

BNG Guidance Note:

Securing Offsite Enhancements

This guidance note outlines the councils' approach to securing any **offsite** biodiversity enhancements, not associated with a formal Habitat Bank, for developments where mandatory biodiversity net gain (BNG) applies.

Background

The Environment Act 2021 and associated regulations amend the Town and Country Planning Act 1990 (TCPA) to make BNG a mandatory condition of planning permission. Major TCPA development has been subject to mandatory BNG since 12 February 2024, and all other TCPA development has been subject to BNG from 2 April 2024 (subject to exemptions).

Relevant developments need to demonstrate that proposals can deliver a minimum 10% uplift in biodiversity value, when compared to the pre-development biodiversity value of the application site. Uplift is calculated using the statutory biodiversity metric. Development cannot commence until BNG has been demonstrated.

To achieve this, developers will need to submit a biodiversity gain plan (BGP) to the local planning authority for approval, after the grant of planning permission. The BGP document will evidence what measures are being provided to achieve the required uplift in biodiversity value. Under the Environment Act 2021, only three measures are permitted to deliver BNG:

- Onsite habitat enhancements;
- Registered offsite biodiversity gain; and
- Purchase of statutory biodiversity credits.

It will not always be possible for developments to deliver the required BNG on-site (within the red line boundary of the planning application), even when applying the Biodiversity Gain Hierarchy¹. Statutory biodiversity credits are a measure of last resort and are expensive. The use of statutory biodiversity credits is only acceptable when it can be demonstrated that no other mechanism exists to achieve 10% BNG. As such, many developments will look to provide 'registered offsite biodiversity gain' to meet mandatory BNG requirements.

¹ [Section 7A](#) of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended).

Registered Offsite Biodiversity Gain

Any land not included within the red line boundary of a planning application is ‘offsite’ for the purposes of mandatory BNG.

Developers may have control (freehold or long-term leasehold) over additional land within the relevant district, which they could use to deliver biodiversity enhancements for mandatory BNG. It is often the case that any additional land is close to, or contiguous with, a planning application red line boundary (sometimes identified with a blue line on the location plan).

Under the Environment Act 2021, offsite biodiversity enhancements can only count towards mandatory BNG where they meet the requirements of ‘registered offsite biodiversity gain’ (ROBG). These requirements are:

1. The creation/enhancement and maintenance of habitats **must** be secured with a legal agreement for a minimum period of 30 years; and
2. The off-site land is recorded in the [statutory biodiversity gain site register](#) operated by Natural England.

Legal agreements will oblige landowners to implement a [Habitat Management and Monitoring Plan](#) (HMMP) and record the habitat bank on the [statutory register](#).

BNG Monitoring and Planning Obligations

Local planning authorities have a statutory obligation to monitor and report on the success of measures used to implement mandatory BNG². This includes securing ROBG through legal agreements.

In securing ROBG, for a minimum of 30 years, the councils will incur costs through monitoring and reporting on those enhancements. To ensure that the councils can fulfil their statutory obligations, over the long-term, it is essential that these costs are recovered.

The councils will use planning obligations, under section 106 of the TCPA (“section 106 agreements”), to secure the establishment and long-term maintenance of ROBG. These planning obligations will also require developers to make a financial contribution to the council to recover the costs of monitoring over the length of the agreement. It is appropriate and standard practice for the councils to recover the costs of monitoring the delivery of measures secured through planning obligations³. The councils’ general statement on planning obligation monitoring can be found [here](#).

To minimise burdens and reduce delays on developers, standardised templates for ROBG planning obligations will be used wherever possible and appropriate.

² [Section 40A\(4\)](#) of the Natural Environment and Rural Communities Act 2006 (as amended).

³ [Regulation 122\(2A\)](#) of The Community Infrastructure Levy Regulations 2010 (as amended).

Costs

When securing ROBG through planning obligations, developers will be required to pay two sets of fees:

1. Legal fees (on instruction of the Legal Department); and
2. The BNG monitoring fee (on agreeing the planning obligation).

Legal Fees:

Initial council legal fees, payable when a planning obligation is being drafted and reviewed, will depend on the complexity of the agreement. Where actual legal costs exceed the initial fee, payment of additional costs are payable at completion of the agreement. These fees are set by the Legal Department and reviewed annually and are available upon request.

BNG Monitoring Fee:

The BNG monitoring fee is determined by the cost schedule below, with an explanation provided in Appendix 1. The BNG monitoring fee is reviewed annually.

Monitoring Type	BNG Monitoring Fee
Single Feature <i>(small areas or lengths of a single type of habitat feature that requires monitoring)</i>	£1,205.85
Minor Development <i>(up to 9 dwellings, or up to 999m² floorspace, or site area <1ha)</i>	£4,823.38
Major Development <i>(between 10 and 199 dwellings, or between 1,000m² and 9,999m² floorspace, or site area ≥1ha but <2ha)</i>	£9,646.76
Large Major Development <i>(200+ dwellings, or 10,000m²+ floorspace, or site area ≥2ha)</i>	£19,293.52

Where the council considers it justified (e.g. very complex or large parcels of ROBG), a bespoke approach to calculating the BNG monitoring fee will be taken.

In instances where a single development is providing both ROBG and ‘significant’ onsite enhancements⁴ (SOEs), a combined planning obligation and single BNG monitoring fee may be appropriate. Such instances will be assessed on a case-by-case basis and only

⁴ See council BNG Guidance Note: Securing ‘Significant’ On-Site Enhancements

agreed where the likely cost of combined monitoring would not exceed the BNG monitoring fee contribution (dependent on size, complexity and geographical location of the ROBG and SOEs).

Appendix 1: BNG Monitoring Fee

ROBG planning obligations will require landowners to provide the councils with BNG monitoring reports at intervals throughout the length of the agreement. These BNG monitoring reports will be produced by a suitably qualified ecologist, independent of both the councils and the developer, who has surveyed relevant land. The BNG monitoring report will provide detail on the success of ROBG (e.g. condition of habitats) compared to the Biodiversity Gain Plan, approved for the development pursuant to the requirements of mandatory BNG⁵.

How the Monitoring Fee is Calculated

1. Hourly Rate

The review and assessment of BNG monitoring reports, plus associated visits to areas of ROBG, must be undertaken by a suitably qualified and experienced ecological professional. The councils' Senior Ecology Officer is the appropriate officer to undertake the review of BNG monitoring reports. Referring to the Planning Department's bespoke fees/costs calculator, the Senior Ecology Officer has an hourly rate of **£78.35**. This hourly rate is reviewed annually.

2. Frequency of Monitoring Intervals

Each ROBG planning obligation will include a minimum of eight monitoring intervals throughout the length of the agreement. These typically will take place at years 1, 3, 5, 10, 15, 20, 25, and 30. Planning obligations of differing lengths may require more or fewer monitoring intervals, or monitoring on different years. This will be assessed on a case-by-case basis.

3. Time per Monitoring Interval

Monitoring intervals are likely to require the councils to engage in: general administration, review of monitoring reports, site visits, and statutory data collection/reporting. The length of time spent per monitoring event will depend on the scale and complexity of ROBG, linked to the scale and complexity of the development. Four scenarios are accounted for below, with an estimation for review time taken per monitoring interval.

⁵ [Section 13 of Schedule 7A](#) of the Town and Country Planning Act 1990 (as amended).

Monitoring Type	Time per Monitoring Interval
Single Feature	1 hour
Minor Development	4 hours
Major Development	8 hours
Large Major Development	16 hours

4. Inflation

ROBG planning obligations are required to secure created/enhanced habitats for a minimum of 30 years (after the completion of establishing works). It is necessary for the council to ensure that the BNG monitoring fee will cover the costs of monitoring intervals in the future. The BNG monitoring fee, which will cover the entire length of the agreement, is secured at the point that planning permission is granted. This requires assumptions to be made as to the future level of inflation. The BNG monitoring fee will be reviewed annually, with the Retail Price Index (RPI) for April of that year (taken from the Office of National Statistics) assumed for each successive year of the planning obligation. The RPI for April 2025 is **4.5%**. This will be assumed until next review.

5. Cost Schedule

Taking the above hourly rate, frequency of monitoring intervals, time required per monitoring interval and inflationary allowance, the below cost schedule is produced for the three type classes of development. The total BNG monitoring calculation is shown on the next page, with the final fee being the sum of the cost of monitoring intervals (shaded rows).

		BNG Monitoring Type			
	Year	Single Feature	Minor Development	Major Development	Large Major Development
Monitor →	1	£78.35	£313.40	£626.80	£1,253.60
	2	£81.88	£327.50	£655.01	£1,310.01
Monitor →	3	£85.56	£342.24	£684.48	£1,368.96
	4	£89.41	£357.64	£715.28	£1,430.57
Monitor →	5	£93.43	£373.74	£747.47	£1,494.94
	6	£97.64	£390.55	£781.11	£1,562.21
	7	£102.03	£408.13	£816.26	£1,632.51
	8	£106.62	£426.49	£852.99	£1,705.98
	9	£111.42	£445.69	£891.37	£1,782.75
Monitor →	10	£116.44	£465.74	£931.48	£1,862.97
	11	£121.68	£486.70	£973.40	£1,946.80
	12	£127.15	£508.60	£1,017.20	£2,034.41
	13	£132.87	£531.49	£1,062.98	£2,125.96
	14	£138.85	£555.41	£1,110.81	£2,221.63
Monitor →	15	£145.10	£580.40	£1,160.80	£2,321.60
	16	£151.63	£606.52	£1,213.04	£2,426.07
	17	£158.45	£633.81	£1,267.62	£2,535.24
	18	£165.58	£662.33	£1,324.66	£2,649.33
	19	£173.03	£692.14	£1,384.27	£2,768.55
Monitor →	20	£180.82	£723.28	£1,446.57	£2,893.13
	21	£188.96	£755.83	£1,511.66	£3,023.32
	22	£197.46	£789.84	£1,579.69	£3,159.37
	23	£206.35	£825.39	£1,650.77	£3,301.55
	24	£215.63	£862.53	£1,725.06	£3,450.12
Monitor →	25	£225.34	£901.34	£1,802.69	£3,605.37
	26	£235.48	£941.90	£1,883.81	£3,767.61
	27	£246.07	£984.29	£1,968.58	£3,937.16
	28	£257.15	£1,028.58	£2,057.16	£4,114.33
	29	£268.72	£1,074.87	£2,149.74	£4,299.47
Monitor →	30	£280.81	£1,123.24	£2,246.47	£4,492.95
	Total:	£1,205.85	£4,823.38	£9,646.76	£19,293.52