

Biodiversity Net Gain (“BNG”) What does it mean for rural places?

A presentation for the RSN Rural Planning Seminar

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- What is biodiversity net gain and why are we doing it?
- How does it fit alongside everything else?
- In rural places
 - Councils
 - Landowners
- Timescales

What is BNG?

- BNG is a way of using development (and the planning system) to improve habitats
 - Alongside lots of other interventions
 - And continuing protections
- It is [championed by Natural England](#)
 - An arms-length body of Defra
- It is new!
 - Mandatory BNG starts in January 2024
 - We planners are learning how to make it work*
 - There will be bumps along the way

Why are we doing it?

- There are lots of depressing statistics
 - Habitats are degraded (eg [State of Nature 2023](#))
 - Wildlife and pollinators are less abundant
- We are learning about the importance of nature
 - Food, water, recreation, health
- An updated way of thinking about conservation
 - Not just protected pockets of excellence
 - Looking after nature everywhere
 - And working with nature to deliver solutions (eg “[grey to green](#)”)

Legislative and policy background

Lawton Report 'Make Space for Nature' (2010) - *'Bigger, Better, More Joined up'*



25 Year Environment Plan (2018) -

'Be the first generation to leave the environment in a better state than we found it'.

Develop a Nature Recovery Network



Agriculture Act (2020) – *public money for public goods*

Environment Act (2021) – *species and habitat targets, mandatory 10% BNG for developments, LNRS*

30 by 30 Pledge (2020) – *protect 30% of land/sea by 2030*



Environmental Improvement Plan (2023) - *builds on 25 Year Environment Plan and Environment Act 2021.*

Green Infrastructure Framework (2023) – *voluntary – 40% green cover in urban residential areas; 15 minutes to nature*

ELMS and transition?

- **Levelling Up and Regeneration Bill**
- **NPPF / NPPG updates**

Land Use Framework?

Environment Act New Duties

- All planning permissions granted in England (with a few exemptions) will have to deliver at least 10% biodiversity net gain (S98-101).
- Enhanced duty for local authorities to conserve and enhance biodiversity (S102) and report on their actions (S103).
- LPAs will need to comply with the above duty and have regard to the Local Nature Recovery Strategy in local planning policy and decisions (S102).
- Responsible authorities appointed by the Secretary of State (S105) to lead the Local Nature Recovery Strategy (LNRS), working with a broad range of stakeholders.

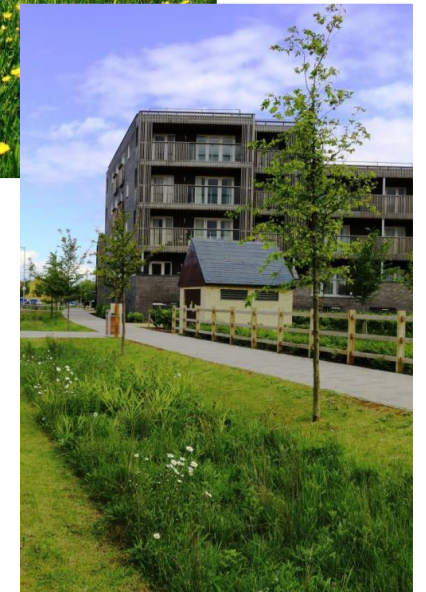
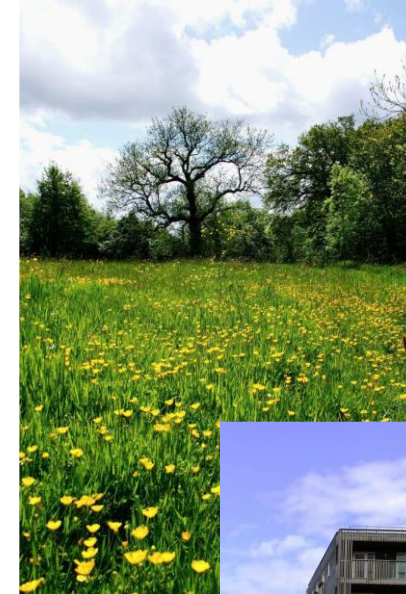


Environment Act 2021

CHAPTER 30

Key components of mandatory BNG

- Amends Town & Country Planning Act (TCPA)
- **Minimum 10% gain required calculated using Biodiversity Metric & approval of net gain plan**
- **Habitat secured at least 30 years** via planning conditions/ obligations/ conservation covenants
- Delivered on-site, off-site or via a new **statutory biodiversity credits** scheme
- **National register** for net gain delivery sites
- Does **not change existing legal protections** for important habitats and wildlife species
- **Maintains mitigation hierarchy** of avoid, mitigate, compensate
- Will apply to Nationally Significant Infrastructure Projects (NSIPs) from 2025 but not marine development (yet)



Mandatory biodiversity net gain will apply to all development that falls under the Town and Country Planning Act 1990 with the following exemptions:

- Permitted development
- Development impacting habitat of an area below a 'de minimis' threshold of 25 metres squared, or 5m for linear habitats such as hedgerows
- Householder applications
- Biodiversity gain sites
- Small scale self-build housebuilding
- Sites which are solely made up of an existing sealed surface (such as tarmac or existing buildings) as these have zero biodiversity value and those where temporary impacts can be restored within 2 years

The Biodiversity Metric

- Calculates the before and after biodiversity value of a development as **biodiversity units**
- Calculator & guidance provided by Government and its use to become a statutory requirement in January 2024
- Small sites metric will be required for relevant sites from April 2024
- Ensures consistency of approach
- Uses habitat as a proxy for biodiversity value
- Designed as a tool to aid decision-making, but is not a substitute for expert advice
- Does not change or over-ride the mitigation hierarchy or other protections, policy, licensing or consents

Mechanisms for Delivery of Mandatory BNG



On-site (units)

Potentially in full or combination



Habitat creation or enhancement; landscaping or green infrastructure

Off-site (units)



New habitat creation or enhancement on land holdings or via habitat banks

Statutory Credits

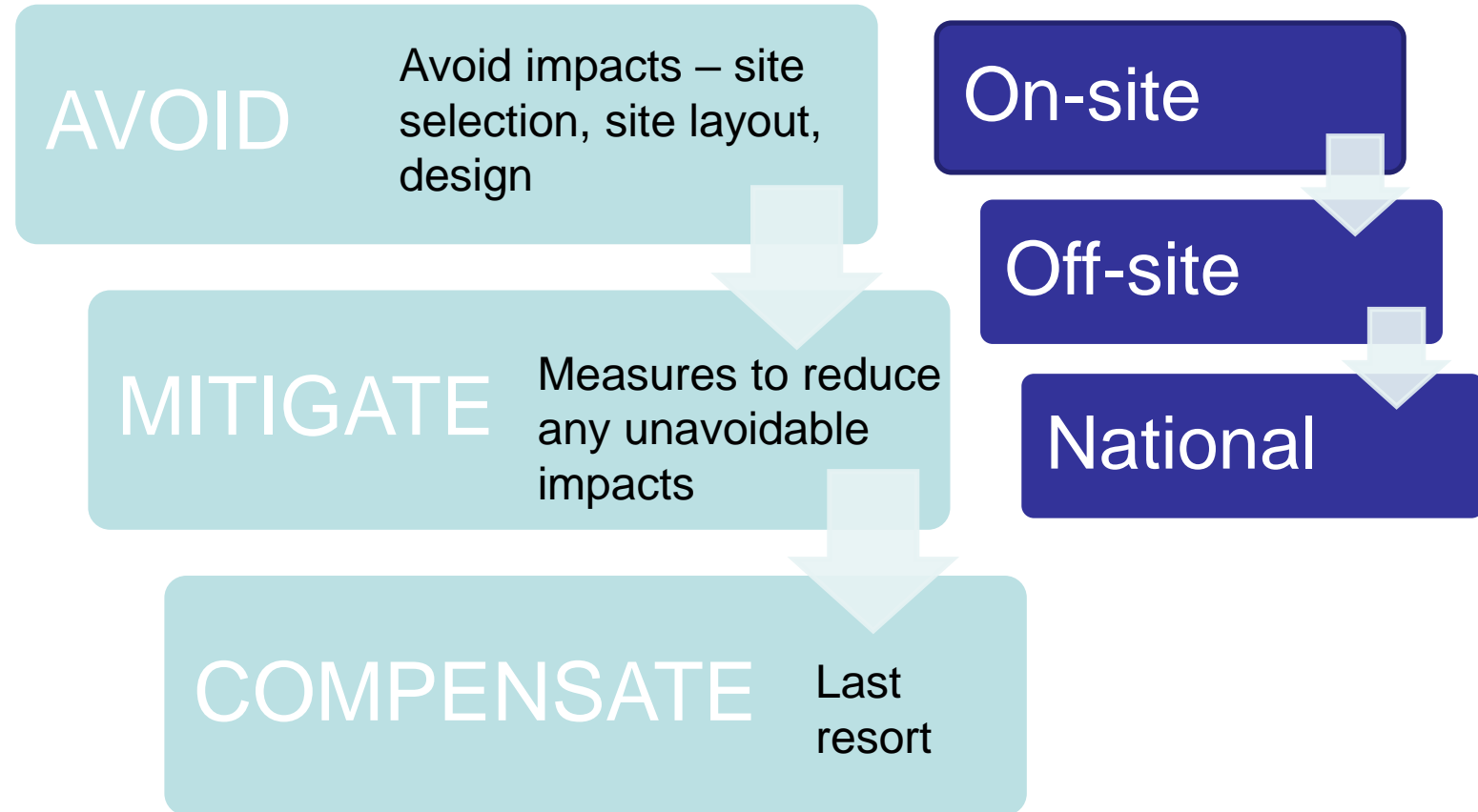
Only if units not available



Landscape-scale strategic habitat creation delivering nature-based solutions

Other biodiversity considerations

- Wildlife sites – European, SSSIs, local wildlife sites
- Protected species
- Priority and irreplaceable habitats
- Habitats Regulations Assessment (HRA)
- Strategic Environmental Assessment (SEA)
- Environmental Impact Assessment (EIA)
- Surveys – species, habitat



Rural areas?

- For districts
 - As a minimum, deal with planning applications and BNG plans
 - Alongside design, digital etc. Small teams will need to plan ahead and work together
 - Know where ecology expertise is when you need it
 - Train everyone else to do “good enough” ecology
 - Consider what role for planning committee
 - Is the BNG plan material? Perhaps not*
 - How much influence? How effective the maths at making mitigation local?
- Perhaps also
 - Think about your operations, property
 - Are you considering nature?

Rural areas?

- For counties and unitaries
 - New ways of working? (eg with districts)
 - Skills, knowledge, stakeholders
 - Delivery with partners (trusts etc) and via SPVs (eg [Norfolk](#) and Plymouth)
- Remember also the LNRS
 - You are a responsible authority
 - Bringing supporting authorities along with you
 - Is this the beginning of a strategic planning layer?

Rural areas?

- BNG market place
 - Units created via habitat banks (enhancement, improvement – not* existing local nature reserves or SSSIs)
 - Rural authorities might hold suitable land? More capacity for landscape-scale interventions and improvements
 - Made available to neighbours or via the national credit backstop?
- Get strategic!
 - The LNRS is the county- and unitary level opportunity
 - Identify improvement priorities (and understand supply)
 - And therefore generate units and betterment
 - In the best places
 - (yes we are introducing the system backwards)

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Rural areas?

- Making the system honest
 - More tricky to monitor
 - More tricky to enforce (?)
- Making the system holistic
 - Water management
 - Food security
 - Energy, solar
 - Especially acute in rural areas
- Making the system sustainable
 - How does it pay for itself in the medium term?

When do BNG requirements come in?

- **November 2023**

Secondary legislation laid;

Statutory Biodiversity Metric, key templates and guidance published

- **January 2024**

Mandatory BNG requirement starts

Off-site BNG register and statutory credit scheme available

- **April 2024**

‘Small Sites’ BNG requirement commences

- **By November 2025**

BNG requirements for Nationally Significant Infrastructure Projects in place



Thank you

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