



What does biodiversity net gain mean for the planning system in England?

The House Briefing: Preparing for Biodiversity Net Gain 30 June 2022

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Planning Advisory Service (PAS) and BNG

- PAS is part of Local Government family
- Funded by DLUHC to support English planning authorities (LPAs)
- Wide programme, including in 2022/23: design, developer contributions, Local Plans & development management designation
- Environmental planning a recent addition currently covering nutrient neutrality and biodiversity net gain
- Two-year BNG project funded by Defra 1 FTE, started March 2021
- Overarching aim is to enable LPAs to be 'day one ready' for **mandatory BNG in Nov 2023**
- Developing training and support programme for <u>330+ LPAs</u> England-wide



e 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.

Bulletin

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







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 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) but not marine development (yet)





BNG delivery mechanisms



Onsite (units)

Offsite (units)

Potentially in full or combination



Delivered via habitat creation/enhancement via landscaping/green infrastructure



Delivered through new habitat creation/enhancement on land holdings or via habitat banks

Statutory Credits

Only if units not available



Delivered through landscapescale strategic habitat creation delivering nature-based solutions





Proposed biodiversity net gain process for Town and Country Planning Act 1990 development (indicative process only – not representative of all routes to permission)

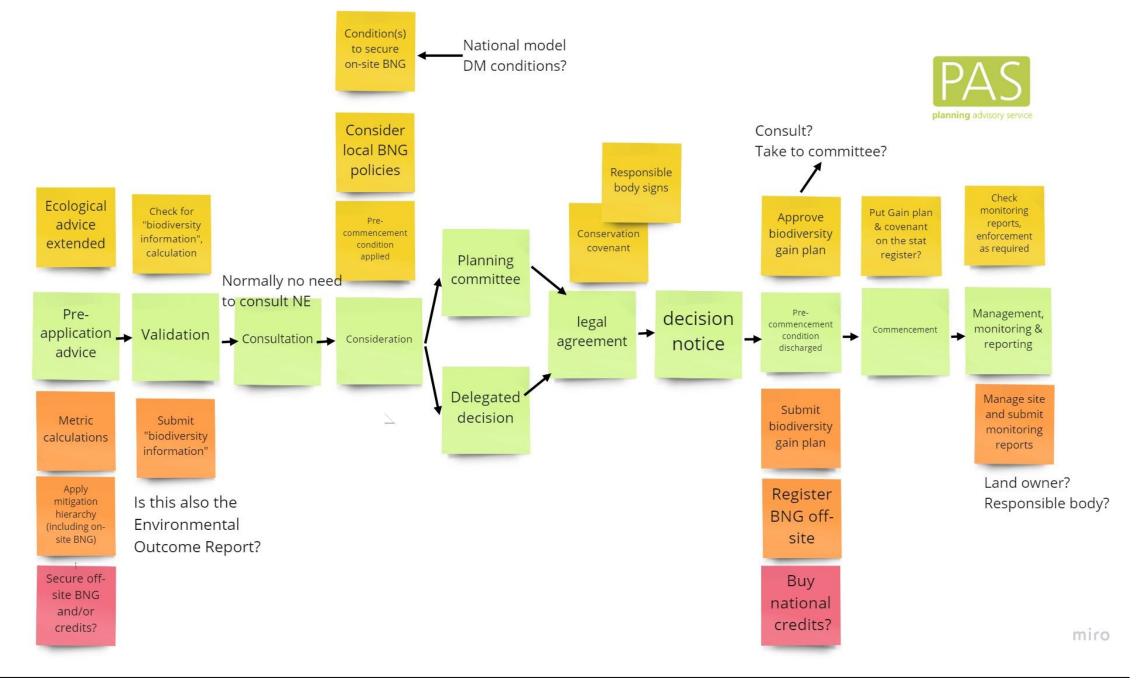
Site selection	In line with the mitigation hierarchy, avoid or minimise habitat loss by considering biodiversity in site selection and site design.	
	Check whether mandatory biodiversity net gain will apply to the development and what the percentage requirement is. If BNG is applicable, applicants should be aware that local planning policy may require more than the statutory minimum 10% net gain.	
	Include indicative percentage biodivers ity net gain and any preliminary biodiversity metric outputs in pre-application discussions with the relevant planning authority.	
	Prepare biodiversity gain information. This should detail pre-development biodiversity value, steps taken to minimise adverse biodiversity imparts proposed approaches to enhancing biodiversity on and off site.	
Pre-application	If biodiversity net gain is achieved on site, it is not necessary to look for off-site enhancements.	If biodiversity net gain cannot be achieved on site, identify off-site opportunities for biodiversity enhancement.
		If biodiversity net gain cannot be achieved through a combination of on site and off-site proposals, arrange to buy statutory biodiversity credits from government as a last resort.
	Submit biodivers ity gain information alongside any application for planning permission. This <u>must</u> fulfil minimum requirements for biodiversity gain information, and <u>may</u> include further information towards a complete biodiversity gain plan should such information be available at this stage.	
Applications for planning permission	If the planning authority is satisfied the application for planning permission is acceptable in planning terms, planning permission will be granted subject to the mandatory biodiversity net gain condition and any other conditions or obligations considered appropriate.	
Pre-commence ment	If further information is required, the following may need to be considered before the biodiversity gain plan is completed and submitted for approval:	
The biodiversity gain plan is submitted and approved. The mandatory pre-commencement condition has been n		The mandatory pre-commencement condition has been met.
	Development can commence, provided that all relevant pre-commencement and any other necessary permissions are in place.	
Commencement and management	Ongoing management, monitoring, reporting and appropriate enforcement of biodiversity gains continues for at least the agreed maintenance period.	

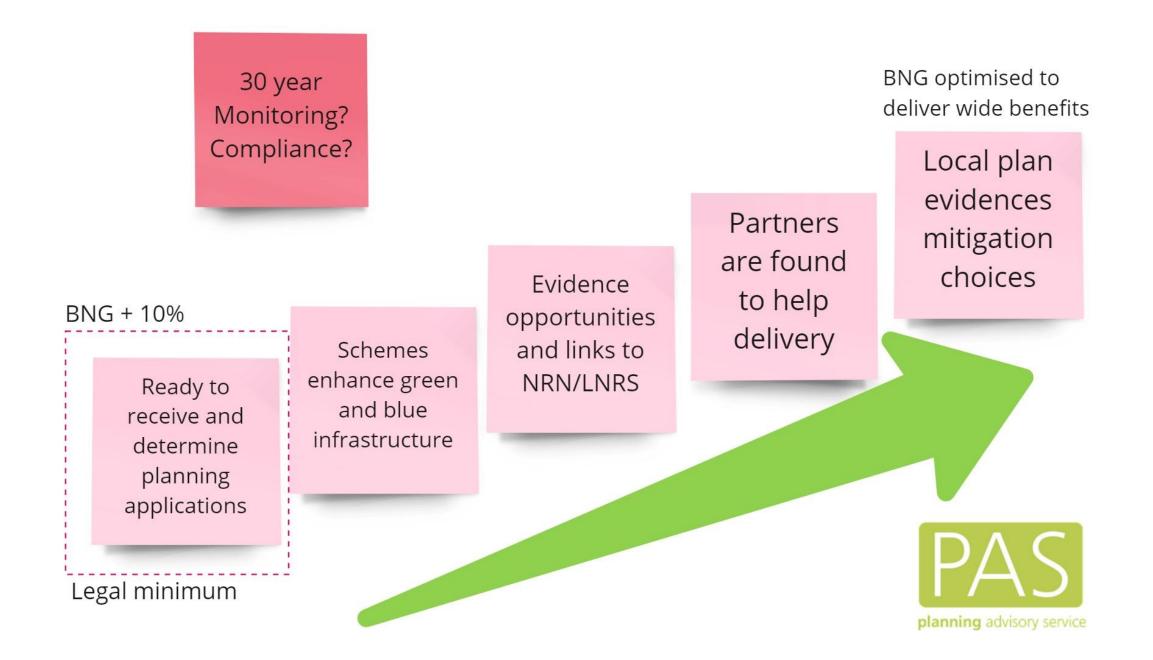




Planning application process with BNG











BNG now and in the future

We've identified six key themes from what we've heard from local authorities at our workshops.



1) Resources, capacity & expertise



2) Delivering strategic local ambitions



3) Managing the transition period



4) Flexibility for local approaches



5) Monitoring and enforcement



6) Making decisions and securing BNG





Lessons from local authorities doing BNG 'well'

- Collaborate across council services and with partners
- Think beyond planning; embed the approach corporately
- Think about links to other priorities and political drivers
- Plan and start early
- It's a journey...







Questions?

For further information please visit our website: https://www.local.gov.uk/pas/topics/environment/biodiversity-net-gain-localauthorities Sign up to the PAS bulletin: https://www.local.gov.uk/pas/our-work/keep-touch Email: pas@local.gov.uk



