- 1.9 On this basis, the Habitat Bank holds BNG Units which will deliver restoration and enhancement measures to increase habitat condition for the range of area habitats, linear habitats and watercourse habitats outlined in Figure 2. The habitats listed below are classified in accordance with the UK Habitats survey methodology, as required by the [Statutory Biodiversity Metric](#)⁶.

Figure 2: Habitats available for enhancement in the Rushmoor Habitat Bank

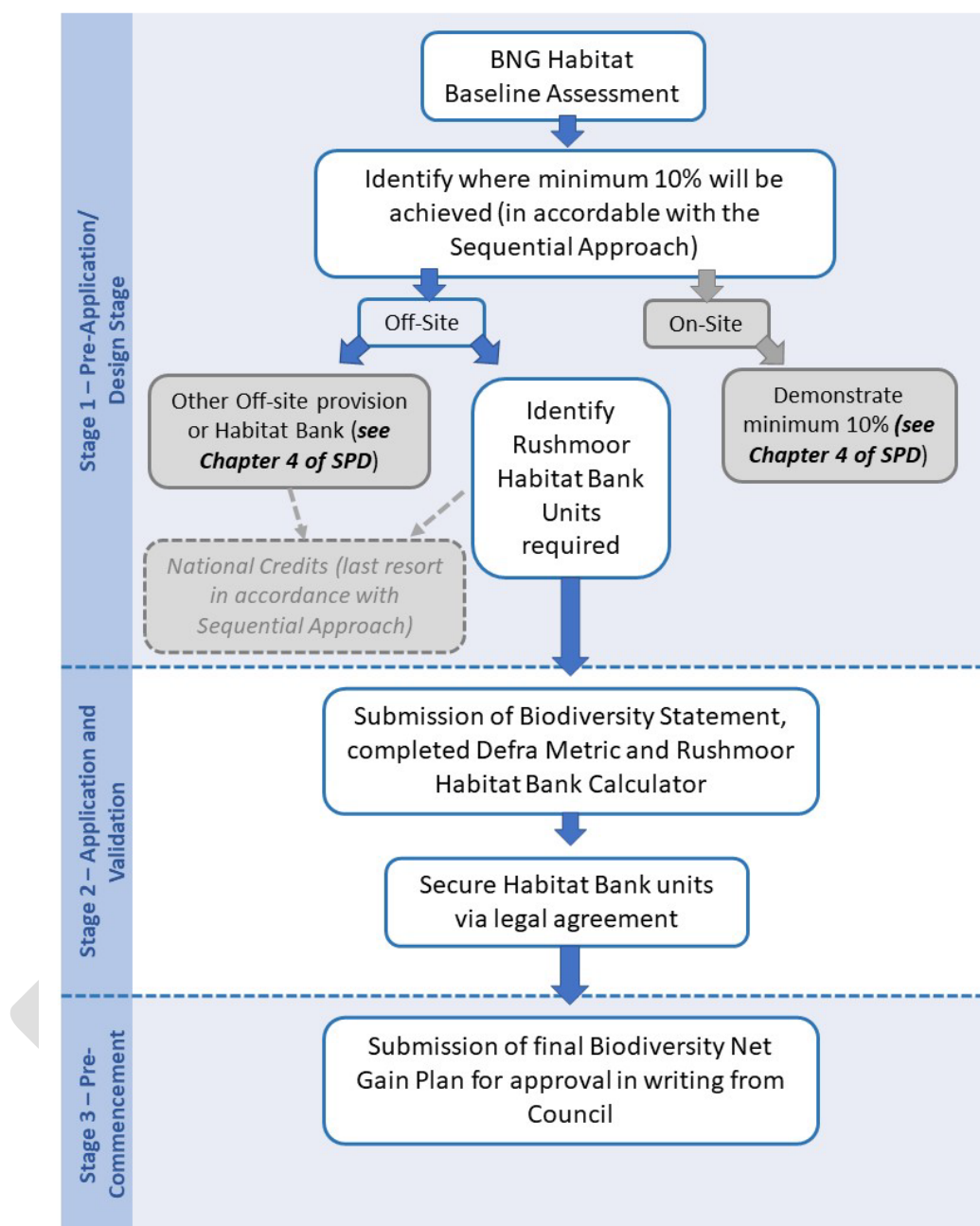
Area Habitats
<ul style="list-style-type: none">• Other neutral grassland• Other lowland acid grassland• Modified grassland• Lowland heathland• Wet woodland• Broadleaved woodland• Mixed woodland• Non-priority habitat pond• Reedbeds• Urban trees
Linear Habitats
<ul style="list-style-type: none">• Line of trees
Watercourse Habitats
<ul style="list-style-type: none">• Ditches

Procedure for Securing Rushmoor Habitat Bank Units

- 1.10 Chapter 5 of the Biodiversity SPD sets out how issues relating to biodiversity, including BNG, will need to be assessed to inform the planning process. The flowchart below (Figure 3) highlights the relevant aspects of the process required to demonstrate that applicants meet the mandatory BNG requirement and how applicants may choose to do this by purchasing units from the Rushmoor Habitat Bank. Applicants must demonstrate how they have followed the sequential approach detailed in paragraph 4.33 of the Biodiversity SPD before applying for Rushmoor Habitat Bank credits. **It is therefore important that this procedure note is read alongside the Biodiversity SPD. The adopted Biodiversity SPD is available at [add link once adopted]**

⁶ <https://www.gov.uk/government/publications/statutory-biodiversity-metric-tools-and-guides>

Figure 3: Process for demonstrating compliance with the mandatory requirement



Conditions of Sale

- 1.11 To be acceptable, proposed BNG provision must accord with the trading rules of the [Statutory Biodiversity Metric](https://www.gov.uk/government/publications/statutory-biodiversity-metric-tools-and-guides)⁷. Trading Rule 3 sets minimum habitat restoration and enhancement requirements to compensate for specific habitat losses. The Rule requires that habitat created or enhanced in mitigation or compensation for habitats adversely impacted by a development must be of the same habitat type or of better ecological value.

⁷ <https://www.gov.uk/government/publications/statutory-biodiversity-metric-tools-and-guides>

- 1.12 Requests to purchase Biodiversity Units from the Rushmoor Habitat Bank must be supported by the evidence approved at determination of the relevant planning permission. This evidence must include the [Statutory Biodiversity Metric](#)⁸, completed in line with published best practice guidance, and the approved Biodiversity Statement.
- 1.13 Purchase requests should specify the quantitative number of Biodiversity Units required, as well as the distinctiveness and condition of habitat to be created and / or enhanced, in line with the trading rules referenced in paragraph 1.11 above. The [Statutory Biodiversity Metric guidance](#)⁹ provides more information on the definitions and clarification of habitat condition and distinctiveness.
- 1.14 Rushmoor Habitat Bank biodiversity units will therefore be appropriate for purchase in circumstances where development will lead to the loss of habitats that are of the same or a lower habitat distinctiveness classification as set out in Figure 2. Applicants should be aware that losses and deterioration of irreplaceable or very high distinctiveness habitat cannot be compensated for through purchase of Biodiversity Units. More information on irreplaceable Habitats is available in Chapter 4 of the Biodiversity SPD.

Allocation of Units

- 1.15 The responsibility to meet the mandatory BNG requirement rests with the applicant. The Council has established a Habitat Bank to enable the delivery of off-site BNG within the Borough in accordance with the sequential approach. However, the Council is under no legal obligation to make BNG units available to any particular applicant or scheme.
- 1.16 It is therefore important for the Council to have appropriate criteria for the allocation of the BNG unit capacity, and it has therefore adopted the approach set out below.
- 1.17 Any applicant wishing to be provided or assisted with Council-controlled BNG units must meet the Biodiversity Unit sale criteria outlined in paragraphs 1.11 and 1.14 above. Only then will the opportunity to take up available BNG unit capacity be offered.
- 1.18 If the planning permission expires without being implemented, the units would be made available for reallocation, and there could be no assumption that mitigation capacity would automatically be made available in the event of an application being received to renew an unimplemented planning permission.
- 1.19 When considering any request for purchase of BNG units, the following criteria will be considered:

Criteria 1: Is the scheme on a site of strategic significance?

- 1.20 To support the regeneration of Aldershot and Farnborough town centres and the delivery of the Rushmoor Local Plan, sufficient units will be reserved to ensure the delivery of sites of strategic significance, which may include sites allocated in the adopted Rushmoor Local Plan.

⁸ <https://www.gov.uk/government/publications/statutory-biodiversity-metric-tools-and-guides>

⁹ <https://www.gov.uk/government/publications/statutory-biodiversity-metric-tools-and-guides>

- 1.21 This reserved capacity will only be released to support other schemes where it can be demonstrated that there is no likelihood of planning permission for these sites being secured and implemented.

Criteria 2: Is the scheme policy compliant and does it represent good development?

- 1.22 The Council offers pre-application advice to developers and will seek at this stage to establish whether the scheme proposed is satisfactory in relation to national and local planning policy. If a proposal is considered unlikely to receive a recommendation for approval/that permission be granted, the developer will be advised that the scheme will need to be amended or revised before an allocation of BNG units can be offered.
- 1.23 It should be noted that a scheme proposing a lower proportion of affordable housing than that required under development plan policy on viability grounds will not pass the 'policy compliant' test and will not receive or be supported by an allocation of Council-controlled BNG units unless the viability position has first been demonstrated.

Criteria 3: How quickly will the scheme deliver?

- 1.24 It would not be appropriate for Habitat Bank unit capacity to be tied up in speculative or outline schemes which are designed to maximise asset value with no likelihood of implementation. Consequently, any planning permission which is supported by BNG unit allocation from the Council will be subject to a condition limiting the duration of the permission to one year.
- 1.25 However, at the discretion of the Executive Head of Property and Growth, consideration may be given to granting permissions with a duration of longer than one year in the case of regeneration schemes within designated town centres (particularly those identified in the Local Plan) or other strategic or significant schemes. This is to reflect the possibility that partnership and/or funding arrangements may impact on the ability to implement a scheme within one year, but where the arrangements do provide certainty of delivery and completion.
- 1.26 If the Council is in a position where two competing schemes are the subject of requests for limited remaining Biodiversity Units and there are only sufficient units available to support one scheme at the time, the BNG unit allocation will be made to the scheme which the Council considers best addresses all the above criteria.

Further Information

Rushmoor Biodiversity Supplementary Planning Document (SPD)

The Council adopted a Biodiversity Supplementary Planning Document (SPD) in January 2024. Chapter 4 provides more detail on how the Council will implement the mandatory requirement. **It is important that the SPD is read in conjunction with this procedure note.** The adopted Biodiversity SPD is available at:

www.rushmoor.gov.uk/planning-and-building-control/planning-policies/supplementary-planning-documents-and-advice-notes/

Statutory Biodiversity Metric

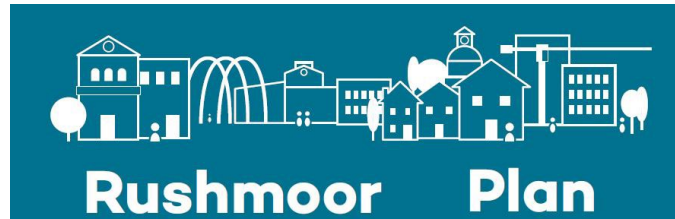
The Biodiversity Metric is a statutory biodiversity accounting tool that can be used for the purposes of calculating Biodiversity Net Gain. The latest version of the Metric, further information and associated user guides are available at:

<https://www.gov.uk/government/publications/statutory-biodiversity-metric-tools-and-guides>

Biodiversity Gain Plan Template

A draft Biodiversity Gain Plan Template and draft guidance has been provided by the Government at:

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

Appendix 3 – Biodiversity SPD (Regulation 12) Consultation Statement**Draft Biodiversity Supplementary Planning Document (SPD)****Consultation Statement**

Regulation 12 Town and Country Planning (Local Development) (England) Regulations 2012
(as amended)

Persons consulted when preparing the supplementary planning document

The Draft Biodiversity SPD was subject to public consultation for a period of 6 weeks between 29 August 2023 and 10 October 2023. Copies of the draft SPD and supporting documents (namely a Strategic Environmental Assessment Screening Statement and Statement of Matters and Availability (see Appendix 1)) were made available to view at the following locations during opening hours:

- Rushmoor Borough Council Offices
- Aldershot Library
- Farnborough Library

The SPD and supporting information was also made available to view online at <https://www.rushmoor.gov.uk/planningpolicyconsultations> (see Appendix 2.)

Representations were invited via an on-line survey on the website or via email or via post.

Consultation emails

The Council notified all those registered on the Rushmoor Local Plan consultation database. The database covers a wide range of stakeholders including local residents, businesses, statutory bodies such as Natural England and the Environment Agency. In total, there are approximately 190 contacts on the database and all were contacted via email (see Appendix 3).

Documents available on the Council's website

Copies of the draft SPD, the Strategic Environmental Assessment Screening Statement and Statement of Matters and Availability were made available to view/download on the Council's website at <https://www.rushmoor.gov.uk/planningpolicyconsultations>

Summary of the main issues raised

Six responses to the consultation were received in total, including from Natural England, the Environment Agency and Historic England.

The main issues raised by respondents include:

Appendix 3 – Biodiversity SPD (Regulation 12) Consultation Statement

- Need to strengthen the SPD to include more detail on existing biodiversity resource and how developers can deliver biodiversity net gain in the district and on their specific sites.
- More guidance should be provided on how to assess watercourses and achieving biodiversity net gain in a meaningful and sustainable way.
- Recommend a more holistic approach and recognition for the overlap between the natural and historic environment.
- Ensure reference is made to the latest adopted Biodiversity Metric.

The detailed comments received are set out in Appendix 4.

How those issues have been addressed in the supplementary planning document

The Officer responses relating to the detailed comments and how they have been addressed in the final version of the SPD can be found in Appendix 4.

Appendix 1 Statement of SPD Matters and Availability



Draft Biodiversity Supplementary Planning Document (SPD)

Statement of SPD Matters and Availability

Regulation 12 Town and Country Planning (Local Development) (England) Regulations 2012
(as amended)

Title: Draft Biodiversity Supplementary Planning Document (SPD)

Area Covered: Rushmoor Borough

Subject Matter: The Biodiversity SPD seeks to provide further guidance to applicants on how biodiversity considerations, including Biodiversity Net Gain, should be incorporated into the development process from the outset to ensure that legislation and Local Plan policy requirements are met, and best practice standards are achieved. This will support the implementation of Policy NE1: Thames Basin Heaths Special Protection Area and Policy NE4: Biodiversity, contained within the Rushmoor Local Plan.

Representation Period: 29 August 2023 – 5pm on 10 October 2023

Copies of the draft documents and the supporting information are available to view at:

- **Rushmoor Borough Council Offices** between 9am and 2pm Monday to Friday
- **Aldershot Library**, 109 High Street, Aldershot, Hampshire, GU11 1DQ at the following times:
 - Monday 9.30am – 1.30pm
 - Tuesday, Wednesday, ~~Friday~~ and Saturday 9.30am - 5pm
- **Farnborough Library**, Pinehurst, Farnborough, Hampshire GU14 7JZ at the following times:
 - Monday, Wednesday, Thursday, Friday, Saturday 9.30am – 5pm
 - Tuesday 9.30am – 1.30pm
- Online at www.rushmoor.gov.uk/planningpolicyconsultations

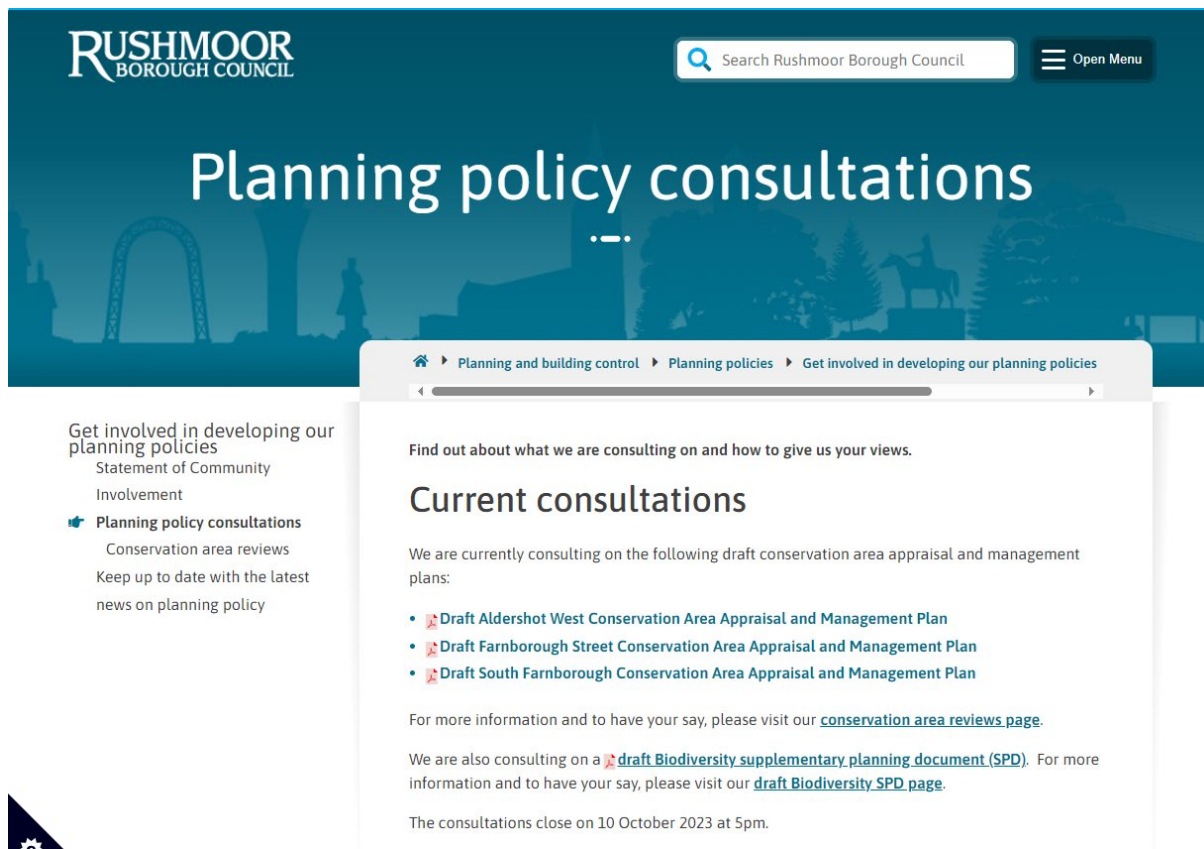
Representations to be sent:


By online survey via www.rushmoor.gov.uk/planningpolicyconsultations or by email to planningpolicy@rushmoor.gov.uk


Or in writing to: Planning Policy, Rushmoor Borough Council, Council Offices, Farnborough Road, Farnborough, Hampshire, GU14 7JU


Adoption Notification: If you wish to be notified of the adoption of this SPD, please request this as part of your submissions.

Appendix 2 Planning Policy Consultations webpage





 Search Rushmoor Borough Council

 Open Menu

Draft biodiversity SPD

Supplementary planning documents and advice notes

Aldershot town centre prospectus SPD

Locally Listed Heritage Assets SPD

Car and cycle parking SPD

Development affecting public houses SPD

Farnborough civic quarter masterplan SPD


Farnborough town centre SPD





Home improvements and extensions SPD



Shop front design guide SPD

Transport contributions SPD

Financial contributions for open space

 Draft biodiversity SPD

  Planning and building control  Planning policies  Supplementary planning documents and advice n

We are consulting on a draft biodiversity supplementary planning document (SPD).

What the supplementary planning document is for

Our [draft biodiversity supplementary planning document \(SPD\)](#) gives you guidance in how from the start of your development, you should consider biodiversity.

It also sets out how you, as a planning applicant, should meet the new national mandatory requirement for a minimum of 10% biodiversity net-gain on new developments. This requirement is due to be introduced on large development sites from November 2023.

As part of the [Rushmoor Local Plan](#), the biodiversity supplementary planning document will support the implementation of:

- Policy NE1: Thames Basin Heaths Special Protection Area
- Policy NE4: Biodiversity

The draft supplementary planning document and its supporting documents

You can read the draft Biodiversity SPD and supporting documents below. The documents are also available to view at the Council Offices and at Aldershot Library and Farnborough Library, during opening hours.

- [Draft Biodiversity supplementary planning document \(SPD\)](#)
- [SEA/HRA Screening Statement](#)
- [Statement of Matters and Availability](#)

Have your say


You can submit your feedback by completing our short [online survey](#).


You can also send us your comments by emailing planningpolicy@rushmoor.gov.uk or by post to the address below:


Planning Policy
Rushmoor Borough Council
Council Offices
Farnborough Road
Farnborough
GU14 7JU


This consultation closes on 10 October at 5pm.

Contact us

 Planning policy

 01252 398 787

 planningpolicy@rushmoor.gov.uk



Appendix 3 – Biodiversity SPD (Regulation 12) Consultation Statement

Appendix 3 Email to Consultees

Rushmoor Draft Biodiversity Supplementary Planning Document (SPD) Consultation - Message (HTML)

File

Message

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Tell me what you want to do

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Reply

Reply All

Forward

Share to Teams

+TO ACTION

Mark Unread

Find

Zoom

...

Rushmoor Draft Biodiversity Supplementary Planning Document (SPD) Consultation

RC

Rushmoor Council Planning Policy

To

Cc

Rushmoor Council Planning Policy

Reply

Reply All

Forward

...

Tue 29/08/2023 14:46

Dear Sir/Madam,

The Council is currently consulting on the following document for a period of six weeks:

- Draft Biodiversity Supplementary Planning Document (SPD)

You can view the SPD and supporting documents online at www.rushmoor.gov.uk/planningpolicyconsultations.

The closing date for comments is 5pm on Tuesday 10th October 2023. Comments can be submitted:

- by using our online survey available via www.rushmoor.gov.uk/planningpolicyconsultations
- by email to planningpolicy@rushmoor.gov.uk or
- in writing to: Planning Policy, Rushmoor Borough Council, Council Offices, Farnborough Road, Farnborough, Hampshire GU14 7JU.

Hard copies of the draft SPD and the supporting information are available to view at:

- Rushmoor Borough Council Offices** between 9am and 2pm Monday to Friday
- Aldershot Library**, 109 High Street, Aldershot, Hampshire, GU11 1DQ at the following times:
 - Monday 9.30am – 1.30pm
 - Tuesday, Wednesday, Friday and Saturday 9.30am - 5pm
- Farnborough Library**, Pinehurst, Farnborough, Hampshire GU14 7JZ at the following times:
 - Monday, Wednesday, Thursday, Friday, Saturday 9.30am – 5pm
 - Tuesday 9.30am – 1.30pm

If you wish to be notified of the adoption of the Biodiversity SPD, please request this as part of your submissions.

You have received this email because you have previously asked to be notified about consultations and updates on Planning Policy documents. If you no longer wish to be included on the Council's Planning Policy Consultation Database, please email planningpolicy@rushmoor.gov.uk.

Yours Sincerely,
The Policy and Conservation Team
Rushmoor Borough Council

Appendix 3 – Biodiversity SPD (Regulation 12) Consultation Statement

Appendix 4 Detailed Consultation Responses and Officer Comments

Respondent	Section	Summary of Response	Officer Comment
The Basingstoke Canal Society	Whole Document	<p>The Society has considered the draft Biodiversity SPD and we feel that our previous response to the Green Infrastructure Strategy in March 2022 captures all the issues that we would wish to highlight.</p> <p>The previous response to the Green Infrastructure Strategy in March 2022 raised the following issues:</p> <ul style="list-style-type: none"> • Reference to the Canal and Rivers Trust within GP3 - Enhancing the Basingstoke Canal is incorrect, the Basingstoke Canal Authority (BCA) supported by the Basingstoke Canal Society (BCS) perform this role and whilst the C&RT are responsible for the majority of canals in the UK, this is not the case for the Basingstoke Canal. • Questioned whether any of the studies referred to in the Strategy considered the additional pressure on the canal through the additional use by residents from the likes of Hartland & Wellesley together the very likely use of the canal within Rushmoor and Hart's LCWIP (formerly Green Grid)? • Recommend use of approach used by Woking Borough Council Climate Change Supplementary Planning Document (SPD) - Applicants' Climate Neutral Development Checklist • The canal towpath provides an important and much used multi user green route connecting SANGS, open spaces and urban areas across Rushmoor and adjoining. • Much of the canal is designated as a SSSI and has conservation area status in many areas of its route. Not all of the canal is designated as a Public Right of Way but whether designated or not the public still use it as a preferred route for exercise and leisure. This use often puts it in conflict with the heritage and conservation designations. • Upgrading the towpath to modern combined use standards would seriously change the character of the canal and its important designations. • Successive new developments inevitably lead to increased use and demand for better access to the canal. Appropriate mitigation measures and financial contributions are required from such developments to allow the canal to maintain its historical and tranquil character without the need for wholesale upgrading to a more urban cycle/running/walking type of infrastructure. 	<p>The relevance of the comments made on the Green Infrastructure Strategy in March 2022 have been considered and whilst the issues raised are recognised there are no recommended changes to the SPD.</p>

Appendix 3 – Biodiversity SPD (Regulation 12) Consultation Statement

Respondent	Section	Summary of Response	Officer Comment
Environment Agency	Whole Document	<p>In the context of the climate crisis and the recent changes to the timeline of the government's biodiversity legislation it is imperative that local authorities have robust and ambitious policy in place to protect and enhance their local biodiversity. The SPD does a good job of explaining biodiversity net gain and informing the context within which the document operates. It contains a good level of detail on the application of national legislation and the hierarchical approach to biodiversity net gain. Overall the document does a good job of supporting policy NE1 and NE4 of the local plan.</p> <p>The Environment Agency suggests the SPD could be strengthened by including more detail on the areas existing biodiversity resource and how developers can deliver biodiversity net gain in the district and on their specific sites. Detail on the districts water courses, protected habitats and lacking infrastructure could be included to ensure that developers receive the guidance they need to succeed first time in delivering the local policy requirements.</p>	[Officers agree with the changes recommended by the EA and consider that links can be made to the adopted Green Infrastructure Strategy. Amendments will be made once further detail is available through secondary legislation and BNG guidance]
Environment Agency	Policy NE4	Policy NE4 mentions specific watercourses, the SPD should outline how developers will need to assess these habitats and should also provide guidance on achieving biodiversity net gain at these sites in a meaningful and sustainable way. Ultimately the goal of the SPD is to guide developers to achieve biodiversity net gain, whilst the document leads them well on the process it could be stronger in providing guidance on the desired outcomes.	[Officers agree with the changes recommended by the EA and consider that links can be made to the adopted Green Infrastructure Strategy. Amendments will be made once further detail is available through secondary legislation and BNG guidance]

Appendix 3 – Biodiversity SPD (Regulation 12) Consultation Statement

Respondent	Section	Summary of Response	Officer Comment
Historic England	Whole Document	<p>There is significant overlap between the natural environment and historic environment, and the opportunity for 'triple wins' that deliver good outcomes for biodiversity, climate and heritage. For this opportunity to be taken, the proposed biodiversity strategy needs to reflect this more holistic perspective. Newly created or altered habitats will sit within a historical landscape and may have both positive and negative impacts on setting as well as physical and chemical conditions of heritage assets. The respondent provides links to a number of relevant documents.</p> <p>We strongly recommend liaison with the Council's conservation team and with Hampshire County Council's archaeological advisers to inform relevant revisions to the SPD and during its implementation. They are best placed to advise on: local historic environment issues and priorities, including access to data held in the Historic Environment Record; how the SPD can be tailored to avoid or minimise potential adverse impacts on the historic environment and to maximise opportunities for securing wider benefits for conservation and management of heritage assets, including heritage at risk; the nature and extent of any required mitigation measures; as well as options for effective monitoring.</p>	It is acknowledged that the SPD needs to include more reference to the historic environment and Officers have made a number of the recommended amendments to the SPD (as set out below)
Historic England	Introduction (page 5)	Add a new paragraph under 'Professional Advice' recommending liaison with the Council's heritage conservation team and Hampshire County Council's archaeological advisers as appropriate, when considering proposals that impact on the historic environment.	The suggested additional paragraph has been added.

Appendix 3 – Biodiversity SPD (Regulation 12) Consultation Statement

Respondent	Section	Summary of Response	Officer Comment
Historic England	Policy and Legislation (page 8, para 2.9)	We had interpreted the reference to 'environmental assets' being natural and historic. We encourage a holistic approach, noting the overlap between natural and historic, and that the historic environment and the Borough's heritage assets are mentioned in the plan's objective referenced in paragraph 2.10. That being we propose this minor edit: "the following vision relating to the Borough's natural environment"	The suggested amendment has been made.
Historic England	page 23	We advise minor amendment to paragraph 4.32 as follows: "BNG should therefore be achieved on-site with retained and enhanced habitats, appropriate buffers and creation of habitats to increase connectivity for wildlife. Where appropriate evidence demonstrates that BNG cannot be fully achieved onsite, off-site BNG can be explored. <u>BNG should be delivered without harm to the historic environment (see ***insert paragraph reference to proposed new paragraph in section 5***).</u> "	The additional wording suggested has been added to the SPD.
Historic England	page 27	We advise including a new paragraph early in section 5 along the following lines: "Rushmoor's historic environment needs also to be considered when developing proposals to support or enhance its biodiversity. Newly created or altered habitats will sit within a historical landscape and may have both positive and negative impacts on setting as well as physical and chemical conditions of heritage assets. By acknowledging the significant overlap between the natural and historic environment, the Council can deliver outcomes that are good for both nature and heritage."	The additional wording suggested has been added to the SPD.

Appendix 3 – Biodiversity SPD (Regulation 12) Consultation Statement

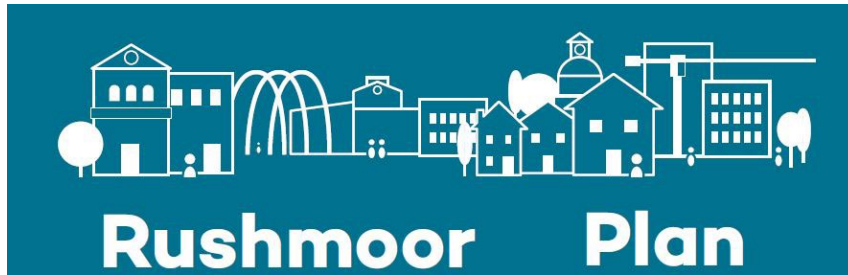
Respondent	Section	Summary of Response	Officer Comment
Historic England	Appendix 1	We advise adding the following headline paragraph when introducing the biodiversity checklists: “Rushmoor includes a range of designated and non-designated heritage assets, including the possibility of undiscovered archaeological remains. If the proposed scheme lies within an area or place designated for its heritage significance, liaison with the Council’s heritage conservation team is recommended. Liaison with Hampshire County Council’s archaeological advisers is recommended if the site is likely to include archaeological remains”.	The additional wording suggested has been added to the SPD.
Historic England	Appendix 1	<p>Within the checklists, we recommend including questions linked with the historic environment, which would help the user to ensure that heritage is considered where appropriate. We recommend this for both householder and full applications (where it has the potential to be particularly important for some major schemes). We offer the following two questions for consideration:</p> <p>Does the site intersect with or lie within the setting of a heritage asset? If so, liaison with the Council’s heritage conservation team is recommended, especially for major schemes or where the assets and/or local landscape are highly designated.</p> <p>Does the site have archaeological interest or is it likely to have archaeological potential? If so, please discuss plans for BNG with Hampshire County Council’s archaeological advisers. Reference to the local Historic Environment Record is recommended</p>	The checklists are duplicated from those prepared by HCC. Therefore, we do not consider it necessary or appropriate to amend as recommended. Officers also consider that additional wording in the introduction to the checklists is sufficient in highlighting the need to consider potential heritage assets.

Appendix 3 – Biodiversity SPD (Regulation 12) Consultation Statement

Respondent	Section	Summary of Response	Officer Comment
Natural England	Whole Document	<p>Natural England welcome the draft Biodiversity SPD which appears to have taken appropriate consideration of previous Natural England advice. Natural England have no specific comments to make on this draft Biodiversity SPD and are satisfied with the content.</p> <p>The Chartered Institute of Ecology and Environmental Management, along with partners, has developed 'good practice principles' for biodiversity net gain, which can assist plan-making authorities in gathering evidence and developing policy.</p> <p>Natural England support the consideration of multi-functional spaces and green infrastructure and highly recommend referring to the Natural England Green Infrastructure Framework.</p> <p>Natural England recognise that correct reference has been made to the use of the latest biodiversity net gain metric, currently the Biodiversity Metric 4.0. We recommend that consideration is placed on demonstrating your understanding that there will be an adopted Biodiversity Metric which will be referred to once BNG is mandatory. This could be a version of the metric which is beyond the current Metric 4.0.</p> <p>We would like to remind you to review the timeline for when the requirements for a minimum of 10% Biodiversity Net Gain to be delivered will come into effect. This is following updated government guidance on BNG since your draft Biodiversity SPD was submitted.</p>	<p>Support for the SPD welcomed and noted.</p> <p>The SPD already includes reference to the Natural England Green Infrastructure Planning and Design Guide. Officers have added reference to the Natural England Green Infrastructure Framework.</p> <p>Where appropriate specific reference to the version 4.0 has been removed and replaced with reference to the latest version of the adopted Biodiversity Metric. A note has been added to recognise that it is expected that there will be new versions of the metric will be adopted and applicants will need to ensure they are using the adopted version.</p> <p>The expected date that the mandatory requirement is due to come into effect has been updated.</p>

Appendix 3 – Biodiversity SPD (Regulation 12) Consultation Statement

Respondent	Section	Summary of Response	Officer Comment
Waverley Borough Council	Whole Document	Waverley Borough Council does not want to comment specifically on the SPD. However, as you will be aware Waverley responded on 2nd October 2023 to your request for any cross-boundary issues that we think you need to consider in reviewing your adopted Local Plan, of which we pointed out that Green Infrastructure including sites for BNG and mitigation for SPA will be one.	Noted
Woking Borough Council	Whole Document	This is a very comprehensive document to facilitate the delivery of BNG within Rushmoor, and we don't have any further comments to add.	Noted



Biodiversity Supplementary Planning Document

**Strategic Environmental Assessment (SEA)
and Habitats Regulations Assessment (HRA)
Screening Determination Statement**

December 2023



Introduction

- 1.1 This statement sets out the Council's determination on whether the Biodiversity Supplementary Planning Document (SPD) requires:
- A Strategic Environmental Assessment (SEA) in accordance with the European Directive 2001/42/EC and associated Environmental Assessment of Plans and Programmes Regulations 2004; and
 - An assessment to establish whether there would be any significant effects on European site(s) in accordance with Regulation 61 of the Conservation of Habitats and Species Regulations 2017 (as amended)
- 1.2 The purpose of the Biodiversity Net Gain SPD is:
- the effective implementation of Policy NE1: Thames Basin Heaths Special Protection Area in the [Rushmoor Local Plan 2019](#)¹
 - the effective implementation of Policy NE4: Biodiversity in the [Rushmoor Local Plan 2019](#)
 - to provide guidance on meeting mandatory BNG requirements, in accordance with the [Environment Act 2021](#)².
 - to set out the core concepts of BNG, explaining what steps developers need to take to submit the correct net gain information
- 1.3 The SPD contains:
- Policy context based upon the [Rushmoor Local Plan 2019](#)
 - Details on DEFRA's Biodiversity Metric Calculation Tool
 - Biodiversity Gain Plan requirements
 - Approaches and advice in relation to major and minor development
- 1.4 The SPD provides guidance on how Biodiversity Net Gain can be achieved on site, or off site where necessary, and how Biodiversity Net Gain management and maintenance should be considered.

Strategic Environmental Assessment – Regulatory Requirements

- 1.5 The basis for Strategic Environmental Assessment legislation is the [Environmental Assessment of Plans and Programmes Regulations 2004 \(SEA Regulations\)](#)³ which was transposed from European Directive 2001/42/EC. Detailed guidance of these regulations can be found in the Government publication '[A Practical Guide to the Strategic Environmental Assessment](#)

¹ <https://www.rushmoor.gov.uk/planning-and-building-control/planning-policies/the-rushmoor-local-plan/>

² <https://www.legislation.gov.uk/ukpga/2021/30/contents/enacted>

³ <https://www.legislation.gov.uk/uksi/2004/1633/contents/made>

[Directive](#)⁴ and Paragraph 11-008 (Strategic Environmental Assessment and Sustainability Appraisal) of the [Planning Practice Guidance \(PPG\)](#)⁵. This states that:

“supplementary planning documents do not require sustainability appraisal but may in exceptional circumstances require a strategic environmental assessment if they are likely to have significant environmental effects that have not already been assessed during the preparation of the local plan”.

- 1.6 Under the requirements of the [Environmental Assessment of Plans and Programmes Regulations \(2004\)](#)⁶, certain types of plans that set the framework for the consent of future development projects, must be subject to an environmental assessment.
- 1.7 The objective of a Strategic Environmental Assessment is to provide for a high level of protection of the environment and to contribute to the integration of environmental considerations into the preparation and adoption of plans and programmes with a view to promoting sustainable development.

The Strategic Environmental Appraisal Process

- 1.8 The first stage of the process is for the Council to determine whether the SPD is likely to have significant effects on the environment. This screening process includes assessing the SPD against a set of criteria (as set out in [Schedule 1 of the SEA Regulations](#))⁷. The results of this are set out in Table 3 of Appendix 1 of this statement.
- 1.9 The Council prepared a Screening Statement, which provided sufficient information to ascertain whether the SPD is likely to have significant environmental effects. The Council consulted the Environment Agency, Historic England and Natural England on this screening statement. The responses received are set out in Table 1 below.
- 1.10 Where the Council determines that a SEA is not required, Regulation 9(3) of the SEA Regulations states that the Council must prepare a statement within 28 days of making its determination. If it determines that an SEA is not required, the statement must include the reasons for this.

Strategic Environmental Assessment Determination

- 1.11 Before making a determination under Regulation 9, the three statutory bodies were consulted between 29th August 2023 and 10th October 2023. The responses received are as set out in Table 1 below.

Table 1: Comments received by Statutory Consultation Bodies

Statutory Consultation Body	Comments
Natural England	It is our advice, on the basis of the material supplied with the consultation, that, in so far as our strategic environmental interests (including but not limited to statutory designated sites, landscapes and protected species, geology and soils) are

4

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/7657/practicalguidessea.pdf

⁵ <https://www.gov.uk/guidance/strategic-environmental-assessment-and-sustainability-appraisal>

⁶ <https://www.legislation.gov.uk/ukxi/2004/1633/contents/made>

⁷ <https://www.legislation.gov.uk/ukxi/2004/1633/schedule/1/made>

	concerned, that there are unlikely to be significant environmental effects from the proposed plan.
Environment Agency	No response received.
Historic England	<p>In terms of our area of interest, given the nature of the SPD, we concur with your assessment that the document is unlikely to result in significant environmental effects and will simply provide additional guidance on existing policies contained within an adopted Development Plan Document which has already been subject to a Sustainability Appraisal/SEA. As a result, we endorse the Authority's conclusions that it is not necessary to undertake SEA of this particular SPD.</p> <p>The views of the other statutory consultation bodies should be taken into account before the overall decision on the need for an SEA is made.</p>

- 1.12 Having regard to the considerations above, the Council considers that the Biodiversity SPD is unlikely to have any significant environmental effects and therefore does not require a Strategic Environmental Assessment. This determination was made on 14th December 2023.

Habitats Regulations Assessment

- 1.13 In addition to the SEA, the Council is required to consider a Habitats Regulations Assessment (HRA). HRA is the process used to determine whether the plan or project would have significant adverse effects on the integrity of any internationally designated sites of nature conservation importance, known as European sites. The need for an HRA is set out within the [Conservation of Habitats and Species Regulations 2017 \(as amended\)](#)⁸, which transposed EC Habitats Directive 92/43/EEC into UK law. The Rushmoor Local Plan 2019 was subject to a [comprehensive HRA](#).⁹
- 1.14 The [HRA \(Appendix 1\)](#)¹⁰ screened out the Local Plan Policy NE1 and NE4 at an early stage, based on the following conclusions:

Table 2: Summary of Rushmoor Local Plan HRA Screening Decisions

Policy	Rushmoor Local Plan HRA Screening Decision
NE1: Thames Basin Heaths Special Protection Area	This policy is a positive as the purpose of the policy is to protect the Thames Basin Heaths SPA from recreational pressure by providing avoiding or mitigating any adverse impacts on the TBH SPA.
NE4: Biodiversity	This policy is a positive as the purpose of the policy is to protect, maintain and enhance the Borough's biodiversity. It makes specific reference to protecting, enhancing, and managing the nature conservation value of Special Areas of Conservation (SACs), Special Protection Areas (SPAs) and Sites of Special Scientific Interest (SSSIs).

- 1.15 On the basis of the above and having regard to the scope of the SPD, the Council considers that the Biodiversity SPD will not have a significant adverse effect on any Natura 2000 sites

⁸ <https://www.legislation.gov.uk/uksi/2010/490/contents>

⁹ https://www.rushmoor.gov.uk/media/wrznaddk/habitats_reg_assessment_2017_-_final.pdf

¹⁰ https://www.rushmoor.gov.uk/media/wrznaddk/habitats_reg_assessment_2017_-_final.pdf

and that a full appropriate assessment is therefore not required. The SPD will support the delivery of Rushmoor Local Plan (specifically Policy NE1: Thames Basin Heaths Special Protection Area and Policy NE4: Biodiversity), which have been subject to a full Assessment, including any in-combination effects with other plans.

Conclusion

- 1.16 Based on the screening process, it is the Council's opinion that the Biodiversity SPD does not require a Strategic Environmental Assessment under the SEA regulations or an appropriate assessment under the Habitats Regulations. This is because there will be no negative significant environmental, social or economic effects arising from its implementation, as it seeks only to expand upon and provide guidance for the effective and consistent implementation of Local Plan policies.

Appendix 1

Table 3: Establishing Whether There Is a Need for an SEA

Based on Figure 2 – Application of the SEA Directive to plans and programmes from '[A Practical Guide to the Strategic Environmental Assessment Directive](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/7657/practicalguidesea.pdf)',¹¹

Assessment Criteria	Yes/No	Assessment
1. Is the PP subject to preparation and/or adoption by a national, regional or local authority OR prepared by an authority for adoption through a legislative procedure by Parliament or Government? (Art. 2 (a)).	Yes. Proceed to Q2	Supplementary Planning Documents are prepared by local planning authorities under the provisions of Regulations 11 to 16 of the Town and Country Planning (Local Planning) (England) Regulations 2012.
2. Is the PP required by legislative, regulatory or administrative provisions? (Art. 2 (a))	Yes. Proceed to Q3	The SPD is consistent with and expands upon the Rushmoor Local Plan 2019. It is therefore necessary to answer the following questions to determine further if an SEA is required.
3. Is the PP prepared for agriculture, forestry, fisheries, energy, industry, transport, water management, water management, telecommunications, tourism, town and country planning or land use, AND does it set a framework for future development consent of projects in Annexes I and II to the Environmental Impact Assessment Directive? (Art 3.2 (a))	No. Proceed to Q4	Although the SPD is prepared for biodiversity in relation to town and country planning purposes it does not set a framework for future development consent for projects that are required to undergo an Environmental Impact Assessment.
4. Will the PP, in view of its likely effect on sites, require an assessment for future development under Article 6 or 7 of the Habitats Directive? (Art. 3.2 (b)).	No. Proceed to Q6	The SPD will provide further guidance on policies in the adopted Local Plan. These policies have been subject to Habitats Regulations Assessment. See paragraph 1.11 and table 2 in this document.

¹¹

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/7657/practicalguidesea.pdf

Appendix 4 - Biodiversity SPD SEA HRA Screening Determination

Assessment Criteria	Yes/No	Assessment
6. Does the PP set the framework for future development consent of projects (not just projects in Annexes to the EIA Directive)? (Art 3.4).	Yes. Proceed to Q8	The SPD provides further guidance to supplement policies related to biodiversity. The SPD does not allocate land and it does not set policy or a framework for future development, but it does provide guidance in relation to policies in the Rushmoor Local Plan.
8. Is it likely to have a significant effect on the environment? (Art. 3.5)	No	Directive does not require SEA.

Table 4: Assessment of the Likelihood of the Biodiversity SPD Having Significant Effects on the Environment

Significant Effect Criteria	Potential Effects of the SPD	Is There a Likely Significant Effect?
The characteristics of the plan having regard to:		
a) The degree to which the plan or programme sets a framework for projects and other activities, either with regard to the location, nature, size and operating conditions or by allocating resources;	The SPD provides more detail on the policies and principles established in the Rushmoor Local Plan 2019, which has been subject to comprehensive SA incorporating SEA ¹² . The purpose of the SPD is to provide guidance on the effective and consistent implementation of the relevant policies in paragraph 1.2 above. The guidance in the SPD must not and does not conflict with the policies in the Local Plan and as such are subservient and supplement the Local Plan.	No
b) The degree to which the plan or programme influences other plans and programmes including those in a hierarchy;	The purpose of the SPD is to supplement the Local Plan policies and sits below the Local Plan in terms of the Development Plan hierarchy.	No
c) The relevance of the plan or programme for the integration of environmental considerations in particular with a view to promoting sustainable development;	The adopted Local Plan and other higher-level policies set the context for achieving sustainable development in the borough. The SPD will not change the higher-level policy requirements which have, in themselves, been subject to SA (inc. SEA). The SPD will assist with meeting the SA (inc. SEA) objectives.	No
d) Environmental problems relevant to the plan or programme;	The Local Plan SA (inc. SEA) identified that policies NE1 and NE4 were likely to have long-term positive effects in relation to the Biodiversity objective/topic as they seek to protect and enhance biodiversity and ensure that any new developments provide suitable mitigation to avoid adverse effects. The SPD will provide further guidance and reinforce relevant parts of the policies.	No

¹² https://www.rushmoor.gov.uk/media/rt5pdvto/sa_reg_19_final_report.pdf

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Significant Effect Criteria	Potential Effects of the SPD	Is There a Likely Significant Effect?
e) The relevance of the plan or programme for implementation of Community legislation on the environment (e.g. plans and programmes linked to waste management or water protection)	The purpose of the SPD is to provide guidance on the effective and consistent implementation of biodiversity policies. The Rushmoor Local Plan contains other policies relating to these objectives.	No

Table 5

SEA Directive Criteria	Response	Is There a Likely Significant Environmental Effect?
Characteristics of the effects likely having regard, in particular, to:		
a) The probability, duration, frequency and reversibility of the effects	The SPD is not expected to give rise to any significant environmental effects. The SPD seeks to ensure the effective and consistent implementation of biodiversity policies, which in themselves should ensure positive effects relating environmental impact.	No
b) The cumulative nature of the effects;	The SPD is not considered to have any significant cumulative effects. The SPD seeks to ensure the effective and consistent implementation of biodiversity policies, which in themselves should ensure positive effects relating environmental impact.	No
c) The transboundary nature if the effects;	The SPD is not expected to give rise to any significant transboundary environmental effects.	No
d) The risks to human health or the environment (e.g. due to accidents);	There are no anticipated effects of the SPD on human health or the environment. The SPD seeks to ensure the effective and consistent implementation of biodiversity policies, which in themselves should ensure positive effects.	No
e) The magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected);	The effective and consistent implementation of biodiversity policies will have positive benefits for all Rushmoor residents and those who wish to move to Rushmoor.	No

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<p>f) The value and vulnerability of the area likely to be affected due to</p> <ul style="list-style-type: none"> (i) Special natural characteristics or cultural heritage; (ii) Exceeded environmental quality standards or limit values; or (iii) Intensive land use; 	<p>The SPD is not anticipated to adversely affect any special natural characteristic or cultural heritage. Nor would the SPD be expected to lead to the exceedance of environmental standards or promote intensive land use. Matters relating to environmental standards and land use are contained in the Rushmoor Local Plan.</p>	<p>No</p>
<p>g) The effects on areas or landscapes which have a recognised national, Community or international protection status.</p>	<p>The SPD is not expected to have any adverse effect on areas with national, community or international protection.</p>	<p>No</p>
<p>Part 2 Overall Conclusion</p>	<p>No Likely Significant Environmental Effect</p>	