

Biodiversity Net Gain (BNG) & Local Plans

Planning Advisory Service (PAS)

- Martin Hutchings, Local Plans Principle Adviser, PAS
- PAS - a programme of work that sits in the LGA, funded by DLUHC

“PAS exists to support local planning authorities to provide efficient & effective planning services, to drive improvement and to respond to and deliver changes in the planning system”



Local Plans & Biodiversity (today)

- National policy – ‘*where possible*’
- NPPF Paras 170(d), 174(b) and 175(d)
- Natural Environment Planning Practice Guidance
- Infrastructure Commission’s Design Principles
- National Policy Statements
- National Design Guide
- Government’s 25 Year Environment Plan
- Plus other bits and pieces e.g. BS8683

Key components of mandatory BNG

- **Environment Act Schedule 14, 15 (NSIPS)**
- Amends TCPAct 1990, Planning Act 2008
- **Minimum 10% gain** Nov 2023, small sites April 2024
- **Maintains mitigation hierarchy** of avoid, mitigate, compensate
- On, off-site, or **statutory biodiversity credits** scheme
- **Existing legal protections unchanged**
- **Office for Environmental Protection**
- **Habitat secured by condition, at least 30 years**

Local Plans & Mandatory BNG

- Adopted plans – 10% legislative requirement, can't be reduced (e.g. viability)
- Legislative requirement – no need to repeat wording
- LPAs encouraged to develop a locally specific BNG policy:
 - Test approaches prior to November
 - Rush to get permissions
 - Set strategy for delivering BNG
- BNG is wider than the Local Plan. Wholistic approach = more efficient & effective. **Effective governance...**

What might be included in the Local Plan?

- What is it, what is its purpose, what does it require,?
- What other initiatives, policies does it support?
- How it operates (e.g. mitigation hierarchy, on/off site (where is acceptable 'off site'?), credits)
- Treatment of different development scales
- How it is baselined, measured and monitored
- Biodiversity strategy (applications)
- Mitigation options

Local Plan Production - considerations

- Agreeing and setting out local priorities
- Impacts for site selection methodology (inc. 'habitat banks'?)
- Evidence – where going above 10%
 - Justification
 - Demonstrating viability
- Mitigation preference – on/off site (inc. how and where)
- Setting a target
- Accessing the metric
- Setting requirements for management and maintenance

PAS support

- **Peer-to-peer learning:**
 - BNG practitioner network
 - NN catchment networks
 - Case studies, examples, sharing experience
- **Online resources, including**
 - FAQs and advice
 - BNG process flowchart, with Future Homes Hub
 - Readiness benchmarking tool
 - Training modules
- **Workshops and events**
- **Feeding back to Government** and Natural England, helping develop guidance
- **Joining it all up...**

Final thoughts

- It's important – not just for the ecologists
 - impacts on all aspects of planning and place making
- Incomplete knowledge is no excuse for inaction
 - lots of examples of BNG working now
 - lessons to learn and ideas to pinch
- Perfection is the enemy of the good
- A practical opportunity for planners & planning
 - need to work corporately and build relationships
 - working with neighbouring areas makes sense

PAS is here to help

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 – email:
pas@local.gov.uk

• **Questions?!**