The voice of our sustainable built environment

UK GBC

THE MITIGATION HIERARCHY

STRATEGY

Biodiversity net gain in England is underpinned by the mitigation hierarchy, which is set out in the **National Planning Policy Framework**. This outlines a sequential approach to addressing potential harm to biodiversity in determining planning applications. It states avoidance should be prioritised, before mitigation measures, and finally compensation.

> It is crucial to adopt a 'nature first' approach in development projects, where every effort must be made to avoid causing harm to the existing biodiversity on the site. To successfully meet biodiversity targets, it is necessary to retain and work alongside existing natural features onsite, and only use offsetting as a final resort.

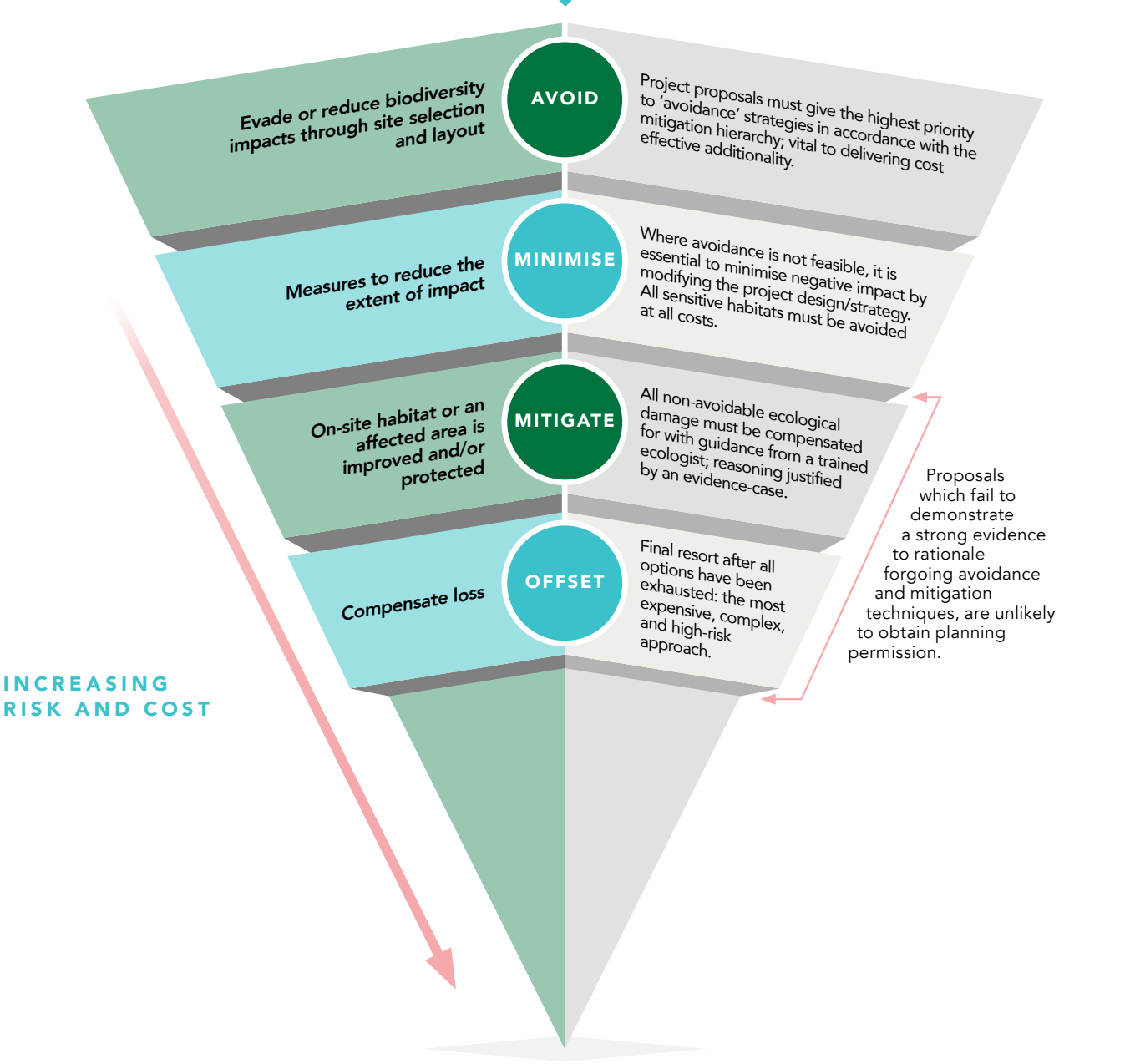
Many local authorities have also specified more detailed compliance requirements for following the mitigation hierarchy, and guidance on how to do this, in their local planning policies.

Biodiversity net gain should be achieved in a way that is consistent with the mitigation hierarchy, and which reflects the **spatial hierarchy** preference for local enhancements. Whilst biodiversity net gain relates only to habitats, the mitigation hierarchy is applied to all aspects of ecology and potential for avoidance, minimisation, mitigation and offsetting impacts on species will also need to be considered outside of a BNG approach.

A Full Biodiversity Net Gain Plan is required to be submitted before project commencement stages alongside the Biodiversity Metric assessment. Information outlining how the mitigation hierarchy has been adhered to, including evidence of the steps taken to avoid and/or minimise adverse biodiversity impacts, must be included within this plan. Financial cost is not adequate reasoning for failing to 'avoid' or 'minimise' negative effects.

> Across all levels of the mitigation hierarchy, biodiversity must be considered in the **early** design stages of any project when aiming to achieve net gain.

MITIGATION HIERARCHY DIAGRAM



AVOID

To evade or reduce biodiversity impacts through site selection and layout.

Project proposals must give the highest priority to 'avoidance' strategies as the primary approach in order to adhere to the mitigation hierarchy; vital to delivering cost effective additionality.

MINIMISE

To take measures to reduce the duration, intensity and/or extent of impacts to biodiversity.

Where avoidance is not feasible, it is essential to minimize any potential negative impacts by modifying the project design and strategy to the fullest extent possible.

All sensitive habitats must be avoided at all costs.

MITIGATE

The condition of on-site habitat or an affected area is improved and/or protected. Including enhance, restore, or regenerate biodiversity on-site.

All non-avoidable ecological damage must be adequately replaced/ mitigated for with the guidance and expertise of a trained ecologist.

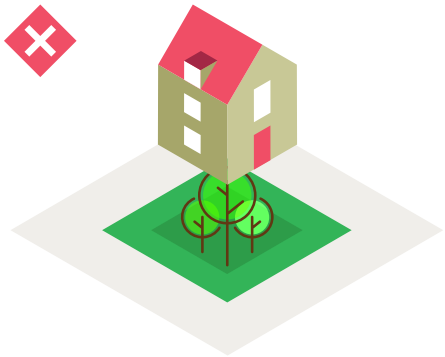
Essential is to provide a strong evidence-case demonstrating why avoidance and mitigation strategies were not viable options.

OFFSET OR COMPENSATE

Compensating for any residual, adverse, unavoidable impacts after full implementation: onsite or offsite.

The final resort after all other options have been exhausted as the most expensive, complex, and high-risk approach.

HOW TO SHOW / DEMONSTRATE



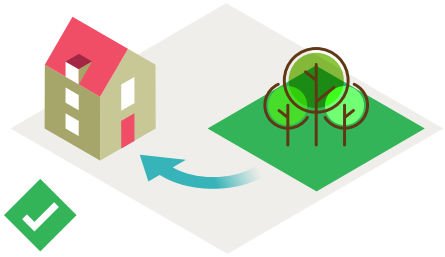
AVOID?

Avoidance is the initial step in the hierarchy, and often the easiest, cheapest and most effective way of reducing potential impacts. It requires biodiversity to be considered in the early stages of a project. The most effective avoidance mechanisms can be achieved by pre-application engagement with an ecologist and/or local planning authority to identify the surveys needed to be undertaken, and engage key local biodiversity stakeholders.

Examples: Site selection or location on an alternative site with less harmful impacts, using relevant data, for example:

- referring to local nature recovery networks and local biodiversity strategies.
- using other spatial mapping tools such as Defra's MAGIC tool;
- consulting local environmental records centres.
- carrying out an Ecological Assessment or Preliminary Ecological Appraisal (if required) and associated habitat/species or walkover surveys; with the assistance of a trained ecologist.
- baselining potential sites using the metric.
- conducting a BNG Feasibility Report using CIEEM best practice.
- timing construction sensitively to minimize disturbance.
- engaging an ecological consultant at site selection stage to provide constraints/opportunities analysis at an early stage.

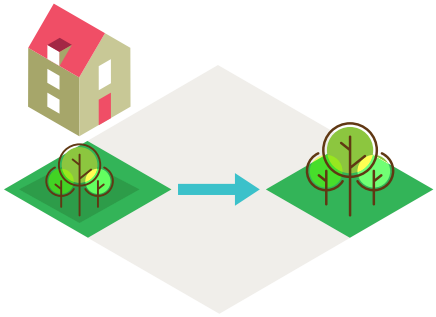
Impacts can also be avoided by retaining ecological receptors on site, but outside of the construction area. This can aid BNG by retaining the habitats of value and providing a potential opportunity for enhancement of those areas of value.



MINIMISE?

Examples:

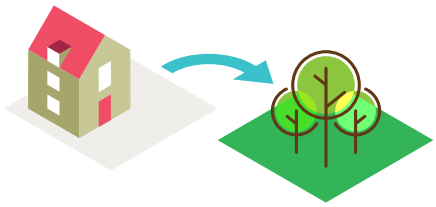
- indicate retained vegetation e.g. hedgerows and existing trees;
- limiting the size of the site / protecting key areas;
- sensitive landscape design in line with industry best practice e.g. CIEEM BNG Design Stage Report Template.



MITIGATE?

Example:

- replanting.
- tree planting to stabilise soil.
- grassland and habitat quality restoration in line with best practice.
- Replacing what was lost on the site with the same or different, but more ecologically valuable, habitat.
- Redesigning aspects of the site to reduce the impacts (such as lighting).



OFFSET OR COMPENSATE?

Example:

- Using the biodiversity net gain offsetting mechanisms, including through the creation or enhancement of off-site habitats, either on owned land, by purchasing biodiversity units on the market, or statutory credits.

Note: where a proposal fails to evidence or demonstrate considered efforts to avoid or mitigate impacts to existing ecological resources, and relies heavily upon offsetting or compensation measures, the decision maker is likely to view this as not meeting the intended principles of BNG and may decline the proposal.