

PAS Biodiversity Net Gain Policy Update

We will start shortly.

There are a large amount people attending today so the chat function will be disabled and we will be using Slido to collect questions

Go to slido.com and enter code 1112816; or click here:

<https://app.sli.do/event/3TU18XfhxsuHuVgSCEgLq6>

Or go in via the attached QR code.



Biodiversity Net Gain Policy Update

- We have a lot of people in the 'room' so you are muted and cameras are off
- **Please join Slido to answer polls and ask questions**
 - **Go to [slido.com](https://www.slido.com) and enter this code: 3090903**
 - **Scan the QR code**
- Please 'like' or thumbs up questions you want to ask, rather than repeating the same question
- We may not get round to all your questions, but will add answers to our biodiversity net gain FAQs page where relevant
- We will be using polls, so please answer these
- This event is being recorded, slides and the recording will be up on our website next week
- Feel free to use the chat to share what you're doing on BNG
- Technical issues – email Rachael: rachael.ferry-jones@local.gov.uk



Agenda

1. Introduction

Steve Barker, PAS

2. Why BNG?

Nick White, Natural England

3. Overview of latest on BNG

Andrew Short, DLUHC
Catherine Duggan, Defra

4. Natural England's role

Nick White, Natural England

3. Q&A

4. Summing up and feedback

Finish at 3pm

Planning Advisory Service (PAS) and BNG

- PAS is part of Local Government family, Team of 16
- Funded by DLUHC to support **English planning authorities** (LPAs)
- Wide programme, including in 2023/24: design, infrastructure levy, Local Plans, Environmental Outcome Reports & development management designation
- Environmental planning, covering nutrient neutrality, nature recovery and biodiversity net gain



Home | Our work ▾ | Councillors ▾ | Plan Making ▾ | Development Mgmt ▾ | Topics ▾ | Find an event

Who we are and what we do

Getting planning right is important for councils. It allows them to manage development, ensuring that the best possible outcomes are delivered for places. It requires political and technical leadership and engaged communities. Helping councils is what we do.

What we do

The [Department for Levelling Up, Housing and Communities](#) provides a grant each year for the PAS so we can provide support to councils. We are funded to help get local plans up-to-date and to improve decision-making, as well as running event series on topical issues. We can also work with councillors and do thorough "peer challenge" reviews of planning departments. We believe in a 'sector led' improvement approach, where local authorities help each other to continuously improve.

[Privacy settings](#)

Bulletin

Sign up for our Bulletin, which brings you news of our latest support, case studies, events and muses.

- **Peer-to-peer learning:**
 - BNG practitioner network
 - Case studies, examples, sharing experience
- **Online resources, including**
 - FAQs and advice
 - Readiness checklist tool
 - BNG essentials module
- **Workshops and events**
- **Feeding back to Government** and Natural England and helping develop guidance
- **Joining it all up**

Networks

Products

Support

Events

Feedback

Joining it all up

We're keen to find out:

Q1 Has your authority started working on BNG?

Q2 Which of following aspects of BNG do you feel most able to deliver in your authority?

(You can select more than one)

- Policy
- Development Management
- Offsite delivery
- Monitoring and reporting progress
- Link to place making and wider council interests
- Members' interest/understanding
- None of the above

Later Questions

Taking questions for Q&A at the end of the session

- Please submit your questions through Slido:
 - Go to slido.com and enter this code: 3090903
 - Scan the QR code
- We will answer as many as we can today
- We will add answers to FAQs on the PAS website

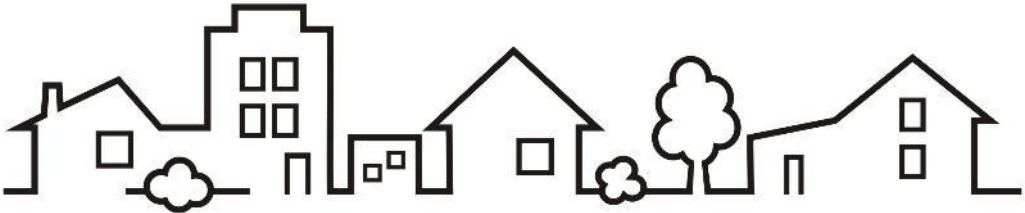




Biodiversity Net Gain and Natural England's Role

Dr Nick White: Principal Advisor, Net Gain – Natural England

Four Crises



BNG as a Paradigm Shift

A situation in which the usual and accepted way of doing or thinking about something changes completely

Cambridge Dictionary Definition



Is BNG the Solution?

- Not a silver bullet
BUT
- Can contribute to solutions



Development without BNG

With some notable exceptions all too often;

- Habitats outside SSSIs or wildlife sites regularly damaged/lost to development
- Nature an afterthought in construction process
- Little long-term habitat management
- Nature dependent agri-environment or grant funding
- Many communities with little/no access to nature
- Lawton ambitions of 'bigger, better, more, joined' not realised



Development with BNG

- Mitigation hierarchy reinforced & all nature valued
- Much earlier consideration of environment in development process
- More nature close to where people live and work
- Growing offsite market in providing biodiversity units
- Long-term investment in nature (30years minimum)
- Links to LNRS/local environmental plans help drive connectivity



Why Mandatory BNG?



From this.....



..... to this



Department
for Environment
Food & Rural Affairs

Biodiversity Net Gain

Defra BNG Team



Policy Update

Aiming in to provide you with information to be able to answer the following:

1. What has been recently published on mandatory biodiversity net gain?
2. What happens next?
3. Where do I go for further information/support?

Won't be covering in detail in this session:

- BNG introduction – will cover a high level but there are recordings online which provide an intro to BNG
- Statutory biodiversity metric – Natural England and others provide detailed training
- Habitat Management and Monitoring Template – there will be a recorded session on this run by NE
- Conservation covenants – there is an existing webinar and guidance on the PAS website.

Mandatory biodiversity net gain – recap: Timeline

2019

- Government consulted on making BNG mandatory

2021

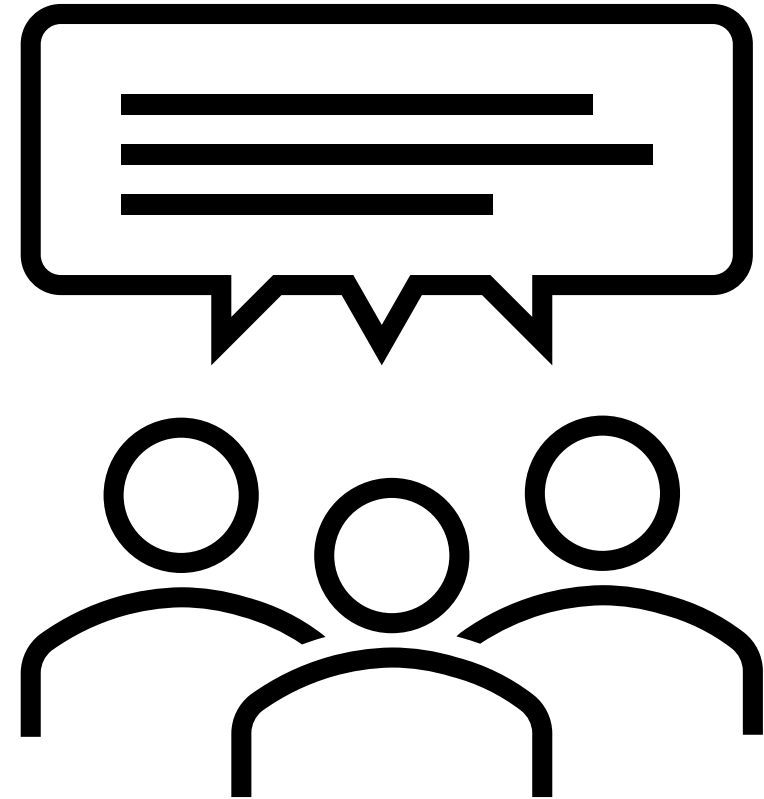
- Environment Act 21 royal assent in November 2021. Included provisions to require a 10% net gain on development.

2022

- Consultations on:
 - Detail of secondary legislation and implementation
 - BNG Metric

2023

- Publications of responses to the consultation
- Confirmation of timeline – Sept 2023
- Publication of statutory biodiversity metric, regulations and guidance

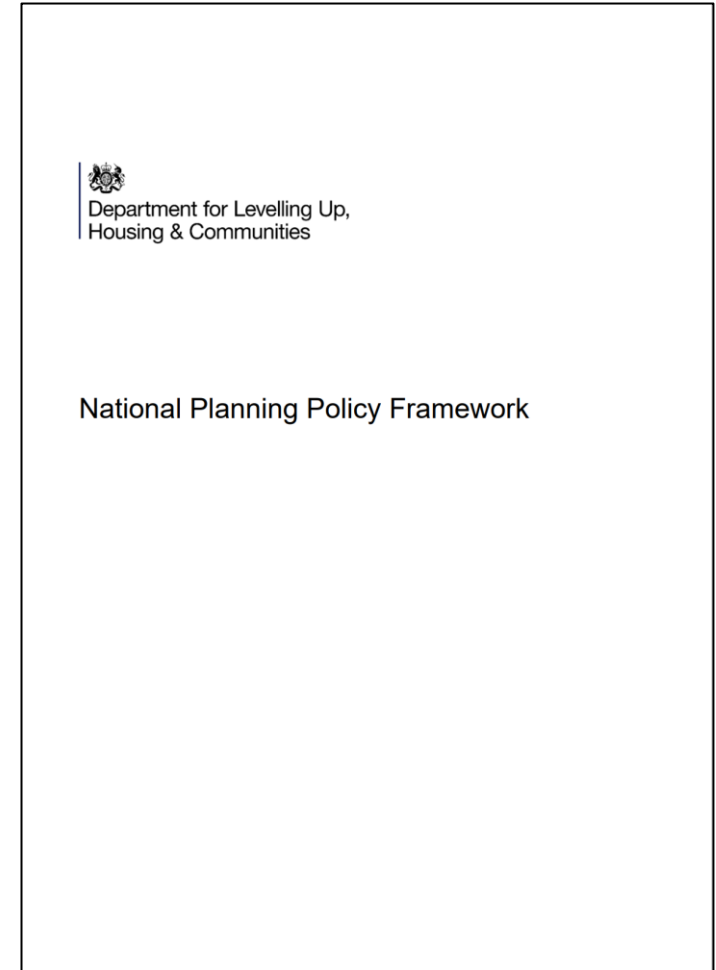


Environment Act 21

- The Environment Act included a package of new duties, tools and support for nature including:
 - a 10% biodiversity net gain requirement on new development
 - a strengthened biodiversity duty on public authorities
 - Local Nature Recovery Strategies (LNRSs)
 - conservation covenants



Mandatory biodiversity net gain - recap



What has been published? - key facts

- England only
- 10% gain
- Based on the statutory biodiversity metric
- Habitat secured at least 30 years
- BNG register for off-site land
- Does not change existing legal protections
- Mandatory BNG, as set out in the Environment Act 2021, will go live from January for major Town and Country Planning Act developments
- There will be longer transition for small sites (April 2024)
- Implementation for Nationally Significant Infrastructure Projects planned for 2025

Mandatory BNG – key components

Developers will have a few options for achieving biodiversity net gain:

Onsite



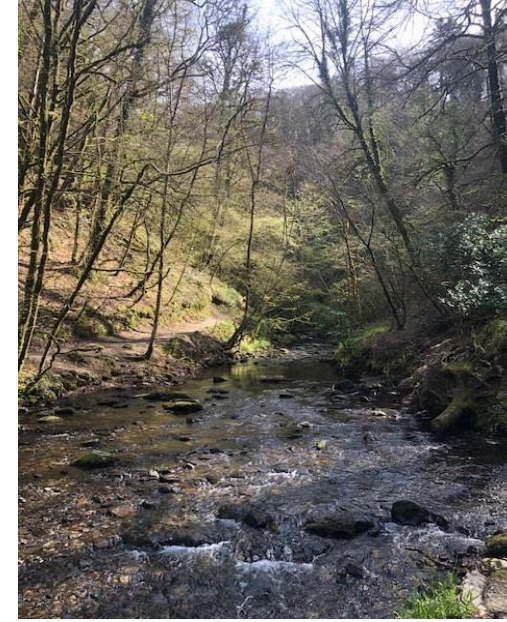
Avoid impacts and/or enhance biodiversity onsite

Offsite

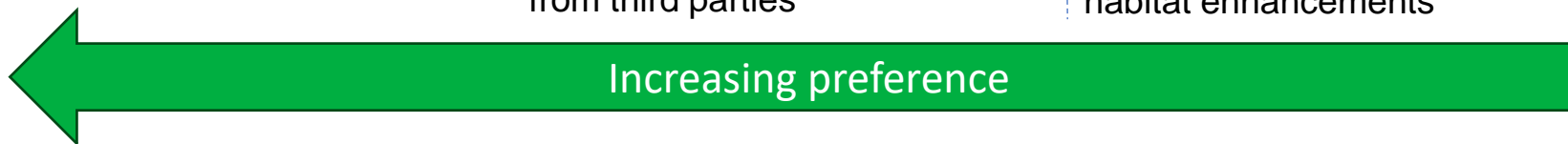


Enhance on other landholdings or purchase biodiversity units from third parties

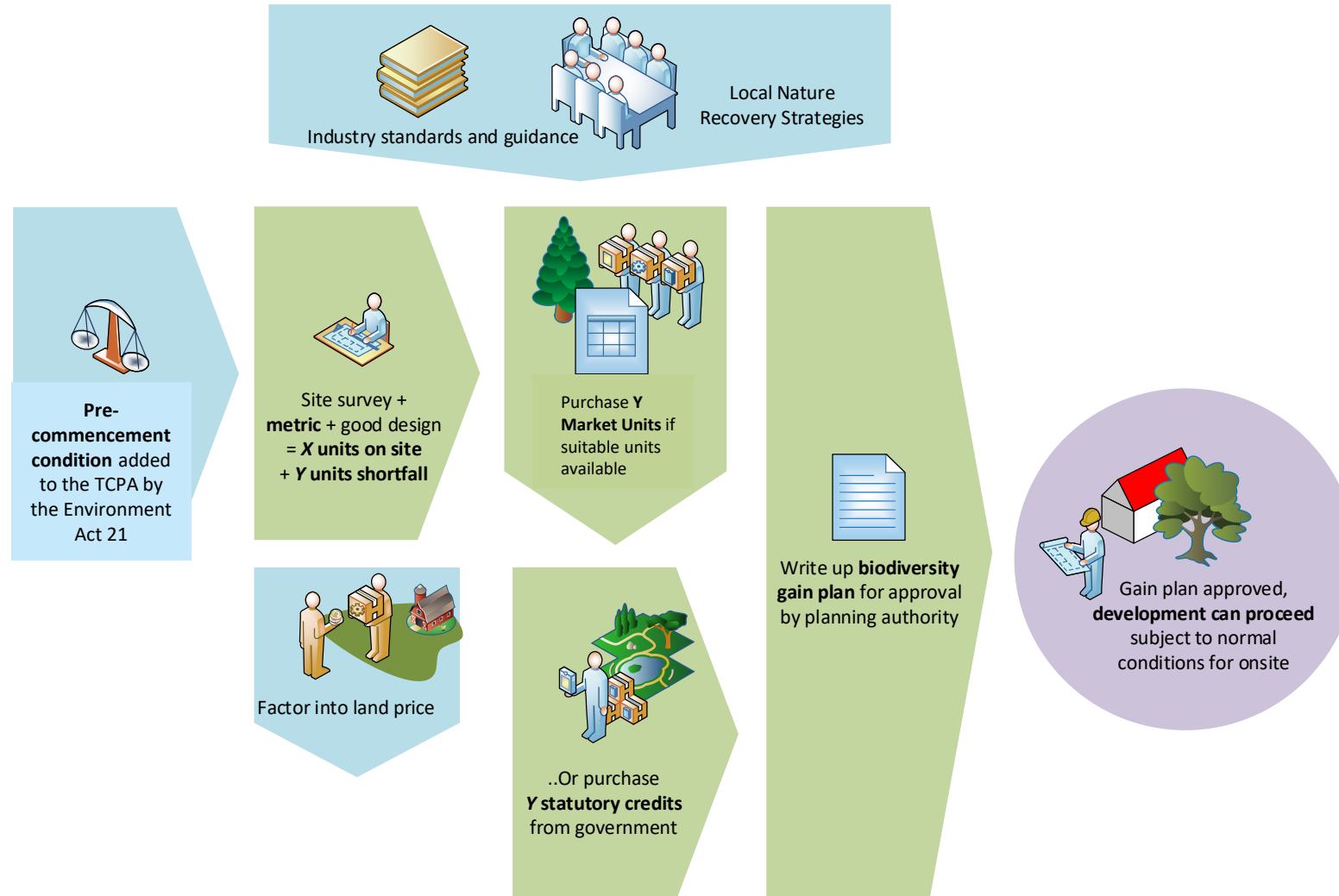
Statutory credits



Last resort; sold by government, invested in habitat enhancements



BNG process overview



Biodiversity net gain overview

- Government has published draft regulations:
- To make exemptions for:
 - Development not impacting priority habitat and which does not impact habitat with a biodiversity value of >0 below a 'de minimis' threshold of 25 metres squared (5m by 5m) or 5m for linear habitats such as hedgerows
 - Householder applications
 - Biodiversity gain sites (where habitats are being enhanced for wildlife for BNG)
 - Small scale self-build and custom housebuilding
 - Permitted development and urgent crown development are exempted in the primary legislation
- Modify the BNG requirement for irreplaceable habitats (see blog post [Irreplaceable habitats and BNG: what you need to know - Land use: policies and framework \(blog.gov.uk\)](#))
- Development must have an approved biodiversity gain plan prior to commencement
- Proportionate monitoring arrangements set as part of legal obligations to secure the site.

STATUTORY INSTRUMENTS	
2024 No.	
ENVIRONMENTAL PROTECTION, ENGLAND	
TOWN AND COUNTRY PLANNING, ENGLAND	
The Biodiversity Gain Requirements (Exemptions) Regulations 2024	
Made	***
Laid before Parliament	***
Coming into force	***
The Secretary of State makes these Regulations in exercise of the powers conferred by section 333(2A) of and paragraph 17 of Schedule 7A to the Town and Country Planning Act 1990(a).	
Citation, commencement and extent	
1.—(1) These Regulations may be cited as the Biodiversity Gain Requirements (Exemptions) Regulations 2024.	
(2) These Regulations come into force on *** 2024.	
(3) These Regulations extend to England and Wales.	
Biodiversity gain planning condition	
2. In these Regulations, "biodiversity gain planning condition" means the condition referred to in paragraph 13 (general condition of planning permission) of Schedule 7A to the Town and Country Planning Act 1990.	
Temporary exemption for small developments	
3.—(1) The biodiversity gain planning condition does not apply in relation to planning permission for small development where—	
(a) the application for planning permission for small development was made before 1st April 2024; or	
(b) planning permission is granted for small development which has effect before 1st April 2024.	
(2) The biodiversity gain planning condition does not apply in relation to a section 73 planning permission where the original planning permission to which the section 73 planning permission relates was exempt by virtue of paragraph (1).	
<small>(a) 1990 (c. 8); subsection (2A) was inserted into section 333 by paragraph 14 of Schedule 6 to the Planning and Compulsory Purchase Act 2004 (c. 5); Schedule 7A was inserted by section 98 of, and Schedule 14 to, the Environment Act 2021 (c. 30).</small>	

Biodiversity Gain Plan overview

- A biodiversity gain plan must be submitted and approved by the Planning Authority before development can lawfully commence.
 - Plan should contain:
 - Status, details and competency
 - Completed metric, survey information
 - Proposed on-site enhancements
 - Supporting documents (maps, relevant local information)
 - Adherence to the BNG mitigation hierarchy
 - Off-site and credits (if required)
 - Wider net gain obligations
 - Monitoring and reporting
-

Biodiversity net gain – offsite overview

- Any landowner in England can provide biodiversity units, if they meet the eligibility criteria
- All units must be legally secured for 30 years and registered on the BNG Register
- Suppliers of units can supply to anywhere in England provided the units are suitable for the development in question and the distance between the development and the units is properly accounted for in the statutory biodiversity metric
- Developers will be able to sell excess units where these are registered and are genuinely additional
- Habitat created after 30 Jan 20 is eligible for mandatory BNG
- Guidance has been published on stacking units with other environmental payments

Statutory Biodiversity Credits overview

- Used as a last resort to prevent planning delay
- Natural England will sell statutory biodiversity credits
- Aim is to phase them out as the market matures
- Credits are priced at level intentionally uncompetitive to the market and will be reviewed. [Statutory biodiversity credit prices - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/news/statutory-biodiversity-credit-prices)
- Credits will be invested in habitat creation/enhancement by Natural England
- SoS will publish an annual report on credits

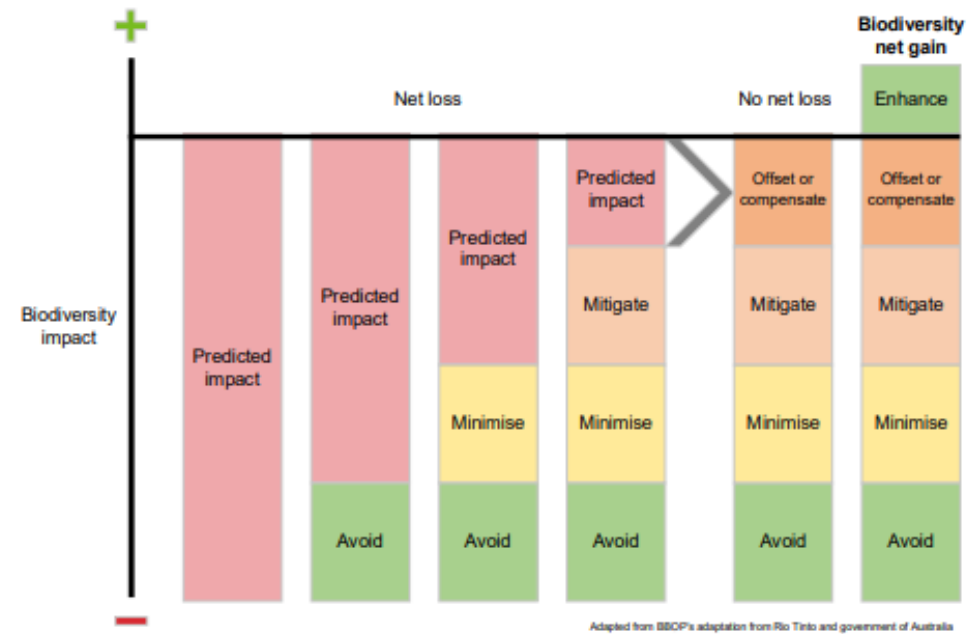


Figure 3: How biodiversity net gain should apply in line with the mitigation hierarchy

What has been published?

What	Summary	How is it relevant to mandatory BNG?
Secondary regulation	6 statutory instruments (2 laid in draft in Parliament available on legislation.gov.uk and 4 published in draft on gov.uk)	Work together to provide the legislative framework with the Environment Act 21 for mandatory BNG.
Statutory biodiversity metric (including small sites)	<p>The data value inputs, multipliers and metric rules have been laid in Parliament.</p> <p>The metric calculation tools, user guides and condition assessments have been published to be used for the calculation of biodiversity value.</p>	The statutory biodiversity metric which will be used for mandatory BNG when it commences.
Guidance	<p>Draft Planning Practice Guidance</p> <p>Step by step guidance for landowners, developers and guidance for local authorities</p>	<p>PPG provides technical guidance on BNG in the planning system</p> <p>Step by step takes users through process of BNG.</p>
Templates	<p>Net gain plan template</p> <p>Habitat Management and Monitoring template</p>	Templates that can be used by LPAs and developers – developed in consultation with users.

What has been published? – Regulations and the statutory Biodiversity Metric

6 secondary regulations:

- 2 laid in parliament:
 - The Biodiversity Gain (Town and Country Planning) (Consequential Amendments) Regulations 2024
 - The Biodiversity Gain Site Register (Financial Penalties and Fees) Regulations 2024
- 4 published in draft:
 - [The Biodiversity Gain Site Register Regulations 2024](#)
 - [The Biodiversity Gain Requirements \(Exemptions\) Regulations 2024](#)
 - [The Biodiversity Gain Requirements \(Irreplaceable Habitat\) Regulations 20234](#)
 - [The Biodiversity Gain \(Town and Country Planning\) \(Modifications and Amendments\) \(England\) Regulations 2024](#)
- Statutory biodiversity metric (including small sites)
 - Act Paper – includes the detail of the formula, values and data that make up the metric
 - Statutory metric package – calculation tools, user guides, condition assessments

What has been published? Guidance and templates

- Draft Planning Practice Guidance
- Defra guidance – includes:
- Step by step guidance for landowners, developers and local authorities
 - Introduction to BNG
 - Combining payments (stacking and bundling)
 - What counts towards BNG (additionality)
 - Exemptions from BNG
 - Biodiversity metric
 - Onsite and offsite BNG
 - Statutory biodiversity credits
 - Securing gain sites (legal agreements)
 - Biodiversity gain plan
 - Habitat Management and Monitoring Plans
- Templates
 - Biodiversity net gain plan
 - Habitat management and monitoring



What happens next?

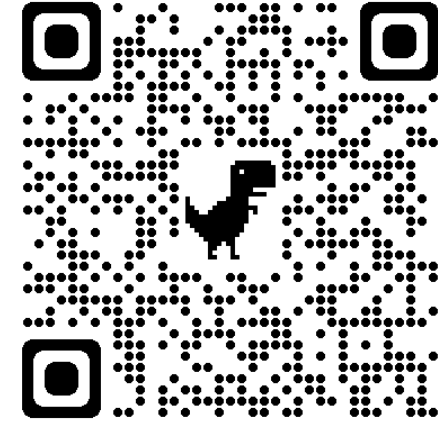
- Confirmation of the commencement date for BNG – will be confirmed as soon as possible (subject to parliamentary timings)
- Debates of two pieces of secondary legislation in parliament
- Final 4 statutory instruments laid in parliament
- Commencement of mandatory BNG for major development.
- Feedback and practice
- Commencement of mandatory BNG for small sites
- Consultation on BNG approach for NSIPs in 2024, with commencement in 2025



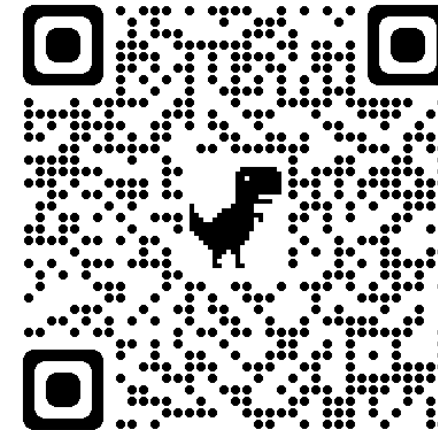
Where do I go for further information?

- [Regulations](#) - published on GOV.uk and legislation.co.uk
- [Guidance](#) – BNG collections page. Provide feedback via the survey at the end of each page (we pick all this up and consider all feedback submitted by this route)
- Sign up for the [Land Use blogs](#) – several already published covers BNG and LNRS, flow charts for landowners and the BNG process etc.
- [Planning Advisory Service](#) – Defra has funded PAS to support with implementation. FAQs, readiness checklist, recorded webinars, basecamp.

[BNG Guidance](#)



[Land Use blog](#)



Natural England and BNG



The Role of NE in BNG

Natural England is not a statutory consultee for Biodiversity Net Gain matters in relation to individual applications.

Natural England will:

- Operate the net gain register
- Operate the statutory biodiversity credit sales service
- Oversee macro-level monitoring & evaluation
- Periodically make recommendations to the Secretary of State on Statutory Biodiversity Metric updates

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NE Additional Activities

- Publishing Habitat Management & Monitoring Plan and Management Reporting templates (optional)
- Running a pilot BNG quality assurance project
- Produce additional guidance notes as needed e.g. guidance for coastal LPAs
- Engaging strategically with LPAs and other local stakeholders through our area teams
- Continuing to publish/commission BNG blogs
- Convene BNG-related events + provide training content



Thank you

Nick.white@naturalengland.org.uk

A person in a blue suit and tie is holding a white sign with the text "ANY questions?". The sign is held in front of a blurred background of an office or meeting room.

ANY
questions?

Questions and answers

- Please submit your questions through Slido:
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 - Scan the QR code
- We will answer as many as we can today
- We will add answers to FAQs on the PAS website



Summing up & next steps

What do you think?

How did we do?

Next steps:

- Adding relevant questions to FAQs
- Ongoing support on biodiversity net gain and nature recovery through PAS projects

For more information:

- <https://www.local.gov.uk/pas/topics/environment>
- Sign up to the PAS bulletin:
<https://www.local.gov.uk/pas/our-work/keep-touch>
- Join our BNG practitioner network

The screenshot shows a message board interface. At the top, there's a search bar with the text 'Biodiversity net gain forum for LPAs'. Below that is a 'Message Board' header with a '+ New message' button on the left and 'All messages' on the right. The board is sorted by 'LATEST COMMENT' with a '(CHANGE)' link. Under 'Pinned to top', there are four messages:

- Notification Settings: BNG Practitioner Network Basecamp** (1 reply) - FYI by Meg Kidd • Mar 7 — Good afternoon everyone, Just a quick reminder on how to change the notification settings on Basecamp to avoid notification overload. You can use and manage Basecamp through the
- Introduction to Basecamp** (1 reply) - Announcement by Beccy Moberly • Sep 14 — We recorded our short intro to Basecamp and this forum on 12 September and you can access it here: How to use Basecamp We recommend viewing if you are new to
- Joining the BNG practitioner network** (2 replies) - Announcement by Beccy Moberly • Oct 17 — We're trialling a new way to add folk to the network using MS Forms, so from now on if you have a colleague that you'd like us to add, you can just send them this link to fill in:
- Finding old messages/threads on topics** (1 reply) - FYI by Beccy Moberly • Oct 19 — People often say that they're not sure how to find messages on the forum that relate to a topic they are interested in. There are two ways to do this. The first is to filter by topic by clicking

Biodiversity Net Gain FAQs - Frequently Asked Questions

Most recent page update 16 October 2023. We have worked with Defra, Natural England and DLUHC to answer the questions we are most frequently asked by local authority officers and members about biodiversity net gain and those that have come up at events so far. We will be adding answers to more questions as we get them. Please do email pas@local.gov.uk if you spot any errors. If you have questions that are not covered on this page and are a local authority officer, you can join our BNG practitioner network, which has an online forum for posting questions, discussing issues and sharing knowledge. Email pas@local.gov.uk for more information.