

# **PAS Biodiversity Net Gain update for local authorities with Natural England**

18 April 2023

# Natural England BNG update

- We have a lot of people in the 'room' so you are muted and cameras are off
- **Questions via Slido - Passcode: i3mwp7**
  - **Go to [slido.com](https://slido.com) and enter this code: 2970 0656**
  - **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 – please post in the chat or email Steve:  
[stephen.barker@local.gov.uk](mailto:stephen.barker@local.gov.uk)



# Agenda

Agenda topic	Who
1. Introduction	Beccy Moberly, PAS
2. Natural England update on BNG	Nick White, Natural England
3. Q&A	
4. Summing up and feedback	
Finish at 11.30	

# Planning Advisory Service (PAS) and BNG

- PAS is part of Local Government family, Team of 14
- 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
- Have you attended a PAS event before?



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## 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.

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### Bulletin

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

# 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

# **PAS Biodiversity Net Gain update for local authorities with Natural England**

18 April 2023

Nick White, Natural England



# **Biodiversity Net Gain: An Update for the Planning Advisory Service**

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

# Content



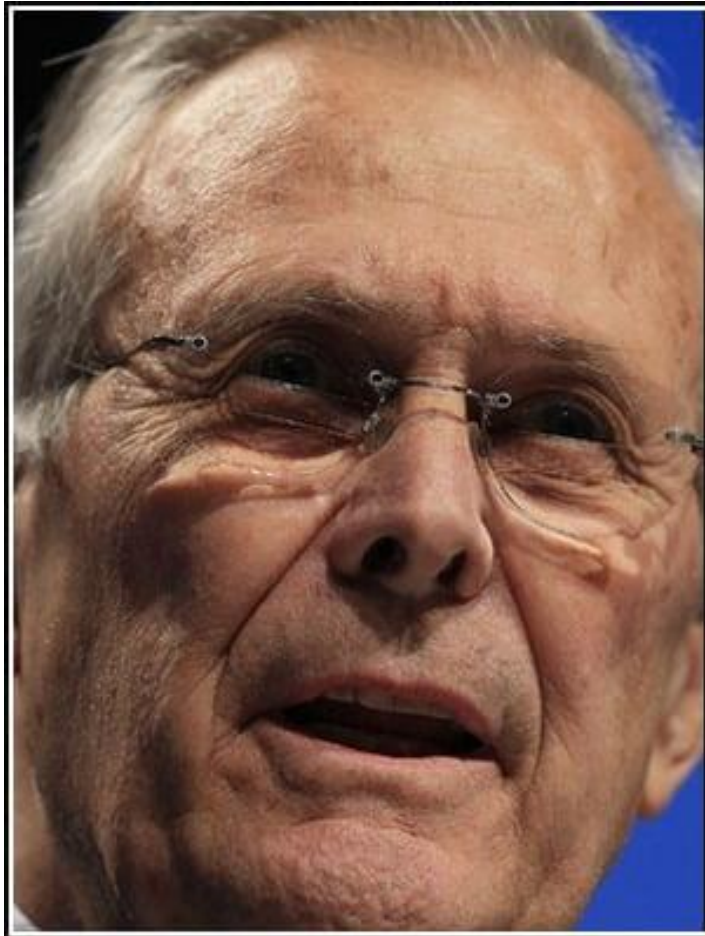
## Biodiversity Net Gain:

1. Primary legislation
2. Secondary legislation
3. Biodiversity Metric
4. Guidance
5. Templates
6. Preparatory activities
7. Quality assurance
8. Natural England's Role
9. Day 1 and beyond





# BNG – Knowns, Unknowns & Unknown Unknowns



There are known knowns. These are things we know that we know. There are known unknowns. That is to say, there are things that we know we don't know. But there are also unknown unknowns. There are things we don't know we don't know.

— *Donald Rumsfeld* —

AZ QUOTES

# Why Mandatory BNG?



From this.....



..... to this





# Primary Legislation - The 2021 Environment Act



- Not yet in force –commences from November 2023
- England only
- Amends Town & Country Planning Act (TCPA) and 2008 Planning Act (NSIP's)
- Minimum 10% gain & approval of net gain plan (LPAs can locally vary upwards)
- Off-site & significant onsite habitat secured for at least 30 years
- Statutory Biodiversity Metric
- National register for off-site net gain sites
- Does not change existing legal protections



# 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

# Secondary Legislation

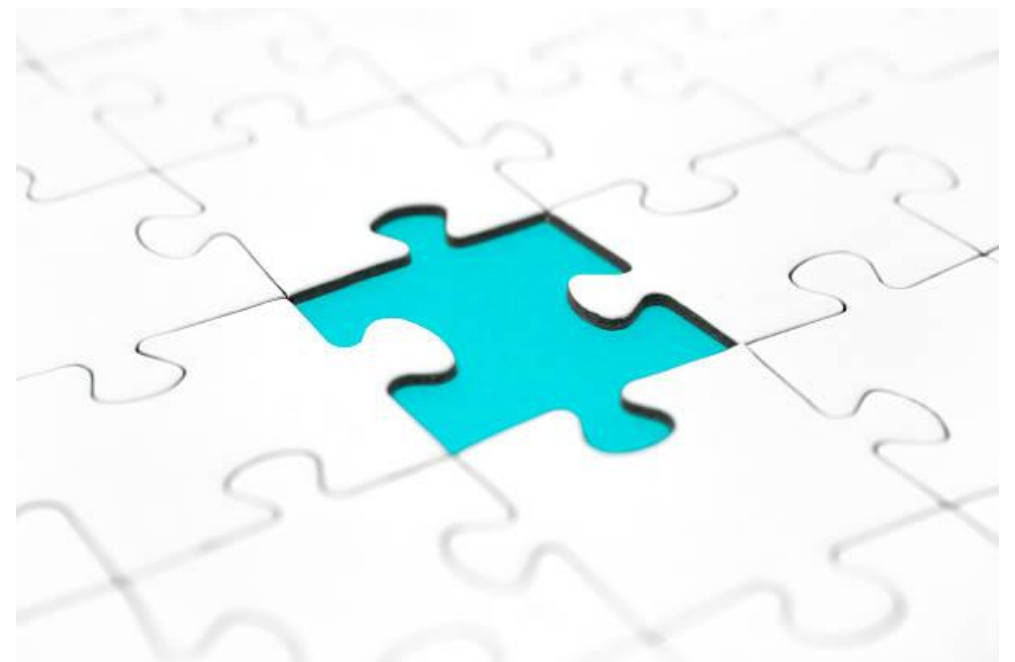


Statutory Instruments (SIs) to come for:

- **The register**
- **Irreplaceable habitats** – NE submitted recommendations to Defra
- **Exemptions**
- **BNG plan** procedure & approval
- **Phased** developments + **S73**
- **Complex & modified** planning permissions

Will set out important further detail

Informal consultation likely late spring/summer '23



# Mandatory BNG – Further Information



## BNG Consultation Response – 21/02/2023

Clarified some policy unknowns

- Commencement starting November 2023 BUT 'small sites' commence April 2024
- Exemptions – self & custom builds added. Brownfield NOT exempt





# Mandatory BNG – Further Information cont'd



## BNG Consultation Response – 21/02/2023 cont'd

- Sale of 'excess' onsite biodiversity units – allowed
- Net gain register details
- Statutory credits
- Protected sites and BNG delivery – coastal vs non-coastal
- Additionality & relationship with compensation



# Mandatory BNG – Further Information cont'd + funding



## Additional BNG Guidance

- Stacking and bundling
- Landowner advice
- Central BNG 'collections' page on Gov.uk

<https://www.gov.uk/government/collections/biodiversity-net-gain>

## Funding

Additional £16.7m for LPA readiness

No further announcements yet on post-commencement 'new burdens' support





# The Importance of a Metric



## Fundamental to net gain

Net gain is an approach to development, and/or land management, that leaves the natural environment in a measurably better state than beforehand.

## The metric:

- Calculates baseline + forecast outcome
- Provides confidence
- Ensures consistency of approach

## Needs to be:

- Simple yet sound



# Metric Applications

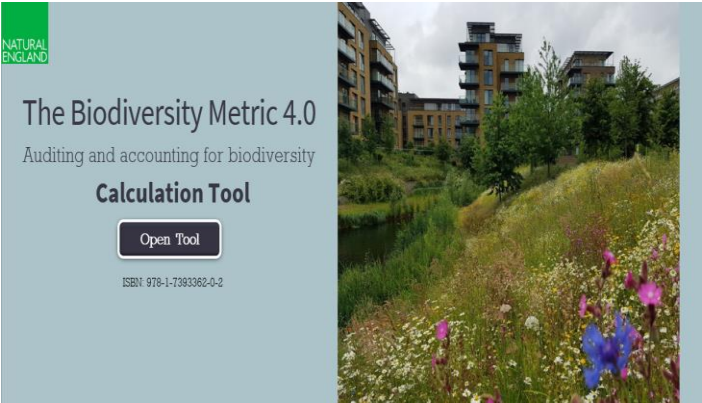




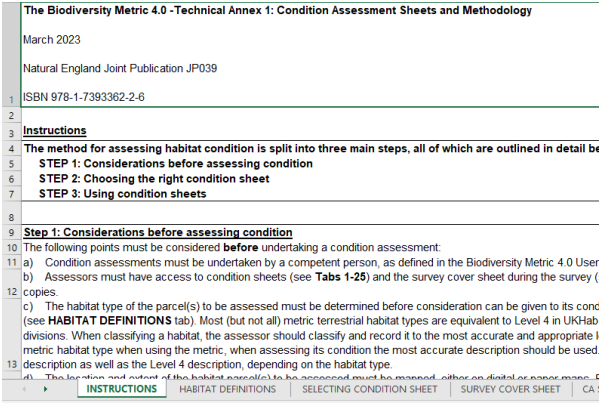
# The Biodiversity Metric - Components



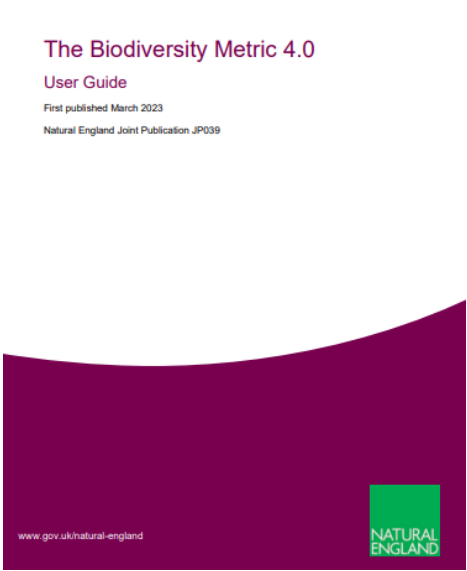
Elements interdependent of each other and work together as a package



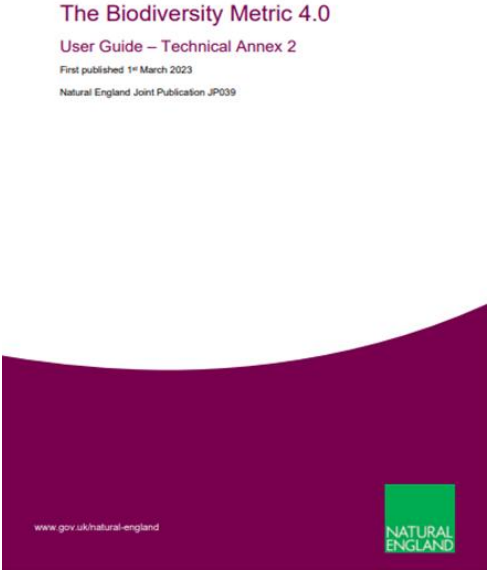
Calculation Tool



Condition Assessment



User Guide



Technical Supplement

# Metric 3.1 – Metric 4.0: What's New?



Lot's of similarities, However, changes have been made to:

- The **spatial risk multiplier** (reduced impact on non-local high distinctiveness habitats)
- Simplified **guidance** documents
- **Calculation tool** changes – some habitat additions + name changes & improved user interface
- Updated **condition assessment** sheets
- Updated **QGIS interface** and ability to import to **SSM**



# Two Versions of Biodiversity Metric



## 'Main' Metric

- Can be used by all TCPA, NSIP developments + other developments types and by land managers
- Requires a 'competent' person
- Calculates both on and off-site gains/losses
- Can run indicative or 'final' calculations
- Requires condition assessment input (using condition assessment methodologies provided)

## Small Sites Metric (SSM)

- A simplified and restricted version of the metric
- Must only be used on sites that meet the small site definition + only for sites containing habitats found within the SSM.
- Cannot be used on sites containing priority habitats or SSSIs
- Can only be used to calculate on site loss/gains

# The Status of Biodiversity Metric 4.0



All can use but is NOT the statutory metric for the purposes of BNG under the 2021 Environment Act

*‘At the time of publishing biodiversity metric 4.0 and this consultation response, the relevant provisions in the Environment Act will not yet be in force. Therefore, at this time, biodiversity metric 4.0 will not be mandatory to use.*

*We anticipate that this next version of the biodiversity metric, including the small sites metric, will form the basis of the statutory metric, for the purposes of Schedule 7A of the Town and Country Planning Act 1990 as introduced by Schedule 14 of the Environment Act 2021, once published by Defra’s Secretary of State. This will become mandatory to use once it is laid before Parliament, expected to be November 202’.* Defra Metric Consultation Response, 2023

# Further Work



- **Monitoring & Evaluation** of BNG implementation + roll-out
- **Habitat management & monitoring plan templates** (HMMP) – not mandatory but usage encouraged
- **Quality assurance** pilot – summer '23 onwards
- **Metric 4.0 & SSM training** with others
- Information for **SME developers**





# Countdown to Mandatory BNG – Timelines



## Late Spring/Early Summer:

Responsible body designation launched

NSIP BNG statement and consultation

## Secondary Legislation –Statutory Instruments:

- Exemptions
- Irreplaceable habitats (incl consultation)
- The Register
- How BNG will work through the existing planning process.

## Late Summer

- List of responsible bodies published





# Countdown to Mandatory BNG –Guidance



Late Spring/Summer further guidance planned

- Additionality
- HMMP
- Onsite
- Offsite
- Register
- Securing biodiversity gain sites
- 30+ years
- Metric
- BNG statement and plan
- Phased development
- Statutory credits
- Irreplaceable habitats
- Enforcement
- Redline boundary
- Baseline and degradation of habitats
- Exemptions
- Minerals
- Small sites, small sites metric



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# Mandatory BNG Commencement



## Town & Country Planning Act Developments

- **November 2023\*** – commencement for all bar exempted plus small sites  
*\*Unknown when in November*
- **April 2024** – commencement for small sites – defined as:
  - For residential: where the number of dwellings to be provided is between one and nine inclusive on a site having an area of less than one hectare, or where the number of dwellings to be provided is not known, a site area of less than 0.5 hectares.*
  - For non-residential: where the floor space to be created is less than 1,000 square metres OR where the site area is less than one hectare.*



# Mandatory BNG – Timelines cont'd



## 2008 Planning Act Developments (NSIPs)

- **Late 2025** – commencement for all that have not already commenced via updated national policy statements
- Standard BNG policy statement produced
- Essentially same approach as for TCPA BNG envisaged e.g. standardised metric, use of register for offsite etc



# BNG Good Practice and Standards



## Good Practice



Biodiversity net gain good practice principles (2016)

Biodiversity net gain good practice principles for development (2019)

## Standards



BS8683:2021 – Process for designing and implementing BNG (2021)



# BNG now vs. mandatory BNG



## BNG NOW



The percentage BNG required is **dependent on the Local Plan.**



BNG can be **delivered on-site or off-site** in the market, both via units.



Land delivering BNG is **not formally registered** on a national database.



Projects delivering BNG can use **any metric** to calculate losses and/or gains in habitat.



Land delivering habitats for BNG purposes is **not required to be legally secured.**

## MANDATORY BNG (NOV 2023)



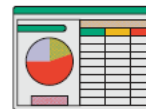
The percentage BNG required is a **minimum of 10%**. This can be higher if stated in the Local Plan.



BNG can be delivered **on-site or off-site, as units, or as a last resort via the statutory credits system.**



Land delivering BNG off-site is **required to be formally registered** on the national Biodiversity Gain Site Register.



Development delivering BNG is required to use the **Secretary of State's Biodiversity Metric** to quantify losses and/or gains in habitat.



Land delivering habitats for BNG purposes is required to be **legally secured and maintained for a minimum of 30 years.**

**NB. Key differences only. Not an exhaustive list of every change.**

**NB. NSIP's = 2025**

# Preparing for Mandatory BNG – LPAs Must



- Implement the new statutory requirement upon commencement
- Not approve schemes 'in-scope' without sight of completed statutory metric and biodiversity gain information
- Ensure that any offsite delivery is registered (including any LPA owned sites)
- Ensure that any necessary consents are in place
- Not preference LPA land as BNG offset sites over others
- Report on BNG as part of the new NERC duties – details still awaited



# Preparing for Mandatory BNG – LPAs Should



- Set out local priorities for habitat creation/enhancement – these will determine ‘strategic significance’
- Consider whether any LPA owned land might be appropriate for BNG
- Set out your local BNG monitoring & reporting expectations
- Update your local plan with additional BNG information if you are locally asking for more than 10% minimum net gain. You should also evidence this.
- Ensure all relevant officers and members are aware of BNG
- Consider how BNG could help deliver other local priorities



# BNG and Natural England



## NE will:

- Periodically (every 3-5 years) make metric update recommendations to Defra
- Operate the net gain register
- Run the statutory biodiversity credit sales platform on behalf of SoS
- Undertake macro level monitoring and evaluation of BNG

## NE will not:

- Comment on BNG plans or biodiversity metric submissions unless under DAS
- Undertake site level BNG monitoring

## Additionally NE

- Will engage with LNRS



# Final Thoughts



BNG is a journey

November 2023 is just the start

Important that we all continue to learn from each other and work together

Development with BNG is a lot better than development without

Triage, triage, triage



# BNG – A Paradigm Shift for Development



From this.....



..... to this







# Questions

# Questions and answers

- Please submit your questions through Slido:
- **Slido - Passcode: i3mwp7**
  - Go to [slido.com](https://slido.com) and enter this code: **2970 0656**
  - 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:

- Answering outstanding questions and adding 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 – email:  
[pas@local.gov.uk](mailto:pas@local.gov.uk)

Biodiversity net gain forum for LPA's

+ New message

Message Board

All messages

SORTED BY LATEST COMMENT (CHANGE)

Pinned to top

- BNG network session on the Government's consultation response, 28 Feb  
Practitioner Network Meetings (Recordings, transcripts, etc.) by Beccy Moberly • Mar 1 — [How are you feeling about the consultation response.jpg]Thanks to all who contributed to yesterday's session on the BNG
- Notification Settings: BNG Practitioner Network Basecamp  
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
- Filter BNG information by topic: New Feature!  
Announcement by Meg Kidd • Mar 15 — Good afternoon everyone, We have now added some topics to the BNG message board to make things a bit easier to navigate and information quicker to access. You can now filter
- Feedback to IDOX/ Uniform on the BNG Tab  
Monitoring delivery, enforcement and reporting by Annie Ottaway • Mar 14 — Hi all, We recently had a sales pitch from IDOX/Uniform on their BNG tab. We are deciding whether to use it - I think we will have to to some

## Biodiversity Net Gain FAQs - Frequently Asked Questions

We have worked with Natural England and Defra 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. We are keen to get your views and comments on these questions and answers, so please email [pas@local.gov.uk](mailto:pas@local.gov.uk) to provide feedback. 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](mailto:pas@local.gov.uk) for more information.

<b>General</b>	<b>General</b>
Resourcing	
Local Plans	
Decision-making	
Off-site BNG	
National biodiversity gain sites register	

PLEASE NOTE THAT THE GOVERNMENT PUBLISHED ITS **RESPONSE** TO THE 2022 CONSULTATION ON BIODIVERSITY NET GAIN REGULATIONS AND IMPLEMENTATION ON 21 FEBRUARY 2023. THE ANSWERS TO THESE FREQUENTLY ASKED QUESTIONS HAVE NOT YET BEEN UPDATED TO REFLECT ANY NEW INFORMATION PROVIDED IN THAT RESPONSE.

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