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Client: Garner Holdings Limited

Project: Denby Hall

Report: Biodiversity Net Gain Assessment

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1.0 EXECUTIVE SUMMARY

Greengage Environmental Limited (Greengage) was commissioned by Garner Holdings Limited in August 2026 to undertake a Biodiversity Net Gain Assessment (BNGA) at the Land to the north of Hall Road, Denby Hall Business Park, Marehay, Ripley, DE5 8LE, known as Denby Hall (Tarpey Harris), hereafter referred to as 'the site'.

The BNGA aims to quantify the predicted change in biodiversity value of the site in light of the proposed development to assess compliance against national and local planning policy and against the BNG mandate set out in the Environment Act 2021, which states that all planning permissions granted in England (with a few exemptions) have to deliver at least 10% biodiversity net gain.

The site extends to 0.65 hectares (ha) and comprised other neutral grassland, ruderal/ephemeral, and developed land; sealed surface, as identified from a site walkover undertaken on 1st September 2026. The site walkover was supplemented by a high-level data desk study detailed in the report below.

It should be noted that a large proportion of the site had been degraded and used as a temporary storage facility from the beginning of 2025. Therefore, the baseline habitats within the area of the site which was determined to be degraded have been assessed separately, see Figure A.1.

Proposed habitat creation includes 0.4619 ha of developed land; sealed surface, 0.0593 ha of other neutral grassland, and 0.0285 ha of urban tree (equivalent to 7 small trees). The development seeks to enhance 0.0580 ha of other neutral grassland. The development also seeks to retain 0.0679 ha of developed land; sealed surface.

The locations, extents, conditions and habitat parcel reference numbers of the pre-development (baseline) and post development habitats are mapped in Figure A.1 and Figure B.1. The habitat values are split into three categories: area-based 'Habitat Units' (HU), linear-based 'Hedgerow Units' (HeU) and aquatic linear-based 'Watercourse Units' (WU) respectively, where applicable to the site.

The pre-development baseline values are 3.33 HU.

The 10% BNG targets are therefore 3.66 for HU, ideally delivered fully on-site.

The post-development design proposals are predicted to deliver 0.69 HU. This is a net loss of -2.64 HU (equivalent to - 79.32 % for HU).

The post-development design proposals are predicted to deliver 0.20 HeU. This is a net gain of 0.20 HeU (equivalent to N/A% for HeU due to no HeU being present at baseline).

The design proposals do not meet the BNG Trading Rules for Low distinctiveness habitats.

The BNGA has identified that 10% BNG will not be fully delivered on-site. Off-site compensation is therefore required to deliver the residual units, totalling 2.97 HU.

The off-site BNG strategy for compensation should be decided at the earliest opportunity. The strategy is likely to include off-site compensation on existing Denby Hall Business Park (Garner Holding Limited) land, or off-site compensation from third party organisation or habitat bank providers. In the unlikely event a suitable option cannot be found within the Amber Valley Local Planning Authority

(LPA) area, investigations would revert to neighbouring LPAs or Nature Character Areas (NCAs). Purchase of the equivalent amount of statutory biodiversity credits for the HU would be necessary as a last resort if off-site compensation cannot be provided by a third party organisation or habitat bank provider.

The proposed development will result in the enhancement and creation of Medium distinctiveness habitats. As such, the production of an on-site Habitat Management and Monitoring Plan (HMMP) (using the Natural England template) for the habitat enhancement, creation and long-term management over 30 years (minimum) is recommended. The HMMP is to be submitted to the LPA, which is likely to be required at the condition discharge stage.

Upon receiving planning permission, the submission of a Biodiversity Gain Plan (BGP) to the LPA will be required. This BGP must include details of the proposed off-site BNG compensation, including the Biodiversity Gain Site Register Reference.

Alongside the BNGA, qualitative ecological enhancement recommendations have also been provided which contribute to further increasing the ecological value of the scheme. Refer to the 'Site Plan as Proposed - Landscaping' drawing (Ref: SP02E)[1].

2.0 INTRODUCTION

Greengage Environmental Limited (Greengage) was commissioned by Garner Holdings Limited in August 2026 to undertake a Biodiversity Net Gain Assessment (BNGA) at the Land to the north of Hall Road, Denby Hall Business Park, Marehay, Ripley, DE5 8LE, known as Denby Hall (Tarpey Harris), hereafter referred to as 'the site'.

Under the Environment Act 2021, developments are mandated to achieve a 10% biodiversity net gain (BNG). Local Planning Authorities (LPA) require a 10% net gain delivered against a site's pre-development (baseline) value. This is determined through assessing the condition of pre-development habitats on the site i.e. calculating the baseline at the BNGA Baseline stage, followed by comparison against the anticipated changes in biodiversity value based on the development proposals.

This BNGA has been undertaken in October 2026. Should there be any further changes to the design will impact upon the BNG score and the Statutory Biodiversity Metric (SBM) calculations will need to be updated to reflect such changes. This also carries forward throughout the entire lifetime of the project, including after planning permission has been granted, in and throughout the construction phase. BNG aims to give an accurate reflection of the changes happening on-site.

2.1 SITE DESCRIPTION

The site extends to 0.65 hectares (ha) and is centred on Ordnance Survey National Grid Reference (OS NGR): SK 39714 48194, OS Co-ordinates 439714, 348194. The site can be seen in Appendix A.

Within the immediate area, the site is located at Denby Hall Business Park with associated commercial buildings to the north, south and west, and the B6179 and Seven Trent water works to the east. The outskirts of the village of Ripley are closely located to the north.

The wider landscape surrounding the site consists primary of agriculture land, with frequent parcels of woodland. Belper town centre is located approximately 4.70 kilometres (km) to the west.

2.2 PROPOSED DEVELOPMENT

The proposed development are for the delivery of a new commercial building for Tarpey Harris with associated parking and landscaping. The landscaping primarily consists of retaining and enhancing the grassland bank along the southern boundary of the site, the creation of other neutral grassland around the site's perimeter, in addition to a length of species-rich native hedgerow and individual trees along the eastern boundary.

The 'Site Plan as Proposed - Landscaping' (revision E) produced by high lane design, dated 13th October 2026[1], has been used as the basis for information regarding the proposed post-development habitats and has been used to inform the comparison against the baseline values.

3.0 METHODOLOGY

3.1 PRE-DEVELOPMENT (BASELINE)

Habitat Data

A site walkover has been undertaken by Greengage on the 1st September 2026, in accordance with guidance in the UK Habitat Classification System (UKHab)[2] and the Chartered Institute of Ecological and Environmental Management (CIEEM) (2017) Guidelines for Preliminary Ecological Appraisal[3], in accordance with British Standard (BS) 42020: 2013: Biodiversity[4]. The site walkover identified and mapped the extent and distribution of different habitat types on-site according to the BNG primary habitats. A BNG habitat map was produced to illustrate the results, which is provided as Appendix A.

During the site walkover, the habitats were also subject to Condition Assessments, where relevant, in accordance with the SBM Condition Assessments. (See 'Habitat Condition' below).

Statutory Biodiversity Metric Calculation Tool

This BNGA uses the government mandated methodology within the 'Statutory Biodiversity Metric User Guide' (SBM User Guide), distributed by Department for Food Environment and Rural Affairs (Defra), June 2026[5].

BNG uses habitat type and condition as a proxy for overall biodiversity value, measured in Biodiversity Units (BU) which are calculated using the SBM. The BU are separated into area-based Habitat Units (HU), linear-based Hedgerow Units (HeU) and aquatic linear-based Watercourse Units (WU), as applicable to a site, respectively. For this site, HU are applicable at baseline, and HU and HeU are applicable post-development.

The following information on each habitat type are the required SBM inputs:

- Type;
- Area/length;
- Condition; and
- Strategic significance.

The areas of each habitat parcel are measured, with each habitat parcel assigned a 'Distinctiveness', 'Condition' and 'Strategic Significance' score. Distinctiveness is a default score for the habitat classification, representing its inherent biodiversity value, whereas condition refers to the state each habitat parcel is in relative to a predetermined set of criteria outlined in the SBM User Guide.

To calculate the pre-development (baseline) BU value, habitat data collected during the site walkover has been used. A BNGA habitat map has been created based on the data collected in the field using Coreo[6] software. The area extents for each habitat type shown in the BNGA habitat map were then measured using Quantum Geographical Information System (QGIS) software. See Appendix A.

To calculate the HU associated with trees on-site, stem diameters of each tree were used to assign each tree a rating of 'small', 'medium', 'large' or 'extra large', in line with the User Guide. The rating corresponds to an area value to be used.

Distinctiveness values were automatically calculated for the site and habitat conditions were assessed both in the field, and retrospectively using site photos.

Type and Area/Length

The area extent attributed to individual trees has been calculated using the 'Tree helper' within the SBM calculation tool. This is based upon using Diameter at Breast Height (DBM) in centimetres (cm). In accordance with the SBM User Guide, based on 'Diameter at breast height (centimetres (cm)), tree sizes have been recorded as follows;

- Small is less than 30 cm diameter,
- Medium is greater than 30 cm, to less than or equal to, 60 cm;
- Large is greater than 60 cm, to less than or equal to 90 cm; and,
- Very large is greater than 90 cm.

Habitat Condition

Where applicable, habitats were subject to a condition assessment in accordance with the SBM Condition Assessments. Formalised copies of the Condition Assessments for the Baseline habitats are provided as Appendix C.

Habitats must be quantified using criteria set out by the SBM Condition Assessments to determine their relative condition.

The condition of a habitat is a measure of the biological 'working-order' of a habitat type judged against the perceived ecological optimum state for that particular habitat.

The condition of each habitat type was assessed against pre-set criteria and categorised as either 'Good', 'Fairly Good', 'Moderate', 'Fairly Poor' or 'Poor'. Where a habitat type varies in condition within the site this was recorded and mapped.

Strategic Significance

The SBM calculation tool accounts for whether the habitat is situated in an area locally identified as significant for nature.

The Local Nature Recovery Strategy has been published for Derbyshire[7], therefore all baseline habitats have been assigned a low strategic significance score of "Area/compensation not in local strategy/ no local strategy", as per the SBM User Guide[5].

Using the SBM calculation tool, habitat values have been calculated based on whether they occur commonly or whether they are rare, their area (ha) (or length (km) for linear features such as hedgerows), condition and importance within the local area, usually identified from local relevant planning policies or documents.

3.2 POST- DEVELOPMENT (PROPOSED)

To calculate the post-development BU value, the area extents for each habitat type were measured based on the 'Site Plan as Proposed - Landscaping'[1], using Quantum Geographical Information System (QGIS) software. See Appendix B.

Habitat types were inferred from the species list provided as part of the 'Site Plan as Proposed - Landscaping'[1], in addition to a discussion with the client to confirm the post-development habitat approach. Where justification for habitat types is required, this has been included in Section 4.0.

The Local Nature Recovery Strategy for Derbyshire[7] (LNRS) was consulted to investigate if the site boundary fell within a deemed priority area, and therefore would result if any post-development habitats received a higher strategic significance classification.

Targeted condition scores were assigned by Greengage, using the SBM habitat condition criteria, whilst considering the likely future use of each area on the 'Site Plan as Proposed - Landscaping'[1] and what was considered feasible to reach.

In accordance with the BNG Trading Rules, changes in broader habitat types (for example, 'Urban', 'Woodland' and 'Grassland' habitats) are also tracked, and trading habitats is discouraged unless specifically targeted within a local strategy. Trading down of habitats is not permitted.

The definition of 'significant enhancements', in accordance with government guidance (www.gov.uk) is '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.

3.3 COMPETENICES

In accordance with 'British Standard: 8683 (BS:8683) Process for designing and implementing biodiversity net gain – Specification', this BNGA and all associated condition assessments have been completed by competent, suitability trained and qualified ecologists.

Josh Hurdiss, Consultant, has a BSc (Hons) in Environmental Science with Employment Experience and three years' experience in ecological surveying and consultancy. His experience includes Preliminary Ecological Appraisals, Environmental Management Plans, protected species surveying, and Biodiversity Net Gain assessments. Josh currently focuses on natural capital and ecosystem service assessments and is a Practitioner member of Institute of Sustainability and Environmental Professionals (ISEP).

Francesca Thorley, Senior Consultant, has a BSc (Hons) in Geography and a MSc in Biodiversity and Conservation, is a Field Identification Skills Certified Level 4 botanist, holds a Natural England Great Crested Newt Licence and Natural England White-clawed Crayfish Licence, is Certified to undertake River Condition Assessments and is an Associated Member of CIEEM. Francesca has over nine years' experience in the commercial sector.

Sam Barker, Principal Consultant, has an undergraduate degree in Environmental Science (BSc Hons), holds a Natural England Great Crested Newt Licence and is a Full member of CIEEM. Sam has over nine years' experience of delivering ecological assessments and nature led strategies.

This report was written by Josh Hurdiss, reviewed by Francesca Thorley and verified by Sam Barker who confirms in writing (see the QA sheet at the front of this report) that the report is in line with the following:

- Represents sound industry practice;
- Reports and recommends correctly, truthfully and objectively;
- Is appropriate given the local site conditions and scope of works proposed; and
- Avoids invalid, biased, and exaggerated statements.

3.4 ASSUMPTIONS

General

The site walkover was undertaken inside of the optimal botanical growing season (i.e. May to September inclusive) and as such, condition of the habitats and species listings could be accurately obtained as required for habitat classification and condition assessments.

Baseline Habitat Degradation

The site originally registered for full planning permission on the 2nd June 2026 (planning reference number: AVA/2026/0343)[8], with the decision currently delegated. As part of this planning application, the Derbyshire Wildlife Trust provided a response[9] that disagreed the site was exempt from BNG, determining that the site had been cleared of vegetation prior to the submission of the application and therefore degraded after a review of historical aerial imagery. This site clearance was undertaken by Seven Trent who rented the site for use as a temporary outdoor storage facility associated with the adjacent water treatment plant to facilitate their statuary duties.

As per the SBM User Guide, if a habitat has been cleared, destroyed or degraded previously, an earlier baseline should be used. Evidence should be provided on how the pre-degradation baseline has been determined and the habitat should be recorded as lost within the biodiversity metric tool, accounting for the time between the habitat loss and compensation using the 'delay in starting habitat creation or enhancement' function. A precautionary approach has been taken to recording the habitats previously present, using botanical evidence remaining on-site and/or evidence sourced through the desk-based assessment. Available desk-based data included historical aerial and street view imagery[10], a previous PEA of an adjacent site within the Denby Hall Business Park from 2018[11], and photos of the site before clearance which were provided by the client (see Appendix D).

Using the above information, it was determined that the site was cleared between February 2024 and April 2025, with the most probable timing likely around early 2025. Therefore, a 2 year 'delay in starting habitat creation or enhancement' has been applied to all habitat proposed to be created within the area of degradation. Photos of the site taken by the client on the 20th February 2024 (see Appendix D) and Google street view imagery from March 2022[10] indicated that the vegetation onsite consisted primarily of grassland and ruderal species. These images indicated minimal change in habitat composition between 2022 and 2024, therefore meaning the habitat composition just before site clearance in early 2025 likely closely resembled that shown in the photos of the site from February 2024.

In addition, there is evidence that the habitat type of ruderal/ephemeral commonly succeeds on land across the Denby Hall Business Park. Such an example is a large parcel of land directly adjacent to the south of the site (centred on OS NGR: SK 39600 48120), which was surveyed in June 2018[11], and comprised primarily of ephemeral / short perennial habitat approximately 1.89 ha in size. Furthermore, Greengage also recorded ruderal/ephemeral habitat on a separate adjacent site within the business park in September 2026 (known as 'Plot G, Geoff Cox Motor Homes')[12] (centred on OS NGR: SK 39466 48325). This indicates an ephemeral/ruderal habitat of pre-development sites at the Denby Hall Business Park is common and probable. Based on the information outlined above it was determined that there was sufficient evidence to classify the pre-degradation habitat as entirely ruderal/ephemeral (see Appendix A).

For the degraded ruderal/ephemeral habitat, a precautionary 'Good' condition was applied to this habitat. This is because a detailed species list could not be determined as the latest photos from the site were taken outside the optimum botanical season in February. This approach will need to be formally agreed by the LPA for the site, with comments provided in the 'User comments' section of the SBM calculation tool.

Statutory Biodiversity Metric Calculation Tool

Strategic significance post-development has been determined to be "Area/compensation not in local strategy/ no local strategy" for all baseline and post-development habitats following a review of the LNRS for Derbyshire[7].

The condition of the habitats, either for the baseline or that a habitat is considered to be able reach post-development, has been assessed using information within the SBM User Guide and based upon the ecologist's judgement of the habitats/input from the landscape architect.

Where there was no suitable UKHab or SBM habitat classification for a habitat, a 'best fit' alternative has been used with an explanation given to justify its use.

Note the sum of the values shown in columns within the Biodiversity Units tables may differ from the total units stated. This is due to rounding and is not considered significant. The totals stated reflect those calculated within the SBM calculation tool, based on the SBM User Guide.

4.0 RESULTS

4.1 PRE-DEVELOPMENT (BASELINE)

Desk Study

A PEA for the site has not been provided by the client or can be found with the original planning application. Therefore, the below desk study has been conducted using open-source data, primarily a review of the MAGIC[13] website, and a PEA undertaken for the 'Plot G, Geoff Cox Motor Homes' site (located approximately 150 m west of the site), written by Greengage in 2026[12].

Irreplaceable Habitat

The desk study identified no irreplaceable habitats on-site. There are four areas of Ancient Woodland (which is irreplaceable habitats) within 2km of the site, with the closet located approximately 1.41 km east of the site.

Statutory Biodiversity Metric Calculation Tool

Using the SBM calculation tool the baseline biodiversity value of the site has been identified to be 3.33 HU.

A breakdown of the baseline calculations for HU is provided in Table 4.1 below:

Table 4.1 Baseline Habitat Units

Broad Habitat	Habitat Type	Area (Hectares)	Distinctiveness	Condition	Habitat Units
Grassland	Other neutral grassland	0.0735	Medium	Poor	0.29
Sparsely vegetated land	Ruderal/Ephemeral	0.5057	Low	Good	3.03
Urban	Developed land; sealed surface	0.0679	Very Low	N/A - Other	0.00
				TOTAL	3.33

The above tables have been completed based on the methodologies detailed in Section 3.0 and on application of the below points:

- The pre-development (baseline) habitats had been subject to degradation prior to the condition assessment i.e. the default condition level of 'Good' has had to be assigned to the ruderal/ephemeral habitat. Refer to Section 3.4 for justification.

- The 'Developed land; sealed surface' consists of the hardstanding access road and pavements to the site, which runs along the sites western boundary. In accordance with the SBM User Guide, 'Developed land; sealed surface' has no condition assessment.
- The 'Other neutral grassland' is located on a vegetated bank to the south of the site. It was classified as this habitat due to the species composition and the very low density of grassland species sown for intensive agricultural production. A quadrat of this habitat recorded dominant *Festuca sp.*, abundant common knapweed *Centaurea nigra*, frequent oxeye daisy *Leucanthemum vulgare*, occasional ribwort plantain *Plantago lanceolata* and creeping cinquefoil *Potentilla reptans*, and rare *Epilobium sp.*, and common birds's-foot-trefoil *Lotus corniculatus*. 'Other neutral grassland' habitat has been assigned a condition score of 'Poor'. The grassland failed the essential Criterion A 'represents a good example of its habitat type', meaning the grassland automatically is assigned a condition of 'Poor'. The grassland also failed all other criteria apart from passing just Criterion D 'cover of bracken is less than 20% and cover of scrub is less than 5%'.

4.2 POST-DEVELOPMENT (PROPOSED)

Using the SBM calculation tool, the proposed development is predicted to deliver 0.69 HU and 0.20 HeU respectively, as shown in Table 4.2 and Table 4.3.

Based on the 'Site Plan as Proposed - Landscaping' drawing[1], the proposed development is predicted to provide 0.69 HU as shown in Table 4.2.

Table 4.2 Post-Development Habitat Units

Broad Habitat	Habitat Type	Area (Hectares)	Distinctiveness	Condition	Delay in starting habitat creation (Years)	Habitat Units
Retained						
Urban	Developed land; sealed surface	0.0679	Very Low	N/A - Other	0	0.00
Enhanced						
Grassland	Other neutral grassland	0.0580	Medium	Moderate	0	0.39
Created						
Grassland	Other neutral grassland	0.0035	Medium	Poor	0	0.01

Broad Habitat	Habitat Type	Area (Hectares)	Distinctiveness	Condition	Delay in starting habitat creation (Years)	Habitat Units
Grassland	Other neutral grassland	0.0558	Medium	Poor	2	0.19
Urban	Developed land; sealed surface	0.012	Very Low	N/A - Other	0	0.00
Urban	Developed land; sealed surface	0.4499	Very Low	N/A - Other	2	0.00
Individual trees*	Urban tree	0.0285	Medium	Moderate	0	0.09
***Individual trees are not included in the total site area to avoid double counting**				TOTAL		0.69

Based on the 'Site Plan as Proposed - Landscaping' drawing[1], the proposed development is predicted to provide 0.20 HeU as shown in Table 4.3

Table 4.3 Post-Development Hedgerow Units

Broad Habitat	Habitat Type	Length (Km)	Distinctiveness	Condition	Hedgerow Units
Hedgerow	Species-rich native hedgerow	0.052	Medium	Poor	0.20
				TOTAL	0.20

The above tables have been completed based on the methodologies detailed in Section 3.0 and on application of the below points:

- The metric calculation only reflects area-based habitats and linear hedgerow habitats, as no river habitats are proposed within the post-development design. The metric calculation also assumes that

only the baseline areas of 'Developed land; sealed surface is retained, with no vegetated habitats on-site are being retained.

- 'Developed land; sealed surface' relates to all areas of hardstanding, building and impermeable surfaces within the proposed development design. The habitat has a pre-set condition within the SBM and does not contribute any biodiversity units to the calculation.
- The enhanced 'Other neutral grassland' has been assigned a condition of 'Moderate' and relates to the grassland bank to the southwest of the site which is proposed to be retained and enhanced. This enhancement will be achieved by over-sowing the current habitat with a species diverse general wildflower seed mix, to pass essential Criterion A 'represents a good example of its habitat type' and Criterion C 'cover of bare ground between 1% to 5%'. However, due to its urban setting, it is still anticipated to fail Criterion E 'combined covers of species indicative of suboptimal condition and physical damage account for less than 5%' and Criterion F '10 or more vascular plant species per m^2'. Criterion B 'sward height is varied' is also failed as a precaution as it is unclear of the currently proposed mowing management regime.
- The created 'Other neutral grassland' has been assigned a condition of 'Poor' and relates to the proposed landscaping grassland to be planted around the site's perimeter. This created grassland will pass Criterion C, Criterion D, and Criterion E. However, whilst the same species diverse grassland seed mix is proposed to be sown within these areas as the enhanced grassland bank, it is likely to fail essential Critetrion A and Criterion F. This is due to taking a precautionary approach due to proposed landscaping area being narrow at points, potentially limiting species diversity and management measures.
- A total of seven 'Individual trees' will be planted within the proposed landscaping along the eastern boundary of the site. Proposed trees include crab apple *Malus sylvetris* and hawthorn *Crataegus monogyna*, both of which are native species. All trees have been assigned an assumed condition of 'Moderate' and are expected to pass four out of six criteria. These include Criterion A 'native species', Criterion B 'tree canopy is pronominally continuous', and Criterion F 'more than 20% of the tree canopy is oversailing vegetation'. Criterion C 'tree is mature' has also been passed due to both the proposed tree species being quick growing and likely achieving maturity within the 30 year timescale. However, the other criteria are assumed to be failed as these trees will likely be subject to a pruning regime due to their locations within a commercial space.
- A length of 'Species-rich native hedgerow' is proposed within the landscaping area to the east of the site. This has been assigned a condition of 'Poor', passing three out of the eight criteria. Criterion B1 'gap between ground and base of canopy <0.5 m for >90% of length', Criterion B2 'gaps make up <10% of total length; and no canopy gaps >5 m, and Criterion D1 '>90% of the hedgerow and undistributed ground is free of invasive non-native plant species'. All other criteria relating to the hedgerows height, width, undeserved ground, nutrient enrichment, and damage were all failed. This is due to taking a precautionary approach due to the likely management measures restricting the height and width conditions, and the urban setting restricting the undeserved ground, nutrient enrichment, and damage conditions.

It was identified that a section of the site along the eastern boundary fell within the 'Rivers, river corridor and other watercourses' Areas that Could Become of Importance for Biodiversity (ACBs). The specific measure referred to 'Rivers measure 050 - Allow natural revegetation of buffer zones next to watercourses to provide space for native species to live and forage' as a priority for improving connectivity between watercourses and their floodplains. Whilst a section of the site does fall within a LNRS priority area, it was deemed unsuitable to enhance the area to fit this measure, as the zone was being used as a buffer for the underground watercourse. Therefore, none of the above post-development habitats located within this ACB buffer have been classified as meeting this priority. As per the SBM User Guide[5], all post-development habitat strategic significance has been classified as "Area/compensation not in local strategy/ no local strategy".

5.0 EVALUATION AND DISCUSSION

Under the proposals, as set out in the 'Site Plan as Proposed - Landscaping' drawing[1], and in the absence of additional enhancement measures and habitat creation, the development is predicted to deliver 0.69 HU, which is a decrease of -2.64 HU. This corresponds to an equivalent -79.32% BNG. Low distinctiveness BNG Trading Rules have not been satisfied. The proposals are therefore not in compliance with local and national planning policy (see Appendix E).

Table 5.1 below evaluates whether the habitat types that will be present post-development will contribute 'significant enhancements'.

Table 5.1 Significant Enhancements Evaluation

Criteria	Present/Absent	Comments
Habitats of medium or higher distinctiveness in the biodiversity metric (created)	Present	Creation of other neutral grassland, and planting of urban trees.
Habitats of low distinctiveness which create a large number of biodiversity units relative to the biodiversity value of the site before development	Absent	No low distinctiveness habitats are to be created post-development.
Habitat creation or enhancement where distinctiveness is increased relative to the distinctiveness of the habitat before development	Present	Pre = Medium, Low, Very Low Post = Medium, Very Low
Areas of habitat creation or enhancement which are significant in area relative to the size of the development	Absent	Largest collective area of created or enhanced habitat is 0.0593 ha, only around 10% of the total site area.
Enhancements to habitat condition, for example from poor or moderate to good	Present	Other neutral grassland Poor condition in baseline, enhanced to Moderate condition post-development.

The proposed development will result in the creation of Medium distinctiveness habitats consisting of other neutral grassland and urban trees, and the enhancement of other neutral grassland. Even though the quantitative decrease in biodiversity is substantial, the development is evaluated to provide a significant BNG and significant enhancement qualitative overall based on Table 5.1 above.

Based on the above, the production of an on-site Habitat Management and Monitoring Plan (HMMP) (using the Natural England template) is deemed appropriate to set out the actions required to manage and maintain the habitats to maximise their biodiversity value over the long term (30 years minimum).

This is to cover any habitats of 'Medium' distinctiveness or higher and will be required for submission to the LPA, which is likely to be required at the condition discharge stage.

Further qualitative ecological enhancement has also been targeted on-site through the provision of three starling nest boxes, four general bird boxes, and three bat boxes to be installed on the existing mature trees to the east of the site outside the site boundary. The proposed locations for these are illustrated in the 'Site Plan as Proposed - Landscaping' drawing[1]. This will help protect nationally and locally important species, including those specified in national, regional and local Biodiversity Action Plans.

6.0 OFF-SITE COMPENSATION

It was identified in Section 5.0 that a 10% BNG for HU will not be delivered on-site via the post-development proposals. As such off-site compensation will be required to provide the residual HU for a 10% BNG for HU. The amount of off-site compensation required to meet the 10% BNG is a minimum of 2.97 HU. For BNG trading rules, only Low distinctiveness habitats are not currently being met on-site. The SBM stipulates these must be compensated for by the 'Same distinctiveness or better habitats required' i.e. compensation via habitat of low distinctiveness or above will be acceptable.

Identifying off-site Compensation Options

It has been discussed with the client Garner Holding Limited, owners of the business park, that off-site compensation can be provided on land within their ownership in relation to this Tarpey Harris development. The area of land currently proposed for off-site compensation is designated green belt adjacent to the north of Denby Hall Business Park, marked as area C within the 'Individual Plot Areas' plan[14]. Due to its designation as green belt, it is unlikely to be developed as part of the business park in the future and therefore the intention is to provide off-site compensation by enhancing habitats located within this area. However, at the time of writing this report, no formal decision as to how the current BNG deficit will be compensated for on this area of land has been confirmed.

Alternatively, off-site compensation from third party organisation or habitat bank providers can also be purchased. If this option is chosen, at the earliest opportunity, appropriate local habitat banks should be identified and contacted to engage on whether and how the predicted required amounts and types of BU i.e. HU, for off-site compensation could be provided and the mechanism for securement. This may be in the form of a Section 106 or a Conservation Covenant.

In the unlikely event a suitable option cannot be found within the Amber Valley LPA area, investigations would revert to neighbouring LPAs or Nature Character Areas (NCAs). Purchase of the equivalent amount of statutory biodiversity credits for the HU would be necessary as a last resort if off-site compensation cannot be provided by a third party organisation or habitat bank provider.

The production of an off-site HMMP is likely to be required for the habitats to be delivered via off-site compensation. If off-site compensation is implemented on land owned by the client Garner Holding Limited, a HMMP will have to be produced by the client (likely via a competent ecologist) and submitted to the LPA. However, if off-site compensation is bought from a third-party organisation or habitat bank provider, the production of the HMMP will be dealt with by the third-party provider.

Upon receiving planning permission, the submission of a Biodiversity Gain Plan (BGP) to the LPA will be required. This BGP must include details of the proposed off-site BNG compensation, including the Biodiversity Gain Site Register Reference.

7.0 SUMMARY AND CONCLUSIONS

Greengage Environmental Limited (Greengage) was commissioned by Garner Holdings Limited in August 2026 to undertake a Biodiversity Net Gain Assessment (BNGA) at the Land to the north of Hall Road, Denby Hall Business Park, Marehay, Ripley, DE5 8LE, known as Denby Hall (Tarpey Harris). In accordance with the Environment Act 2021, the National Planning Policy Framework (Appendix E), developments (with a few exemptions) have to deliver at least a 10% net gain in biodiversity, which should be evidenced through a complete BNGA using the SBM.

This BNGA has been completed to identify the pre-development (baseline) biodiversity value of the site and compare against the predicted post-development biodiversity value.

The pre-development baseline values are 3.33 HU.

The 10% BNG targets are therefore 3.66 for HU, ideally delivered fully on-site.

The post-development design proposals are predicted to deliver 0.69 HU. This is a net loss of -2.64 HU (equivalent to - 79.32 % for HU).

The post-development design proposals are predicted to deliver 0.20 HeU. This is a net gain of 0.20 HeU (equivalent to N/A% for HeU due to no HeU being present at baseline).

The design proposals do not meet the BNG Trading Rules for Low distinctiveness habitats.

The BNGA has identified that the 10% BNG target will not be fully delivered on-site. Off-site compensation is therefore required to deliver the residual units, totalling 2.97 HU.

The off-site BNG strategy for compensation should be decided at the earliest opportunity. The strategy is likely to include off-site compensation on existing Denby Hall Business Park (Garner Holding Limited) land, or off-site compensation from third party organisation or habitat bank providers. In the unlikely event a suitable option cannot be found within the Amber Valley LPA area, investigations would revert to neighbouring LPAs or NCAs. Purchase of the equivalent amount of statutory biodiversity credits for the HU would be necessary as a last resort if off-site compensation cannot be provided by a third party organisation or habitat bank provider.

The proposed development will result in the enhancement and creation of Medium distinctiveness habitats. As such, the production of an on-site HMMP for the habitat enhancement, creation and long-term management over 30 years (minimum) is recommended. The HMMP is to be submitted to the LPA, which is likely to be required at the condition discharge stage.

Upon receiving planning permission, the submission of a Biodiversity Gain Plan (BGP) to the LPA will be required. This BGP must include details of the proposed off-site BNG compensation, including the Biodiversity Gain Site Register Reference.

Alongside the BNGA, qualitative ecological enhancement recommendations have also been provided which contribute to further increasing the ecological value of the scheme. Refer to the 'Site Plan as Proposed - Landscaping' drawing[1].

APPENDIX A PRE-DEVELOPMENT (BASELINE) HABITAT MAP

Figure A.1 Pre-development (Baseline) Habitat Map

DENBY HALL

Key

- Red Line Boundary
- Degradation Area
- Developed land; sealed surface
- Other neutral grassland
- Ruderal/Ephemeral



Title: Figure A.1 - Pre-development (Baseline) Habitat Map

Drawn by: KM
Date: 22/09/2026

Reviewed by: JH
Date: 22/09/2026

Project number: 554587
Sources: Google Satellite, OpenStreetMap

Greengage

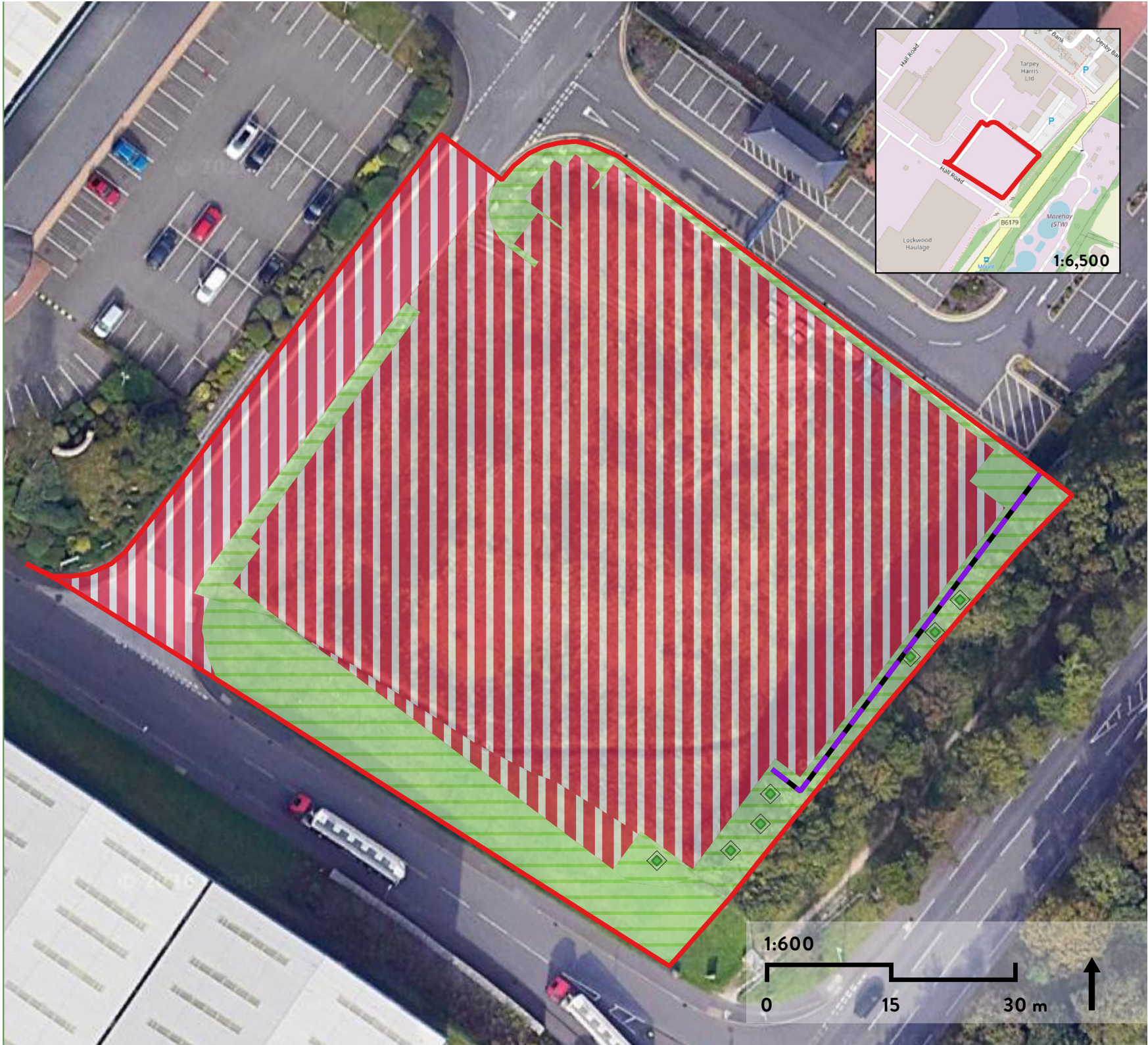
APPENDIX B POST-DEVELOPMENT HABITAT MAP

Figure B.1 Post-development Habitat Map

DENBY HALL

Key

- Red Line Boundary
- Proposed Small Urban Tree
- Species-rich native hedgerow
- Developed land; sealed surface
- Other neutral grassland



Title: Figure A.2 - Post-development Habitat Map

Drawn by: JH
Date: 20/10/2026

Reviewed by: FT
Date: 20/10/2026

Project number: 554587
Sources: Google Satellite, OpenStreetMap

Greengage

APPENDIX C CONDITION ASSESSMENTS

The highlighted green text below indicates which condition has been achieved for each habitat.

Baseline Habitats

Urban - Sparsely Vegetated Land - Ruderal/Ephemeral - 'Good' Condition

Condition Assessment Criteria		Pass
Core Criteria - must be assessed for all urban habitat types:		
A	Vegetation structure is varied, providing opportunities for vertebrates and invertebrates to live, eat and breed. A single structural habitat component or vegetation type does not account for more than 80% of the total habitat area.	Yes
B	The habitat parcel contains different plant species that are beneficial for wildlife, for example flowering species providing nectar sources for a range of invertebrates at different times of year.	Yes
C	Invasive non-native plant species (listed on Schedule 9 of WCA1) and others which are to the detriment of native wildlife (using professional judgement) cover less than 5% of the total vegetated area. Note - to achieve Good condition, this criterion must be satisfied by a complete absence of invasive non-native species (rather than <5% cover).	Yes

Condition Assessment Result	Condition Assessment Score
Results for habitats requiring assessment of 3 core criteria only (all listed urban habitats except Open mosaic habitat on previously developed land, Bioswale, SuDS and Green roofs):	
Passes all 3 criteria; AND Meets the requirements for Good condition within criterion C	Good (3)
Passes 2 of 3 core criteria; OR Passes 3 of 3 core criteria but does not meet the requirements for Good condition within criterion C.	Moderate (2)
Passes 0 or 1 of 3 core criteria.	Poor (1)

Other Neutral Grassland - 'Poor' Condition

Condition Assessment Criteria		Criterion Passes (Yes or No)
A	The parcel represents a good example of its habitat type, with a consistently high proportion of characteristic indicator species present relevant to the specific habitat type (and relative to footnote 3 suboptimal species which may be listed in the UKHab description) (footnote 1).	No

Condition Assessment Criteria		Criterion Passes (Yes or No)
	Note - this criterion is essential for achieving Moderate or Good condition for non-acid grassland types only.	
B	Sward height is varied (at least 20% of the sward is less than 7 cm and at least 20% is more than 7 cm) creating microclimates which provide opportunities for vertebrates and invertebrates to live and breed.	No
C	Cover of bare ground is between 1% and 10%, including localised areas (for example, a concentration of rabbit warrens) (footnote 2).	No
D	Cover of bracken Pteridium aquilinum is less than 20% and cover of scrub (including bramble Rubus fruticosus agg.) is less than 5%.	Yes
E	Combined cover of species indicative of suboptimal condition (footnote 3) and physical damage (such as excessive poaching, damage from machinery use or storage, damaging levels of access, or any other damaging management activities) accounts for less than 5% of total area. If any invasive non-native plant species (footnote 4) (as listed on Schedule 9 of WCA(footnote 5)) are present, this criterion is automatically failed.	No
Additional Criterion - must be assessed for all non-acid grassland types		
F	There are 10 or more vascular plant species per m2 present, including forbs that are characteristic of the habitat type (species referenced in Footnote 3 and 5 cannot contribute towards this count). Note - this criterion is essential for achieving Good condition for non-acid grassland types only.	No
Essential criterion for Good condition achieved (for non-acid grassland)		No
Number of criteria passed		1

Condition Assessment Result	Condition Assessment Score
Passes 5 or 6 criteria, including essential criterion A and additional criterion F.	Good (3)
Passes 3 - 5 criteria, including essential criterion A.	Moderate (2)
Passes 2 or fewer criteria; OR Passes 3 or 4 criteria excluding criterion A and F.	Poor (1)

Footnotes

Footnote 1 - Professional judgement should be used alongside the UKHab description.
Footnote 2 – For example, this could include small, scattered areas of bare ground allowing for plant colonisation, or localised patches not exceeding 5% cover.
Footnote 3 - Species indicative of suboptimal condition for this habitat type include: creeping thistle *Cirsium arvense*, spear thistle *Cirsium vulgare*, curled dock *Rumex crispus*, broad-leaved dock *Rumex obtusifolius*, common nettle *Urtica dioica*, creeping buttercup *Ranunculus repens*, greater plantain *Plantago major*, white clover *Trifolium repens* and cow parsley *Anthriscus sylvestris*. There may be additional relevant species local to the region and or site.
Footnote 4 – Assess this for each distinct habitat parcel. If the distribution of invasive non-native species varies across the habitat, split into parcels accordingly, applying a buffer zone around the invasive non-native species with a size relative to

Condition Assessment Criteria	Criterion Passes (Yes or No)
its risk of spread into adjacent habitat, by applying professional judgement. Footnote 5 – Wildlife and Countryside Act 1981 (as amended).	

Urban - Developed Land; Sealed Surface

No assessment is required for this habitat as the condition is fixed within the SBM as N/A.

Proposed Habitats

Urban Trees - 'Moderate' Condition

Condition Assessment Criteria		Pass
A	The tree is a native species (or more than 70% within the block are native species).	Yes
B	The tree canopy is predominantly continuous, with gaps in canopy cover making up <10% of total area and no individual gap being >5 m wide (individual trees automatically pass this criterion).	Yes
C	The tree is mature (or more than 50% within the block are mature).	Yes
D	There is little or no evidence of an adverse impact on tree health by anthropogenic activities (such as vandalism, herbicide or detrimental agricultural activity). And there is no current regular pruning regime; so the trees retain >75% of expected canopy for their age range and height.	No
E	Natural ecological niches for vertebrates and invertebrates are present, such as presence of deadwood, cavities, ivy or loose bark.	No
F	More than 20% of the tree canopy area is oversailing vegetation beneath.	Yes

Condition Assessment Result	Condition Assessment Score
Passes 5 or 6 of 6 criteria	Good (3)
Passes 3 or 4 of 6 criteria	Moderate (2)
Passes 2 or fewer of 6 criteria	Poor (1)

Other Neutral Grassland - 'Poor' and 'Moderate' Condition

Condition Assessment Criteria		Criterion Passes (Yes or No)	
		Poor Condition	Moderate Condition
A	The parcel represents a good example of its habitat type, with a consistently high proportion of characteristic indicator species present relevant to the specific habitat type (and relative to footnote	No	Yes

Condition Assessment Criteria		Criterion Passes (Yes or No)	
		Poor Condition	Moderate Condition
	3 suboptimal species which may be listed in the UKHab description) (footnote 1). Note - this criterion is essential for achieving Moderate or Good condition for non-acid grassland types only.		
B	Sward height is varied (at least 20% of the sward is less than 7 cm and at least 20% is more than 7 cm) creating microclimates which provide opportunities for vertebrates and invertebrates to live and breed.	No	No
C	Cover of bare ground is between 1% and 10%, including localised areas (for example, a concentration of rabbit warrens) (footnote 2).	Yes	Yes
D	Cover of bracken Pteridium aquilinum is less than 20% and cover of scrub (including bramble Rubus fruticosus agg.) is less than 5%.	Yes	Yes
E	Combined cover of species indicative of suboptimal condition (footnote 3) and physical damage (such as excessive poaching, damage from machinery use or storage, damaging levels of access, or any other damaging management activities) accounts for less than 5% of total area. If any invasive non-native plant species (footnote 4) (as listed on Schedule 9 of WCA(footnote 5)) are present, this criterion is automatically failed.	No	No
Additional Criterion - must be assessed for all non-acid grassland types			
F	There are 10 or more vascular plant species per m2 present, including forbs that are characteristic of the habitat type (species referenced in Footnote 3 and 5 cannot contribute towards this count). Note - this criterion is essential for achieving Good condition for non-acid grassland types only.	No	No
Essential criterion for Good condition achieved (for non-acid grassland)		No	No
Number of criteria passed		2	3

Condition Assessment Result	Condition Assessment Score
Passes 5 or 6 criteria, including essential criterion A and additional criterion F.	Good (3)
Passes 3 - 5 criteria, including essential criterion A.	Moderate (2)

Condition Assessment Criteria	Criterion Passes (Yes or No)	
	Poor Condition	Moderate Condition
Passes 2 or fewer criteria; OR Passes 3 or 4 criteria excluding criterion A and F.	Poor (1)	
Footnotes		
Footnote 1 - Professional judgement should be used alongside the UKHab description. Footnote 2 – For example, this could include small, scattered areas of bare ground allowing for plant colonisation, or localised patches not exceeding 5% cover. Footnote 3 - Species indicative of suboptimal condition for this habitat type include: creeping thistle *Cirsium arvense*, spear thistle *Cirsium vulgare*, curled dock *Rumex crispus*, broad-leaved dock *Rumex obtusifolius*, common nettle *Urtica dioica*, creeping buttercup *Ranunculus repens*, greater plantain *Plantago major*, white clover *Trifolium repens* and cow parsley *Anthriscus sylvestris*. There may be additional relevant species local to the region and or site. Footnote 4 – Assess this for each distinct habitat parcel. If the distribution of invasive non-native species varies across the habitat, split into parcels accordingly, applying a buffer zone around the invasive non-native species with a size relative to its risk of spread into adjacent habitat, by applying professional judgement. Footnote 5 – Wildlife and Countryside Act 1981 (as amended).		

Species-rich Native Hedgerow - 'Poor' condition

Condition Assessment Criteria				Criterion Passes (Yes or No)
A1	Height	>1.5 m average along length	The average height of woody growth estimated from base of stem to the top of the shoots, excluding any bank beneath the hedgerow, any gaps or isolated trees. Newly laid or coppiced hedgerows are indicative of good management and pass this criterion for up to a maximum of four years (if undertaken according to good practice). A newly planted hedgerow does not pass this criterion (unless it is >1.5 m height).	No
A2	Width	>1.5 m average along length	The average width of woody growth estimated at the widest point of the canopy, excluding gaps and isolated trees. Outgrowths (such as blackthorn Prunus spinosa suckers) are only included in the width estimate when they are >0.5 m in height. Laid, coppiced, cut and newly planted hedgerows are indicative of good management and pass this criterion for up to a maximum of four years (if undertaken according to good practice).	No

Condition Assessment Criteria				Criterion Passes (Yes or No)
B1	Gap - hedge base	Gap between ground and base of canopy <0.5 m for >90% of length	This is the vertical 'gappiness' of the woody component of the hedgerow, and its distance from the ground to the lowest leafy growth. Certain exceptions to this criterion are acceptable (see page 65 of the Hedgerow Survey Handbook).	Yes
B2	Gap - hedge canopy continuity	Gaps make up <10% of total length; and No canopy gaps >5 m	This is the horizontal 'gappiness' of the woody component of the hedgerow. Gaps are complete breaks in the woody canopy (no matter how small). Access points and gates contribute to the overall 'gappiness' but are not subject to the >5 m criterion (as this is the typical size of a gate).	Yes
C1	Undisturbed ground and perennial vegetation	>1 m width of undisturbed ground with perennial herbaceous vegetation for >90% of length: · Measured from outer edge of hedgerow; and · Is present on one side of the hedgerow (at least).	This is the level of disturbance (excluding wildlife disturbance) at the base of the hedgerow. Undisturbed ground is present for at least 90% of the hedgerow length, greater than 1 m in width and must be present along at least one side of the hedgerow. This criterion recognises the value of the hedgerow base as a boundary habitat with the capacity to support a wide range of species. Cultivation, heavily trodden footpaths, poached ground etc. can limit available habitat niches.	No
C2	Nutrient-enriched perennial vegetation	Plant species indicative of nutrient enrichment of soils dominate <20% cover of the area of undisturbed ground.	The indicator species used are nettles Urtica spp., cleavers Galium aparine and docks Rumex spp. Their presence, either singly or together, does not exceed the 20% cover threshold.	No
D1	Invasive and neophyte species	>90% of the hedgerow and undisturbed ground is free of invasive non-native plant species (including those listed on Schedule 9 of WCA (footnote 1)) and recently introduced species.	Recently introduced species refer to plants that have naturalised in the UK since AD 1500 (neophytes). Archaeophytes count as natives. For information on archaeophytes and neophytes see the JNCC website (footnote 2), as well as the BSBI website (footnote 3) where the 'Online Atlas of the British and Irish Flora' (footnote 4) contains an up-to-date list of the status of species. For information on invasive non-native species see the GB Non-Native Secretariat website (footnote 5).	Yes
D2	Current damage	>90% of the hedgerow or undisturbed ground is free	This criterion addresses damaging activities that may have led to or lead to deterioration in other attributes.	No

Condition Assessment Criteria				Criterion Passes (Yes or No)
		of damage caused by human activities.	This could include evidence of pollution, piles of manure or rubble, or inappropriate management practices (for example, excessive hedgerow cutting).	
Condition Assessment Result				Condition Assessment Score
No more than 2 failures in total; AND No more than 1 failure in any functional group.				Good (3)
No more than 4 failures in total; AND Does not fail both attributes in more than one functional group (for example, fails attributes A1, A2, B1 and C2 = Moderate condition).				Moderate (2)
Fails a total of more than 4 attributes; OR Fails both attributes in more than one functional group (for example, fails attributes A1, A2, B1 and B2 = Poor condition).				Poor (1)
Footnotes				
Footnote 1 - Wildlife and Countryside Act 1981 (as amended). Footnote 2 - CHEFFINGS, C. M. et al. (2005) The Vascular Plant Red Data List for Great Britain. Species Status 7: 1-116. [online] Available on: The Vascular Plant Red Data List for Great Britain (Species Status No. 7) | JNCC Resource Hub Footnote 3 - BOTANICAL SOCIETY OF BRITAIN AND IRELAND (BSBI). Definitions: wild, native or alien? [online] Available on: Definitions: wild, native or alien? – Botanical Society of Britain & Ireland (bsbi.org) Footnote 4 - BSBI and Biological Records Centre (BRC) (2022) Online Atlas of the British and Irish Flora. [online] Available on: Acknowledgements | Online Atlas of the British and Irish Flora (brc.ac.uk) Footnote 5 - GB NON-NATIVE SPECIES SECRETARIAT (GBNNSS) (2022) Available on: Home » NNSS (nonnativespecies.org)				

Urban - Developed Land; Sealed Surface

No assessment is required for this habitat as the condition is fixed within the SBM as N/A.

APPENDIX D SITE PHOTOS BEFORE HABITAT DEGRADATION

Plate D.1 Denby Hall site photos taken on the 20th February 2024 (top left facing south, top right facing east showing the north of the site, and bottom middle facing east showing the south of the site)







APPENDIX E RELEVANT LEGISLATION AND POLICY

E.1 LEGISLATION

The BNGA has been compiled with reference to the following relevant nature conservation legislation, planning policy and the UK Biodiversity Framework from which the protection of sites, habitats and species is derived in England including:

- UK Government's 25 Year Environment Plan (Defra, 2023)[15];
- Biodiversity 2020: A Strategy for England's Wildlife and Ecosystem Services (Defra, 2011)[16];
- National Planning Policy Framework (NPPF) (Ministry of Housing, Communities & Local Government (MHCLG), 2026)[17];
- The Natural Environment and Rural Communities (NERC) Act (HMSO, 2006)[18];
- The Environment Act, 2021[19];
- LNRS for Derbyshire[7];
- Lowlands Derbyshire Biodiversity Action Plan[20]; and
- Amber Valley Borough Local Plan 2022-2040[21].

The Environment Act, 2021

Under the Environment Act, 2021, as of 12th February 2024 and 2nd April 2024, it is mandatory in England for new developments (with a small number of exceptions) to deliver a minimum 10% biodiversity net gain (BNG), as measured by the Statutory Biodiversity Metric or Small Sites Metric (SSM) respectively, secured through planning condition as standard (as per schedule 14 of the Act). Approach to the delivery of BNG must follow the mitigation hierarchy, with avoidance of impact and on-site compensation/gains prioritised, ahead of the use of off-site compensation, or the purchase of statutory credits.

The Act introduces the condition that no development may begin unless a Biodiversity Gain Plan (BGP) has been submitted and approved by the LPA.

The Act also amends requirements of the NERC Act, 2006, adding the need to not just conserve, but enhance biodiversity through planning projects. Furthermore, it introduces the need for the LPA to have regard to relevant local nature recovery strategies and relevant species/protected site conservation strategies, when making their decision.

Under the Act, the enhancements must be maintained for at least 30 years.

E.2 PLANNING POLICY

National

National Planning Policy Framework

The National Planning Policy Framework (NPPF) 2026[17] sets out the Government's planning policies for England, including how plans and decisions are expected to apply a presumption in favour of sustainable development. Chapter 19 of the NPPF focuses on conservation and enhancement of the natural environment, with the objective of influencing the design and location of new development to help drive nature's recovery and contribute to wider environmental outcomes, safeguarding our most important habitats, species and landscapes and recognising the centrality of natural capital to delivering sustainable growth.

Amongst other considerations, development proposals should:

- Use green infrastructure provided as part of the scheme and nature-based solutions to secure multiple benefits: such as for biodiversity; surface water and pollution management (including maintaining flow rates and water quality); climate change mitigation and adaptation, and recreation;
- Minimise any adverse impacts on biodiversity and include features which support priority or threatened species such as swifts, bats and hedgehogs. Development proposals should incorporate integrated nest boxes (commonly known as swift bricks) into their construction unless there are compelling technical reasons which prevent their use, or would make them ineffective; and
- Ensure that green infrastructure and other features to support nature are located and designed to minimise risk of future failure, and that appropriate measures are in place for any necessary long-term management.

It goes on to state: 'If significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated or, as a last resort, compensated for, then the development should be refused'.

Also included are measures to protect designated sites, and it states that, 'Irrespective of a site's status in nature conservation terms, development proposals which would entail the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists.'

Regional

The Local Nature Recovery Strategy for Derbyshire[7]

The LNRS for Derbyshire was published in September 2025 and is the most recent strategic document for the county. This incorporated a map of Areas of Particular Importance to Biodiversity (APIBs) which identify current areas of biodiversity and Areas that Could Become of Importance for Biodiversity (ACBs) which identify areas with opportunity for specific biodiversity creation. It also outlines the biodiversity conservation aims of the area, outlining priority habitats and species.

Lowland Derbyshire Biodiversity Action Plan[20]

1. Survey and monitor Priority Habitat and Priority Species and update databases and GIS layers as appropriate. Enhance knowledge by focused surveying and data gathering (with emphasis on open mosaic habitats, hedgerows and traditional orchards). Enhance knowledge of locally important species through recording, research and publication to inform future conservation activities. Share data, as appropriate, within the Partnership and encourage uploading of records to NBN Gateway.
2. Provide appropriate protection to Priority Habitats and Priority Species through designated sites such as Sites of Special Scientific Interest, Local Wildlife Sites and Local Nature Reserves. Designate new sites and remove sites which no longer qualify.
3. Protect sites and species through the use of wildlife legislation.
4. Protect Priority Habitats and Species and promote conservation management, restoration and creation through effective use of the planning system through negotiation, the use of mitigation an dcompensation, the use of conditions and, where necessary, by refusing permission for development.
5. Work to remove or reduce the influence of known invasive species where these threaten the future of Priority Habitats or Species
6. Provide conservation land management advice and support to landowners, LBAP partners, community groups and others who could help achieve the LBAP targets (including management, restoration and creation of priority habitats).
7. Manage sites, within partners' ownership, for the achievement of the LBAP targets.
8. Promote agri-environmental schemes and similar schemes (such as Environmental Stewardship, EnglandWoodland Grant Scheme, Changing Landscape Scheme etc) to appropriate audiences to work towards the achievements of the LBAP targets.
9. Raise awareness of biodiversity issues through newsletters, press releases, education, interpretation, training, events and web media, etc.
10. Develop projects and submit funding bids to achieve LBAP targets.
11. Monitor the achievements of the partnership and track progress towards LBAP targets. Ensure inf ormation is passed to others who need this data e.g. UK/England/Regional Biodiversity partnerships; funding organisations and the media.
12. Work with volunteers and community groups to achieve the LBAP targets, providing assistance such as training or financial, where appropriate. This would be especially valuable where individuals, groups and organisations are not already engaged in biodiversity activities.
13. Promote the inclusion of biodiversity in the objectives of other sectors such as social, economic and tourism agendas wherever possible.
14. Encourage the expansion of BAP Priority Species by targeted habitat enhancements, including those where no targets have been stated.

15. Prepare and publish concise Species Action Plans for a range of selected species to be added to this document on the Derbyshire Biodiversity website from 2012 onwards.
16. Develop mechanisms for individuals or groups in the wider community to demonstrate support for the aims of the LBAP process, and to play an active part in enhancing Derbyshire's biodiversity.

Local

Amber Valley Borough Local Plan 2022-2040[21]

Policy EN8 Biodiversity

All development should:

1. protect, manage, enhance and extend the ecological network of habitats, species and sites of international, national and local importance (statutory and non-statutory)

2. minimise impacts on biodiversity and features of geodiversity value

3. deliver measurable and proportionate net gains in biodiversity

In considering development proposals, the Borough Council will have regard to the following hierarchy:

a) The highest level of protection will be given to Internationally Protected Sites and any development proposals that would result in any adverse impact on the integrity of any Internationally Protected Site, either alone or in combination with other development, will be refused unless it can be demonstrated that there are no alternatives to the proposal, that there are imperative reasons of overriding public interest why the proposal should nonetheless proceed and where adequate compensatory provision can be secured.

b) A high level of protection will be given to Sites of Special Scientific Interest (SSSIs) and other sites of national significance for nature conservation and any development proposals that would result in any adverse impact on such a site and which cannot be either avoided or adequately mitigated, will be refused, unless it can be demonstrated that the benefits of the 87 development clearly outweigh any impact on the site and any broader impacts on the network of national significance for nature conservation.

c) Development likely to have an adverse impact on the integrity of any locally protected sites, including Local Nature Reserves and Local Wildlife Sites and/or their function as part of the ecological network, which cannot be either avoided or adequately mitigated, will only be permitted where it can be demonstrated that the need for and benefits of the development would clearly outweigh the loss.

Development should avoid adverse impact on existing biodiversity and geodiversity features as a first principle, in line with the mitigation hierarchy. Where adverse impacts are unavoidable, they must be adequately and proportionately mitigated. If full mitigation cannot be provided, compensation will be required as a last resort where there is no alternative. In these cases, development will only be supported where the proposed measures for mitigation and/or compensation are acceptable to the Local Planning Authority in terms of design and location and are secured for the lifetime of the development in accordance with an agreed Biodiversity Net Gain mechanism with appropriate funding mechanisms that

are capable of being secured by condition and/or legal agreement. If significant harm to biodiversity resulting from development cannot be avoided, adequately mitigated, or, as a last resort, compensated for, then planning permission will be refused.

Development which retains trees and hedgerows and seeks opportunities to allow the movement of wildlife between sites will be supported. Development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) will be refused, unless there are wholly exceptional reasons, and a suitable compensation strategy is provided.

Development which would negatively impact the features that contribute to the importance of Regionally or Locally Important Geological and Geomorphological Sites (RIGS and LoGS) and which cannot be mitigated will be expected to demonstrate how the public benefits of the scheme outweigh identified harm.

Any adverse impact on habitats and species of principal importance should be avoided wherever possible, unless the need for or benefits of any development proposals would clearly outweigh the loss.

Where necessary, the Borough Council will require the submission of an ecological report, carried out by a suitably qualified person in conjunction with planning applications, identifying the nature and extent of any impact and mitigating measures that need to be taken.

Policy EN9 Biodiversity Gains

Following application of the mitigation hierarchy, all development proposals should ensure opportunities are taken to retain, protect and enhance biodiversity and geodiversity features.

Development proposals (unless exempt) will be required to achieve at least 10% biodiversity net gain using the Government's Biodiversity Metric. Net gain is expected to be provided on-site but where it can be demonstrated that this would not be possible or practicable, it should be provided on one or more sites within the Borough (unless this is demonstrated not to be possible) that would deliver local priorities for biodiversity, having regard to the Derbyshire Natural Capital Strategy, the Local Nature Recovery Strategy for Derbyshire, the Lowland Derbyshire Biodiversity Action Plan (LBAP) (or its successors) and other locally identified priorities, or as a last resort, through national credits.

Mitigation and or compensation required as a result of adverse impacts upon 'Habitats Sites', or other statutory designated sites will be required in addition to biodiversity net gain requirements. Bespoke arrangements will apply to sites identified within the Biodiversity Net Gain Regulations as "irreplaceable habitats".

Net gains shall be managed for a minimum of 30 years in accordance with an agreed maintenance scheme, with monitoring and reporting requirements to be agreed as part of the approved scheme.

The Borough Council will ensure that wherever possible, opportunities are taken in conjunction with development proposals to:

a) extend or strengthen biodiversity interest

b) contribute to the provision of coherent wildlife networks

c) de-culvert/re-meander watercourses

d) preserve, restore, re-create and manage habitats of principal importance and protect and assist the recovery of priority species of principal importance

e) provide areas of natural greenspace, including trees and woods, f) provide access to the natural environment

g) incorporate the provision of fish passes

h) integrate nest boxes into the fabric of buildings with an eaves height of 5m or above, that are suitable for swifts, unless the 89 fabric of the building cannot support an integrated solution and in those cases external boxes will be required

i) minimise soil disturbance and protect and enhance soils.

Where a proposal would lead to a significant loss of Best and Most Versatile Agricultural Land, this harm will be weighed against the benefits of the scheme.

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