



ADUR & WORTHING COUNCILS

Biodiversity Net Gain

Draft Technical Advice Note

February 2026



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1 Purpose, status and relationship to policy

1A Overview

- 1.01 This Technical Advice Note (TAN) provides detailed technical guidance on the application of statutory biodiversity net gain (BNG) requirements to development proposals within the Adur Local Plan Area and the Worthing Local Plan Area. It is intended to support applicants, agents and planning officers in understanding how the statutory BNG framework operates in practice and how it interfaces with adopted planning policy.
- 1.02 This TAN should be read alongside the Green Infrastructure, Biodiversity Net Gain and Urban Greening Supplementary Planning Document (SPD) adopted by each authority, relevant development plan policies, and national planning policy and guidance. It does not introduce new planning policy and does not alter or override statutory requirements. Where national planning policy or guidance is updated, this TAN should be read and applied insofar as it remains consistent with the most up-to-date national policy and statutory requirements.
- 1.03 This TAN is a material consideration in the determination of planning applications to the extent that it is consistent with adopted policy, statute and national planning guidance. Where there is any conflict, statutory requirements and adopted development plan policies will prevail.
- 1.04 The purpose of this TAN is to provide clarity on technical matters that sit outside the scope of the SPD, including the operation of the statutory biodiversity metric, evidence requirements, and the practical application of the mitigation hierarchy in a BNG context. It is not intended to replace professional judgement or statutory guidance.
- 1.05 This Technical Advice Note is intended for use by applicants, agents, ecologists and planning officers. It is designed to support consistent interpretation and application of statutory biodiversity net gain requirements but does not remove the need for professional judgement or case-specific assessment.
- 1.06 Applicants are encouraged to refer to the most up-to-date statutory biodiversity net gain guidance published by the Government, including the statutory biodiversity metric, user guidance and associated regulations. Where there is any inconsistency between external sources and statutory or adopted planning documents, statutory requirements and adopted development plan policies will prevail.
- 1.07 In applying statutory biodiversity net gain alongside adopted policy, the councils will also have regard to the West Sussex Local Nature Recovery Strategy (LNRS) and locally endorsed strategic evidence, including the Adur & Worthing Vision for Nature, as material considerations that help identify strategic priorities for nature recovery and connectivity.

1B Local policy context and authority-specific requirements

- 1.08 This Technical Advice Note supports the implementation of biodiversity net gain requirements across both the Adur and Worthing Local Plan Areas. While the statutory biodiversity net gain framework applies consistently in both authorities, local policy expectations differ.

- 1.09 In the Worthing Local Plan Area, Policy DM18 includes a requirement for development on previously developed land to deliver biodiversity net gain of at least 20 per cent, subject to planning judgement and other relevant considerations. This is a local plan policy requirement that applies alongside the statutory framework and is assessed through planning judgement in the context of the development plan.
- 1.10 In the Adur Local Plan Area, there is no equivalent policy requirement for biodiversity net gain above the statutory minimum. However, proposals that deliver biodiversity net gain above the statutory minimum may be supported where this aligns with site context, design quality and other adopted policy objectives.
- 1.11 This Technical Advice Note does not introduce new policy requirements. It provides technical and procedural guidance to support the application of statutory biodiversity net gain and adopted development plan policies in each authority.

2 When statutory biodiversity net gain applies (and when it does not)

- 2.01 Biodiversity net gain is a statutory requirement introduced by Part 6 of the Environment Act 2021 and implemented through Schedule 7A of the Town and Country Planning Act 1990 and associated regulations. Where mandatory BNG applies and no statutory exemption is engaged, the local planning authority must not grant planning permission unless the development demonstrates at least a 10% net gain in biodiversity value, calculated using the statutory biodiversity metric and secured for a minimum period of 30 years.
- 2.02 The statutory BNG requirement applies to most forms of development requiring planning permission. Applicants should refer to the most up-to-date legislation and national guidance for a definitive statement of scope and exemptions.
- 2.03 The existence of policy support for development, the use of previously developed land, site size, or perceived lack of ecological interest does not in itself exempt development from the statutory BNG requirement.
- 2.04 Transitional arrangements may apply to certain planning permissions granted or substantially commenced before the statutory biodiversity net gain requirements came into force. Applicants should refer to the relevant legislation and guidance and provide sufficient information to enable the local planning authority to determine whether transitional provisions apply in a particular case
- 2.05 Where statutory biodiversity net gain requirements are amended nationally over time, including through the introduction of additional development categories or revised exemptions, this Technical Advice Note will be applied insofar as it remains consistent with the statutory framework in force at the time of determination. The principles set out in this TAN are intended to be adaptable to such changes and to support lawful and proportionate decision-making.

2A Statutory exemptions – general principles

- 2.06 Mandatory biodiversity net gain applies to most forms of development requiring planning permission. However, statute provides for specific exemptions and transitional arrangements in defined circumstances.
- 2.07 Whether a statutory exemption applies is a matter of fact and law and must be assessed on the basis of the specific characteristics of the proposal at the time planning permission is granted. The local planning authority does not have discretion to apply or withhold an exemption where statutory criteria are met.
- 2.08 For ease of reference, categories of development that may be exempt from mandatory biodiversity net gain under statute include, but are not limited to:
- certain householder development
 - development permitted under the General Permitted Development Order
 - development resulting in no loss of on-site habitat or falling below the statutory de minimis threshold

- certain self-build and custom-build development where statutory criteria are met
- development subject to specific transitional provisions

2.09 The above list is indicative only. Applicants must refer to the relevant legislation and national guidance to determine whether a statutory exemption applies in a particular case and must provide sufficient information to enable the local planning authority to make that determination.

2B Self-build and custom-build development

2.10 Certain self-build and custom-build development may be exempt from the statutory biodiversity net gain requirement, in accordance with the Environment Act 2021 and associated regulations. Whether the exemption applies depends on whether the proposal meets the statutory definition and criteria at the time planning permission is granted.

2.11 Where an applicant considers that a proposal qualifies as self-build or custom-build development for the purposes of the statutory exemption, a formal written declaration must be submitted with the planning application confirming the basis on which the exemption is claimed.

2.12 To enable the local planning authority to determine whether the statutory exemption applies, applicants will be required to submit sufficient supporting evidence. This will normally include:

- a completed self-build or custom-build declaration
- information demonstrating how the statutory criteria are met in the specific circumstances of the proposal
- sufficient baseline biodiversity information to identify and classify existing habitats present on the site prior to development, normally including a baseline biodiversity metric calculation prepared using the statutory biodiversity metric

2.13 The purpose of requiring baseline biodiversity information in these circumstances is to establish whether the statutory exemption applies, not to impose biodiversity net gain requirements where an exemption lawfully applies.

2.14 Where a proposal does not meet the statutory criteria for a self-build or custom-build exemption, or where insufficient information is provided to demonstrate that an exemption applies, the statutory biodiversity net gain requirement will apply in full. Where an exemption is confirmed, adopted development plan policies relating to biodiversity protection and enhancement will remain relevant.

2C Significant habitat gains and losses

2.15 Habitats of medium or higher distinctiveness are inherently capable of giving rise to significant biodiversity impacts and are therefore treated as significant for the purposes of applying the statutory biodiversity net gain framework.

2.16 Habitats of low distinctiveness may also give rise to significant gains or losses where the quantity of habitat affected results in a substantial change in biodiversity unit value. This may occur, for example, where large areas of low distinctiveness habitat are lost or created.

- 2.17 There is no single numerical threshold that defines significance in these circumstances. The assessment of significance will be based on the magnitude of unit change, its proportion relative to the site baseline, and the functional role of the habitat, applying professional judgement in accordance with statute and adopted policy.

3 Overview of the statutory biodiversity net gain process

3A Purpose of this section

- 3.01 This section provides a step-by-step overview of how the statutory biodiversity net gain process operates in practice, from baseline assessment through to securing delivery. It is intended to support understanding of the sequence of requirements and decision points, rather than to provide detailed technical instruction on metric calculations or habitat management.
- 3.02 The statutory biodiversity net gain process is defined by legislation and associated guidance. This section explains how that process is typically applied within the planning system and how it interfaces with development plan policies and the strategic framework set out in the adopted SPD.

3B Establishing the baseline

- 3.03 The statutory biodiversity net gain process begins with establishing the baseline biodiversity value of the site. This requires identification, mapping and classification of existing habitats present on the site prior to development, using the statutory biodiversity metric and its accompanying guidance.
- 3.04 Baseline habitat assessments should reflect the on-site conditions at the relevant time and must be supported by appropriate survey evidence. Where sites have been cleared or altered prior to submission, applicants may be required to provide evidence of pre-existing conditions to enable an accurate baseline to be established.
- 3.05 The baseline assessment provides the reference point against which losses, retention and gains are measured. It does not in itself determine the acceptability of development, which remains a matter of planning judgement having regard to statute, adopted policy and site context.
- 3.06 Biodiversity net gain should be considered at the earliest stages of site appraisal and scheme design. Proposals that seek to retrofit biodiversity net gain at a late stage, solely through metric optimisation, are unlikely to result in high-quality or policy-compliant outcomes. Early integration of biodiversity considerations is particularly important where existing habitats contribute to ecological connectivity or green infrastructure networks.

Figure 1: Overview of the statutory biodiversity net gain process

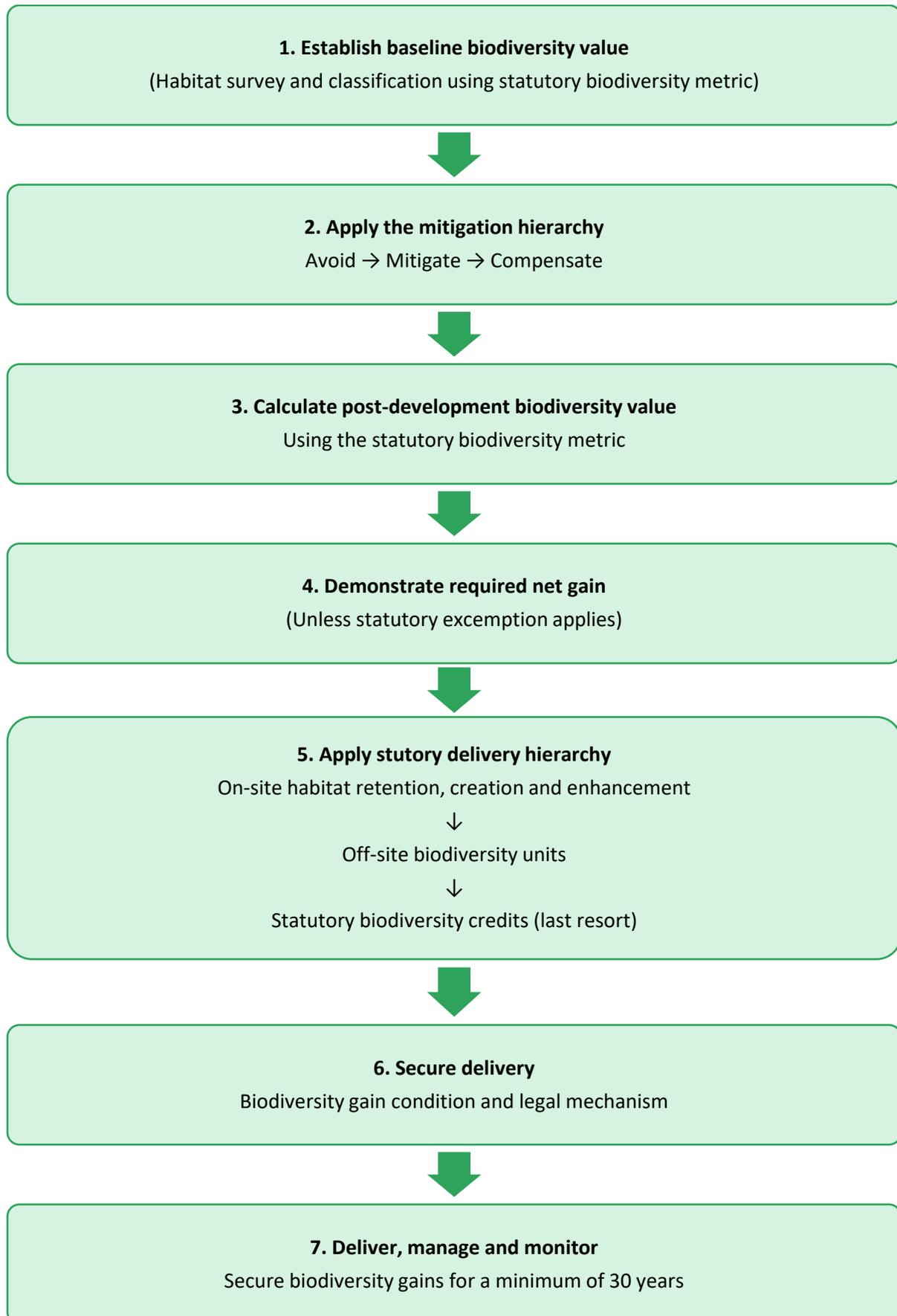
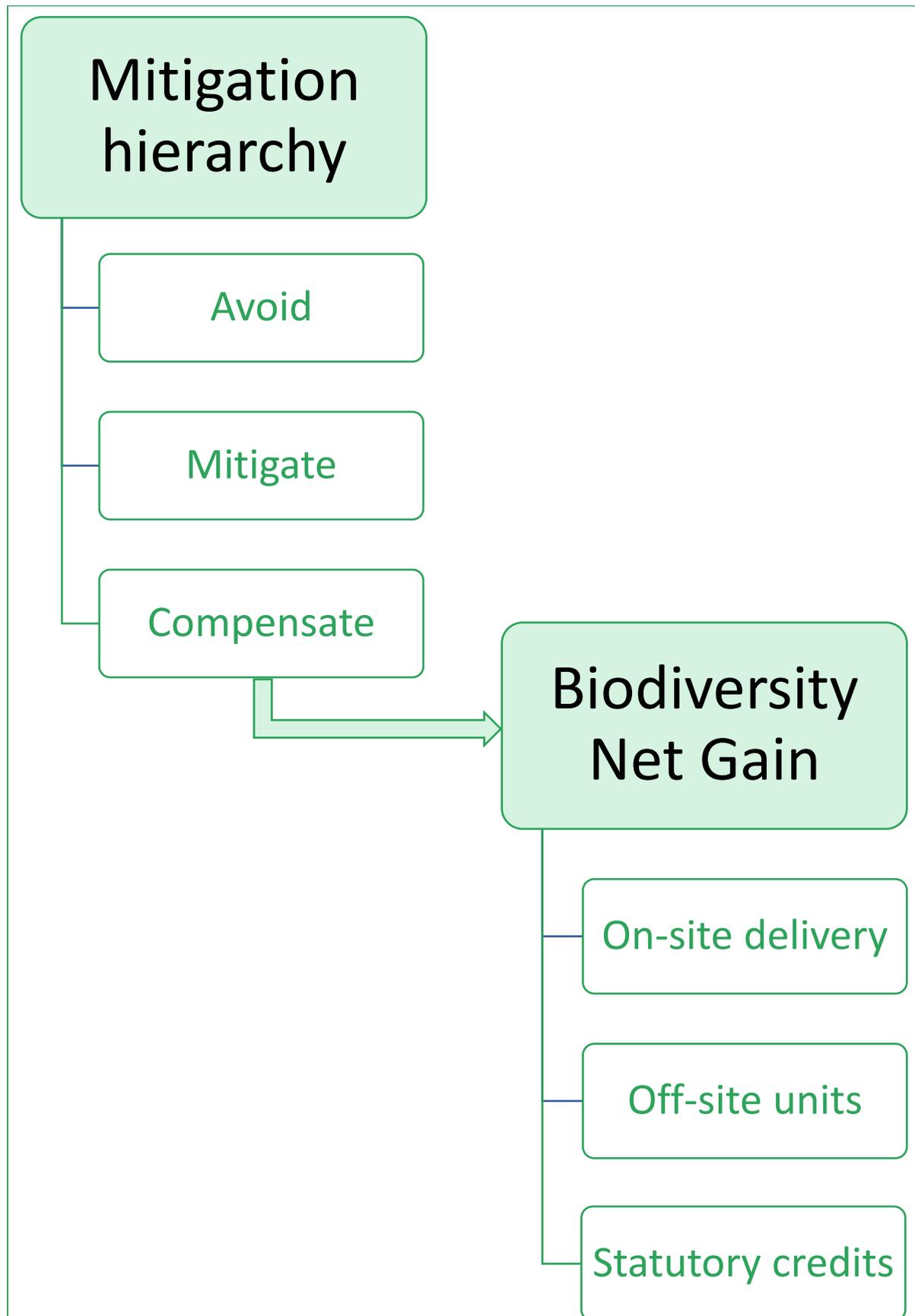


Figure 2: Relationship between the mitigation hierarchy and biodiversity net gain delivery



3D Applying the mitigation hierarchy

- 3.07 The statutory biodiversity net gain framework operates alongside the established mitigation hierarchy of avoid, mitigate and compensate. This hierarchy remains central to the assessment of development proposals under adopted planning policy.
- 3.08 Avoidance of harm to biodiversity should be considered at the earliest stages of site appraisal and design, particularly where existing habitats contribute to ecological connectivity or form part of a wider green infrastructure network. Retention of habitats may be important even where their metric value is modest.
- 3.09 Where impacts cannot be avoided, mitigation through on-site habitat enhancement or creation should be explored. Compensation through off-site delivery or statutory credits is intended as a later step in the process and should not be relied upon where reasonable on-site alternatives exist.

Relationship between the mitigation hierarchy and biodiversity net gain delivery

- 3.10 The mitigation hierarchy must be applied before biodiversity net gain calculations are used to determine how residual impacts will be addressed. Statutory biodiversity net gain does not replace or override the mitigation hierarchy.
- 3.11 Once avoidance and mitigation have been addressed, the statutory biodiversity net gain framework establishes a delivery sequence for achieving the required net gain:
- On-site habitat retention, creation and enhancement
 - Off-site biodiversity units
 - Statutory biodiversity credits (last resort).
- 3.12 This delivery sequence applies after the mitigation hierarchy has been properly applied. It does not justify avoidable harm or poor site design.

3E Calculating biodiversity value and net gain

- 3.13 The statutory biodiversity metric provides a standardised method for calculating biodiversity value and net gain. It is a required tool for demonstrating compliance with statutory BNG requirements and must be applied in accordance with the published guidance.
- 3.14 The metric output quantifies biodiversity value but does not capture all aspects of ecological function, landscape context or strategic significance. Metric results should therefore be interpreted alongside professional ecological judgement and planning considerations.
- 3.15 Professional ecological judgement plays an important role in the application of the statutory biodiversity metric, particularly in habitat identification and condition assessment. However, such judgement must be exercised within the parameters set by the metric and its accompanying guidance. The metric must not be adjusted or overridden to achieve a preferred outcome.

- 3.16 A minimum 10% net gain in biodiversity value must be demonstrated where statutory BNG applies, unless a statutory exemption is confirmed.

3F On-site delivery of biodiversity net gain

- 3.17 On-site delivery of biodiversity net gain is prioritised within the statutory framework and is often the most effective way to integrate biodiversity outcomes with site design, green infrastructure, sustainable drainage and placemaking objectives.
- 3.18 On-site delivery may include the retention, enhancement or creation of habitats within the development site, including within public realm, open space, landscaped areas and multifunctional features such as SuDS.
- 3.19 Where on-site opportunities are constrained, applicants should clearly explain the limitations and demonstrate that reasonable alternatives have been explored.

3G Off-site delivery and statutory credits

- 3.20 Off-site delivery of biodiversity net gain may be appropriate where on-site delivery is not feasible or sufficient. Off-site delivery must comply with statutory requirements, including registration of biodiversity gain sites and securing management for the required period.
- 3.21 Statutory biodiversity credits are intended as a last resort within the statutory hierarchy. The availability and use of credits is subject to national arrangements and should not be assumed.

3H Securing delivery and long-term outcomes

- 3.22 Statutory biodiversity net gain must be secured through the biodiversity gain condition and, where necessary, through legal agreements or conservation covenants. Proposals must include clear and deliverable arrangements for management and monitoring over the required period.
- 3.23 Further guidance on securing delivery, monitoring and enforcement is provided in later sections of this TAN and in the adopted SPD.

3I Relationship to planning decision-making

- 3.24 Demonstrating statutory biodiversity net gain is a prerequisite for the grant of planning permission where mandatory BNG applies. However, achieving the minimum net gain does not in itself determine the overall planning balance or remove the need to comply with adopted planning policies relating to biodiversity, green infrastructure and design.
- 3.25 The statutory BNG process should therefore be understood as one component of a wider assessment, operating within a framework of statute, policy and planning judgement.
- 3.26 This section provides an overview of the statutory biodiversity net gain process. It does not replace the detailed requirements of the statutory biodiversity metric, associated guidance, or the more detailed advice set out elsewhere in this Technical Advice Note.

Statutory decision tests and grant of planning permission

- 3.27 Schedule 7A of the Town and Country Planning Act 1990 provides that, where mandatory biodiversity net gain applies, planning permission must not be granted unless the statutory

biodiversity gain condition is capable of being imposed and the biodiversity gain plan requirements can be lawfully secured.

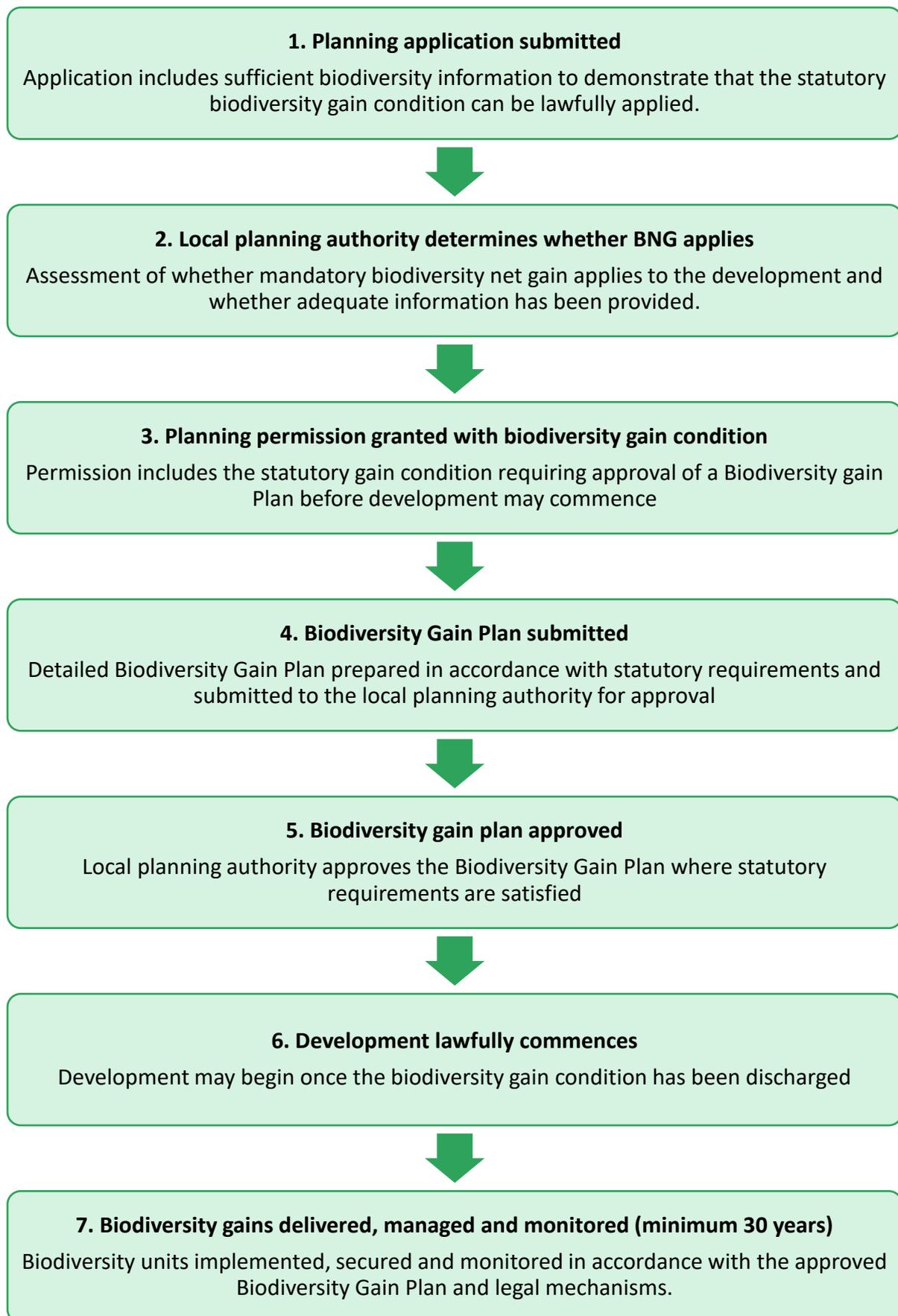
3.28 In practical terms, this requires that:

- a biodiversity gain plan has been submitted or can be secured in accordance with statutory requirements;
- the biodiversity gain condition can be imposed at the time permission is granted;
- arrangements for the delivery, management and monitoring of biodiversity gains for the required period are clearly identified and legally enforceable.

3.29 Where insufficient information is provided to demonstrate that these requirements can be met, or where the proposed approach to securing biodiversity net gain is not lawful or deliverable, planning permission must not be granted.

3.30 Compliance with these statutory requirements is a prerequisite for the grant of planning permission. It does not remove the need to assess the proposal against adopted development plan policies relating to biodiversity, green infrastructure, design quality and the mitigation hierarchy.

Figure 3: Biodiversity gain condition and approval process



4 Habitat classification and condition assessment

4A Purpose and status of this section

- 4.01 This section provides detailed technical guidance on the classification and condition assessment of habitats for the purposes of the statutory biodiversity net gain calculation. It explains how the statutory biodiversity metric and its accompanying guidance are expected to be applied in practice and addresses common sources of error and dispute.
- 4.02 This section does not introduce new policy or local definitions of habitat types or condition. Habitat classification and condition assessment must follow the statutory biodiversity metric and associated national guidance. The role of this TAN is to support consistent and lawful application of those requirements within the planning process.

4B Requirement to use the statutory biodiversity metric

- 4.03 All biodiversity net gain calculations must be undertaken using the statutory biodiversity metric in force at the time of application, together with its accompanying guidance. Alternative metrics, bespoke scoring systems or locally derived methodologies will not be accepted for the purposes of demonstrating statutory biodiversity net gain.
- 4.04 Applicants must ensure that the correct version of the statutory biodiversity metric is used. Where metric versions are updated nationally, the version in force at the time of determination will normally apply, unless transitional provisions indicate otherwise.

Small Sites Metric

- 4.05 For development that meets the statutory criteria for use of the Small Sites Metric, biodiversity net gain calculations must be undertaken using the Small Sites Metric published as part of the statutory biodiversity net gain framework and its accompanying guidance. The Small Sites Metric is a statutory tool and must be applied in accordance with national guidance.
- 4.06 Applicants should not assume that use of the Small Sites Metric removes the need for accurate baseline assessment, application of the mitigation hierarchy, or compliance with adopted planning policies relating to biodiversity and green infrastructure.

4C Habitat classification

- 4.07 Habitats must be identified, mapped and classified in accordance with the habitat categories and definitions set out in the statutory biodiversity metric and its guidance. Classification must reflect the existing physical and ecological characteristics of the site at the time of baseline assessment, not intended future management or design aspirations.
- 4.08 Applicants should ensure that habitat mapping is accurate, proportionate and supported by appropriate survey evidence. Where habitats are complex or transitional, clear justification should be provided for the classification used, with reference to the statutory guidance.
- 4.09 The use of non-standard habitat descriptions, aggregation of distinct habitat parcels, or reclassification of habitats to achieve a preferred metric outcome will not be acceptable.

4D Strategic significance and application of professional judgement

- 4.10 The statutory biodiversity metric provides a quantitative assessment of biodiversity value for the purposes of demonstrating compliance with mandatory biodiversity net gain. It does not, however, determine the strategic importance of habitats within the planning context.
- 4.11 In applying adopted planning policies and exercising planning judgement, the local planning authority may give particular weight to habitats that are considered to be of strategic significance due to their function, location or contribution to wider ecological and green infrastructure objectives.
- 4.12 Indicators that a habitat may be strategically significant include, but are not limited to, where it:
- forms part of an identified green infrastructure network, wildlife corridor or ecological linkage
 - provides functional connectivity between habitats or designated sites
 - supports priority or protected species, or habitats of principal importance
 - contributes to flood risk management, water quality, coastal processes or riparian function
 - aligns with spatial priorities identified in a Local Nature Recovery Strategy or other relevant evidence base.
- 4.13 Where habitats of strategic significance are present, applicants are expected to demonstrate clearly how the mitigation hierarchy has been applied, with particular emphasis on avoidance and on-site retention through layout and design.
- 4.14 The achievement of the minimum statutory biodiversity net gain percentage does not, in itself, justify the loss of habitats of strategic significance where that loss could reasonably have been avoided or reduced. In such circumstances, proposals may be considered unacceptable in planning terms notwithstanding numerical compliance with the statutory metric.

4E Condition assessment

- 4.15 Habitat condition must be assessed using the criteria set out in the statutory biodiversity metric guidance. Condition assessments must be based on observed site characteristics and evidence, rather than assumptions about future management or design intent.
- 4.16 Professional ecological judgement may be exercised in applying condition criteria, particularly where habitats do not fit neatly within predefined categories. However, judgement must be exercised within the parameters of the metric and guidance and must be clearly explained and justified.
- 4.17 Applicants should avoid over-scoring habitat condition. In particular, the presence of management proposals, aspirations for enhancement, or planned future works does not justify a higher baseline condition score.

4F Timing of baseline assessment

- 4.18 Baseline habitat assessments must reflect site conditions at the relevant statutory baseline date, as defined by the statutory biodiversity net gain framework. Where habitats have been cleared, degraded or otherwise altered since that date, applicants may be required to establish baseline conditions by reference to earlier site conditions, including conditions as at or after 30 January 2020, regardless of the reason for that change.
- 4.19 Evidence used to establish baseline conditions may include historical ecological survey data, aerial photography, site records, or other reliable information capable of demonstrating the nature and condition of habitats at the relevant baseline date.
- 4.20 The purpose of applying a statutory baseline date is to ensure that biodiversity value is assessed consistently and to avoid perverse incentives associated with habitat loss or degradation prior to submission. The local planning authority will apply the statutory biodiversity net gain framework and accompanying guidance when determining the appropriate baseline for assessment.

4G Currency and validity of ecological survey information

- 4.21 Baseline habitat classification and condition assessment must be supported by ecological survey information that is sufficiently up to date to provide a reliable representation of site conditions at the time of assessment.
- 4.22 As a general principle, ecological surveys, including UKHab surveys, are typically considered to be reliable for a period of up to one year, subject to the nature of the habitats present and site circumstances. In some cases, survey information up to two years old may remain acceptable where it can be clearly demonstrated that site conditions have not materially changed.
- 4.23 Where ecological survey information is more than two years old, or where there has been significant site disturbance, management, clearance or natural change since the survey was undertaken, updated survey information will normally be required in order to establish an accurate baseline for biodiversity net gain purposes.
- 4.24 The local planning authority will consider the currency and adequacy of survey information on a case-by-case basis, having regard to habitat type, site context, seasonal factors and any evidence of change. The aim is to ensure that biodiversity net gain assessments are based on robust and reliable evidence, rather than to impose rigid time limits.

4H Watercourses, riparian land and development boundaries

- 4.25 Sites within the Adur and Worthing areas frequently contain watercourses, drainage features or riparian land that perform important ecological, hydrological and green infrastructure functions. These features often require more specialist ecological consideration and careful assessment within the statutory biodiversity net gain process.
- 4.26 The extent of land included within the biodiversity net gain assessment must reflect the full area likely to be affected by the development. This is not limited solely to the area within the red line boundary as drawn for planning application purposes, where activities associated with the development would affect land beyond that boundary.

- 4.27 Where development proposals involve, or have the potential to affect, watercourses or associated land — including through land raising, engineering works, changes to drainage, flood risk management measures, access works or service infrastructure — those areas must be included within the baseline habitat assessment and biodiversity net gain calculation.
- 4.28 The exclusion of watercourses, riparian corridors or functionally related land from the red line boundary in order to reduce baseline biodiversity value or avoid assessment will not be accepted where those areas are affected by the development. The local planning authority will consider the functional extent of impacts when determining the appropriate area for baseline assessment.
- 4.29 This approach does not prevent development or prescribe land use. It ensures that the statutory biodiversity net gain assessment accurately reflects the land and habitats affected by the proposal, in accordance with the statutory biodiversity metric and associated guidance.

4I Relationship to planning judgement and policy

- 4.30 The biodiversity metric provides a quantitative assessment of biodiversity value for the purposes of statutory biodiversity net gain. It does not replace planning judgement or wider policy considerations relating to biodiversity, green infrastructure, landscape character or ecological connectivity.
- 4.31 Habitats that are of strategic importance within the local planning context, including those contributing to identified green infrastructure networks or ecological corridors, may warrant particular consideration in design and mitigation, even where their metric value is modest.
- 4.32 Demonstrating compliance with statutory biodiversity net gain requirements does not remove the need to consider the ecological acceptability of development proposals under adopted planning policies. Proposals that achieve the minimum net gain may still give rise to concerns where avoidable harm to existing habitats, ecological networks or green infrastructure has not been adequately addressed through the application of the mitigation hierarchy.

4J Common issues and errors

- 4.33 Common issues encountered in biodiversity net gain submissions include misclassification of habitats, overestimation of condition, insufficient mapping detail, and reliance on future management proposals to justify baseline scores.
- 4.34 Applicants are encouraged to engage early with the local planning authority where there is uncertainty regarding habitat classification or condition assessment, to reduce the risk of delay or dispute at the application stage.

4K How this section should be used

- 4.35 Applicants and their advisors should use this section to ensure that baseline habitat assessments and condition scoring are robust, transparent and compliant with statutory requirements.

- 4.36 Planning officers will use this section to assess whether biodiversity net gain calculations have been prepared correctly and whether the statutory biodiversity metric has been applied lawfully and consistently.

5 Evidence requirements and validation

5A Purpose of this section

- 5.01 This section sets out the evidence requirements for demonstrating compliance with statutory biodiversity net gain at the planning application stage and explains how those requirements will be applied during validation and determination. It is intended to promote consistency, transparency and proportionality, and to reduce delay arising from incomplete or unclear submissions.
- 5.02 The evidence requirements described in this section do not introduce new policy or statutory obligations. They explain the information normally required in order for the local planning authority to determine whether statutory biodiversity net gain requirements are met, or whether a statutory exemption lawfully applies.

5B Information required at application stage

- 5.03 Where statutory biodiversity net gain applies, applications should be supported by sufficient information to demonstrate compliance with the statutory framework. This will normally include:
- a completed statutory biodiversity metric calculation, prepared using the correct version of the metric and its accompanying guidance
 - a baseline habitat plan identifying, mapping and classifying existing habitats within the area affected by the development
 - proposals for on-site habitat retention, enhancement or creation, and where relevant, off-site delivery arrangements
 - information explaining how the mitigation hierarchy has been applied
 - details of how biodiversity net gain will be secured and managed over the required period.
- 5.04 The level of detail required should be proportionate to the scale, nature and complexity of the development and the biodiversity impacts involved. Minor development with limited habitat impacts will generally require less detailed information than large or complex schemes.
- 5.05 Where applications are amended, resubmitted or subject to significant design changes, previously submitted biodiversity net gain information may need to be updated or re-submitted to reflect the amended proposals. Applicants should not assume that earlier metric calculations or baseline information will remain valid where changes materially affect habitat impacts or delivery proposals.
- 5.06 Where the Small Sites Metric is used, submitted information should be proportionate but sufficient to demonstrate that the statutory metric has been correctly applied and that baseline habitats have been accurately identified and mapped.

5C Evidence requirements where an exemption is claimed

5.07 Where an applicant considers that a proposal is exempt from the statutory biodiversity net gain requirement, sufficient information must be provided to enable the local planning authority to determine whether the exemption lawfully applies.

5.08 This may include, depending on the nature of the exemption claimed:

- a clear written declaration setting out the basis on which the exemption is claimed
- supporting evidence demonstrating that the statutory criteria for the exemption are met
- baseline habitat information sufficient to confirm that the proposal falls within the scope of the exemption and to establish the nature of any habitats present on the site.

5.09 The purpose of requiring such information is to enable the authority to determine whether an exemption applies. It is not intended to impose biodiversity net gain requirements where an exemption lawfully applies.

Baseline biodiversity information for exempt development

5.10 Where development is exempt from the statutory biodiversity net gain requirement (other than householder development), the local planning authority may still require sufficient baseline biodiversity information to enable it to confirm that the exemption lawfully applies and to assess the impacts of the proposal against other relevant development plan policies.

5.11 In many cases, the most proportionate means of providing this information will be through a baseline habitat assessment prepared using the statutory biodiversity metric and its accompanying guidance. The level of detail required will be proportionate to the scale and nature of the development.

5.12 The provision of baseline biodiversity information in these circumstances does not trigger the statutory biodiversity net gain requirement and does not require the delivery of net gain where an exemption lawfully applies. It is intended solely to support lawful decision-making and the application of adopted planning policies relating to biodiversity protection and enhancement.

5D Validation and proportionality

5.13 Applications that do not provide sufficient information to demonstrate compliance with statutory biodiversity net gain requirements, or to establish that a statutory exemption applies, may be treated as invalid or may be subject to requests for further information during determination.

5.14 Where information submitted in support of a planning application is incomplete, unclear or inconsistent, this may delay determination while further clarification is sought. Providing complete and proportionate biodiversity information at the outset helps to ensure timely decision-making and reduces the risk of avoidable delay.

5.15 The local planning authority will apply a proportionate approach to validation, having regard to the scale and complexity of development and the nature of biodiversity impacts.

Early engagement is encouraged where there is uncertainty regarding evidence requirements.

- 5.16 The local planning authority will apply a proportionate approach to evidence requirements, management arrangements and monitoring obligations, having regard to the scale, nature and complexity of development and the biodiversity outcomes being secured. Not all proposals will require the same level of detail or long-term oversight, and requirements will be tailored to the circumstances of each case.

5E Relationship to planning conditions and legal agreements

- 5.17 The information submitted at application stage will inform the drafting of planning conditions, including the statutory biodiversity gain condition, and any associated legal agreements or conservation covenants.
- 5.18 Applicants should ensure that submitted information is sufficiently detailed and accurate to allow conditions and obligations to be framed clearly and enforceably.

Typical considerations in assessing biodiversity net gain submissions

In assessing whether applications adequately address statutory biodiversity net gain requirements, officers will typically consider whether:

- **the statutory biodiversity metric has been correctly applied and the appropriate version used;**
 - **baseline habitats have been accurately mapped, classified and condition-assessed in accordance with the statutory guidance;**
 - **the mitigation hierarchy has been clearly addressed through site appraisal and scheme design;**
 - **proposed on-site habitats are realistic, functional and capable of being managed over the required period;**
 - **any claims of strategic significance within the metric are supported by appropriate evidence;**
- and**
- **arrangements for securing, managing, monitoring and enforcing biodiversity net gain outcomes are clear, deliverable and proportionate.**

5F How this section should be used

- 5.19 Applicants and their advisors should use this section to understand the evidence normally required to support planning applications in a biodiversity net gain context and to ensure that submissions are complete and proportionate.
- 5.20 Planning officers will use this section to assess whether applications provide sufficient information to allow statutory biodiversity net gain requirements to be considered lawfully and efficiently.

6 Application of the mitigation hierarchy and delivery pathways

6A Purpose of this section

- 6.01 This section provides guidance on the application of the mitigation hierarchy within the statutory biodiversity net gain framework and explains the expected approach to on-site delivery, off-site delivery and, where necessary, the use of statutory biodiversity credits. It is intended to clarify how delivery pathways should be considered and justified in practice.
- 6.02 This section does not introduce new policy requirements. It explains how the statutory biodiversity net gain framework interacts with adopted development plan policies that seek to avoid harm to biodiversity, prioritise on-site delivery, and support multifunctional green infrastructure.

6B Biodiversity net gain and the mitigation hierarchy

- 6.03 A frequent cause of delay and dispute is the mistaken assumption that statutory biodiversity net gain replaces the mitigation hierarchy. It does not. The statutory biodiversity net gain framework operates alongside the established mitigation hierarchy of avoid, mitigate and compensate. This hierarchy remains central to decision-making under adopted planning policy and must be applied before reliance is placed on delivery mechanisms or metric outputs.
- 6.04 Applicants are expected to demonstrate how opportunities to avoid impacts on existing habitats have been considered at the earliest stages of site appraisal and scheme design. Avoidance may include retention of habitats, adjustment of layout, changes to access arrangements, careful treatment of levels and land raising, and the design of drainage and SuDS to maintain ecological function.
- 6.05 Where impacts cannot be avoided, mitigation through on-site habitat enhancement or creation should be explored. Compensation through off-site delivery or statutory credits represents a later stage in the hierarchy and should not be relied upon where reasonable on-site alternatives exist.

6C Strategic context and strategic significance

- 6.06 The statutory biodiversity metric includes an assessment of “strategic significance” for biodiversity units. Claims of strategic significance must be evidenced by reference to the relevant strategies, priorities and mapping that the metric and its guidance require. Applicants should not assume that a habitat, parcel or intervention is strategically significant without clear evidence.
- 6.07 The SPD identifies strategic green infrastructure and ecological network considerations that are relevant to site appraisal, avoidance, design and mitigation. These local strategic considerations do not in themselves change the operation of the statutory biodiversity metric. Applicants should therefore address both: (i) strategic considerations under adopted policy and the SPD, and (ii) any metric “strategic significance” claims, with clear evidence for each.

- 6.08 The identification of land for biodiversity net gain purposes, whether on-site or off-site, does not allocate land for development, designate land for conservation, or alter its planning status.

6D Prioritising on-site delivery

- 6.09 On-site delivery of biodiversity net gain is prioritised within the statutory framework and is generally the preferred approach, as it enables biodiversity outcomes to be integrated with site design, green infrastructure, sustainable drainage, placemaking and access to nature.
- 6.10 On-site delivery may include retention, enhancement or creation of habitats within the development site, including within public realm, open space, landscaped areas, street environments and multifunctional features such as SuDS.
- 6.11 Where on-site delivery is proposed, applicants should demonstrate that habitats will be viable and deliverable over the long term. The local planning authority will scrutinise proposals that rely on small, isolated or fragmented habitat parcels that are disconnected from wider networks, subject to edge effects or disturbance, or cannot be accessed and managed effectively. In such cases, applicants should consider alternatives such as consolidation of habitat areas, improved connectivity, and design changes to secure robust, functional habitat outcomes.
- 6.12 Applicants should not rely on nominally high distinctiveness or condition scores to justify habitat parcels that are unlikely to function ecologically or be managed effectively for the required period. Biodiversity net gain proposals must be realistic, deliverable and capable of being secured, managed and monitored.
- 6.13 Table 1 summarises key characteristics of effective and ineffective approaches to on-site biodiversity net gain.

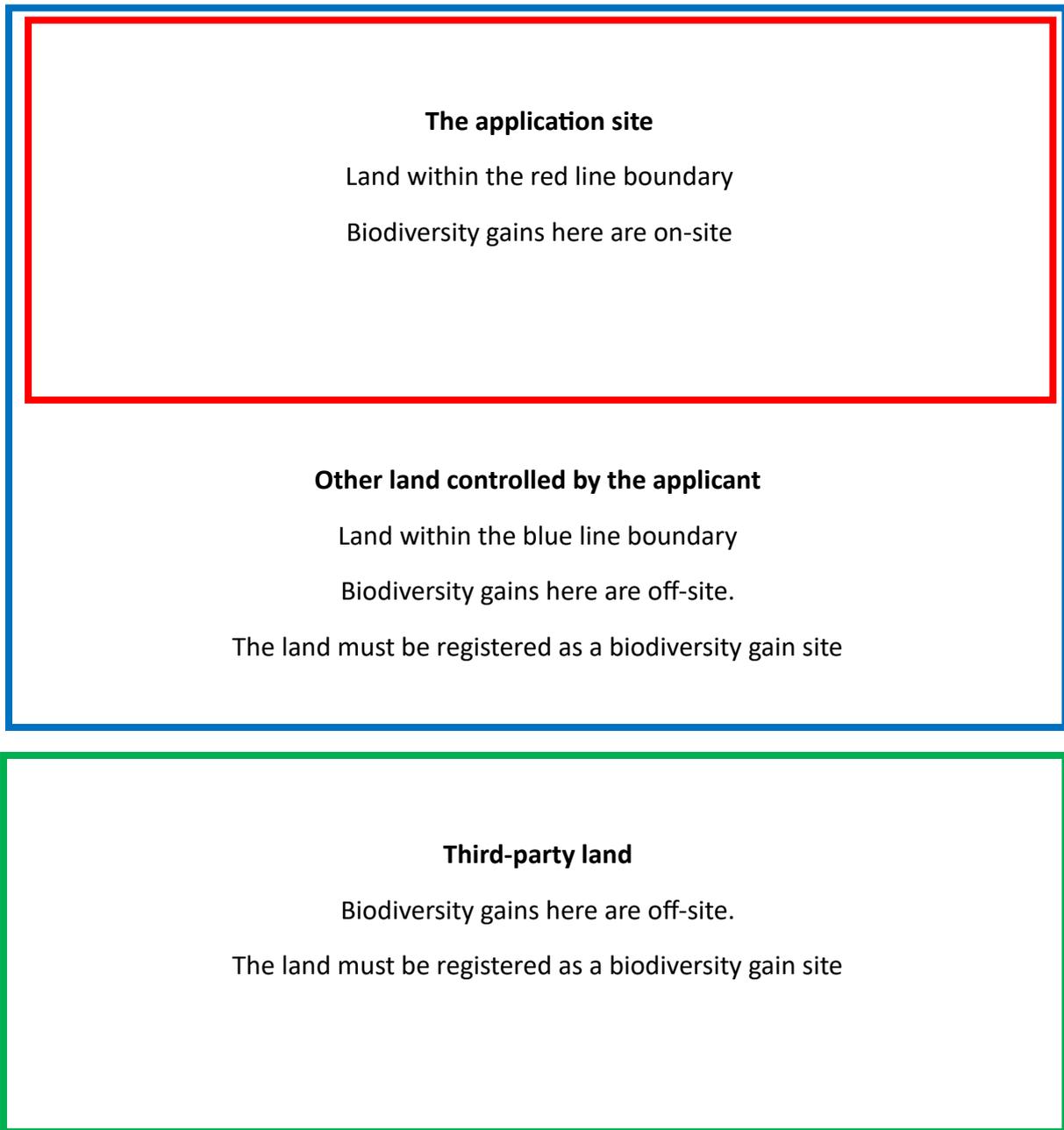
Table 1: Functional considerations for on-site habitat delivery

Functional category	Effective on-site delivery	Ineffective on-site delivery
Spatial factors	Habitat areas of sufficient size and coherent shape to function ecologically	Small, fragmented or irregular areas confined to leftover or residual space
	Buffers from disturbance and incompatible uses	Habitats directly adjacent to high disturbance without buffering
	Layout designed around retained habitats	Habitats retrofitted after layout fixed
Connectivity	Direct links to retained habitats, green infrastructure corridors or off-site ecological networks	Ecologically isolated habitat areas with no functional links
	Reinforcement of existing corridors or stepping stones	Fragmentation of existing habitat links
Integration with design	Biodiversity integrated with SuDS, public realm and landscape structure	Biodiversity treated as a separate technical exercise disconnected from site design
	Early consideration during site selection and concept design	Reliance on late-stage metric optimisation
Hydrology and soils	Appropriate hydrological regime and soil conditions secured at design stage	Inappropriate soil depth, drainage or compaction undermining habitat viability
	Long-term water management aligned with habitat type	Water regime dependent on unrealistic maintenance intervention
Management and longevity	Clear, realistic management plan secured for required period	Unclear or aspirational management proposals without secure arrangements
	Management aligned with ecological function	Over-intensive or cosmetic management that undermines biodiversity value
Functional resilience	Habitat types appropriate to site context and climate conditions	Habitat proposals vulnerable to foreseeable failure due to exposure or constraints
	Designed to function over minimum 30-year period	Dependent on short-term establishment or replacement cycles

6E Off-site delivery of biodiversity net gain

- 6.14 Off-site delivery of biodiversity net gain may be appropriate where on-site delivery is not feasible or sufficient to achieve the required net gain. Proposals for off-site delivery must comply with statutory requirements, including registration of biodiversity gain sites where applicable and securing long-term management.
- 6.15 For the purposes of statutory biodiversity net gain, land is treated as **on-site** only where it falls within the red line boundary of the planning application. Land shown outside the red line boundary, including land identified within a blue line boundary, is treated as **off-site** for statutory BNG purposes.
- 6.16 Off-site delivery of biodiversity net gain may be a legitimate and appropriate delivery pathway. However, where biodiversity net gain is proposed on land outside the red line boundary, it must comply with the statutory requirements for off-site delivery, including registration of the land as a biodiversity gain site and securing management and monitoring for the required period.
- 6.17 The identification of land within a blue line boundary does not alter its status for the purposes of statutory biodiversity net gain and does not remove the requirement for off-site registration and securing where applicable.
- 6.18 Applicants proposing off-site delivery should clearly explain why on-site delivery has been maximised and why residual impacts cannot reasonably be addressed within the site.
- 6.19 Where off-site delivery is proposed, applicants should have regard to strategic priorities for biodiversity enhancement, including local ecological networks and opportunities identified through strategic green infrastructure planning.

Figure 4: Red line, blue line and off-site biodiversity net gain delivery



6F Use of statutory biodiversity credits

- 6.20 Statutory biodiversity credits are intended as a last resort within the statutory delivery hierarchy. Their use should not be assumed and should only be proposed where neither on-site nor off-site delivery is feasible.
- 6.21 The availability, cost and use of statutory biodiversity credits are subject to national arrangements and may change over time. Applicants should ensure that any proposal to use statutory credits is realistic and supported by evidence.

6G Securing delivery, management and monitoring

- 6.22 Where biodiversity net gain is proposed to be delivered on-site (in whole or in part), applicants should be aware that the creation and enhancement of habitats to deliver statutory biodiversity net gain must be secured and maintained for the required period. This will normally require a Habitat Management and Monitoring Plan (or equivalent), together with clear arrangements for responsibilities, funding, access for management, monitoring and remedial action.
- 6.23 The mechanism for securing delivery will depend on the circumstances of the proposal but may include the statutory biodiversity gain condition, planning conditions, section 106 obligations and/or conservation covenants, and where relevant registration requirements. Applicants should factor these requirements into programming, viability and long-term estate management from the outset.
- 6.24 Where proposals rely on habitat creation or enhancement that is medium or higher in habitat distinctiveness, significant in scale, complex in management terms, or integral to policy compliance and place-making outcomes (including SuDS habitat features, green roofs or walls, or riparian habitat), the local planning authority will expect early clarity on the long-term governance, resourcing and practical arrangements for management and monitoring.

6H Relationship to planning judgement and policy

- 6.25 Meeting the minimum statutory biodiversity net gain requirement does not in itself determine the acceptability of development. The application of the mitigation hierarchy and the quality, functionality and deliverability of biodiversity outcomes achieved remain relevant considerations in planning decision-making.
- 6.26 Proposals that rely disproportionately on off-site delivery or statutory credits, without clear justification, may be subject to closer scrutiny where this would undermine adopted planning policies relating to biodiversity protection, green infrastructure or placemaking.

Common points of clarification

The following points are highlighted to address common areas of misunderstanding in the application of statutory biodiversity net gain:

- Statutory biodiversity net gain does not replace the mitigation hierarchy. Avoidance and minimisation of impacts on existing habitats remain relevant considerations under adopted planning policy and should be addressed at the earliest stages of site appraisal and design.
- Demonstrating the minimum 10% biodiversity net gain does not, in itself, demonstrate compliance with adopted planning policies relating to biodiversity, green infrastructure, landscape or placemaking.

- Claims of “strategic significance” within the statutory biodiversity metric must be supported by evidence in accordance with the metric guidance and should not be assumed by reference to local policy designations alone.
- Land outside the red line boundary of a planning application, including land shown within a blue line boundary, is treated as off-site for statutory biodiversity net gain purposes and must comply with the statutory requirements for off-site delivery.
- Where biodiversity net gain outcomes rely on long-term habitat creation or enhancement, appropriate mechanisms for securing management, monitoring and enforcement will be required.

6I How this section should be used

- 6.27 Applicants and their advisors should use this section to understand the expected approach to applying the mitigation hierarchy and selecting appropriate biodiversity net gain delivery pathways, including the need to demonstrate viability and long-term manageability of on-site habitat proposals.
- 6.28 Planning officers will use this section to assess whether proposals have applied the mitigation hierarchy appropriately, whether any claims of metric “strategic significance” are evidenced, and whether delivery pathways are justified, realistic and policy-compliant.
- 6.29 Further guidance on securing biodiversity net gain outcomes, including management, monitoring and enforcement arrangements, is set out in Section 7 of this Technical Advice Note

7 Securing biodiversity net gain, management, monitoring and enforcement

7A Purpose of this section

- 7.01 This section explains how statutory biodiversity net gain outcomes will be secured, managed, monitored and, where necessary, enforced. It clarifies the legal mechanisms available to the local planning authority and the circumstances in which different mechanisms are likely to be used.
- 7.02 This section does not introduce new policy requirements. It explains how existing statutory obligations and adopted planning policies are implemented in practice to ensure that biodiversity net gain outcomes are delivered and maintained for the required period.

7B The statutory biodiversity gain condition

- 7.03 Where statutory biodiversity net gain applies, planning permission must be subject to the statutory biodiversity gain condition, unless an exemption or transitional provision lawfully applies. The local planning authority has no discretion to disapply this condition where mandatory BNG applies.
- 7.04 The biodiversity gain condition secures approval of a biodiversity gain plan prior to commencement (or such other stage as allowed by statute). The gain plan must demonstrate compliance with statutory requirements, including achievement of the minimum net gain and arrangements for long-term management and monitoring.

7C Planning conditions and section 106 obligations

- 7.05 In addition to the statutory biodiversity gain condition, further planning conditions may be used where necessary to secure details of habitat creation, phasing, access, protection during construction, or integration with other approved plans.
- 7.06 Section 106 obligations will normally be required where biodiversity net gain outcomes need to bind the land, extend beyond the applicant, secure long-term management or monitoring (including the 30-year management period), require financial contributions, or provide enforcement mechanisms.
- 7.07 Applicants should not assume that all matters can be secured solely through planning conditions. Early discussion of likely legal mechanisms is encouraged to avoid delay.

7D Conservation covenants and off-site delivery

- 7.08 Where biodiversity net gain is delivered off-site, or where land is to be managed primarily for conservation purposes over the long term, conservation covenants may be used where appropriate, in accordance with statutory provisions.
- 7.09 Applicants proposing off-site delivery should ensure that legal arrangements are in place to secure delivery, management and monitoring for the required period and that registration requirements are met.

7E Habitat management and monitoring plans

- 7.10 Where biodiversity net gain is delivered on-site or off-site, a Habitat Management and Monitoring Plan (or equivalent) will normally be required. The level of detail should be proportionate but sufficient to demonstrate how habitats will be established, managed, monitored and, where necessary, remedied over the management period.
- 7.11 Management plans should clearly identify responsibilities, funding arrangements, access for management and monitoring, reporting intervals, and triggers for remedial action.

7F Monitoring, reporting and monitoring fees

- 7.12 Monitoring of biodiversity net gain outcomes is a statutory requirement. Monitoring reports must be submitted at agreed intervals and prepared by suitably qualified professionals, in accordance with the approved biodiversity gain plan and any Habitat Management and Monitoring Plan.
- 7.13 Where a Habitat Management and Monitoring Plan is required, the local planning authority will require the payment of monitoring fees to cover the reasonable costs incurred in administering, reviewing and enforcing monitoring and reporting obligations over the management period. Monitoring fees will be secured through a section 106 agreement and are intended to support effective long-term delivery; they are not punitive.
- 7.14 Monitoring and management obligations secured through section 106 agreements bind the land and will therefore apply to successive owners for the duration of the management period. Applicants should be aware that these obligations constitute land charges and must be taken into account in conveyancing, land disposal and estate management arrangements.
- 7.15 Where land subject to biodiversity net gain monitoring and management obligations is sold or transferred, the local planning authority will require notification of the change in ownership in accordance with the relevant legal agreement. This is necessary to ensure continuity of management, monitoring and enforcement responsibilities.

Figure 5: Securing biodiversity net gain and continuity of obligations

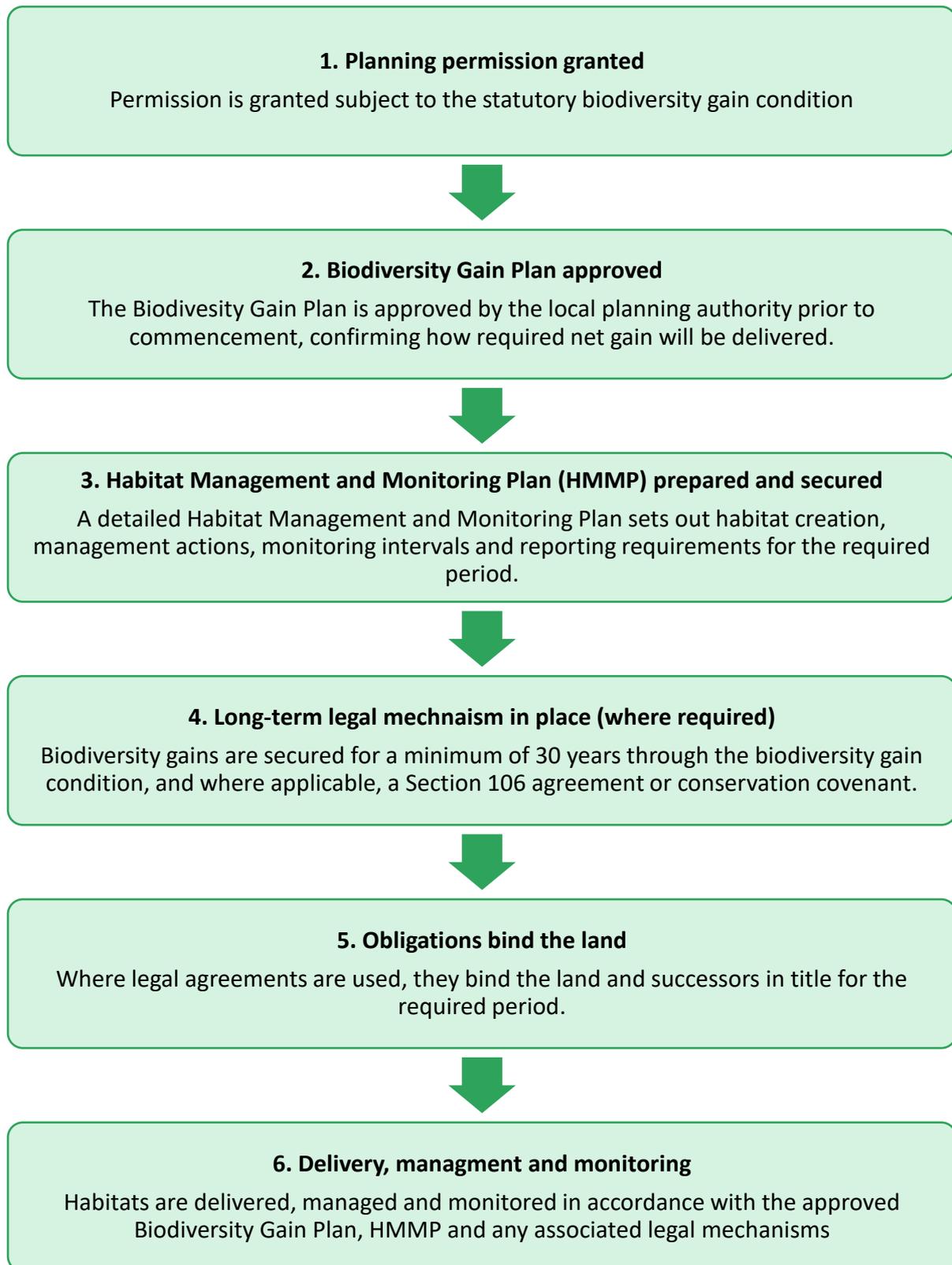


Figure 6: Monitoring and reporting during the statutory period



7G Enforcement and remedial action

- 7.16 Where biodiversity net gain outcomes are not delivered, not maintained, or allowed to deteriorate, the local planning authority may take enforcement action in accordance with planning legislation and the terms of any legal agreements.
- 7.17 Enforcement action may include requiring remedial works, replacement habitat creation, or other corrective measures necessary to achieve approved outcomes.

7H Relationship to planning judgement and viability

- 7.18 The local planning authority recognises that sites vary in scale, context and complexity. Securing biodiversity net gain should be considered early in scheme design to ensure that proposals are viable, deliverable and capable of being managed over the long term.
- 7.19 Flexibility in approach does not remove the requirement to secure statutory biodiversity net gain where it applies. Applicants proposing alternative mechanisms or phasing must clearly demonstrate how equivalent outcomes will be achieved and maintained.

7I How this section should be used

- 7.20 Applicants should use this section to understand the long-term legal and management implications of biodiversity net gain proposals and to factor these into scheme design, viability and delivery from the outset.
- 7.21 Planning officers will use this section to assess whether biodiversity net gain outcomes are secured in a clear, enforceable and deliverable manner consistent with statutory requirements and adopted policy.

Appendix A

Statutory framework and policy context for biodiversity net gain

A.1 Purpose and status of this appendix

A.1.1

This appendix sets out the statutory and policy framework that underpins biodiversity net gain (BNG) and explains how national legislation, national planning policy and adopted local plan policies interact in decision-making.

A.1.2

The purpose of this appendix is to provide a single, authoritative reference point for applicants, agents and planning officers. It is intended to support understanding and consistent interpretation of requirements that are already established through statute and adopted policy.

A.1.3

This appendix does not introduce new planning policy, additional requirements or local reinterpretations of statutory provisions. In the event of any conflict between this appendix and primary legislation, national policy or adopted development plan policies, those higher-order documents will prevail.

A.2 Primary legislation: biodiversity net gain

A.2.1 Environment Act 2021

A.2.1

Mandatory biodiversity net gain is established by Part 6 of the Environment Act 2021. The Act introduces a statutory requirement for most development requiring planning permission to deliver a minimum 10% biodiversity net gain, calculated using a statutory biodiversity metric and secured for a minimum period of 30 years.

A.2.2

The Environment Act 2021 establishes biodiversity net gain as a legal requirement rather than a matter of planning judgement or policy balance, subject only to statutory exemptions and transitional arrangements.

A.2.2 Town and Country Planning Act 1990 (as amended)

A.2.3

The statutory biodiversity net gain framework is implemented through Schedule 7A of the Town and Country Planning Act 1990 (as inserted by the Environment Act 2021).

A.2.4

Schedule 7A provides that, where mandatory biodiversity net gain applies and no statutory exemption is engaged, a local planning authority must not grant planning permission unless it is satisfied that the development will achieve the required biodiversity gain and that this will be secured through the biodiversity gain condition.

A.2.5

Schedule 7A also establishes the statutory mechanisms for securing biodiversity net gain, including requirements relating to biodiversity gain plans, habitat management and monitoring, registration of off-site biodiversity gain sites, and the duration of management obligations.

A.2.3 Statutory biodiversity metric and guidance

A.2.6

The Environment Act 2021 requires biodiversity net gain to be calculated using a statutory biodiversity metric published by the Government, together with accompanying guidance.

A.2.7

The statutory biodiversity metric provides a standardised method for measuring biodiversity value, losses and gains. It includes distinct metrics for general development and for qualifying small sites, and must be applied in accordance with the criteria and limitations set out in the statutory guidance. The circumstances in which the Small Sites Metric applies are defined by statute and guidance.

A.2.8

Local planning authorities do not have discretion to accept alternative metrics or bespoke methodologies for the purposes of demonstrating compliance with statutory biodiversity net gain.

A.3 National planning policy and guidance

A.3.1 National Planning Policy Framework (NPPF)

A.3.1

The National Planning Policy Framework (NPPF) establishes the national planning policy context for biodiversity, green infrastructure, climate resilience and sustainable development.

A.3.2

The NPPF requires planning decisions to minimise impacts on biodiversity and provide net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.

A.3.3

The statutory biodiversity net gain framework introduced by the Environment Act 2021 operates alongside, and does not replace, these wider national planning policy requirements. Compliance with the minimum statutory biodiversity net gain does not remove the need to comply with other relevant NPPF policies relating to biodiversity protection, landscape, flood risk, climate change or placemaking.

A.3.2 National Planning Practice Guidance (PPG)

A.3.4

National Planning Practice Guidance provides detailed advice on the interpretation and application of national planning policy, including biodiversity net gain, biodiversity protection, ecological networks and green infrastructure.

A.3.5

Applicants and decision-makers are expected to have regard to the most up-to-date PPG when preparing or assessing planning applications. Where PPG is updated, the latest version will apply unless transitional arrangements indicate otherwise.

A.4 Relationship to adopted local plan policies

A.4.1 Adur Local Plan and Worthing Local Plan

A.4.1

The adopted Adur Local Plan and Worthing Local Plan contain policies relating to biodiversity protection and enhancement, green infrastructure, flood risk, water quality, design quality and climate resilience.

A.4.2

These policies were prepared in accordance with national planning policy and, in some cases, predate the statutory introduction of biodiversity net gain. They remain part of the statutory development plan and continue to apply alongside the statutory biodiversity net gain framework.

A.4.3

Statutory biodiversity net gain provides a quantified minimum requirement. Adopted local plan policies may impose additional qualitative requirements, including the avoidance of harm, protection of important habitats, maintenance of ecological networks, and integration of green infrastructure within development.

A.4.2 Shoreham Harbour Joint Area Action Plan (JAAP)

A.4.4

Within the Shoreham Harbour Regeneration Area, development proposals are also subject to the policies of the Shoreham Harbour Joint Area Action Plan (JAAP).

A.4.5

JAAP policies relating to flood risk, sustainable drainage, design quality, public realm and environmental enhancement operate alongside statutory biodiversity net gain requirements and must be considered as part of the overall planning assessment.

A.4.6

Nothing in the statutory biodiversity net gain framework removes or overrides the need to comply with relevant JAAP policies.

A.5 Interaction between statutory BNG and planning judgement

A.5.1

Statutory biodiversity net gain establishes a legal minimum requirement that must be met where it applies. It does not replace the exercise of planning judgement in assessing the overall acceptability of development proposals.

A.5.2

Planning judgement continues to apply to matters including, but not limited to:

- the avoidance of impacts on existing habitats;
- the protection of designated sites and priority habitats;
- the maintenance and enhancement of ecological networks and green infrastructure;
- landscape and townscape impacts;
- flood risk, water quality and climate resilience.

A.5.3

Achieving the minimum statutory biodiversity net gain does not, in itself, demonstrate compliance with all relevant planning policies, nor does it justify avoidable harm to biodiversity or green infrastructure.

A.6 Relationship to other guidance and evidence

A.6.1

This Technical Advice Note should be read alongside the adopted Green Infrastructure, Biodiversity Net Gain and Urban Greening SPD, which provides policy interpretation and local context.

A.6.2

Other relevant evidence and guidance may include:

- statutory biodiversity net gain guidance published by the Government;
- local nature recovery strategies (LNRS);
- green infrastructure strategies and evidence;
- flood risk management guidance;
- ecological survey standards and professional guidance.

Local Nature Recovery Strategies provide an important evidence base for strategic biodiversity priorities but do not in themselves designate land or override adopted development plan policies.

A.6.3

Where external guidance is relied upon, applicants should ensure that it is current and consistent with statutory requirements and adopted planning policy.

A.7 How this appendix should be used

A.7.1

Applicants should use this appendix to understand the legal and policy context within which biodiversity net gain operates and to ensure that proposals are framed in a way that reflects statutory requirements and adopted policy.

A.7.2

Planning officers and decision-makers will use this appendix as a reference point when assessing

whether biodiversity net gain submissions are legally compliant and appropriately integrated with wider planning policy considerations.

Appendix A – status

This appendix forms part of Technical Advice Note A and is a material consideration in the determination of planning applications insofar as it accurately reflects statutory requirements, national policy and adopted development plan policies.

Appendix B

Evidence and submission requirements for biodiversity net gain

B.1 Purpose and status of this appendix

B.1.1

This appendix sets out the typical evidence and submission requirements associated with statutory biodiversity net gain (BNG) and explains how these requirements will be applied at different stages of the planning process.

B.1.2

The purpose of this appendix is to support clear, proportionate and consistent submissions, reduce delay arising from incomplete or unclear information, and assist applicants and agents—particularly those with limited experience of biodiversity net gain—in understanding what is required.

B.1.3

This appendix does not introduce new policy requirements or additional statutory obligations. It explains the information normally required in order for the local planning authority to determine whether statutory biodiversity net gain requirements are met, or whether a statutory exemption lawfully applies.

B.2 General principles

B.2.1

The information required to support biodiversity net gain will vary depending on the scale, nature and complexity of development and the biodiversity impacts involved. Not all applications will require the same level of detail.

B.2.2

Applicants are responsible for ensuring that sufficient information is submitted to enable the local planning authority to assess compliance with statutory biodiversity net gain requirements or confirm that a statutory exemption applies.

B.2.3

Where insufficient information is provided, applications may be treated as invalid or subject to requests for further information during determination.

B.3 Information typically required where statutory BNG applies

B.3.1

Where mandatory biodiversity net gain applies, planning applications should normally be supported by information sufficient to demonstrate compliance with the statutory framework.

B.3.2

This will typically include:

- a. a completed biodiversity net gain calculation prepared using the correct statutory biodiversity metric (or Small Sites Metric, where applicable), together with the accompanying calculation files;
- b. a baseline habitat plan identifying, mapping and classifying existing habitats within the area affected by the development;
- c. supporting ecological survey information appropriate to the habitats present and the scale of development;
- d. details of proposed on-site habitat retention, enhancement and creation, including plans and schedules where appropriate;
- e. where relevant, details of proposed off-site biodiversity net gain delivery, including evidence of availability and compliance with statutory requirements;
- f. information explaining how the mitigation hierarchy has been applied through site appraisal and design; and
- g. information explaining how biodiversity net gain outcomes will be secured, managed and monitored over the required period.

B.3.3

The level of detail required should be proportionate. For smaller or less complex schemes, simplified plans and calculations may be sufficient, provided they clearly demonstrate compliance.

B.4 Evidence requirements where an exemption is claimed

B.4.1

Where an applicant considers that a proposal is exempt from statutory biodiversity net gain, sufficient information must be provided to enable the local planning authority to determine whether the exemption lawfully applies.

B.4.2

Depending on the nature of the exemption claimed, this may include:

- a. a clear written declaration setting out the statutory basis on which the exemption is claimed;
- b. evidence demonstrating that the statutory criteria for the exemption are met; and
- c. baseline habitat information sufficient to confirm the nature and extent of habitats present on the site prior to development.

B.4.3

The purpose of requiring baseline habitat information in these circumstances is to establish whether the statutory exemption applies. It is not intended to impose biodiversity net gain requirements where an exemption lawfully applies. Baseline habitat information may be required even where development is ultimately confirmed as exempt, in order to establish whether the statutory exemption applies. The level of baseline information required will be strictly limited to what is necessary to establish whether a statutory exemption applies and to assess impacts under other relevant development plan policies.

B.5 Self-build and custom-build development

B.5.1

Certain self-build and custom-build development may be exempt from statutory biodiversity net gain, subject to meeting the statutory definition and criteria.

B.5.2

Where an applicant claims a self-build or custom-build exemption, a signed self-build or custom-build declaration must be submitted with the planning application, setting out how the statutory criteria are met.

B.5.3

In addition, applicants will normally be required to submit baseline habitat information, including a baseline biodiversity metric calculation prepared using the statutory biodiversity metric, in order to enable the local planning authority to confirm whether the exemption applies.

B.5.4

Where insufficient information is provided to demonstrate that the statutory criteria for exemption are met, the local planning authority will be unable to confirm the exemption and the statutory biodiversity net gain requirement will apply.

B.6 Small Sites Metric

B.6.1

Where development meets the statutory criteria for use of the Small Sites Metric, biodiversity net gain calculations must be prepared using the Small Sites Metric and its accompanying guidance.

B.6.2

The Small Sites Metric is a statutory tool. Its use does not remove the need for accurate baseline assessment, application of the mitigation hierarchy, or compliance with adopted planning policies relating to biodiversity and green infrastructure.

B.6.3

Applicants should ensure that submissions clearly identify which statutory metric has been used and demonstrate that the criteria for its use are met.

B.7 Amendments, resubmissions and changes to proposals

B.7.1

Where planning applications are amended, resubmitted or subject to significant design changes, previously submitted biodiversity net gain information may need to be updated or re-submitted to reflect the amended proposals.

B.7.2

Applicants should not assume that earlier biodiversity metric calculations, baseline habitat plans or survey information will remain valid where changes materially affect habitat impacts, delivery proposals or management arrangements.

B.8 Relationship to validation, conditions and legal agreements

B.8.1

The information submitted at application stage will inform the drafting of the statutory biodiversity gain condition and any associated planning conditions, section 106 obligations or conservation covenants. Further guidance on Habitat Management and Monitoring Plans is provided in Appendix C.

B.8.2

Incomplete or unclear submissions may result in delays to determination or difficulties in framing enforceable conditions and obligations.

B.8.3

Applicants are encouraged to engage early with the local planning authority where there is uncertainty regarding evidence requirements, particularly for larger or more complex schemes.

B.9 Where to find authoritative information

B.9.1

The statutory biodiversity metric and Small Sites Metric are published by the Department for Environment, Food and Rural Affairs and Natural England and should always be accessed via official Government sources to ensure the most up-to-date versions are used.

B.9.2

Where information from third-party sources is relied upon, applicants should ensure that it is current, accurate and consistent with statutory requirements and adopted planning policy.

B.10 How this appendix should be used

B.10.1

Applicants and their advisors should use this appendix to understand the evidence normally required to support planning applications in a biodiversity net gain context and to ensure that submissions are proportionate, complete and robust.

B.10.2

Planning officers will use this appendix as a guide when validating applications and assessing whether sufficient information has been provided to allow statutory biodiversity net gain requirements to be considered lawfully and efficiently.

Appendix B – status

This appendix forms part of Technical Advice Note A and is a material consideration in the determination of planning applications insofar as it accurately reflects statutory requirements, national guidance and adopted development plan policies.

Appendix C

Habitat Management and Monitoring Plans (HMMPs)

C.1 Purpose and status of this appendix

C.1.1

This appendix explains when Habitat Management and Monitoring Plans (HMMPs) are required, what they are expected to contain, and how they are used to secure, manage and monitor biodiversity net gain (BNG) outcomes over the statutory management period.

C.1.2

The purpose of this appendix is to provide clarity for applicants, landowners and planning officers on the long-term implications of delivering biodiversity net gain, including governance, monitoring, enforcement and resourcing.

C.1.3

This appendix does not introduce new planning policy or statutory obligations. It explains how existing statutory biodiversity net gain requirements and adopted planning policies are implemented and secured in practice.

C.2 When an HMMP is required

C.2.1

An HMMP will normally be required where biodiversity net gain outcomes are delivered through on-site habitat creation or enhancement that must be secured and maintained for the statutory management period.

C.2.2

Circumstances where an HMMP is likely to be required include, but are not limited to:

- on-site delivery of biodiversity net gain involving habitat creation or enhancement that is medium or high in habitat distinctiveness;
- habitat creation or enhancement that is significant in scale, complex in management terms, or integral to policy compliance and place-making;
- multifunctional features that deliver biodiversity outcomes alongside other functions, including SuDS features, green roofs or walls, and riparian habitat; and
- situations where long-term management is necessary to ensure that biodiversity outcomes remain functional and deliverable.

C.2.3

The requirement for an HMMP will be proportionate to the scale, nature and complexity of development and the biodiversity outcomes being secured. Not all developments delivering biodiversity net gain will require the same level of management or monitoring detail.

The absence of a requirement for an HMMP in a particular case does not imply that biodiversity net gain outcomes are temporary or discretionary; all statutory biodiversity net gain must still be secured and maintained for the required period.

C.3 Purpose and function of an HMMP

C.3.1

An HMMP sets out how habitats delivering biodiversity net gain will be established, managed, monitored and, where necessary, remedied over the statutory management period.

C.3.2

The purpose of an HMMP is to ensure that biodiversity outcomes approved as part of a planning permission are not only delivered initially, but are maintained in a condition capable of meeting statutory biodiversity net gain requirements over time.

C.3.3

An HMMP is a delivery and governance document. It does not replace ecological design work or planning judgement, but supports enforceable implementation of approved outcomes.

C.4 Typical content of an HMMP

C.4.1

The level of detail required in an HMMP should be proportionate, but HMMPs will typically include the following information where relevant:

- a. a description of the habitats to be created, enhanced or managed, including plans showing their location and extent;
- b. the biodiversity net gain objectives to be achieved, with reference to the approved biodiversity metric calculations;
- c. management prescriptions for each habitat type, including establishment, ongoing management and maintenance activities;
- d. monitoring proposals, including the parameters to be monitored, reporting frequency and performance indicators;
- e. details of who will be responsible for management and monitoring, including governance arrangements and access rights;
- f. funding arrangements to ensure management and monitoring can be delivered for the required period; and
- g. triggers and mechanisms for remedial action where monitoring identifies that approved outcomes are not being achieved.

C.4.2

HMMPs should focus on ecological function rather than purely aesthetic outcomes. Over-intensive management that undermines habitat condition or biodiversity value will not be acceptable.

C.5 Securing HMMPs through conditions and legal agreements

C.5.1

Where an HMMP is required, it will normally be secured through the statutory biodiversity gain condition and, where necessary, through a section 106 agreement or other appropriate legal mechanism.

C.5.2

Section 106 obligations will normally be required where management and monitoring obligations need to bind the land, extend beyond the applicant, involve long-term funding arrangements, or require enforceable monitoring and remedial action mechanisms.

C.5.3

HMMP obligations secured through legal agreements bind the land and apply to successive owners for the duration of the management period.

C.6 Monitoring, reporting and monitoring fees

C.6.1

Monitoring is an essential component of statutory biodiversity net gain. Where an HMMP is required, monitoring reports will be required at agreed intervals over the statutory management period.

C.6.2

Monitoring reports must be prepared by suitably qualified professionals and must demonstrate habitat condition, progress against agreed objectives and any issues requiring corrective action.

C.6.3

Where monitoring obligations are secured through a section 106 agreement, the local planning authority will require payment of monitoring fees to cover the reasonable costs of administration, review and enforcement.

C.6.4

Monitoring fees are intended to ensure effective oversight of biodiversity net gain delivery and are not punitive. They reflect the scale and complexity of what is being monitored and will be calculated in accordance with published methodologies maintained outside this Technical Advice Note.

C.7 Enforcement and remedial action

C.7.1

Where approved habitats are not delivered, are not managed in accordance with the approved HMMP, or are allowed to deteriorate such that biodiversity net gain outcomes are at risk, the local planning authority may take enforcement action in accordance with planning legislation and the terms of any legal agreements.

C.7.2

Enforcement action may include requiring remedial works, replacement planting, habitat restoration or other corrective measures necessary to achieve approved outcomes.

C.7.3

The local planning authority will take a proportionate approach to enforcement, recognising genuine management challenges, but will act where outcomes secured as part of planning permission are not being delivered.

C.8 Changes in ownership and notification requirements

C.8.1

Where land subject to an HMMP or other biodiversity net gain obligations is sold or transferred, the obligations continue to bind the land for the remainder of the statutory management period.

C.8.2

Applicants and landowners will be required to notify the local planning authority of changes in land ownership where biodiversity net gain monitoring or management obligations apply, to ensure continuity of oversight and enforcement.

C.8.3

Prospective purchasers should be made aware of biodiversity net gain obligations affecting the land, including management, monitoring and reporting requirements.

C.9 Relationship to viability and early engagement

C.9.1

The local planning authority recognises that HMMP requirements have cost and management implications. Applicants are expected to consider these implications from the earliest stages of site appraisal and scheme design.

C.9.2

Early engagement with the local planning authority is strongly encouraged to agree appropriate management and monitoring approaches and to avoid delay or dispute at later stages of the planning process.

C.10 How this appendix should be used

C.10.1

Applicants and their advisors should use this appendix to understand when HMMPs are likely to be required and the long-term commitments associated with delivering biodiversity net gain.

C.10.2

Planning officers will use this appendix when assessing whether proposals include realistic, secure and enforceable arrangements for long-term delivery, management and monitoring of biodiversity net gain outcomes.

Appendix C – status

This appendix forms part of Technical Advice Note A and is a material consideration in the determination of planning applications insofar as it accurately reflects statutory requirements, national guidance and adopted development plan policies.

Appendix D

Off-site biodiversity net gain and biodiversity gain site registration

D.1 Purpose and status of this appendix

D.1.1

This appendix explains how off-site biodiversity net gain (BNG) operates within the statutory framework and clarifies the circumstances in which off-site delivery is appropriate, lawful and acceptable.

D.1.2

The purpose of this appendix is to provide clarity for applicants, landowners and planning officers on the definition of off-site biodiversity net gain, the distinction between on-site and off-site delivery, and the statutory requirements relating to registration, legal securing and long-term management.

D.1.3

This appendix does not introduce new planning policy or additional requirements. It explains how the statutory biodiversity net gain framework operates in practice and how off-site delivery is expected to be evidenced and secured.

D.2 On-site and off-site biodiversity net gain: statutory definitions

D.2.1

For the purposes of statutory biodiversity net gain, whether biodiversity gain is delivered on-site or off-site is determined by the legal relationship between the development site and the land on which habitat creation or enhancement occurs.

D.2.2

On-site biodiversity net gain is biodiversity gain delivered on land that forms part of the development site and is secured through the biodiversity gain condition attached to the planning permission.

D.2.3

Off-site biodiversity net gain is biodiversity gain delivered on land that does not form part of the development site. Off-site biodiversity net gain must be secured through the statutory registration of a biodiversity gain site and associated legal mechanisms.

D.3 Red line and blue line boundaries

D.3.1

The red line boundary on a planning application plan defines the application site for the purposes of planning permission. Land within the red line is treated as on-site for biodiversity net gain purposes, subject to compliance with statutory requirements.

D.3.2

Blue line boundaries typically identify land in the same ownership or control as the application site but which does not form part of the planning application site.

D.3.3

For biodiversity net gain purposes, land shown within a blue line boundary but outside the red line boundary is off-site land. Biodiversity gain delivered on such land is therefore off-site biodiversity net gain and must comply with the statutory requirements for off-site delivery, including registration as a biodiversity gain site.

D.3.4

Applicants should not assume that land within their ownership but outside the red line boundary can be treated as on-site biodiversity net gain. The statutory framework does not recognise ownership alone as determining on-site status.

D.4 Lawful off-site biodiversity net gain delivery

D.4.1

Off-site biodiversity net gain may be appropriate where on-site delivery has been maximised but is insufficient or impracticable, having regard to site constraints, design requirements and the mitigation hierarchy. Off-site delivery should not be used to justify avoidable harm to existing habitats that could reasonably be retained or enhanced on-site through design changes.

D.4.2

Off-site biodiversity net gain must be delivered in accordance with statutory requirements. This includes:

- a. identification of land capable of delivering the required biodiversity gain;
- b. registration of that land as a biodiversity gain site on the statutory register;
- c. securing long-term management and monitoring for the required period; and
- d. ensuring that biodiversity units are not allocated to more than one development.

D.4.3

Applicants proposing off-site delivery should clearly explain why on-site delivery has been maximised and why residual impacts cannot reasonably be addressed within the development site.

D.5 Biodiversity gain site registration

D.5.1

Land used to deliver off-site biodiversity net gain must be registered as a biodiversity gain site in accordance with statutory requirements.

D.5.2

Registration establishes the legal status of the land as a biodiversity gain site and enables biodiversity units generated on that land to be allocated to specific development proposals.

D.5.3

Registration does not change the planning designation of land, does not allocate land for development, and does not in itself prevent other forms of land use, provided these are compatible with the biodiversity gain objectives secured for the site.

D.6 Legal mechanisms and long-term management

D.6.1

Off-site biodiversity net gain must be secured for a minimum period of 30 years through appropriate legal mechanisms, which may include conservation covenants, section 106 agreements or other statutory arrangements.

D.6.2

These legal mechanisms bind the land and apply to successive owners for the duration of the management period. Applicants and landowners should ensure that the implications of these obligations are fully understood before committing to off-site delivery arrangements.

D.6.3

Monitoring and reporting obligations apply equally to off-site biodiversity net gain sites and will be enforced in accordance with the terms of the relevant legal agreements.

D.7 Relationship to local strategic priorities

D.7.1

The adopted SPD and supporting evidence identify strategic green infrastructure and ecological network priorities within the Adur and Worthing local plan areas.

D.7.2

These strategic priorities may inform the consideration of off-site biodiversity net gain proposals and help guide the location of off-site delivery where multiple options are available.

D.7.3

Identification of strategic priorities does not create new land use designations, does not prevent development, and does not alter the statutory operation of the biodiversity net gain framework. Off-site biodiversity net gain proposals must still comply with statutory registration and securing requirements.

D.8 Common misunderstandings

D.8.1

Common sources of confusion include:

- assuming that land in the same ownership as the development site can be treated as on-site biodiversity net gain without being included within the red line boundary;
- assuming that off-site biodiversity net gain can be secured informally without registration; and
- assuming that off-site delivery avoids long-term management, monitoring or enforcement obligations.

D.8.2

Applicants are encouraged to seek early clarification where there is uncertainty regarding on-site versus off-site delivery or registration requirements.

D.9 How this appendix should be used

D.9.1

Applicants and their advisors should use this appendix to understand when off-site biodiversity net gain is required and the statutory steps involved in delivering it lawfully.

D.9.2

Planning officers will use this appendix to assess whether off-site biodiversity net gain proposals are compliant with statutory requirements, properly secured and capable of being enforced over the long term.

Appendix D – status

This appendix forms part of Technical Advice Note A and is a material consideration in the determination of planning applications insofar as it accurately reflects statutory requirements, national guidance and adopted development plan policies.

Appendix E

Glossary and abbreviations

E.1 Purpose and status of this appendix

E.1.1

This appendix provides definitions of key terms and abbreviations used within Technical Advice Note A and the associated Green Infrastructure, Biodiversity Net Gain and Urban Greening SPD.

E.1.2

The purpose of this glossary is to support clarity and consistent interpretation. It does not introduce new policy, alter statutory definitions or override the meaning of terms as set out in legislation, national policy or guidance.

E.1.3

Where a term is defined in statute or national guidance, that definition prevails.

E.2 Glossary of terms

Biodiversity gain condition

The mandatory planning condition required by Schedule 7A of the Town and Country Planning Act 1990 to secure statutory biodiversity net gain.

Biodiversity gain plan

A plan submitted for approval under the statutory biodiversity gain condition, setting out how biodiversity net gain will be delivered, managed and monitored in accordance with the statutory framework.

Biodiversity gain site

Land registered on the statutory biodiversity gain site register for the purpose of delivering off-site biodiversity net gain.

Biodiversity net gain (BNG)

The requirement, introduced by the Environment Act 2021, for most development to achieve a minimum 10% increase in biodiversity value, calculated using the statutory biodiversity metric and secured for a minimum period of 30 years.

Blue line boundary

Land shown on a planning application plan as being in the same ownership or control as the application site but which does not form part of the red line application boundary.

Conservation covenant

A private, voluntary legal agreement made under the Environment Act 2021 between a landowner and a responsible body to secure long-term conservation outcomes on land.

Distinctiveness (habitat)

A measure used within the statutory biodiversity metric to reflect the relative ecological importance of different habitat types.

Environment Act 2021

The primary legislation that introduced mandatory biodiversity net gain and associated statutory mechanisms.

Habitat Management and Monitoring Plan (HMMP)

A document setting out how habitats will be established, managed, monitored and remedied over the statutory biodiversity net gain management period.

Local Nature Recovery Strategy (LNRS)

A statutory strategy prepared under the Environment Act 2021 identifying priorities and opportunities for nature recovery. LNRSs inform strategic context but do not designate land or override adopted development plan policies.

Mitigation hierarchy

The established approach to managing environmental impacts through avoidance, mitigation and compensation, which continues to apply alongside statutory biodiversity net gain.

Off-site biodiversity net gain

Biodiversity net gain delivered on land that does not form part of the development site and which must be secured through registration as a biodiversity gain site and appropriate legal mechanisms.

On-site biodiversity net gain

Biodiversity net gain delivered on land that forms part of the development site and is secured through the statutory biodiversity gain condition.

Red line boundary

The boundary shown on a planning application plan that defines the application site for the purposes of planning permission.

Section 106 agreement

A legal agreement made under section 106 of the Town and Country Planning Act 1990 used to secure planning obligations, including long-term management and monitoring requirements.

Small Sites Metric

The statutory biodiversity metric designed for use on qualifying small development sites, as defined in legislation and national guidance.

Statutory biodiversity metric

The biodiversity metric published by the Government for calculating biodiversity net gain in accordance with the Environment Act 2021 and Schedule 7A of the Town and Country Planning Act 1990.

Strategic significance (metric)

A factor within the statutory biodiversity metric reflecting whether habitats contribute to identified strategic priorities, assessed in accordance with statutory guidance.

SuDS (Sustainable Drainage Systems)

Drainage systems designed to manage surface water in a sustainable manner, often delivering multifunctional benefits including biodiversity and amenity.

UKHab

The UK Habitat Classification system commonly used for habitat surveys and baseline assessment in biodiversity net gain calculations.

E.3 How this appendix should be used

E.3.1

Applicants and advisors should use this glossary to ensure consistent understanding of key terms used within the TAN and associated SPD.

E.3.2

Planning officers may use this glossary as a reference when assessing submissions and communicating requirements.

Appendix E – status

This appendix forms part of Technical Advice Note A and is a material consideration in the determination of planning applications insofar as it accurately reflects statutory requirements, national guidance and adopted development plan policies.