

Significant onsite Biodiversity Net Gain considerations in Lewisham

Background

Under mandatory biodiversity net gain (BNG) legislation, developers must deliver 10% BNG, as measured by the statutory biodiversity metric.

There are 3 ways a to achieve 10% BNG.

1. Onsite
2. Offsite
3. Statutory credit

Or a combination of the above 3 applied in order. This order is called the [biodiversity gain hierarchy](#).

[Paragraph 9 of Schedule 7A of the Town and Country Planning Act 1990](#) requires that where an applicant relies upon a significant increase in onsite habitat biodiversity value, the habitat enhancement (“significant onsite habitat enhancement”) must be subject to a [planning condition](#), [section 106 agreement](#), or conservation covenant requiring the habitat enhancement to be maintained for at least 30 years after the development is completed.

Considerations

Lewisham Council uses the items below to consider ‘significant onsite habitat enhancement’ and ‘significant onsite retained habitats’ on a case-by-case basis. The items have been included to identify ecologically important landscapes/habitats while being conscious of the burden on officer and council resources required to monitoring these habitats.

- **Government guidance** on ‘[significant onsite](#)’ (see details below) – i.e. habitat distinctiveness, distinctiveness increase, significant habitat area, habitat condition improvements, locally important species or ecological networks
- Size of the development in comparison to the size of the habitats retained, enhanced and/or created
- The development site fully or partially included in the **Local Nature Recovery Strategy**
- The development site fully or partially designated as **Site of Importance for Nature Conservation (SINC)** or adjacent to an important SINC
- The development site is an integral part of a **locally important ecological network** or hotspot for a **locally important species**

- The proposal includes large areas of **Lewisham Priority habitats** (as per BAP) – woodland/trees, standing water/ponds, (living roofs), rivers
- Development site is in an area of **deficiency for Access to Nature**

The Council does not consider the following examples as ‘significant’ in most cases:

- Temporary/movable habitats such as planters, pots, hanging baskets
- Amenity grassland and sport pitches
- Areas of introduced shrub with limited value for local wildlife
- Individual street trees

Government guidance on significant onsite enhancement

Significant enhancements are areas of habitat enhancement which contribute significantly to the proposed development’s BNG, relative to the biodiversity value before development.

Retention of existing habitat does not count as an on-site enhancement.

What counts as a significant enhancement will vary depending on the scale of development and existing habitat, but these would normally be:

- habitats of medium or higher distinctiveness in the biodiversity metric
- habitats of low distinctiveness which create a large number of biodiversity units relative to the biodiversity value of the site before development
- habitat creation or enhancement where distinctiveness is increased relative to the distinctiveness of the habitat before development
- areas of habitat creation or enhancement which are significant in area relative to the size of the development
- enhancements to habitat condition, for example from poor or moderate to good

Examples of significant enhancements include creating a wildflower meadow or a nature park.

The maintenance of these significant enhancements must be secured with a [legal agreement](#) (planning obligation or conservation covenant) or planning condition for 30 years in the same way as off-site gains. LPAs will consider the most appropriate mechanism and this will need to be agreed at the planning permission stage.

LPAs may also require legal agreements for wider planning policy reasons for other on-site enhancements or retained habitats which do not fall into the ‘significant enhancements’ category. For example, where these are expected to contribute to locally important species or ecological networks. Examples include amenity planting areas or individual street trees which may be significant depending on circumstances. Check with your LPA for more guidance or a local plan which explains any local requirements.

How are significant onsite habitat enhancements treated as part of the determination of the planning application? (Paragraph: 021 Reference ID: 74-021-20240214)

These significant onsite habitat enhancements are likely to form an integral part of the development, and where these are being proposed an application for planning permission would likely be expected to include detailed proposals of these habitat enhancements as part of the plans, drawings and supporting information accompanying the application. (For outline planning applications, details of landscaping and layout may be reserved for later approval.)

When considering development which seeks to increase biodiversity value, decision-makers should apply principles set out in [paragraph 186 of the National Planning Policy Framework](#), notably that opportunities to improve biodiversity in and around developments should be integrated as part of their design.

Decision-makers may also need to consider wider matters, which are relevant to whether the proposed type and location of the significant enhancement are suitable for that location. For example: highways safety, designated heritage assets, increasing or restricting access to nearby natural areas (depending on the sensitivity of nearby habitats), and the impact on aviation safety. It is particularly important that planning applications provide sufficient detail of habitat enhancements to enable proper consideration of the impact on aviation safety.

Appendix 1 – Lewisham SINC sites and the Areas of Deficiency in Access to Nature

Areas of Deficiency in Access to Nature in LB Lewisham

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