



Horsham
District
Council

Biodiversity and Green Infrastructure

Planning Advice Note

19 October 2022

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1.0 Purpose of this Planning Advice Note

- 1.1 The purpose of this Planning Advice Note (PAN) is to provide interim guidance for applicants and decision makers on how Biodiversity and Green Infrastructure should be taken into account within development proposals in accordance with the Horsham District Development Plan¹ and the National Planning Policy Framework (NPPF) following the enactment of the [Environment Act 2021](#) but before all the necessary secondary legislation is in place and enacted in respect of the emerging statutory 10% biodiversity net gain requirement².
- 1.2 It supports the implementation of the policies of the [Horsham District Planning Framework 2015](#) (HDPF), in particular Strategic Policy 25 and Policy 31.
- 1.3 The existing strong statutory and policy protections for statutory protected sites, protected species and irreplaceable habitats remain in place³. This Planning Advice Note does not seek to repeat them here, instead it focuses on the emerging changes and increased regard to biodiversity and green infrastructure and sets out a clear interim approach.
- 1.4 This Planning Advice Note draws together current adopted Local Plan policies, and up-to-date national policy guidance including relevant ministerial statements. It therefore forms a material consideration that will be taken into account by decision makers when determining planning applications.

2.0 Policy Background

Horsham District Planning Framework (HDPF):

- 2.1 The HDPF was adopted in 2015 and comprises policies that seek to ensure development creates “*no net loss of wider biodiversity*” and provides “*net gains in biodiversity where appropriate*”. It also requires proposals to “*contribute to the enhancement of existing biodiversity*” and also “*create and manage new habitats where appropriate*”.
- 2.2 The HDPF also seeks to ensure development contributes to the multi-functional network of green spaces known as ‘Green Infrastructure’. This covers more than the key areas shown in the [Green Infrastructure Strategy 2014](#) (and its [2021 update plan](#)) and includes both rural and urban areas such as parks, allotments, cemeteries, sports areas, amenity space, woodlands, trees, road verges, and areas of water and wetlands. Policy 43 of the HDPF which relates in part to the retention and provision of open space, in conjunction with Policy 39 relating to infrastructure provision, is therefore a key vehicle for the delivery of green infrastructure. By virtue of these policies, development is required to accord with the open space standards set out in the [Open Space, Sport & Recreation Review 2021](#) (the key elements in respect of future development requirements is provided in its [Non-Technical Summary](#)).
- 2.3 The Green Infrastructure Strategy identifies ‘Biodiversity Opportunity Areas’, where biodiversity could be significantly enhanced, and reflects regard should be given to any subsequent updates. The HDPF also advises the Sussex Biodiversity Action Plan may help provide further information in this respect. Biodiversity Action Plans and Biodiversity Opportunity Areas remain relevant, however, the

¹ The Development Plan comprises all relevant adopted plans, such as, Horsham District Planning Framework 2015 (HDPF), Site Specific Allocations of Land DPD 2007, West Sussex Joint Minerals Local Plan 2018, West Sussex Waste Local Plan 2014 (revised 2019), and made Neighbourhood Plans.

² Further information is available via the [consultation](#) on the [Biodiversity Net Gain Regulations and Implementation](#) (11 January- 4 April 2022). The Government indicates the BNG Regulations will be in place in November 2023.

³ Protected sites are shown on the [HDPF policies map \(as at 2015\)](#) and the Sussex Wildlife Trust provide advice and links in its document titled [Biodiversity and Planning in Sussex \(2014\)](#).

significant decline in biodiversity is heralding a more ambitious approach, as evidenced by the Environment Act's requirement for Local Nature Recovery Strategies (LNRS) and a deliverable national Nature Recovery Network (NRN).

- 2.4 On this basis, the [Wilder Horsham District](#) (WHD) partnership between Horsham District Council and Sussex Wildlife Trust has produced a draft [Horsham District NRN \(Version 1, July 2021\)](#). From a planning perspective, the document or any updates, should be seen as highlighting opportunities and should not be read as a 'constraints' map. The draft NRN has been informed by ecologists and informed by the Sussex Local Nature Partnership's [Natural Capital Investment Strategy \(2019\)](#). It is considered to set out an approach for enhancing and linking ecological networks and biodiversity, the achievability of which is being explored by the WHD partnership. The work will help to inform the future Local Nature Recovery Strategy (LNRS) that would cover the District and consequent national NRN⁴.
- 2.5 The draft Horsham District NRN therefore identifies, alongside statutorily and policy protected sites⁵, areas of 'opportunity' for biodiversity enhancement (such as, areas with very high or high habitat potential, buffer zones, potential corridors and 'stepping stones' for wildlife movements). These 'opportunity' areas should be taken into account within any development proposal when it considers the opportunities for delivering BNG presented by the development of the site. The draft Horsham District NRN assists in the consideration of the wider ecological network and therefore how a proposal can contribute to the overarching objectives of the Environment Act 2021 and the Lawton principles of Bigger, Better, More and Joined Up⁶. Of particular importance is the identified importance of hedgerows, woodland, freshwater and floodplain habitats, and pollinating insects.

National Planning Policy Framework (NPPF) and Planning Practice Guidance (PPG):

- 2.5 The [National Planning Policy Framework](#) (NPPF) (2021) requires development to provide "*measurable net gains for biodiversity*". National planning practice guidance (PPG) on [Natural Environment](#) explains "*Biodiversity net gain delivers measurable improvements for biodiversity by creating or enhancing habitats in association with development.*" There is also a focus on retaining and planting trees and it makes clear that all new streets should be tree lined. The need to deliver 'measurable improvements' means that some kind of measure is required to demonstrate that net gain has been achieved.
- 2.6 Natural England has helped develop '[Biodiversity Metrics](#)' as a tool to measure biodiversity net gains. It has also recently reviewed and updated its guidance in respect of [Green Infrastructure](#) and recognises it has an important role to play in our urban and rural environments for improving health and wellbeing, air quality, nature recovery and resilience to and mitigation for climate change, along with addressing issues of social inequality and environmental decline. It has also produced a [national mapping tool](#) which provides various layers of information relating to green and blue infrastructure that can be toggled on and off. The mapping tool also includes layers in relation to Access to Natural Green Space Standards (ANGST) and provides the ability to zoom right down to an individual street. This should therefore be taken into account, as appropriate.

⁴ Further information on the NRN can be found in the Defra / Natural England: [Policy Paper – Nature Recovery Network](#)

⁵ Statutorily and policy protected sites include SSSIs, Local Wildlife Sites (LWS), Ancient Woodland, and also SPA, SAC which lie in the District but within the planning area of the South Downs National Park (NB: this should not be read as an exhaustive list).

⁶ The Lawton principles are reflected in the Government document titled [A Green Future: Our 25 Year Plan to Improve the Environment 2018](#) (often called the 25 Year Environment Plan / 25 Year Plan) which preceded the Environment Act 2021.

3.0 Applications

- 3.1 All planning proposals requiring the submission of a planning application will be expected to have regard to biodiversity and its enhancement in accordance with the [NPPE](#). This advice does not seek to introduce or set new 'Policy' requirements such as requiring a specified % BNG in advance of the legislative requirements entering into force. The purpose of this guidance note is to provide clear guidance on the Council's approach during the transition towards the emerging statutory requirements. All applicants are, however, strongly encouraged to seek to achieve 10% BNG (or more if practicable) in light of the clear direction set by government.
- 3.2 During the transition period before the statutory 10% BNG comes into force, the following applications will be required to achieve biodiversity net gain:
- **Relevant Development: All major applications; and minor applications with a site area of 0.5 hectares or above and / or where priority habitat is present on site** – Applicants will be expected to use the [Biodiversity Metric](#) (version 3.1 or subsequent updates) to demonstrate a BNG will be achieved and to provide the expected % gain. These developments are likely to have the greatest impact and opportunity for securing biodiversity net gain. They are of a scale where ecological assessments are common.
 - **Relevant Development: Minor Applications providing 1 - 9 dwellings with a site area less than 0.5 hectares; and new build / replacement commercial** - Applicants will be expected to use the [Small Sites Metric](#)⁷ (or subsequent updates) to demonstrate a BNG will be achieved and to provide the expected % gain because these developments can have a significant impact on existing habitats, and present opportunity for securing biodiversity net gain. They are of a scale where development is likely to have an impact on biodiversity and where there are opportunities to deliver environmental enhancements.
- 3.3 All other applications, including householder and the change of use of buildings / land, applicants are highly encouraged to take biodiversity into account and to provide biodiversity enhancements on-site wherever possible. This means such applications only need to consider paragraph 4.7 below. The reduced 'requirement' in respect of these applications reflects that the emerging BNG Regulations are considering exempting some of these types of applications from a 10% BNG requirement. The regard given to the protection and enhancement of biodiversity should be included in the supporting statement or planning statement. The use of the Small Sites Metric or Biodiversity Metric (version 3.1 or subsequent updates), as appropriate for the scale and nature of the development, is encouraged.

4.0 Approach

Baseline information:

- 4.1 In the first instance, all 'Relevant Development' applications, as defined in paragraph 3.2 above, will have to establish the baseline biodiversity value of the whole site area (red line boundary) using, as appropriate, the biodiversity metric or small sites metric (version 3.1 or subsequent updates).

Mitigation hierarchy:

- 4.2 To achieve biodiversity net gain, all 'Relevant Development' applications must demonstrate use of the mitigation hierarchy as set out in [BS42020 Biodiversity: Code of Practice for Planning and Development](#) (and subsequent updates) and as expected in the Environment Act 2021 and emerging Regulations. In summary, the mitigation hierarchy seeks to address impacts on biodiversity in the order detailed:

⁷ The full [Biodiversity Metric](#) can be used if preferred by the applicant and will have to be used in some cases such as when off-site BNG is to be calculated.

avoidance, minimisation, mitigation [rehabilitation / restoration], and then as a last resort compensation / off-setting for unavoidable biodiversity loss that is considered acceptable in accordance with the NPPF⁸.

Provision of BNG:

- 4.3 The delivery of BNG is **in addition to** any mitigation / compensation measures required to address any harm caused by the development to habitats in accordance with the mitigation hierarchy. The Biodiversity Metric or small sites metric, as appropriate, should be used to measure the proposed enhancements (habitat creation) against the baseline of the whole site area. This means it is important that the baseline (existing habitats) is an accurate reflection of the site. Any habitat degradation of pre-development habitats since 30 January 2020⁹ will have to be accounted for in the baseline¹⁰, unless the action causing degradation has been approved by planning permission (the details and planning reference of which should be submitted).
- 4.4 Development proposals will be expected to take a landscape led approach. They must provide any necessary ecological / geodiversity surveys and reports in line with best practice guidance from the Chartered Institute for Ecology and Environmental Management (CIEEM)¹¹ and have regard to the advice from the Landscape Institute¹². They should also have regard to relevant British Standards, such as, BS42020, BS8683 and BS42021¹³; as well as guidance from the [Planning Advisory Service \(PAS\)](#) and the national [PPG](#) (which get updated regularly). Impacts arising from development such as lighting and recreational impacts, including dog walking should be assessed using professional assessment methods, and appropriately mitigated.
- 4.5 BNG should be delivered on site in the first instance. If this is not possible regard may be given to off-site provision if this can be secured by the applicant. The market in off-site 'Biodiversity Units' is in its infancy but is expected to rapidly grow in light of the Environment Act 2021. In the meantime, the Council will consider off-site offsetting on a case-by-case basis, and as a minimum will expect to see proof that the applicant has control of the land providing the offsetting, and a deliverable biodiversity gain plan. Any off-setting will be expected to be located within the District of Horsham, as close as practicable to the development site, unless an alternative location offers more appropriate biodiversity net gains and is agreed by the Council.
- 4.6 BNG projects will normally be secured by a legal agreement and require a Council approved funded management and maintenance plan. The BNG aims and objectives should be outlined in any Landscape and Ecological Management Plan (LEMP) secured as a condition of any consent. The emerging statutory requirements seek the management of sites to secure the BNG for a minimum of 30 years. Applicants are therefore expected to be mindful of this when considering future management arrangements. The council will seek to ensure there are sufficient measures in place to support long term management and monitoring, and may require financial contributions in all relevant instances to monitor and provide a contingency (to resolve any situations where there is a likelihood the proposed habitat enhancements may fail to reach their target type and condition) for the delivery of BNG for the respective period.

⁸ Such as paragraph 180 of the [NPPF 2021](#)

⁹ This date is used in both the Environment Act 2021 and the consultation on the BNG Regulations

¹⁰ This will require the use UKHab data, aerial photography and historic habitat data going back to 30 January 2020 to determine the baseline value, as appropriate. An earlier baseline must be applied where activity, other than that permitted by a planning permission, has reduced the on-site biodiversity value since this date.

¹¹ Guidance such as, Further guidance CIEEM/CIRIA (2016) Biodiversity Net Gain: Good Practice Principles, and CIEEM/CIRIA (2019) Biodiversity Net Gain: A good practice guide

¹² For example, the Landscape Institute's [Policy Briefing on Biodiversity Net Gain for Landscape Professionals](#)

¹³ British Standards such as: BS42020 Biodiversity - Code of practice for planning and development; BS8683 Process for designing and implementing biodiversity net gain – Specification; and BS42021 Integral nest boxes: selection and installation for new developments – Specification.

4.7 On sites not captured as ‘Relevant Development’ in paragraph 3.2 above it is recognised they may not be required to provide a funded management and maintenance plan and secure provision for 30 years. However, every effort should be made to protect and enhance biodiversity in the longer term. This may be through the provision of wildlife / hedgehog gateways as appropriate in boundaries, bird boxes / swift bricks, bat boxes, bee bricks, bug hotels, living ‘green or brown’ walls / roofs, ponds / water features, appropriate lighting (eg either none or dim, orangey /red lighting) and the planting of native trees and shrubs. Further information on measures which can be incorporated is provided by a number of nationally recognised bodies, such as:

- Natural England’s Wildlife Gardening Forum : [Booklets on Wildlife Gardening](#)
- The Royal Horticultural Society (RHS) – [Wildlife Gardening](#) and [Garden lighting: effects on wildlife](#)
- The Wildlife Trust – [Simple things to help wildlife](#)
- The RSPB – [Birds and Wildlife Advice](#); and joint guidance on [Swift Bricks](#)
- The Woodland Trust – [How to attract wildlife to your garden: 5 top tips](#)
- The [European Federation of Green Roofs and Walls](#)
- Natural History Museum – [Seven simple ways to create a wildlife friendly garden](#)

Documents to accompany ‘Relevant Development’ proposals:

4.8 To help process and determine quickly ‘Relevant Development’ applications, as defined in paragraph 3.2 above, the council will expect the following information to be submitted in respect of biodiversity net gain:

- a) Biodiversity net gain information, as a minimum, – to include:
- maps showing clearly where the habitat units occur both pre-development (baseline) and post-development (habitat retained, enhanced, and created);
 - clear information on the pre-development biodiversity value;
 - the steps taken to minimise adverse biodiversity impacts;
 - the proposed approach to enhancing biodiversity on-site, and any proposed off-site biodiversity enhancements that have been planned or arranged for the development;
 - submissions should include Phase 1 Habitat Surveys (Preliminary Ecological Appraisals), as appropriate and undertaken by suitably qualified ecologists (SQEs), a list of which can be found on the CIEEM website¹⁴. It is recommended that ecological consultants with local knowledge are employed;
 - the expectation is for ecological consultants to obtain data from, and then share any subsequent updates with, the [Sussex Biodiversity Records Centre](#).

(Please see [CIEEM BNG Report and Audit Templates](#) and [Annex B in BNG Regulations consultation document](#), or subsequent updates, for guidance on the information to submit).

- b) Biodiversity net gain summary – this should include full calculations, along with justification of the condition for the baseline habitat (to help provide clarity should the spreadsheets requested below be amended), and a table showing for each broad habitat type:
- the baseline (units and hectares / sqm),
 - predicted gains / losses (units and hectares / sqm),
 - area change (units) and percentage change (%), with respective maps.

¹⁴ <http://events.cieem.net/ProfessionalDirectory/Professional-Directory.aspx>

- c) Biodiversity Metric – the latest version of the Defra approved Biodiversity Metric including all spreadsheets to provide evidence for calculations (or as appropriate when using the Small Sites Metric).
 - d) Evidence that consideration has been given to the ecological functionality of the existing site, to ensure any existing value for biodiversity is incorporated into site designs, and that consideration has also been given to the on-site options for linking existing ecological networks.
 - e) Information on how the habitats will be implemented, managed, and monitored for the period to be agreed – at application stage this may be high level. This will however have to be provided in detail before development commences and will therefore be subject to condition as appropriate.
- 4.9 Should permission be granted, a pre-commencement condition will be imposed requiring the submission of a Biodiversity Gain Plan which will be more comprehensive, taking into account site investigation works, appropriate extended ecological surveys for habitats and protected within seasonal constraints etc – to address any such information that was not required at application stage to support a legal / s106 agreement. Applicants are welcome to submit a Biodiversity Gain Plan at the application stage, as this is likely to enable the relevant conditions to be discharged more quickly and efficiently.
- 4.10 For outline and phased permissions applicants will be expected to explain the strategy to achieve the biodiversity gain objective across the whole site and to demonstrate how this could be delivered on a phase-by-phase basis. Should permission be granted, the condition imposed to secure the BNG will also require the submission of a report at each Reserved Matters application, or as appropriate, which must set out how the proposals meet the principles / requirements included in the approved biodiversity gain strategy / plan and how any shortfalls in provision will be addressed.

5.0 Future Approach

- 5.1 Development will be expected to take this guidance into account until the Biodiversity Net Gain Regulations are in force or the Horsham District Local Plan is adopted, whichever comes first.
- 5.2 Once the Biodiversity Net Gain Regulations are in place, which is expected to be November 2023, development will have to accord with those requirements. This means all development covered by the Regulations will have to deliver at least 10% BNG.
- 5.3 HDC will provide updated policies and biodiversity net gain requirements as part of the emerging Local Plan. If you wish to be kept informed about the emerging Local Plan please sign up via the following link to register for email updates(GDPR compliant): <https://strategicplanning.horsham.gov.uk/consult.ti/system/register>. Alternatively, you can check the Council's webpages for any updates.

Links to Documentation Detailed in the Advice Note:

National:

- [A Green Future: Our 25 Year Plan to Improve the Environment 2018](#) (often called the 25 Year Environment Plan / 25 Year Plan)
- The [Environment Act 2021](#)
- The BNG [consultation](#) (11 January - 4 April 2022) on the [Biodiversity Net Gain Regulations and Implementation](#)
- The [Biodiversity Metric \(version 3.1 or as updated\)](#)
- The [Small Sites Metric \(simplified version of Biodiversity Metric 3.1 or as updated\)](#)
- The [National Planning Policy Framework](#) (NPPF)
- National [Planning practice guidance](#) (PPG) on [Natural Environment](#)
- Defra / Natural England: [Policy Paper – Nature Recovery Network](#)
- British Standard: [BS42020 Biodiversity: Code of Practice for Planning and Development](#)
- British Standard: [BS42021 Integral nest boxes: selection and installation for new developments - Specifications](#)
- British Standard: [BS8683 Process for designing and implementing biodiversity net gain – specification](#)
- [CIEEM/CIRIA/IEMA \(2019\) Biodiversity Net Gain: Good practice principles for development A practical guide](#) and [Clarification and errata](#) and [Case Studies](#)
- [CIEEM/CIRIA/IEMA \(2016\) Biodiversity Net Gain – Good practice principles for development](#)
- [Natural England's Green Infrastructure principles and guidance](#) and [Mapping Tool](#)
- [Landscape Institute's Policy Briefing on Biodiversity Net Gain for Landscape Professionals](#)
- Planning Advisory Service (PAS) – [Biodiversity Net Gain](#)
- Natural England's Wildlife Gardening Forum : [Booklets on Wildlife Gardening](#)
- The Royal Horticultural Society (RHS) – [Wildlife Gardening](#) and [Garden lighting: effects on wildlife](#)
- The Wildlife Trust – [Simple things to help wildlife](#)
- The RSPB – [Birds and Wildlife Advice](#); and joint guidance on [Swift Bricks](#)
- The Woodland Trust – [How to attract wildlife to your garden: 5 top tips](#)
- The [European Federation Green Roofs and Walls](#)
- Natural History Museum – [Seven simple ways to create a wildlife friendly garden](#)

Local:

- The [Horsham District Planning Framework 2015](#) (HDPF) and link to [Policies Map](#)
- The [Green Infrastructure Strategy 2014](#) and its [2021 update plan](#)
- The [Open Space, Sport & Recreation Review 2021](#) and its [Non-Technical Summary](#)
- The [Wilder Horsham District](#) (WHD) partnership
- The draft [Horsham District NRN \(Version 1, July 2021\)](#)
- The Sussex Local Nature Partnership's [Natural Capital Investment Strategy \(2019\)](#)
- The [Sussex Biodiversity Record Centre](#)
- The Sussex Wildlife Trust - document titled '[Biodiversity and Planning in Sussex](#)' (2014).