

Biodiversity Net Gain Timeline (from 12 February 2024)

For use as an initial reference guide only. Any reliance must be placed on the relevant legislation, including the Town and Country Planning Act 1990 (as amended), the Environment Act 2021 (as amended) and secondary legislation to relating Biodiversity Net Gain. Applicants must check local validation checklists to ensure they comply with both local and statutory BNG requirements.

Responsibility	Stage 1 Pre-application	Stage 2 Submission, Assessment & Decision	Stage 3 Prior to development beginning	Stage 4 Ongoing Monitoring, management and reporting.
Developer (Lichfields on their behalf)	<p>Identify whether the statutory Biodiversity Net Gain (BNG) requirements apply to the proposed development – see the Lichfields BNG flowchart for exemptions.</p> <p>Consider the application of the Biodiversity Gain Hierarchy to the site and how BNG will be achieved –see the Lichfields guide to the Biodiversity Gain Hierarchy. Engagement with a land manager may be beneficial if off-site compensation is necessary.</p> <p>N.B. Where a site has recently been cleared or preparatory works undertaken, LPAs can ask for the biodiversity baseline value of the site to be calculated based on its prior condition.</p>	<p>Submit the required biodiversity information with the application. Note that specific requirements apply if the site includes any irreplaceable habitats, or if any onsite habitats have been degraded after specified dates – see the Lichfields submission requirements guide and the Lichfields BNG flowchart</p> <p>Respond to queries and requests made during determination, in consultation with ecologist.</p> <p>A legal agreement may be required if significant on-site biodiversity gains are proposed; this will usually be a s106 agreement.</p>	<p>A Biodiversity Gain Plan must be submitted and approved by the planning authority before development can commence.</p> <p>Where there are significant on-site enhancements and/or off-site gains, a legal agreement may be required to secure the land. This is likely to include a Habitat Management and Monitoring Plan (HMMP) (or equivalent).</p> <p>Example Biodiversity Gain Plan and HMMP templates and companion guides have been published by DEFRA.</p>	<p>Management of site, submission of monitoring reports, informed by details agreed in the Biodiversity Gain Plan, in accordance with relevant compliance conditions/terms of the Legal Agreement and/or HMMP.</p> <p>The maintenance of a significant onsite habitat enhancement must be secured for at least 30 years after the completion of the development.</p>
Appointed ecologist and/or other competent professional	<p>Establish the biodiversity baseline and use this to inform design/layout decisions alongside other design considerations.</p>	<p>Undertake surveys and prepare the technical documents required to accompany the application, with regard to BNG.</p>	<p>Prepare the Biodiversity Gain Plan and any HMMP, which must meet the statutory requirements, including arrangements for management, monitoring, and reporting.</p>	<p>Management and monitoring will be required for a 30-year period with the BNG maintained in accordance with the Biodiversity Gain Plan and/or legal agreement.</p>
Decision-maker (local planning authority, another local authority, Planning Inspectorate or Secretary of State).	<p>Respond to requests for pre-application advice, including providing feedback on the proposed strategy for achieving the biodiversity gain objective and consideration of any draft Biodiversity Gain Plan.</p>	<p>Decision notice must comply with statutory requirements related to BNG, including that a pre-commencement condition must be applied to the decision notice requiring the submission and approval of a Biodiversity Gain Plan prior to commencement of development.</p>	<p>Determine the application for approval of the Biodiversity Gain Plan within a target period of eight weeks.</p>	<p>Monitor compliance with the BNG condition and any legal agreement or covenant.</p>

Lichfields Biodiversity Net Gain webpage

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