

BNG and “additionality”

The Inspector sought clarification on the reference to “additionality” in the Planning SoCG where it states at paragraph 4.7.4 that:

The proposals deliver a substantial net gain in terms of biodiversity even when adjusted for additionality for mitigation provided for greater and lesser horseshoe bats. When taking additionality into account the adjusted BNG total is a gain of 27.31% for habitat units, 47.82% gain in relation to hedgerows units and 19.51% in relation to river units. Without additionality applied the scheme would provide a 50.80% net gain in terms of habitat units, 74.26% net gain in hedgerow units and a 19.51% net gain in river units

To explain the above (which is also addressed in the Preliminary Ecological Appraisal and the sHRA), with additionality, the BNG approach set out by DEFRA on the.gov website will allow the developer to count any land used for bat mitigation towards their BNG total up to 100% of the baseline score but this cannot be counted towards the 'gain'. The guidance states 'For mitigation and compensation actions, such as nutrient mitigation (at least 10% of the developer's biodiversity units must come from additional activities other than mitigation and compensation)'¹ This is also the case for 'Mitigation or compensation to a special area of conservation, special protection area, or protected species'

Bat mitigation habitats are set out in the EcIA and include all land which is accessible and suitable (unlit) for horseshoe bats² Any land which is inaccessible to bats due to fragmentation or which are lit above 0.5 lux by artificial lighting are not counted towards Special Area of Conservation (i.e. greater and lesser horseshoe bat) mitigation.

Therefore, in respect of the BNG for the Appeal Scheme, the land available for bat mitigation within the application red line can contribute BNG units up to a position of no net loss (0% net gain). The areas which are lit and or inaccessible to bats can be contribute towards a Biodiversity Net Gain (greater than 0%).

This caps the BNG contribution of the bat mitigation habitat and therefore reduces the overall BNG score.

For the purpose therefore of understanding the correct level of BNG provision the revised and lower totals should be used as these take into account the requirements of additionality.

¹ <https://www.gov.uk/guidance/what-you-can-count-towards-a-developments-biodiversity-net-gain-bng>

² Ecological Impact Assessment, Land North of Rectory Farm 1.0, Clarkson and Woods Ltd (March 2023).