

**Wakefield Council**

**Planning Practice Guidance:**

**Interim Guidance for Developers to Achieve  
Net Gain for Biodiversity through Development**

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## **1. Introduction: Biodiversity and Development**

- 1.1. The natural environment provides vital benefits for our health, society and economy, known as 'ecosystem services'. The strength of these beneficial services is determined by the quality of the natural world and the biodiversity of the ecosystems within it. Biodiversity is defined as the variety of plant and animals living within an area or habitat, with different habitats contributing different functions or services for our environment. However, the UK has suffered a considerable decline in biodiversity over recent years, predominantly due to intensification of agriculture and expansion of developed areas.
- 1.2. In order to conserve our remaining biodiversity and reverse the recorded decline, the UK as a whole is moving towards enshrining a measurable Biodiversity Net Gain throughout the planning process. The Government intends to mandate a requirement for all new development to deliver biodiversity net gains through the introduction of the Environment Bill, currently being considered by Parliament. Once enacted, this Bill will make 10% net gain for biodiversity through development mandatory. This will ensure important ecosystem services are maintained and improved, as future developments look to, not only conserve valuable habitats and species, but enhance biodiversity via demonstrable measurable net gains. Such net gains could be achieved on-site, off-site, or through a combination of on-site and off-site measures.

## **2. Purpose of the Guidance**

- 2.1. The purpose of this planning practice guidance is to outline how Biodiversity Net Gain is to be achieved by development within Wakefield during the transition period, prior to the introduction of the Environment Act. This guidance will be subject to review following any changes to legislation and national, or local policy.

## **3. Policy Context**

### National Planning Policy and Guidance

- 3.1. Paragraph 8 of [National Planning Policy Framework 2019](#) (NPPF) sets out that opportunities for net gains should be secured across the three overarching social, economic and environmental planning objectives, to achieve sustainable development. This includes helping to improve biodiversity.
- 3.2. Paragraph 170 of NPPF requires planning policies and decisions to contribute to and enhance the natural and local environment by (d) minimising impacts on and providing net gains for biodiversity.
- 3.3. The [NPPF](#) (para 174 b) requires plans to pursue opportunities for securing measurable net gains for biodiversity. Paragraph 175 of NPPF sets out that, when determining planning applications, opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.

- 3.4. [National Planning Practice Guidance](#) was updated on 21 July 2019 to include Government guidance on how Net Gain for Biodiversity should be approached.
- Local Planning Policy and Guidance
- 3.5. Wakefield Local Development Framework, [Core Strategy](#) **Policy CS10 Design, safety and Environmental Quality** part (d) states that *“in all parts of the district, new development will protect and enhance the district’s biological and geological diversity and green infrastructure including the need to increase tree cover across the district, safeguard designated sites of international, national, regional and local importance, ancient woodland and other ecological assets, including priority habitats and species.”*
- 3.6. Wakefield Local Development Framework, [Development Policies document](#) **Policy D4 Sites Designated for Biological or Geological Conservation** part (3) states that *“where development is permitted the Council will require developers to b. protect and enhance the sites ecological value and f. create new or replacement habitats equal to or above the current ecological value of the site if damage or loss is unavoidable”.*
- 3.7. Wakefield Local Development Framework, Development Policies document **Policy D6 Wildlife Habitat Network** states that *“where development is permitted the Council will require developers to (a) minimise disturbance; (b) protect and enhance the site’s ecological conservation value; (c) contribute towards the objectives of the Wakefield District Biodiversity Action Plan; (d) ensure appropriate management; and (e) create new or replacement habitats equal to or above the current ecological value of the site if damage or loss is unavoidable.”*
- 3.8. Wakefield Local Development Framework, Development Policies document **D9 Design of New Development** states that *“development Proposals shall (c) retain, and where appropriate enhance important ecological and landscape features.”*
- 3.9. Wakefield Local Development Framework Leisure Recreation and Open Space Local Plan Policy **LROS2 Blue and Green Infrastructure** states that *“proposals that help conserve, sustain and enhance the district’s green and blue infrastructure assets will be supported. New development should contribute to the network of green and blue infrastructure by improving existing and/or providing new areas. Public access and recreational opportunities will be encouraged where appropriate.”*
- 3.10. **Wakefield District Residential Design Guide Part 1: Guidance for Housebuilders, Supplementary Planning Document.**

Sets out that:

*“1.09.01: Proposals should demonstrate how the design of the site addresses any biodiversity or ecological assets that are present.”*

*“1.09.02: Development should protect and enhance the district’s biological diversity and safeguard natural habitats. Such habitats include woodland (including ancient woodland and veteran trees), hedgerows, wetlands, semi-natural/ natural grassland or river corridors.”*

*“2.21.02: Developments are encouraged to provide net gains for biodiversity, which could include but is not limited to habitat creation schemes (such as wildflower meadows*

*or wetlands), favourable conservation management for onsite habitats or structural enhancements for protected species (bat or bird boxes, swift bricks and fences with pre-cut holes for hedgehogs)."*

#### **4. Biodiversity Net Gain Approach**

##### The Biodiversity Metric 2.0

- 4.1. In order to measure whether a Net Gain for Biodiversity is being achieved by development, developers should use the [DEFRA / Natural Biodiversity Metric 2.0](#) to assess the baseline ecological condition of a site and post-development impacts of the proposal. The metric is a means of calculating losses and gains resulting from a proposed development, or other land use changes. The metric is based on habitats and incorporates separate modules for habitats measured in area (such as woodland and grassland) and linear habitats measured in length (such as hedgerows). In addition to area or length, the metric uses a function of distinctiveness, condition, strategic significance and connectivity to calculate value. The metric is accompanied by a user guide that describes in detail how each of these attributes is determined.
- 4.2. The outcome of these value calculations is expressed as 'biodiversity units' which, by measuring the number of baseline units on the site pre-development, can be used to determine the net loss, or net gain in biodiversity units post-development. The change in biodiversity value is determined by subtracting the value before development from the value after development. A biodiversity net gain will be achieved where a positive change occurs. If a positive change cannot be achieved within the application area, the net gain approach requires developers to secure offsite compensation. Habitat creation and enhancement also takes into account the difficulty, time and 'spatial risk' (i.e. the geographical risk associated with off-site compensation).

##### Mitigation hierarchy

- 4.3. The use of the Biodiversity Metric 2.0 does not remove the requirement to follow the mitigation hierarchy. Paragraph 175 of NPPF and Policies D4 and D6 of the Wakefield Local Development Framework Development Policies document require development proposals to apply the ecological mitigation hierarchy in order to result in no significant ecological harm. Through the hierarchy, significant harm should be avoided in the first instance, mitigated where impacts cannot be avoided and compensated for only as a last resort.

##### Protected Habitats and Species

- 4.4. This Biodiversity Net Gain approach does not replace existing protection for habitats and species that exists within planning policy and legislation. This includes the legal protections afforded to species and sites, which are separate from the planning process, and the policy requirements that relate to priority habitats and species, irreplaceable habitats and protected sites, whether these be through direct or indirect impacts. Impacts to these features will continue to be considered in accordance with the policy requirements, and relevant legislation.
- 4.5. Losses to irreplaceable habitats, including habitats within Sites of Special Scientific Importance (SSSI), Special Protection Areas (SPA), Special Areas of Conservation (SAC), Local Wildlife Site (LWS) or Ramsar sites, Ancient woodland and other habitats

considered to be of high distinctiveness (such as blanket bogs, upland hay meadows, etc.) cannot be accounted for within the metric.

## **5. The Interim Approach to Net Gain in Wakefield**

- 5.1. Prior to the 10% Net Gain being mandated through legislation, and/or review of existing Local Plan policies (whichever comes first), 10% net gain will be aspirational. However, as a minimum, developments should demonstrate at net positive gain for biodiversity through the use of the DEFRA Metric. The actual amount of net gain will be subject to negotiation on a case by case basis.
- 5.2. In the first instance development should aim to deliver net gain for biodiversity onsite. Where net gain is to be delivered on site, a charge of £2,000 per unit net gain created will be applied, for future monitoring and reporting costs incurred by the Council. This will be transferred to the Council through appropriate conditions and section 106 legal agreements, to ensure net gains for biodiversity are delivered over the requisite 30 years.
- 5.3. Where it has been demonstrated that net gain for biodiversity is not deliverable on-site (to be agreed with the Council as the Local Planning Authority), this may involve off-site compensation on nearby land owned by the developer, or locally on land owned by the Council. This would be secured through conditions and section 106 legal agreements. This will include the requirement for positive biodiversity management for a minimum period of 30 years, with appropriate regular monitoring and reporting.
- 5.4. Householder applications and permitted development are exempt from the requirement to deliver net gain. However, an advice note will be attached to any planning permissions making reference to guidance produced by West Yorkshire Ecology on how general biodiversity enhancements might be secured. For example through the use native planting, bat roosting and bird nesting features.
- 5.5. CIRIA (Construction Industry Research and Information Association) has produced [Biodiversity Net Gain Good Practice Principles for Development](#).
- 5.6. The Royal Town Planning Institute has produced a [Practice Guide to Biodiversity in Planning](#) which provides advice on obligations and opportunities to promote biodiversity through the UK Planning System.

### What written information is required to assess Net Gain On-site?

- 5.7. A proportionate approach will be taken for minor planning applications, in view of the ecological sensitivity of the application site. But all minor applications should as a minimum use the Defra Metric to identify the level of impact from the development on ecology and to determine biodiversity net gain required.
- 5.8. All major planning applications should be supported by an appropriate ecological assessments and a habitat survey, to identify the level of impact from the development on ecology and to determine biodiversity net gain required. The report should include

drawings showing the existing habitats and those to be created. The report should clearly show how the site has been assessed using the Defra Biodiversity Metric Version 2.0, and the associated GIS data should be provided. This will demonstrate the baseline value of the site (before development) and the post-development value. The calculation spreadsheet should also be supplied to enable the Council to verify the calculations. Clear scaled maps will be required showing precisely where the Biodiversity Unit scores occur, for both the baseline and post-development scenarios. There should also be a section demonstrating why the condition score has been chosen – with reference to all scoring criteria from the associated Defra Technical Guidance habitat tables. The starting point should be to aim to deliver 10% Net Gain for Biodiversity on-site, therefore, it may be relevant to consider different layout options to maximise the ability to deliver onsite biodiversity net gain.

- 5.9. The key ecological stages in the planning process for biodiversity net gain are set out in table 1 below:-

**Table 1 Biodiversity Net Gain Key Stages in the Planning Process**

<b>Stage 1- Preliminary Ecological Appraisal (PEA)</b>
<ul style="list-style-type: none"> <li>Undertake a designated sites and notable species search with West Yorkshire Ecology Service and other organisations specified by Local Authority.</li> <li>Consider ecological networks including Wildlife Habitat Network plus any additional detail in Neighbourhood Plans, Local Wildlife Site (LWS), Sites of Special Scientific Interest and Habitats of Principal Importance.</li> <li>Map the habitats within the proposal site using the UK Habs Survey methodology and assess their 'Condition' as required in the Defra Biodiversity Net Gain Metric.</li> <li>Check if any habitats meet Local Wildlife Site Selection Criteria (<a href="http://www.wyjs.org.uk/ecology">www.wyjs.org.uk/ecology</a>). Exclude and buffer such areas from development or justify harm with over-riding interest.</li> <li>Calculate the Biodiversity Unit Value of the site (<u>before</u> any site clearance commenced) using Defra Biodiversity Net Gain Metric.</li> <li>For simple site with very few issues and negligible biodiversity value go to stage 8, otherwise go to Stage 2.</li> </ul>
<b>Stage 2 – Detailed studies</b>
<ul style="list-style-type: none"> <li>Undertake all recommended protected species surveys from PEA (Stage1) in accordance with Chartered Institute of Ecological and Environmental Managers (CIEEM) guidance.</li> <li>Collect more detail on any potential Local Wildlife Site habitat.</li> <li>Consider how seasonal constraints might impact on application submission date.</li> </ul>
<b>Stage 3 – Design team input (must include ecological consultants)</b>
<ul style="list-style-type: none"> <li>Follow the mitigation hierarchy – avoid, mitigate, compensate.</li> <li>Look for opportunities for on-site contribution to Biodiversity Net Gain.</li> <li>Discuss the “ecological cost” and ways this can be minimised.</li> </ul>
<b>Stage 4 – Ecological Design Strategy and Landscaping Concept</b>
<ul style="list-style-type: none"> <li>Draw together the ecological constraints and opportunities on the site.</li> <li>Consider different Biodiversity Unit delivery calculations for different layout options.</li> <li>Consider how Landscaping and Biodiversity can both be delivered as part of on-site greenspace provision.</li> <li>Open ground ecological sustainable urban drainage (SUDs wetlands/green roofs) will contribute significantly to Biodiversity Net Gain.</li> </ul>
<b>Stage 5 – Off site biodiversity measures (if required)</b>
<ul style="list-style-type: none"> <li>Undertake Stage1 baseline assessment for additional site(s).</li> </ul>

<ul style="list-style-type: none"> <li>Consider off-site contribution to Biodiversity Net Gain from potential habitat management, enhancement and creation.</li> <li>Agree off-site Biodiversity Net Gain with Local Authority.</li> </ul>
<b>Stage 6 - Masterplan</b>
<ul style="list-style-type: none"> <li>Use the Masterplan to undertake final Biodiversity Net Gain calculations.</li> </ul>
<b>Stage 7 – Ecological Impact Assessment</b>
<ul style="list-style-type: none"> <li>Undertake Ecological Impact Assessment using latest Defra biodiversity metric.</li> <li>Include clear scaled maps of where Baseline Biodiversity Units and Post-development Biodiversity Units are located across the site.</li> <li>Include a rationale of why 'Condition' values as per the Defra Guidance have been applied.</li> </ul>
<b>Stage 8 – Planning Determination with Conditions</b>
<ul style="list-style-type: none"> <li>Conditions will include a Biodiversity Enhancement and Management Plan which meets the target Biodiversity Units in the submitted Defra metric.</li> <li>Condition for Construction Environmental Management Plan.</li> <li>Conditions relating to protected and notable species.</li> <li>Condition for monitoring and reporting to Planning Authority to provide data for Local Biodiversity Recovery Plan.</li> </ul>
<b>Stage 9 – Biodiversity Enhancement and Management Plan</b>
<ul style="list-style-type: none"> <li>Required for delivery of both on-site and off-site Biodiversity Units.</li> <li>Detail habitats to be enhanced, created and managed, for a <u>minimum</u> period of 30 years.</li> <li>This may be produced pre-planning application to help with calculating Biodiversity Units.</li> </ul>
<b>Stage 10 – Construction Environmental Management Plan</b>
<ul style="list-style-type: none"> <li>Measures to minimise impacts during construction.</li> <li>Pre-construction surveys.</li> <li>Protective fencing with notices.</li> <li>Timing for site clearance.</li> <li>Ecologist on site.</li> </ul>
<b>Stage 11 – Monitoring for Net Gain</b>
<ul style="list-style-type: none"> <li>Monitor both on and off site features used for Biodiversity Net Gain.</li> <li>Report to Planning Authority and West Yorkshire Ecology Service.</li> <li>Timing for this will depend on the habitats involved but should cover the full 30 year time period.</li> </ul>

### Offsite Offsetting for Biodiversity Net Gain

- 5.10. In the event a development proposal is unable to demonstrate a biodiversity net gain within the application site, following the correct application of the mitigation hierarchy and justification using the metric, it will be necessary to secure biodiversity net gain off-site. In these circumstances applicants will need to demonstrate that sufficient offsite habitat creation or enhancement has been secured to achieve a minimum 10% biodiversity net gain. Details of offsite compensation must also be demonstrated in a measurable way, following the same methodology as for onsite creation and enhancement. There may be instances where some net gain can be secured on site and some may need to be delivered offsite.
- 5.11. Offsite compensation schemes that involve land allocated for development within the adopted Local development Framework or the emerging Local Plan 2036, including safeguarded land, will not be considered appropriate as compensation for development impacts occurring within the district.



- 5.12. During the 2 year transition period the Council will accept the following options for delivering offsite net gain:

**Option 1** Off-site land under control of the applicant, where this is in the in the same Ward (or immediately adjacent Ward) as the development site where the impacts occur (subject to agreement with the Council). This will be subject to a Section 106 legal agreement and conditions to ensure the delivery and positive biodiversity management for a minimum period of 30 years. Where net gain is delivered on land owned by the developer there will be a charge of £2,000 per unit towards the cost of future monitoring and reporting.

**Option 2** A financial contribution to the Council towards offsite delivery of net gain for biodiversity by the Council, on Council owned land, through the White Rose Forest project. A Section 106 legal agreement will be used to transfer the Sum alongside a trigger point. The Sum required for 1 Biodiversity Unit will be £16,530 index-linked (and pro-rata i.e. 0.5 Biodiversity Units = £8,275). This reflects the cost of the creation and 30 year management of a representative Northern Forest Scheme for biodiversity. This rate is currently considered to be reasonable in relation to the costs that would be required by a developer to re-create habitat such as woodland or restored grassland through site preparation, establishment, management and monitoring – and potentially purchase of land to carry out such measures on for a minimum period of 30 years. This sum will be subject to review during the 2 year transition period.

## **6. Ongoing Management, Maintenance and Monitoring**

- 6.1. Habitat creation and enhancement measures that are included in the metric calculation as compensation, whether onsite or offsite, will need to be secured for a period of at least 30 years. This is in line with central government's proposals for a mandatory net gain approach and is to ensure that the compensation is provided for a sufficiently long-term period to permit habitats to mature and contribute to the maintenance of biodiversity.
- 6.2. The metric calculation, whether undertaken for onsite or offsite areas, will specify a habitat type and target condition for each habitat parcel. In order to ensure these targets are met, and that a genuine net gain is achieved, periodic monitoring and reporting will be necessary. This reporting will be secured through conditions and section 106 legal agreements.
- 6.3. Reporting to the Council will be undertaken every 5 years up to and including year 30 and will include a survey of the relevant areas using the UK Hab classification, together with an assessment of the condition of all habitat parcels entered into the metric calculation for the post development site. Condition will be defined with reference to the technical guidance supporting the Biodiversity Metric 2.0 (Natural England, 2019).