

Chorley Council Definitions:

This guidance is intended to advise developers on how on-site habitat creation and/or enhancements contributing to Biodiversity Net Gain (BNG) will be secured.

Please note there are two separate definitions of ‘significance’ as set out below:

‘Significant’ on-site habitat can be secured by condition and/or planning obligation.

‘Ecologically Significant’ must be secured by a legal obligation (Section 106) and management and monitoring is required for 30 years.

Sites with ecologically significant habitat will be required to monitor the habitats for 30 years from completion and submit monitoring reports to the council. Monitoring contributions will be required to be paid to the council to cover the cost of reviewing monitoring reports and to carry out site visits to check delivery of on-site BNG.

‘Significant’ on-site habitat creation and/or enhancement definition:

In Chorley ‘Significant’ on-site habitat that may not require a Section 106 to secure but can be secured by condition includes habitat creation and/or enhancement measures that provide a relatively large proportion (alone or collectively with other habitat) of Biodiversity Units required to meet the 10% gain objective. This may include (in accordance with Government guidance):

- 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

‘Ecologically Significant’ on-site habitat creation and/or enhancement definition:

‘Ecologically Significant’ On-site Habitat Creation and/or Enhancement requires a Section 106 to secure management and monitoring for 30 years, and is defined as any created or enhanced habitat meeting at least one of the below criteria:

- Medium distinctiveness that equates to 0.5 Biodiversity Units or more, alone or in combination with other Medium distinctiveness habitats on site
- High or Very High distinctiveness habitat to be created, of any Biodiversity Unit value
- Low distinctiveness habitat equating to 5 Biodiversity Units or more, alone or in combination with other Low distinctiveness habitats on site
- Habitat that is of High Technical Difficulty to Create or Enhance (where applicable) of any Biodiversity Unit value
- Any habitat of Medium distinctiveness or higher located within an area of strategic significance (i.e. within the LNRS)
- Habitat that has an ecologically important value for locally important species and/or protected species as recognised by the LPA, where that species is known to use the site or immediate surrounds

'Ecologically Significant' may also refer to existing irreplaceable habitat of any Biodiversity Unit value and existing Priority Habitat (significance of Priority Habitat assessed on a site-by-site basis).

Habitat created or enhanced that are exempt from requiring a Section 106 agreement include the following:

- 'Very Low' distinctiveness
- Vegetated Garden
- Cropland (excluding arable field margins)
- Any Low distinctiveness habitat of 'Poor' target condition

The Council reserves the right to deviate from the above criteria when determining whether on-site habitat is of 'significance' or 'ecological significance', within reason and where proportionate.

Gov.uk Guidance

[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.

For significant on-site habitat enhancements, developers must have a legal agreement or [planning condition](#).

If developers use a planning condition, this is separate to the condition which requires them to achieve 10% BNG.

Your legal agreement for on-site gains must last for at least 30 years from the date you complete the development.

Developers do not need to enter a legal agreement for [non-significant on-site enhancements](#) unless they contribute to locally important species or ecological networks.

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.