

Biodiversity Net Gain Essentials

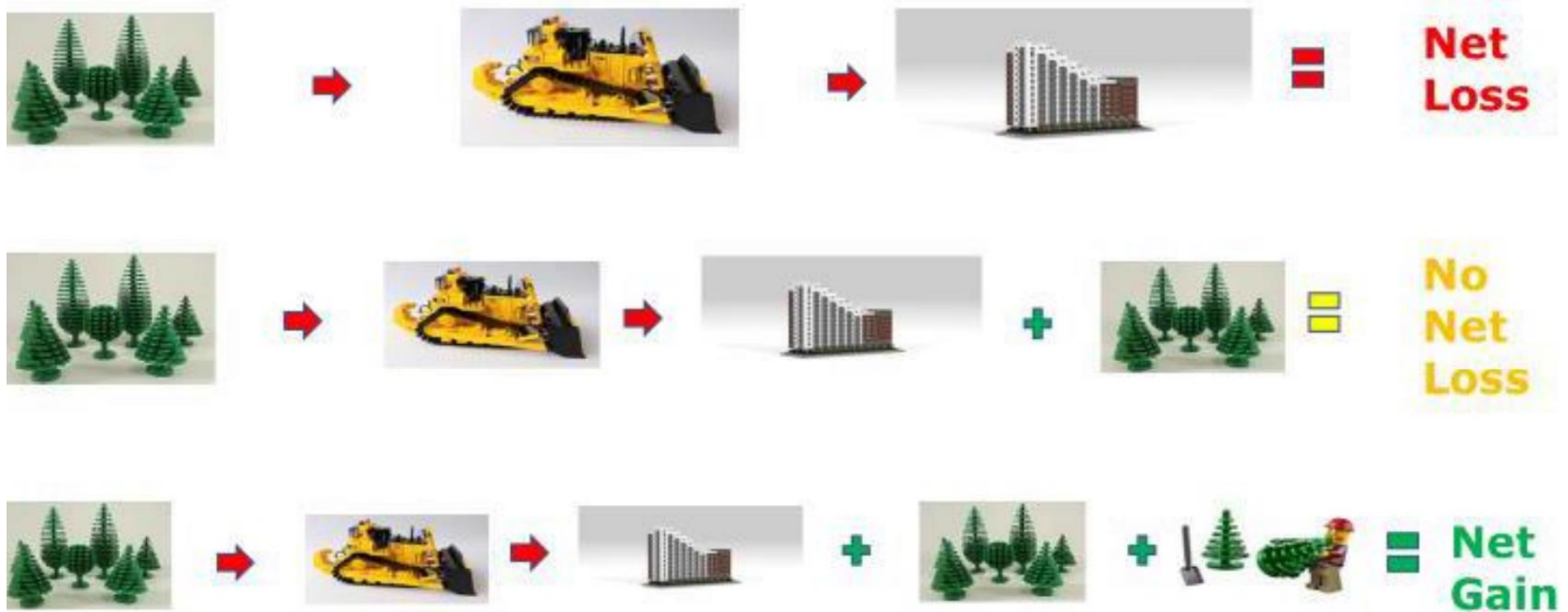
An overview of BNG and what you need to know

PAS slide pack for use by local authority officers for internal training of members, senior leaders and officers

- What is biodiversity net gain and why are we doing it?
- Legislative and policy background
- Key components of biodiversity net gain
- Local authority role:
 - Development management
 - Local Plans
 - Wider corporate role
- Joining it all up
- Timescales

What is Biodiversity Net Gain (BNG)?

Net gain is an approach to development that aims to leave the natural environment in a measurably better state than it was beforehand.



Why biodiversity net gain?

Drastic nature decline

Over the last century, the state of nature in the UK has seen a significant and alarming decline due to increased demands, including population increase, agricultural intensification, pollution, climate change and development, resulting in deteriorated and fragmented habitats. The UK:

- has experienced an 19% decrease in wildlife abundance on average since the 1970s;
- ranks among the bottom 10% globally for biodiversity;
- and is the worst G7 nation for biodiversity loss.

Nature's vital role in addressing the biodiversity, climate and health crises

- Our reliance on nature encompasses essential elements like food, water, clean air, resources, and recreational opportunities, underlining its fundamental importance to human well-being.
- Nature serves as a critical tool for mitigating and adapting to climate change and promoting well-being, including improving mental health - estimated to cost the economy over £117 billion annually.

Ineffective conservation policy

Over the past 70 years, efforts in the UK have primarily focused on nature conservation by preserving pockets of nature. However, this approach has not halted the decline in wildlife and the environment.

Legislative and policy requirements

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*

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



Land Use Framework?

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*

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.

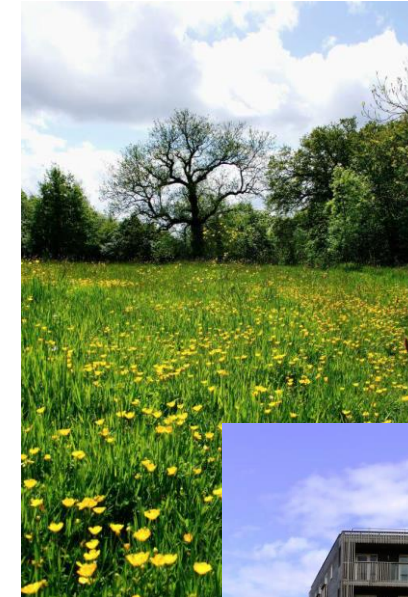


Environment Act 2021

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

BNG on-site, off-site and statutory credits

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

AVOID

Avoid impacts – site selection, site layout, design

MITIGATE

Measures to reduce any unavoidable impacts

COMPENSATE

Last resort

- **Pre-application advice:** designing BNG in early achieves the best outcomes
- **Validation** of planning applications, making sure all the correct BNG information is supplied for all but exemptions
- **Check the information submitted with the planning application** (with specialist ecological input where needed)
- Add relevant conditions and/or agree S106 to **secure BNG**
- **Check the Biodiversity Gain Plan** (has to be submitted pre-commencement of development)
- **Receive and check monitoring reports**
- Carry out **enforcement** if required

Considerations for Local Plans

The 10% legislative requirement is mandatory and you do not need to repeat this in policy, but there are good reasons to include BNG policies in Local Plans to support implementation:

- Set a **strategy for delivering BNG locally**, in particular off-site BNG
- Set requirements for **management and maintenance**
- Ensure BNG helps to deliver **other local priorities** - water quality, LNRS, GI strategies, important habitats, health, flood risk, recreation and tourism
- Going **above 10%** - will need to be backed up by appropriate evidence, including that the approach taken will be viable

We suggest you should also set out how you as a local authority will **baseline, measure and monitor** BNG delivery as part of your Local Plan monitoring.

What is the local authority role?

- Planning decisions and Local Plan policies
- Setting strategy, linking to overarching council strategy and objectives:
 - Local Nature Recovery Strategy
 - Climate emergency
 - Place making & infrastructure
 - Natural capital and ecosystem services
- Embedding and joining up across council services, including estates
- Mapping, evidence and data
- Working in partnership
- Securing funding
- Delivering nature recovery on the ground
- Engaging local communities, farmers and landowners



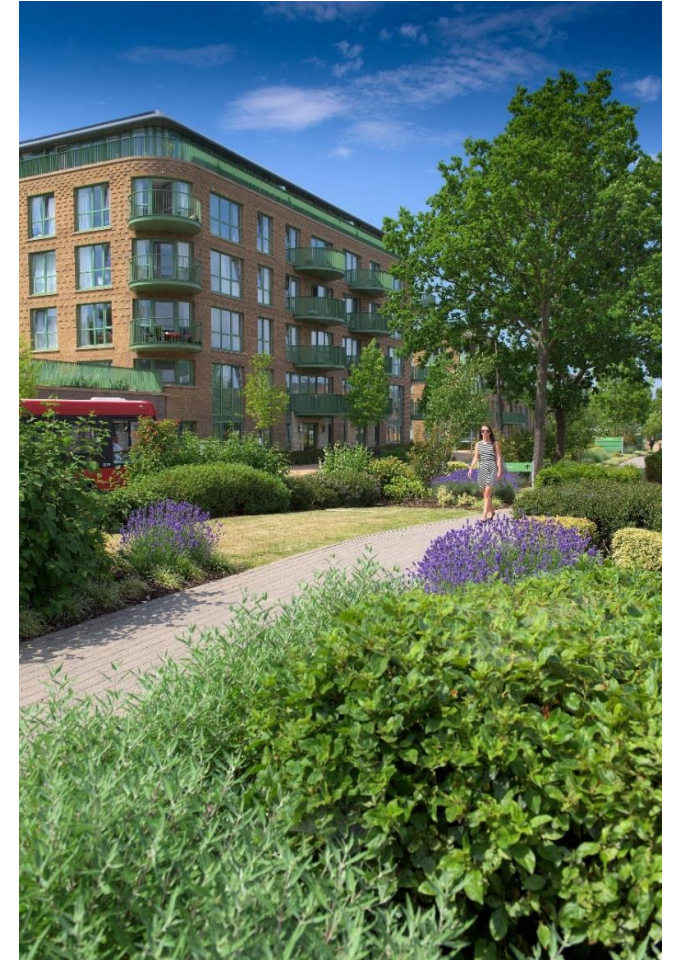
Examples of good practice

- Many local authorities are already working on BNG, so there's some excellent good practice
- There are also lots of potential partners to work with
- Examples include:
 - [Local Plan policies](#) and [S106 and planning conditions](#) for BNG shared on the PAS website
 - [Doncaster BNG Supplementary Planning Document](#)
 - [GMCA Biodiversity Net Gain Guidance for Greater Manchester](#)
 - [Buckinghamshire Council Strategic Significance and Spatial Risk Guidance](#)
 - [Case studies of early preparation for mandatory BNG by Cornwall Council, Bath and Northeast Somerset Council, Tunbridge Wells Borough Council and the London Borough of Sutton](#)

Beyond the legal requirements: What does this mean for the local authority?

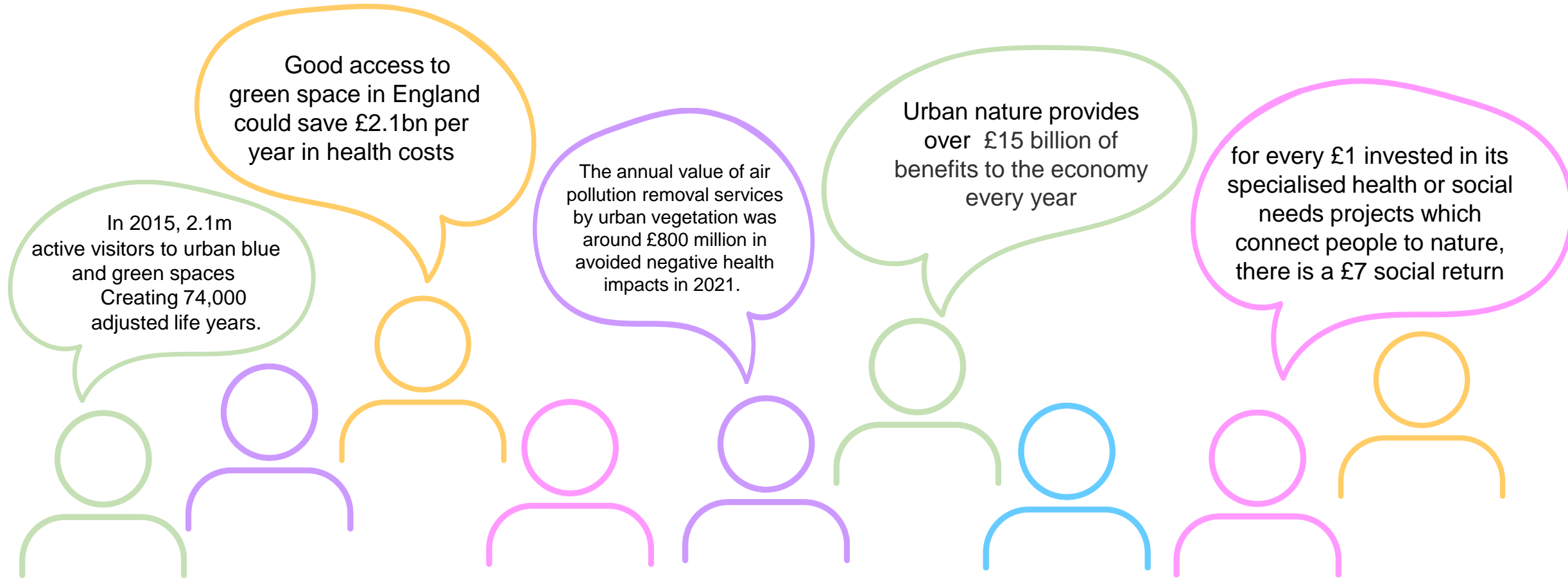
Biodiversity net gain links to a range of agendas:

- Addressing the climate and biodiversity emergencies
- Place-making
- Green infrastructure
- Access to greenspace and nature
- Mental and physical health and wellbeing
- Flood resilience and drought management
- Energy efficiency
- Improving air and water quality
- Providing healthy soil that supports sustainable food production
- Thriving wildlife – including the pollinators on which we all depend
- Secure livelihoods and the basis of a healthy economy

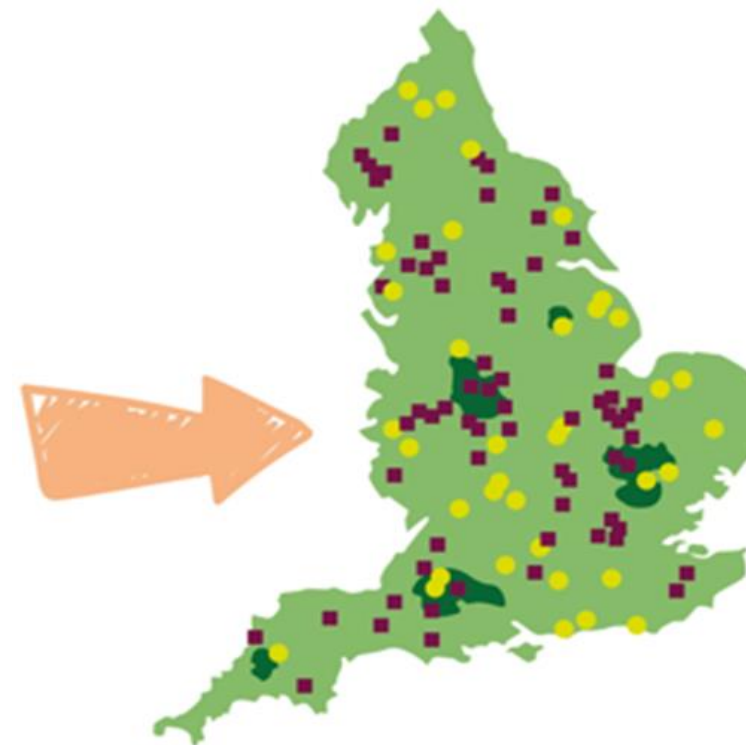
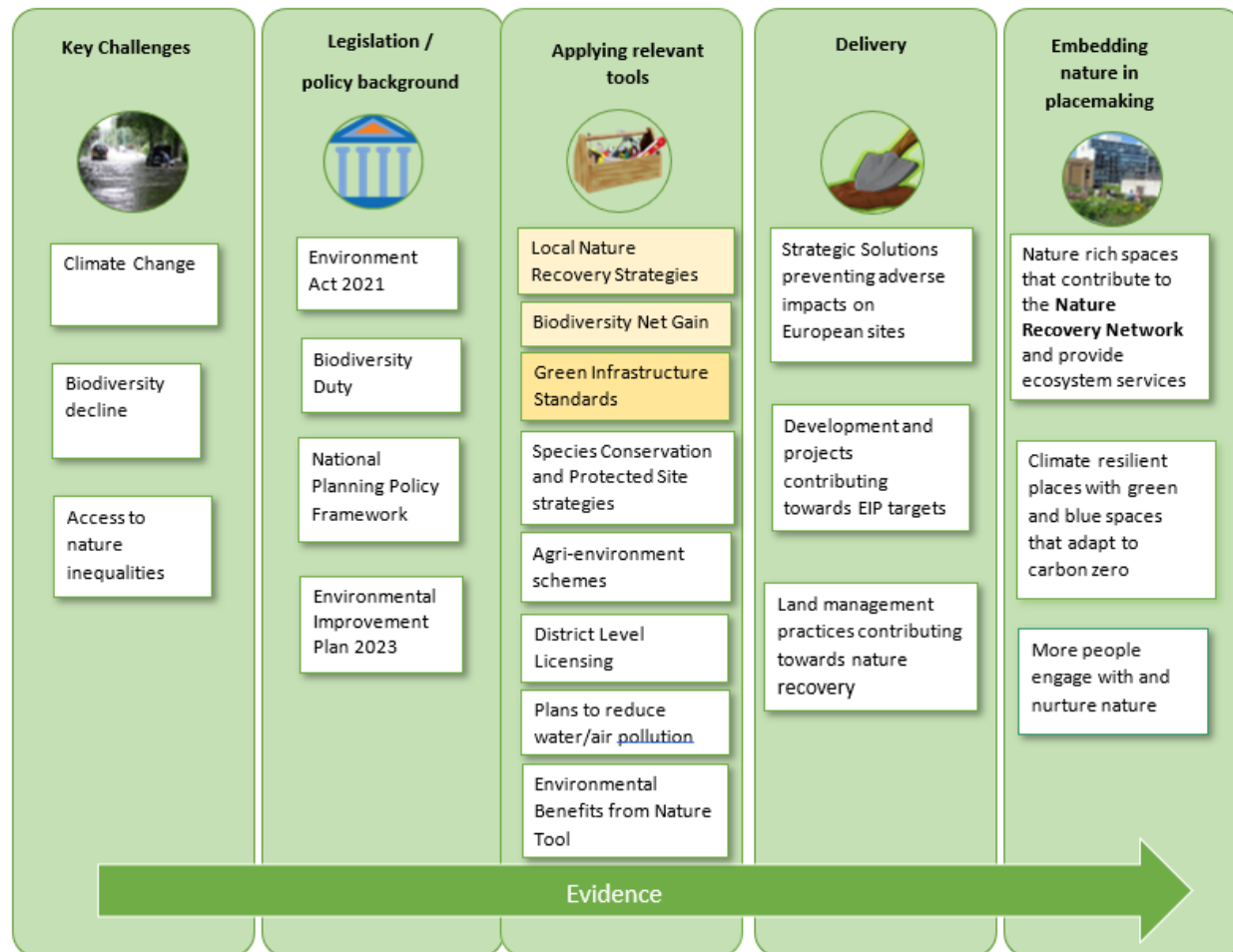


The benefits for people

82% of people agree that being in nature makes them happy!



Joining it all up



The Nature Recovery Network

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

Final reflections

- It's important – not just for the ecologists
 - impacts on all aspects of planning and place making
 - Also goes beyond planning – thinking **holistically** is more efficient and effective. **Effective governance** is key.
- 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 local authorities:
 - to work corporately and build relationships
 - working with neighbouring areas makes sense

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>