



Meeting	Cabinet Member for Place & Local Plan Decision Day
Date and Time	Monday, 5th June, 2023 at 11.00 am.
Venue	Walton Suite, Guildhall, Winchester and streamed live on YouTube at www.youtube.com/winchestercc

Note: This decision day is being held in person at the location specified above. Members of the public should note that the meeting will be streamed live to the council's YouTube channel (www.youtube.com/winchestercc)

A limited number of seats will be made available at the above named location however attendance must be notified to the council at least 3 working days before the decision day. Please note that priority will be given to those wishing to attend and address the decision day over those wishing to attend and observe.

AGENDA

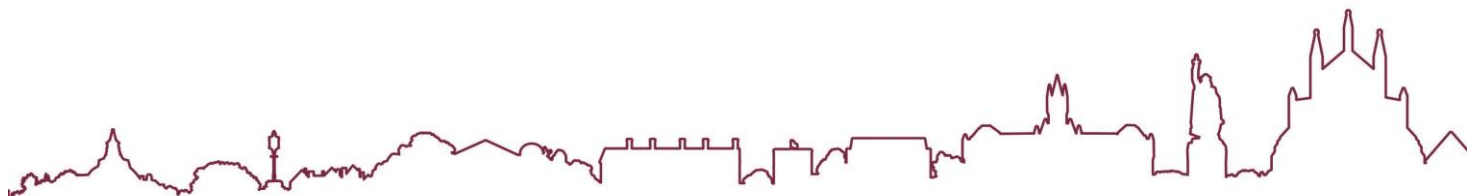
PROCEDURAL ITEMS

- 1. Disclosure of Interests**
To receive any disclosure of interests from Members and Officers in matters to be discussed.
Note: Councillors are reminded of their obligations to declare disclosable pecuniary interests, personal and/or prejudicial interests in accordance with legislation and the Council's Code of Conduct.

BUSINESS ITEMS

- 2. Public Participation**
– to note the names of members of the public wishing to speak on items for decision
Note: members of the public wishing to speak about a particular agenda item are required to register three working days in advance if they wish to speak at a Cabinet Member Decision Day.

Members of the public and visiting councillors may speak at decision days on a specific item due for decision, provided they have registered to speak three clear working days in advance. Please contact Democratic Services by **5pm on Tuesday, 30 May 2023** via democracy@winchester.gov.uk or (01962) 848 264 to register to speak and for further details.



3. **Visiting Councillors Representation**

To note any request from visiting councillors to make representations on an item for decision.

Note: Councillors wishing to speak about a particular agenda item are required to register three working days in advance if they wish to speak at a Cabinet Member Decision Day. Councillors will normally be invited by the Chairman to speak during the appropriate item (after the Cabinet Member's introduction (and any comments from the leading officer) and any public participation).

4. **Biodiversity Net Gain - Technical Advice Note (DD65) (Pages 5 - 44)**

**Laura Taylor
Chief Executive**

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25 May 2023

Agenda Contact: Claire Buchanan, Senior Democratic Services Officer Email: cbuchanan@winchester.gov.uk 01962 848 438

TERMS OF REFERENCE

Cabinet Member for Place & Local Plan Decision Day – Included within the Council's Constitution (Part 3, Section 2)

Public Participation

Representations will be limited to a maximum of 3 minutes, subject to a maximum 15 minutes set aside for all questions and answers..

To reserve your place to speak, you are asked to **register with Democratic Services three clear working days prior to the decision day** – please see public participation agenda item above for further details. People will be invited to speak in the order that they have registered, subject to the maximum time period allowed for speaking not being exceeded. Public Participation is at the Chairperson's discretion.

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DD65

DECISION TAKER: Councillor Jackie Porter – Cabinet Member for Place and Local Plan

REPORT TITLE: BIODIVERSITY NET GAIN - TECHNICAL ADVICE NOTE

5 JUNE 2023

Contact Officer: Rick Smith Tel No: 01962 848532

Email rsmith@winchester.gov.uk

WARD(S): ALL

PURPOSE

This report presents interim technical guidance on how Biodiversity Net Gain (BNG) should be applied by Winchester City Council in the assessment of relevant planning applications.

BNG is an approach to development that aims to leave the natural environment in a measurably better state than it was beforehand. BNG is currently voluntary under National Planning Policy, but it will become mandatory for developers to deliver under the Environment Act in November 2023. This TAN allows the council to clearly apply the BNG in a constructive, consistent manner that fits in with national guidance on what is expected when BNG becomes mandatory.

The Technical Advice Note (TAN) sets out procedures to follow when applicants apply for planning permission under the Town and Country Planning Act (1990) with outcomes including a measurable 10% uplift in biodiversity on applicable sites in line with Natural England guidance.

RECOMMENDATIONS:

1. That the Biodiversity Net Gain Technical Advice Note is approved as interim guidance in respect of the assessment of relevant planning applications by the Council as local planning authority.

IMPLICATIONS:1 COUNCIL PLAN OUTCOME

- 1.1 Tackling the Climate Emergency and Creating a Greener District identifies an outcome to achieve that “Our district’s natural habitats are safeguarded and enhanced”. To do this the council needs to:
- a) Agree a local plan which delivers low carbon homes, increased biodiversity and 20 minute neighbourhoods.
 - b) Continue to implement our Biodiversity Action Plan.
- 1.2 This TAN fits in with the Carbon Neutrality Action Plan (CNAP), the Biodiversity Action Plan (BAP) and the Tree Strategy which have been developed in response to Winchester City Council’s declaration of a climate emergency.
- 1.3 The BAP’s principals and policies are reinforced in this TAN, and the TAN offers guidance on procedures that will lead to the delivery of enhancement of BAP habitats and consequently improvements for BAP species.

2 FINANCIAL IMPLICATIONS

- 2.1 Until BNG becomes mandatory for developers to deliver as part of the Environment Act in November 2023, the TAN provides interim guidance for developers, applicants and planners that is reinforced elsewhere in other legislation including the Natural Environment and Rural Communities Act, 2006 (NERC Act) and paragraph 179 of Government NPPF policy.
- 2.2 An amendment to the original NERC Act section 40 duty, provided for in the Environment Act 2021, extends the biodiversity duty on public authorities to include the enhancement of biodiversity alongside conservation by way of “the general biodiversity objective”.
- 2.3 The actions recommended in the TAN will be the responsibility of the planning officers and Natural Environment & Recreation Team (NERT) officers to deliver and will be undertaken within existing staffing allocation. No additional budget is requested in relation to this report requesting the adoption of this TAN. It is the responsibility of the developer to deliver BNG and for WCC officers to assess associated documents of relevant applications.
- 2.4 Defra funding for new burden has been received by WCC previously (2021/22) with £10k for the setting-up and preparation for mandatory BNG for developers to deliver as part of the Environment Act in November 2023. Further funds have been applied for by WCC for retrospective payment for preparation for BNG 2022/23.
- 2.5 When BNG becomes mandatory for developers to deliver under the Environment Act in November 2023 there will be an increase in workload that will fall with NERT and planning officers. Although outside of the scope of this

TAN, there will be the need to review resource for the assessment and implementation of BNG as part of a planning application.

3 LEGAL AND PROCUREMENT IMPLICATIONS

- 3.1 When BNG becomes mandatory in November 2023, we will need to assess how BNG delivery is monitored and enforced effectively. Advice is expected to come as part of secondary legislation from the Secretary of State following the passing of the Environment Act 2021.
- 3.2 There are no procurement implications as a direct result of this report.

4 CONSULTATION AND COMMUNICATION

- 4.1 Internal consultation has been undertaken with the Planning, NERT, Strategic Planning, Housing and Estates teams and council officers have been part of Hampshire “round table” groups discussing the implementation of BNG.
- 4.2 Local private developers have been approached for comments on the draft TAN and this has informed the draft document.
- 4.3 The Cabinet Member for Climate Emergency has been consulted on this TAN.

5 ENVIRONMENTAL CONSIDERATIONS

- 5.1 The BNG TAN outlines how developers can achieve the stated improvement in the level of biodiversity on their project or schemes. Details of BNG provision are found in Natural England guidance on the .GOV website. This TAN assists council planning officers in the assessment of BNG documents for relevant applications and developers or applicants to follow the procedures to leave their site in a better condition in terms of biodiversity than it was in before the commencement of the project.
- 5.2 Biodiversity enhancements can offer subsequent improvements to air quality and assist in the battle against climate change. For example, tree planting can provide additional filtration of pollution caused by vehicle exhausts and also offer localised shading and reduction of urban heating.
- 5.3 Ecosystem services directly and indirectly affect human wellbeing. Benefits including carbon storage, biodiversity, clean air, water storage and purification and recreation provision can all be delivered via the implementation of BNG – based on the TAN. Environmental assets as a whole provide benefits that enhance economic performance, offer new opportunities for investment and employment, and improve living standards and quality of life. Ecosystem services contribute to economic welfare through generations of income and wellbeing, and through prevention of damages that inflict costs on society.

6 PUBLIC SECTOR EQUALITY DUTY

- 6.1 An EqlA has been completed and is included as appendix 2 to this report and has highlighted no areas of concern. The report states that BNG will enhance biodiversity for the benefit of all and the TAN allows the council to clearly apply the BNG in a constructive, consistent manner that fits in with national guidance on what is expected when BNG becomes mandatory.

7 RISK MANAGEMENT

The risk management assessment below aligns with the council's Risk Management Policy and approval of this TAN (and subsequent use by officers) will not affect the council's ability to achieve its objectives or outcomes, rather with the mitigation identified, it will assist the council in delivering its objectives.

Risk	Mitigation	Opportunities
<u>Financial Exposure</u> Funding not available for future additional burden.	This TAN offers advice to planners and developers on how to deliver BNG and if approved by committee this will be delivered within the current staff resource.	Potential for "New Burden" funding from Defra in the future once BNG becomes mandatory.
Exposure to challenge The TAN could be questioned as this is a voluntary scheme.	Consultation and communication to promote the benefits of using the TAN	
Innovation		
<u>Reputation</u> Without the ability to use the TAN, the council cannot effectively enforce delivery of BNG and is left behind other local authorities in the assessment and subsequent delivery and implementation of BNG.	The TAN offers guidance on how developers can deliver BNG.	Our Greener Faster aims can be delivered via BNG.
<u>Achievement of outcome</u> BNG not delivered on development schemes and in fact leads to an increased loss	The TAN links directly to the national mandatory BNG proposals so is achievable and in-line with guidance.	Introduction of the TAN at this stage forms part of the preparation for the introduction of mandatory BNG in November.
Property		
Community Support Communities could oppose planning	The purpose of the TAN is to assist developers in	

<p>application for development that does not include BNG.</p> <p>Communities could question the council for not promoting BNG in development as this is counter to its Greener Faster enhanced focus.</p>	<p>satisfying requirements.</p> <p>BNG</p>	
<p><u>Timescales</u></p> <p>The commencement of mandatory BNG has already been delayed with delays in the passing of the Environment Act due to Covid-19. Further delays would result in WCC missing opportunities to deliver BNG.</p>	<p>The TAN sets out how WCC can deliver BNG in the interim period – prior to November 2023.</p>	<p>Increased BNG delivery can be delivered in advance of this becoming mandatory.</p>
<p><u>Project capacity</u></p> <p>Insufficient capacity to deliver training on the TAN to planning officers.</p>	<p>Training has been scheduled and forms part of current NERT staff resource workplan.</p>	
<p>Other</p>		

8 OTHER KEY ISSUES

- 8.1 There is the option of providing BNG “offsite” and the council will need to consider its own landholding assets and how these could offer opportunity for BNG, either for its own development or to offer private developers. This is outside of the remit of this TAN, but will need to be considered as BNG evolves and the market develops with the delivery of natural capital.

9 SUPPORTING INFORMATION:

- 9.1 Government NPPF policy, 2021 (paragraph 174) confirms the need to *contribute to and enhance the natural and local environment and provide net gains* for biodiversity and this has been used as a policy basis for developers to deliver BNG up to this point. The use of the Defra metric, and the stipulation of a measurable 10% gain are introduced in the TAN as preparation for mandatory BNG in November 2023 under the Environment Act.

- 9.2 The Local Plan includes Policy CP16 which states that “The Local Planning Authority will support development which maintains, protects and enhances biodiversity across the District, delivering a net gain in biodiversity.” This TAN prepares both council officers and developers for the incoming legislative requirement under the Environment Act which will demand measurable (achieved utilising the Defra metric) BNG of a minimum of 10%.
- 9.3 The TAN introduces BNG, explains why it is important and how it reflects existing legislation and practice in assessing and delivering biodiversity gains as part of a planning application.
- 9.4 The TAN describes the need for BNG in the assessment of planning applications (in line with Natural England guidance):
- Householder applications do not apply.
 - Residential developments of 1 – 9 dwellings do apply and the latest version of the Defra Small Sites Metric should be used. [*Note: NE have now decided to delay the requirement for the use of the Defra Small Metrics Metric until April 2024*].
 - Residential developments of 10+ dwellings do apply and the latest version of the full Defra Metric should be used.
- 9.5 The TAN briefly explains the use of the Defra metric as a tool to achieve measurable BNG and lists what is required to accompany a planning application to satisfy the local authority in assessing BNG:
- Biodiversity Gain Plan.
 - Completed Defra Metric.
 - Habitat Plan pre - development, and post – development.
- 9.6 BNG has been considered in planning applications up to this point, but is not mandatory and to date has not had a detailed framework to operate under. BNG will become mandatory for developers to deliver under the Environment Act in November 2023. Therefore this guidance now offers the developer more standardisation on how to approach the calculation, design, implementation, delivery and monitoring of BNG into a project and assessment of relevant planning applications by officers.
- 10 OTHER OPTIONS CONSIDERED AND REJECTED
- 10.1 Defra have encouraged local authorities to begin preparations for BNG in anticipation of the coming into force of the relevant provisions of the Environment Act 2021 and so the option of doing nothing has been discounted as it would leave the council unprepared for a change in planning requirements.

- 10.2 The council could formulate its own policy on BNG which could differ in detailed effect from the Natural England guidance. For instance, council policy could state that applicable developments achieve a higher level of measurable BNG than 10%. However, it is considered to be more appropriate for developers and the council if our TAN (and policy) is in line with national standards and guidance. This question was discussed amongst neighbouring Hampshire local authorities and the consensus was to aim to be as consistent with each authority as possible, as well as with national standards.

BACKGROUND DOCUMENTS:-

[National Planning Policy Framework 2021](#)

[Natural Environment and Rural Communities Act 2006](#)

[Defra Guidance 2023](#)

APPENDICES:

Appendix 1. Biodiversity Net Gain Technical Advice Note – April 2023 draft

Appendix 2. Equality Impact Assessment – BNG TAN April 2023

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Biodiversity Net Gain Technical Advice Note

DRAFT – April 2023



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1. Summary

If you require planning permission then you should consider Biodiversity Net Gain (BNG). This document provides interim guidance on what is required to support a relevant planning application in the Winchester district in relation to BNG, in advance of this becoming mandatory in November 2023. Full guidance on the biodiversity metric is available via the Natural England website. This Technical Advice Note (TAN) provides a tool for applicants to demonstrate BNG and follow best practice through this process.

For a summary of what is needed for different types of development, Please refer to section 4.2 (table 1) and section 5.

In order to determine how much BNG is being achieved, a metric will be required to be submitted to the Local Planning Authority (refer to Table 1 in section 4.2). A minimum 10% BNG is expected by the council for a planning application to be acceptable, and this is what will become the mandatory level of BNG requirement from late 2023.

2. Introduction

2.1 Why is biodiversity important?

Biodiversity is the variety of life on Earth, it includes all species of plants and animals and their interrelationships. It provides essential components of life from oxygen and water to medicine and clothes. Biodiversity is intrinsically linked to climate stability and without it we would not have sustainably functioning ecosystem services.

Biodiversity is under threat, habitats are being damaged or disappearing and species are declining. This is bad news for nature and for our own health and well-being and that of future generations.

The biodiversity of Winchester district is therefore of the upmost importance. The City Council has a legal duty to protect and enhance biodiversity (NERC Act 2006) and a responsibility on behalf of its community. Find out more in the Winchester City Council Biodiversity Action Plan 2021 (Ref. 1).

2.2 What is Biodiversity Net Gain?

'Biodiversity Net Gain is an approach to development, and/or land management that aims to leave the natural environment in a measurably better state than it was beforehand' – Planning Advisory Service.

Current guidance and policy requires “no net loss” (Local Plan CP16) in terms of biodiversity and it is the move from “no net less” to “measurably better” that is changing how biodiversity is being assessed and delivered via planning following the Environment Act 2021.

This is a significant step-change, moving away from the requirement to simply mitigate the impact of a development. Instead there is a need to provide an increase in appropriate natural habitat and/or ecological features over and above that being affected.

The aim is to halt the current loss of biodiversity through development, enabling ecological networks to be restored and to be left in a better state than before.

The Environment Act (Ref. 2) became law in 2021, providing the Government with powers to set new binding targets, plans and policies for biodiversity. A key component of the Act, contained in Part 6, is the requirement for BNG and this will come in to force as a mandatory requirement in November 2023. This guidance applies in the meantime, based on current policy.

2.3 Purpose of this Technical Advice Note

The purpose of this TAN is to provide interim guidance for applicants and decision makers on how BNG can be achieved in Winchester district, in accordance with existing Local Plan Policy and to anticipate the requirements of the Environment Act 2021. This TAN has gone through the process of an officer-led decision and review with specific, relevant member involvement. Officers have been liaising with neighbouring authorities including South Downs National Park Authority (who have an interim document in place currently - Ref. 3) to ensure a consistent approach across the region.

This document has been through a test process with consultation with local agents and developers to gain full feedback on what will ensure this is a useable, useful and practical document.

This TAN supports the implementation of the Winchester District Local Plan, in particular **Local Plan Part 1 (LPP1) Policy CP16 Biodiversity** (Ref. 4). It meets the requirements of the:

- National Planning Policy Framework (NPPF) 2021 (Ref. 5)
- Natural Environment and Rural Communities Act 2006 (Ref. 6)
- Natural England guidance (Ref. 7)
- CIEEM guidance (Ref. 8)
- Environment Act 2021(Ref. 2)
- Winchester City Council Biodiversity Action Plan (BAP) (Ref. 1)
- Carbon Neutrality Action Plan (Ref. 9)
- WCC Green Infrastructure (Draft document)
- Planning Advisory Service (PAS) (Ref. 10)

Mandatory BNG under the EA2021 is due to come into force in November 2023 following a two-year transition period. This TAN provides interim guidance on how development proposals will be expected to address the LPP1 (Ref. 4) and Local Plan Part 2 (LPP2) (Ref. 11) policy requirement in the transition period prior to mandatory BNG under the Environment Act 2021. This interim guidance will be reviewed following any new government guidance or policy relating to BNG.

This TAN will be taken into account, when it is applicable, in the decision making processes of the council as the Local Planning Authority when determining planning applications that are within the scope of the BNG requirement. It will become a validation requirement to demonstrate how BNG has been incorporated into relevant proposals.

2.4 Is BNG required now?

Delivery of BNG is required via Winchester City Council's current policy *CP16 -Biodiversity*, which states..."The Local Planning Authority will support development which maintains, protects and enhances biodiversity across the District, delivering a net gain in biodiversity..."

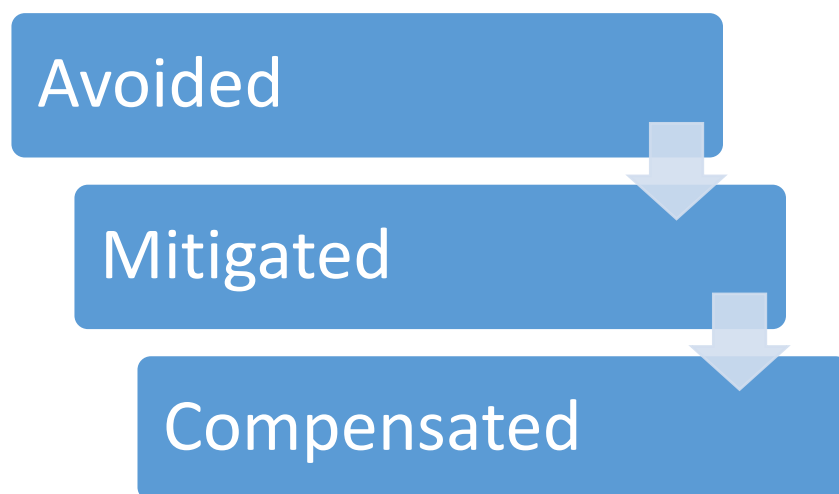
National Planning Policy Framework (NPPF) (Ref. 5) paragraphs 170(d), 174(b) and 175(d) refer to policy requirement for planning to provide biodiversity net gains where possible.

The Environment Bill received Royal Assent on 9 November 2021, meaning it is now an Act of Parliament. There is a two-year implementation period and, following this implementation period, BNG will be mandatory with the use of a suitable metric to achieve a minimum of 10% BNG.

3. Existing biodiversity protections and best practice principles still apply

3.1 The mitigation hierarchy

Implementation of BNG does not take the place of the mitigation hierarchy, it is in addition to it. The mitigation hierarchy sets out that impacts on biodiversity must be firstly avoided, secondly mitigated, and as a last resort compensated. Enhancements should be proposed in addition to mitigation and compensation measures. As part of a planning application, the development proposals must set out how impact to biodiversity will be avoided.

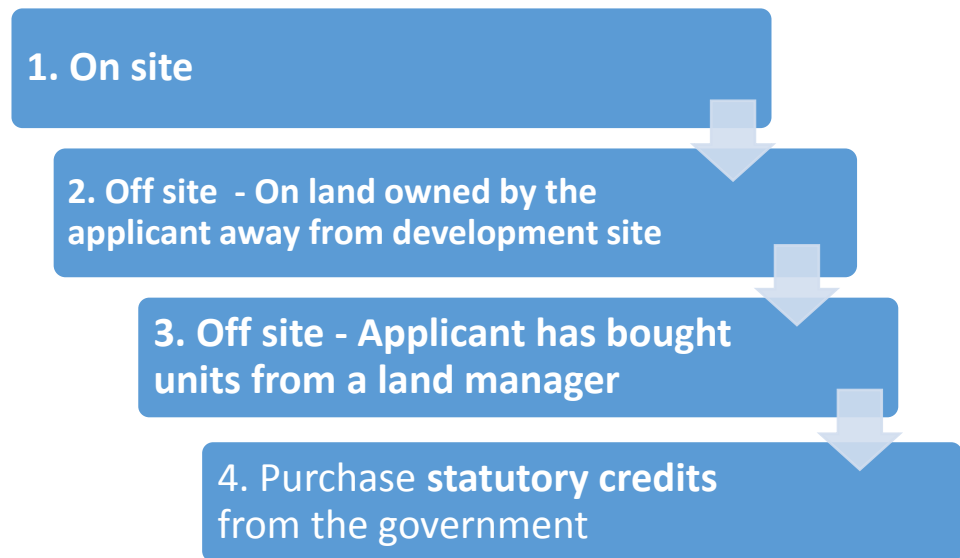


3.2 Spatial hierarchy

The preferred delivery mechanism for BNG is on-site and only in exceptional circumstances will off-site provision be accepted in strategic local priority areas. As a last resort BNG can be delivered off-site elsewhere and/or via strategic payments. Through the strategic significance and spatial risk factors, the biodiversity metric places greater reward for habitat creation where it is strategically important and locally relevant.

There are both ecological and social drivers for off-site habitat to be provided close to where losses occur: e.g. to avoid depleting biodiversity in local areas or to recognise the cultural ecosystem services provided to a local community. For this reason, the closer off-site habitats are located to the site of impact, the better.

It is the responsibility of the applicant/developer to find suitable and sufficient BNG solutions. Developers should seek their own ecological and legal advice with regard to the suitability of particular off-site mitigation schemes. From November 2023, developers considering off-site biodiversity gains will need to apply to the Biodiversity Gain Site Register in consultation with Natural England.



3.3 Protected habitats and species

BNG does not replace existing legal protections for designated sites and protected species.

As the biodiversity metric is habitat-based, species (including rare, notable and protected species) are not considered as part of BNG. Therefore, a planning application will still be required to address how impacts on species have been considered. It should be noted that the two are not mutually exclusive; actions to consider and protect protected species are expected to influence decisions on habitat retention, enhancement and creation.

Mitigation or compensation actions for impacts to protected species should not be included in the metric because these are separate requirements to avoid harm following separate law and policy, including The Conservation of Habitats and Species Regulations 2017 (as amended), The Wildlife and Countryside Act 1981 (as amended), Natural Environment and Rural Communities Act 2006 (Ref. 6) and The Countryside and Rights of Way Act 2000.

Irreplaceable habitats are highly valued and protected, and any development proposals resulting in loss or deterioration of them should be refused unless there are exceptional circumstances. Irreplaceable habitat is defined in the NPPF 2021 (Ref. 5) as: “Habitats which would be technically very difficult (or take a very significant time) to restore, recreate or replace once destroyed, taking into account their age, uniqueness, species diversity or rarity (for example Ancient Woodland).” Irreplaceable habitats can’t be addressed via the biodiversity metric and potential impacts need to be separately dealt with and cannot count towards BNG.

3.4 Designing a scheme with BNG

It is highly encouraged that developers/applicants enter in to the PRE-Application advice service (<https://www.winchester.gov.uk/planning/pre-application-service>) to ensure design of BNG is part of the early design process. As BNG will be considered in many planning proposals, this TAN provides key considerations for applicants, and what is required for submission.

- Consider BNG at the earliest stages in the design process - the developer should liaise with a consultant ecologist at the earliest opportunity to inform design and options appraisals (suitable consultants can be found on the CIEEM website - [Finding a Consultant | CIEEM](#)). The biodiversity metric can be used early to quantify and evaluate the impacts of different design options and measurably compare them.
- Respond to site specific evidence – Habitat/ecological survey is required to support BNG. Consideration of past land uses and past habitat types on the site may provide opportunities for habitat restoration, for example, restoration of lost hedgerow.
- Respond to the local landscape and ecological context of the site – the developer should look at local ecological network opportunity areas and pending Local Nature Recovery Areas (LNRAs). Questions to consider include; *what are the ecological patterns and elements of the area and how can BNG assist in the enhancing and restoration of the sites?*
- Schemes should be informed by strategic evidence and guidance. The council’s BAP and the Landscape Character Assessment should be considered.
- “Bigger, better and more joined up” - maximising connectivity/buffering/expanding existing key wildlife habitats. These key Lawton’s principles* should be employed through actions such as buffering key habitats, expanding habitats and restoring environmental links such as hedgerows and watercourses. Re-naturalisation of habitats, especially rivers and watercourses is encouraged and designs of a scheme should avoid creating islands that are disconnected from other ecological networks.
- Well designed for functionality – Developers must consider size, nature and location of habitats being retained, enhanced and created and the ecological function of the habitats must be key.

The biodiversity metric and its outputs should be interpreted, with expert ecological input, as an element of the evidence that informs plans and decisions. The metric is not a total solution to biodiversity decisions but can be an important and useful tool in the overall ecological assessment and project design.

**Professor John Lawton presented a report to the UK Government, called ‘Making Space for Nature’. The report called for the creation of a healthy ecological network operating across the landscape as a whole, not in isolated reservoirs. This*

approach is now being taken forward widely across the UK, and elsewhere in the World, and is integral to the Environment Act 2021.

4. Scope of the Biodiversity Net Gain Requirements

4.1 How much BNG and how is this measured?

Once in force, Schedule 14 of the Environment Act 2021 (Ref. 2) will make provision for BNG to be a condition of planning permission. **The biodiversity value attributed to the development should exceed the pre-development biodiversity value of the onsite habitat by at least 10%.** This interim guidance is seeking to anticipate this requirement for 10% BNG, and the specific stipulations are outlined in the Table 1 below.

The biodiversity value attributable to the development is the total of:

- The post-development biodiversity value of the onsite habitat,
- The biodiversity value, in relation to the development, of any registered offsite biodiversity gain allocated to the development, and
- The biodiversity value of any biodiversity credits purchased for the development.

The biodiversity value of a habitat is calculated using the latest revision of the Defra biodiversity metric:

<http://publications.naturalengland.org.uk/publication/6049804846366720>

Table 1 below provides further details.

Pre-development biodiversity value – the value of the onsite habitat on the relevant date (either on application or on the date planning permission is granted).

However, if a person carries out activities on or after 30 January 2020 (other than in accordance with planning permission) which result in the biodiversity value of the onsite habitat being lower than it would otherwise have been, the biodiversity value of the habitats immediately prior to these activities is to be taken instead.

Post-development biodiversity value – the projected value of the onsite habitat at the time the development is completed.

Any habitat enhancement resulting from the works will have to be maintained for a minimum of 30 years after the development is completed (by virtue of a condition, planning obligation or conservation covenant). Management arrangements for the 30-year period should be considered, including suitable monitoring.

For Nationally Significant Infrastructure Projects (NSIPs) a Biodiversity Gain Statement will set out specific objectives for development where BNG applies. These developments must then meet these objectives and achieve BNG by the percentage specified in the statement (at least 10%). This requirement is expected to be in place no later than November 2025. NSIP projects are encouraged to adopt BNG earlier on a voluntary basis wherever possible.

4.2 What types of development do the BNG requirements apply to?

Table 1 – Interim BNG requirements for different types of development based on current Natural England guidance. **When the Environment Act 2021 provisions become a legal requirement then these will supersede the requirements within this TAN.**

	Type of Development	BNG Requirement
1	<ul style="list-style-type: none"> Householder applications Application sites that do not contain <i>habitats</i>* 	<p>A BNG metric is <u>not</u> required</p> <p>A Householder Biodiversity Mitigation & Enhancement Plan (BMEP) (Appendix 2) is desirable for all applicable applications in accordance with Policy CP16 to demonstrate how biodiversity will be retained, protected and enhanced through its design and implementation. Appendix 2 outlines the options to achieve satisfactory biodiversity enhancement for householder applications.</p>
2	<ul style="list-style-type: none"> Residential development of 1-9 dwellings on a site less than 1ha with no <i>priority habitats</i>** present (excluding hedgerows and arable margins). Developments with a site area less than 0.5ha or floorspace less than 5000m² with no *priority habitats present (excluding hedgerows and arable margins). 	<p>Small Sites Metric (or the latest version of the Biodiversity Metric if preferred) – maximise opportunities on site with a minimum 10% BNG.</p> <p>[Small Sites Metric must not be used if offsite BNG is proposed. In this case the latest version of the Biodiversity Metric must be used instead.]</p> <p>Can be completed by a ***competent person.</p> <p>A BMEP as outlined in Appendix 3.</p>
3	<ul style="list-style-type: none"> Residential development where 10 or more dwellings will be provided or the site has an area of 0.5 hectares or more. Non-residential development with an additional floorspace of 1,000m² or more, or a site of 1ha or more, or as otherwise provided in the Town and Country Planning (Development Management Procedure) (England) Order 2015. Developments on a site where one or more priority habitats are present (excluding hedgerows and arable margins). 	<p>Biodiversity Metric 4.0 (or latest) - maximise opportunities on site with a minimum 10% BNG.</p> <p>Must be undertaken by a suitably qualified ecologist, who is able to confidently identify the positive and negative indicator species for the range of habitats likely to occur in a given geographic location at the time of year the survey is undertaken.</p> <p>A BMEP as outlined in Appendix 3.</p>

Table 1 – Interim BNG requirements for different types of development based on current Natural England guidance.

**Habitat is defined as the place or type of site where an organism or population naturally occurs. It is often used in the wider sense referring to major assemblages of plants and animals found together (CIEEM, 2018)*

***Priority Habitats are categorised under the UK BAP identification of areas being most threatened and requiring conservation action and a list of UK Biodiversity Action Plan (BAP) Priority Habitats is found here: <https://jncc.gov.uk/our-work/uk-bap-priority-habitats/#list-of-uk-bap-priority-habitats>*

**** Competency is aligned with the British Standard 'Process for designing and implementing biodiversity net gain: BS 8683:2021'. A competent person is someone who can demonstrate they have acquired through training, qualifications or experience, or a combination of these, the knowledge and skills enabling that person to perform specified tasks in completing and reviewing metric calculations.*

This TAN applies to outline and reserved matters applications where proposals should demonstrate that BNG will be achieved. Considerations of BNG at Pre-app stage will be important and can make the planning process more efficient. Information on the council's Pre-App advice service can be found here -[Planning - Winchester City Council](#).

As described in section 3.2, options for delivering biodiversity net gain should be explored on site in the first instance. Only when this is not possible should options for delivery offsite be explored.

5. What is required to support a planning application?

To ensure biodiversity will be retained, protected and enhanced the following documents will be desirable for validation of the planning application:

1. Planning Portal Biodiversity Checklist at validation stage – this may indicate the requirement for further specific ecological surveys and/or avoidance/mitigation measures.
2. Phase 1 Ecology Assessment or baseline habitat assessment (dependant on the checklist, habitats present and the requirements for any relevant metric).
3. Any necessary Phase 2 Ecological Survey Reports (as recommended within the checklist or Phase 1 Report)
4. The BNG checklist (Appendix 1) (*** 4 & 5 only required for applications where the small sites metric or biodiversity metric are required**)
5. **BNG Plan**
 - How adverse effects have been avoided or minimised
 - Pre-development value of onsite habitats
 - Post-development value of onsite habitats
 - Any offsite BNG and its value
 - Any credits purchased
- a) Relevant completed biodiversity metric (in Excel and Pdf format)
- b) Plans showing:
 - Pre-development habitat (baseline habitat units)
 - Post-development habitat (retained, enhanced and created habitat units)
- c) How habitats will be created, managed and monitored for a minimum of 30 years. For relevant proposals a Landscape and Ecological Management plan (LEMP) is likely to be required.
- d) An explanation as to how this makes a meaningful contribution to nature recovery (in accordance with section “*Designing a Scheme with BNG*”).
6. Biodiversity Mitigation & Enhancement Plan (BMEP) – species based planning requirement not related to net gain. In accordance with Appendix 2 and Appendix 3.

6. About the biodiversity metrics

6.1 Introduction to the biodiversity metrics

The metric can be used to inform and improve planning, design, land management and decision-making. The metric uses habitat as a proxy for wider biodiversity with different habitat types scored according to their relative biodiversity potential (Ref. 12). This score is then adjusted, depending on the size, condition and location of the habitat, to calculate 'biodiversity units' for that specific project or development.

It is a simple assessment tool and only considers direct impacts on habitats, within the footprint of a development, estate or project. The metric can:

- assess or audit the biodiversity unit value of an area of land
- calculate the losses and forecast gains in biodiversity unit value resulting from interventions which affect habitats
- compare different proposals for a site, allowing more objective assessments of potential biodiversity changes
- be used to calculate biodiversity units and percentage biodiversity change

The Defra biodiversity metric:

<http://publications.naturalengland.org.uk/publication/6049804846366720>

It can be used to calculate the losses and gains in biodiversity unit value resulting from changes or actions which affect biodiversity, such as from development or changing the management of a land holding. In addition to this it can be used to predict the likely effectiveness of creating new or enhancing existing habitats.

To assess the quality of a habitat, the biodiversity metric scores:

- a. Distinctiveness – considers species richness, habitat rarity, the extent to which a habitat is protected by designations and the degree to which a habitat supports species rarely found in other habitats.
- b. Condition – a measure of the habitat against its ecological optimum state. Condition is a way of measuring variation in the quality of patches of the same habitat type.
- c. Strategic significance – 'better' and 'more joined-up' is important. Is the habitat in a location of strategic significance for nature (such as a Local Nature Recovery Area LNRA).

Biodiversity metric includes separate calculations for area habitats (such as a woodland) and linear habitats (such as a hedgerow or stream). This is because habitat length is a more meaningful measure of linear habitats than their area due to their function as ecological corridors.

To determine if the development will result in a BNG:

1. Calculate the baseline of a site in biodiversity units before any development or management change has occurred (i.e. pre-intervention).

2. Repeat calculation for the post-intervention scenario. This calculation should include any retained or enhanced existing habitats and newly created habitats. This measures the predicted changes therefore additional factors to account for the risk associated with creating, restoring or enhancing habitats are also considered (including difficulty of creating/restoring habitats, temporal risk and spatial risk). The metric can be used to measure off-site habitat changes, where this is required to achieve a net gain. For this there is an additional 'spatial risk' multiplier which is applied to reflect the proximity of the off-site changes to the project site where the biodiversity loss is occurring.

Trading down' must be avoided. Losses of habitat are to be compensated for on a 'like for like' or 'like for better' basis according to the metric trading rules. New or restored habitats should aim to achieve a higher distinctiveness and/or condition than those lost. Losses of irreplaceable or very high distinctiveness habitat cannot adequately be accounted for through the metric (Ref. 12).

6.2 Small Sites Metric (SSM)

- This metric is specifically designed for small development sites as set out in Table 1. This is a simplified version of the metric which autocompletes some sections and where condition information and habitat surveys are not required.
- This metric and the associated baseline habitat assessment must be undertaken by a 'competent person' who is able to confidently identify habitats present and identify land management requirements for habitats which will be created or enhanced.
- Applicants can still use the Biodiversity Metric 4.0 (or latest) if preferred.

6.3 Biodiversity Metric 4.0 ('full metric')

- This metric requires full habitat surveys including assessments of habitat condition.
- These surveys and the metric must be undertaken by a suitably qualified ecologist – as a member of the Chartered Institute of Ecology and Environmental Management (CIEEM).

7. References

1. Winchester City Council 2021. Biodiversity Action Plan
<https://www.winchester.gov.uk/planning/landscape-countryside/biodiversity>
2. Environment Act 2021 <https://www.legislation.gov.uk/ukpga/2021/30/contents/enacted>
3. South Downs National Park Authority 2022. Biodiversity Net Gain Interim Guidance Technical Advice Note
4. [Winchester City Council March 2013. Winchester District Local Plan Part 1: Joint Core Strategy](#)
5. Ministry of Housing, Communities & Local Government revised 2021. National Planning Policy Framework (NPPF)
6. Natural Environment and Rural Communities Act 2006
<https://www.legislation.gov.uk/ukpga/2006/16>
7. Natural England guidance
<http://publications.naturalengland.org.uk/publication/6049804846366720>
8. Julia Baker A, Rachel Hoskin B, Tom Butterworth C 2019. Biodiversity net gain. Good Practice principles for development. CIRIA, CIEEM, IEMA. A – Balfour Beatty, B – Footprint Ecology, C- WSP
9. Winchester City Council 2019. Winchester Climate Emergency Carbon Neutrality Action Plan 2020-2030
10. Planning Advisory Service (PAS) <https://www.local.gov.uk/planning-advisory-service>
11. [Winchester City Council 2017. Winchester District Local Plan Part 2: Development Management and Site Allocations](#)
12. STEPHEN PANKS A, NICK WHITE A, AMANDA NEWSOME A, MUNGO NASH A, JACK POTTER A, MATT HEYDON A, EDWARD MAYHEW A, MARIA ALVAREZ A, TRUDY RUSSELL A, CLARE CASHON A, FINN GODDARD A, SARAH J. SCOTT B, MAX HEAVER C, SARAH H. SCOTT C, JO TREWEEK D, BILL BUTCHER E AND DAVE STONE A 2022. Biodiversity metric 3.1: Auditing and accounting for biodiversity - User Guide. Natural England. A – Natural England, B – Environment Agency, C – Department for Environment, Food and Rural Affairs, D – Treweek Environmental Consultants Ltd, E – eCountability Ltd

Appendix 1 – The BNG Checklist

This checklist can be used by the applicant for all applications within scope of BNG as set out in Table 1 of this TAN. If the associated boxes have not been ticked or any of the answers to these questions are 'no' then the applicant will need to provide the missing information to the case officer and ecology consultee.

***Householder applications, extensions, permitted development, prior approval and non-material amendments are not required to complete a BNG metric or the BNG Checklist but a Biodiversity Mitigation & Enhancement Plan (BMEP) may be required.**

1) Biodiversity Gain Plan

- Information showing how adverse effects have been avoided or minimised clearly set out and following the mitigation hierarchy?
- A Pre-development value of onsite habitats
- A Post-development value of onsite habitats
- Any offsite BNG and its value
- Any credits purchased and the value

2) Relevant completed Biodiversity Metric (in Excel and Pdf format)

- Has a measurement and % for BNG been provided?
- Has the correct type and version of the metric been used (as per Table 1 of this TAN)?
- Is the appropriate type of habitat survey/assessment submitted for the right type of metric? For the full biodiversity metric this should be a full habitat survey undertaken by a qualified ecologist. For the Small Sites Metric a more basic habitat assessment should be carried out by a 'competent person'.
- Are all habitats within the redline boundary accounted for?
- Have the reasons for the habitat condition scores been set out in accordance with the guidance?
- If there are high distinctiveness habitats proposed for creation/enhancement, is there sufficient evidence to support this?
- If a high level or more than one-step change in condition is proposed, is there sufficient evidence to support this?
- Is the strategic significance consistent with the relevant strategy/guidance document?

- Has trading-down (within the hierarchy of habitat classification based on biodiversity value, from high-distinctiveness, to medium-distinctiveness, to low-distinctiveness) been avoided?
- Proposals do not include irreplaceable habitats which should be addressed separately.
- Proposals do not include bird boxes/bat boxes or any other species-based enhancements as they do not count towards measurable BNG?
- Any measures to mitigate or compensate for harm caused by the proposals have not been included in the BNG score?

3) Plans showing:

- Pre-development habitat (baseline habitat units)
- Post-development habitat (retained, enhanced and created habitat units)

4)

- Information showing how habitats will be created, managed and monitored for a minimum of 30 years?

5) Information showing how this makes a meaningful contribution to nature recovery.

- Responded to site specific evidence?
- Responded to the local landscape and ecological context of the site?
- Informed by strategic evidence and guidance as relevant?
- Provided bigger, better and more joined up habitats?
- Support naturally functioning ecosystems and use of nature-based solutions where possible and appropriate?
- Been well designed for functionality, taking into account impacts from nearby developments?

Appendix 2 – Householder Biodiversity Mitigation & Enhancement Plan (BMEP) Checklist

Give wild animals the opportunity to survive in our modern, changing world and provide a minimum of two of the following options:

Bird box



© <https://www.hampshireswifts.co.uk/feeding>
An installed Swift brick



Hedgehog Highway



Model 30 Swift boxes



Bat box



Native species planting pyramid/bug hotel

Page 31



Wildlife pond



© <https://stagbeetles.ptes.org/how-to-build-a-log-pile/> © <https://www.wildlifetrusts.org/actions/how-build-pond>

Householder Biodiversity Mitigation & Enhancement Plan (BMEP) Checklist	
Application:	
Chosen options	Details (type, number, location)

Appendix 3 – Biodiversity Mitigation & Enhancement Plan (BMEP) Checklist

A Biodiversity Mitigation & Enhancement Plan (BMEP) is desirable for all applications in accordance with Policy CP16 to demonstrate how biodiversity will be retained, protected and enhanced through its design and implementation as set out in Table 1 of this TAN. This checklist can be used to outline the options to achieve satisfactory biodiversity enhancement. This is separate to the metric as it related to **species** requirements rather than habitats

Requirements for new buildings

A minimum of one integral bird box/brick per dwelling

A minimum of one integral bat box/brick per dwelling

(Swift bricks are widely considered to be a 'universal brick' as they can be used by swifts, house sparrows, starlings, blue tits and great tits)

The locations of these features should consider height, aspect, external lighting, associated connective habitat and doors/windows below. Most boxes should be installed at a minimum of 3m where possible and swift boxes should have a clear drop below.

Integral features are within the fabric of the building and are therefore longer-lasting. Non-integral features will only be considered on new buildings in exceptional circumstances.

The Royal Institute of British Architects (RIBA) in their book *Designing for Biodiversity* (2nd Edition) recommends: *"As a guideline, the number of built-in provisions of nest or roost sites per development should be approximately the same as the number of residential units"*.

Other requirements

If mature trees are present or proposed:

A variety of bat boxes suitable for different species (number and type dependant on the habitat present)

A variety of bird boxes suitable for different species (number and type dependant on the habitat present)

If new fences or walls are proposed:

Hedgehog Highways (13cm by 13cm square holes)

If planting/soft landscaping is proposed:

A minimum ratio of 70:30 native planting (such as pollinator friendly planting)

Other optional biodiversity enhancements

Bee brick

Hibernacula/log pile/bug hotel

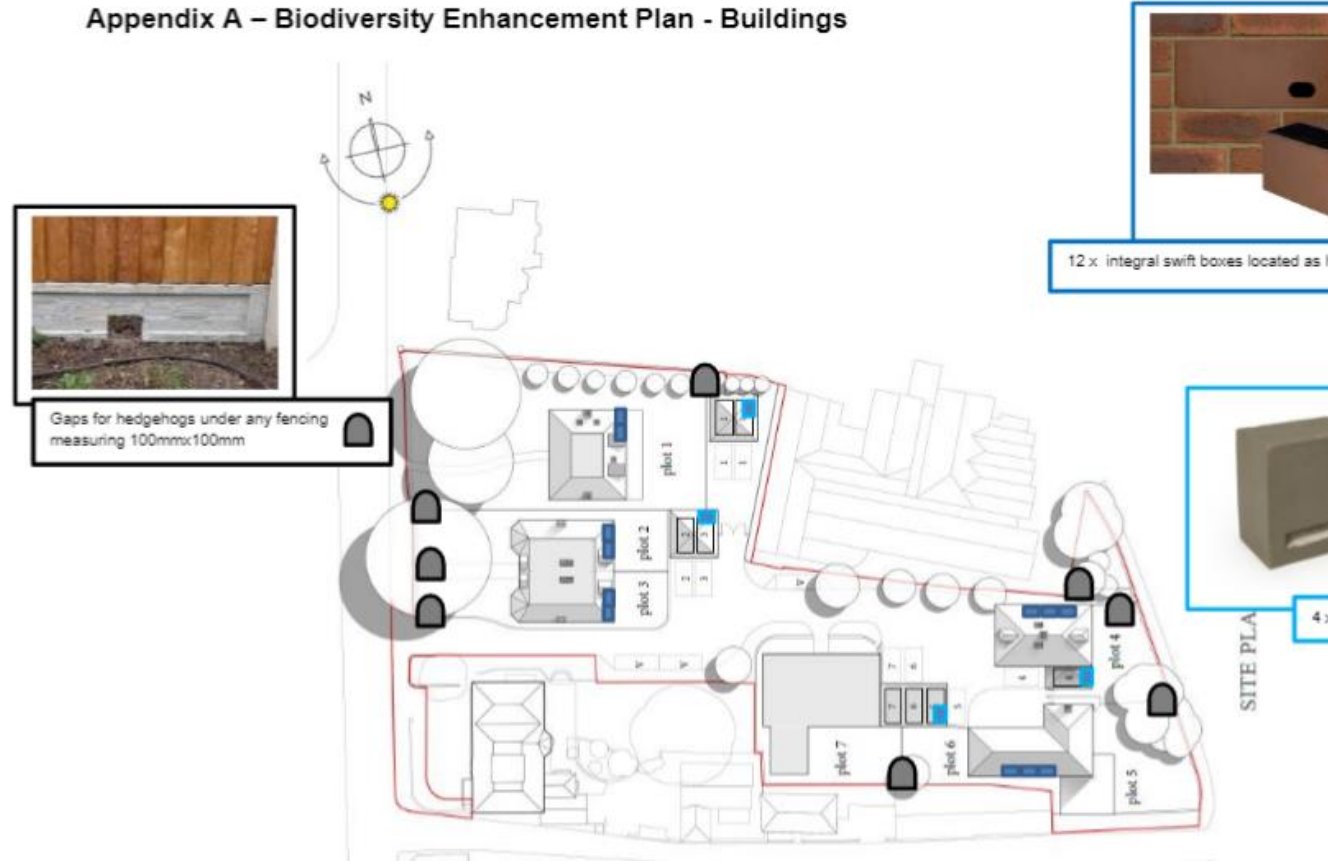
Pond

Improved management of existing hedgerows and/or grassland for biodiversity

Example BMEP

The options ticked on the checklist should be shown on a plan indicating the location where they will be provided.

Appendix A – Biodiversity Enhancement Plan - Buildings



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Winchester City Council

Equality Impact Assessment Template (EqIA)

Section 1 - Data Checklist

When undertaking an EqIA for your policy or project, it is important that you take into consideration everything which is associated with the policy or project that is being assessed.

The checklist below is to help you sense check your policy or project before you move to Section 2.

		Yes/No	Please provide details
1	Have there been any complaints data related to the policy or project you are looking to implement?	No	Biodiversity net gain (BNG) is a new concept that is only just being introduced.
2	Have all officers who will be responsible for implementing the policy or project been consulted, and given the opportunity to raise concerns about the way the policy or function has or will be implemented?	Yes	Legal, Finance, Planning and Estates teams have been consulted.
3	Have previous consultations highlighted any concerns about the policy or project from an equality impact perspective?	No	Biodiversity net gain (BNG) is a new concept that is only just being introduced.
4	Do you have any concerns regarding the implementation of this policy or project? <i>(i.e. Have you completed a self-assessment and action plan for the implementation of your policy or project?)</i>	Yes	This BNG Technical Advice Note (TAN) is an interim measure to remain in place until November 2023, when more formal arrangements will be implemented. These arrangements will be informed by Government guidance, which is still awaited, so there is potential for further change once the Government guidance is published.
5	Does any accessible data regarding the area which your work will address identify any areas of concern or potential problems which may impact	No	BNG will enhance biodiversity for the benefit of all.

		Yes/No	Please provide details
	on your policy or project?		
6	Do you have any past experience delivering similar policies or projects which may inform the implementation of your scheme from an equality impact point of view?	No	Biodiversity net gain (BNG) is a new concept that is only just being introduced.
7	Are there any other issues that you think will be relevant?	No	N/A

Section 2 - Your EqIA form

Directorate: Place	Your Service Area: Economy & Community	Team: NERT	Officer responsible for this assessment: Rick Smith	Date of assessment: 26.04.23
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	Question	Please provide details
1	What is the name of the policy or project that is being assessed?	Biodiversity Net Gain Technical Advice Note
2	Is this a new or existing policy?	New advice note
3	Briefly describe the aim and purpose of this work.	This report presents technical guidance on how Biodiversity Net Gain (BNG) shall be incorporated into Winchester City Council actions, via the planning system prior to BNG becoming mandatory in November 2023. The Technical Advice Note (TAN) sets out procedures to follow when applicants apply for planning permission under the Town and Country Planning Act (1990) with outcomes including a measurable 10% uplift in biodiversity on applicable sites in line with Natural England guidance.
4	What are the associated objectives of this work?	<ul style="list-style-type: none"> • Increase biodiversity • Provide planning officers & developers with guidance on how to achieve BNG
5	Who is intended to benefit from this work and in what way?	The TAN will be used directly by developers and by Planning officers when assessing planning applications. The resulting enhancement in biodiversity across the district will provide benefits for all.
6	What are the outcomes sought from this work?	<ul style="list-style-type: none"> • Biodiversity benefits • Access to better quality open green space improves health and wellbeing. • Natural capital benefits including carbon

		sequestration & flood alleviation
7	What factors/forces could contribute or detract from the outcomes?	<ul style="list-style-type: none"> Lack of clarity or awareness amongst developers and other planning applicants of the requirements of BNG. Ineffective implementation of BNG. Poor monitoring and compliance review systems.
8	Who are the key individuals and organisations responsible for the implementation of this work?	<ul style="list-style-type: none"> Rick Smith (WCC NERT) Zoe Keeble (WCC NERT) Lorna Hutchings (WCC Planning)
9	Who implements the policy or project and who or what is responsible for it?	NERT & Planning


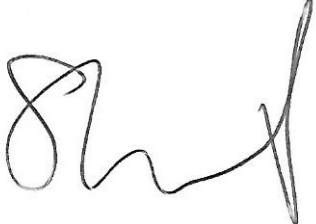
		Please select your answer in bold . Please provide detail here.		
10a	Could the policy or project have the potential to affect individuals or communities on the basis of race differently in a negative way?	Y	N	The requirements of BNG should impact applicants from all groups and sectors equally.
10b	What existing evidence (either presumed or otherwise) do you have for this?	N/A		
11a	Could the policy or project have the potential to affect individuals or communities on the basis of sex differently in a negative way?	Y	N	The requirements of BNG should impact applicants from all groups and sectors equally.
11b	What existing evidence (either presumed or otherwise) do you have for this?	N/A		
12a	Could the policy or project have the potential to affect individuals or communities on the basis of disability differently in a negative way?			The requirements of BNG should impact applicants from all groups and sectors equally.

	<p><i>you may wish to consider:</i></p> <ul style="list-style-type: none"> • <i>Physical access</i> • <i>Format of information</i> • <i>Time of interview or consultation event</i> • <i>Personal assistance</i> • <i>Interpreter</i> • <i>Induction loop system</i> • <i>Independent living equipment</i> • <i>Content of interview)</i> 	Y	N	
12b	What existing evidence (either presumed or otherwise) do you have for this?	N/A		
13a	Could the policy or project have the potential to affect individuals or communities on the basis of sexual orientation differently in a negative way?	Y	N	The requirements of BNG should impact applicants from all groups and sectors equally.
13b	What existing evidence (either presumed or otherwise) do you have for this?	N/A		
14a	Could the policy or project have the potential to affect individuals on the basis of age differently in a negative way?	Y	N	The requirements of BNG should impact applicants from all groups and sectors equally.
14b	What existing evidence (either presumed or otherwise) do you have for this?	N/A		
15a	Could the policy or project have the potential to affect individuals or communities on the basis of religious belief differently in a negative way?	Y	N	The requirements of BNG should impact applicants from all groups and sectors equally.
15b	What existing evidence (either presumed or otherwise) do you have for this?	N/A		
16a	Could this policy or project have the potential to affect individuals on the basis of gender reassignment differently in a negative way?	Y	N	The requirements of BNG should impact applicants from all groups and sectors equally.
16b	What existing evidence (either presumed or otherwise) do you have for this?	N/A		

17a	Could this policy or project have the potential to affect individuals on the basis of marriage and civil partnership differently in a negative way?	Y	N	The requirements of BNG should impact applicants from all groups and sectors equally.
17b	What existing evidence (either presumed or otherwise) do you have for this?	N/A		
18a	Could this policy or project have the potential to affect individuals on the basis of pregnancy and maternity differently in a negative way?	Y	N	The requirements of BNG should impact applicants from all groups and sectors equally.
18b	What existing evidence (either presumed or otherwise) do you have for this?	N/A		

19	Could any negative impacts that you identified in questions 10a to 15b create the potential for the policy to discriminate against certain groups on the basis of protected characteristics?	Y	N	N/A
20	Can this negative impact be justified on the grounds of promoting equality of opportunity for certain groups on the basis of protected characteristics? Please provide your answer opposite against the relevant protected characteristic.	Y	N	Race:
				Sex:
				Disability:
				Sexual orientation:
				Age:
				Gender reassignment:
				Pregnancy and maternity:
				Marriage and civil partnership:
Religious belief:				
21	How will you mitigate any potential discrimination that may be brought about by your policy or project that you have identified above?	N/A		
22	Do any negative impacts that you have identified above impact on your service plan?	Y	N	

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Signed by completing officer	
Signed by Service Lead or Corporate Head of Service	

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