



Biodiversity Net Gain: A policy & metric update

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What Is 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

Does not change existing environmental protections or legal requirements and is not applicable to irreplaceable habitats



Nature and Development



From this.....



..... to this



Biodiversity Net Gain: Environment Act

- England only
- Amends Town & Country Planning Act (TCPA) and 2008 Planning Act (NSIP's)
- Commences from November 2023
- Minimum 10% gain & approval of net gain plan (LPAs can locally vary upwards)
- Off-site habitat secured for at least 30 years
- Delivered on-site, off-site or via Statutory Biodiversity Credits
- 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



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

Habitat creation or enhancement; landscaping or green infrastructure

Mandatory BNG – Further Information



BNG Consultation Response – 21/02/2023

- Additional £16.7m for LPA readiness
- 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



Additional BNG Guidance

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

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

MORE GUIDANCE COMING



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



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

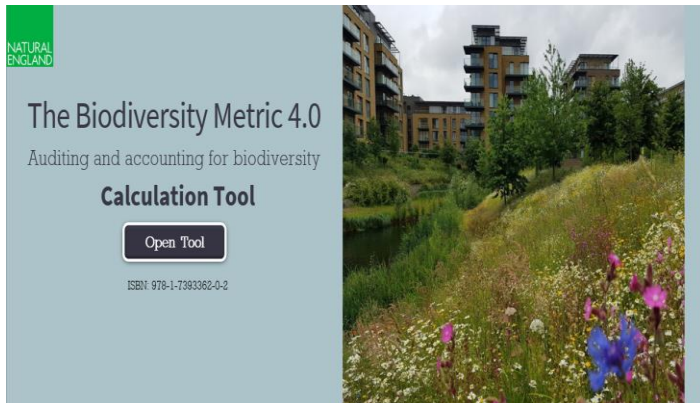


Metric Applications

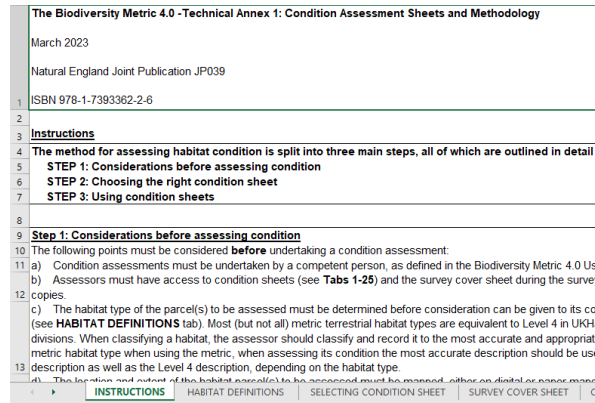


The Biodiversity Metric - Components

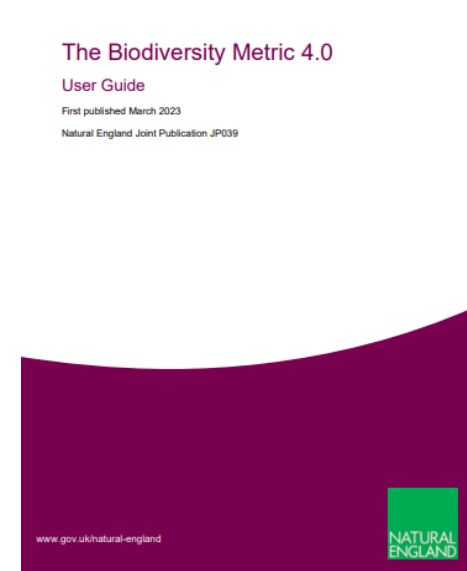
Elements interdependent of each other and work together as a package



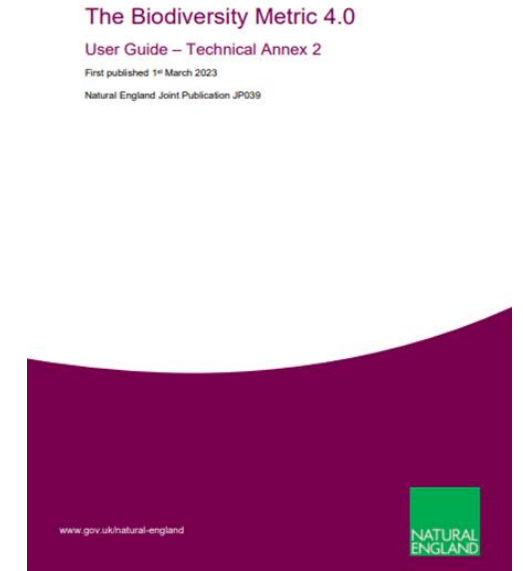
Calculation Tool



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**



Mandatory BNG - Timelines



Town & Country Planning Act Developments

- **November 2023** – commencement for all bar exempted plus small sites
- **April 2024** – commencement for small sites – defined as:
 - (i) *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.*
 - (ii) *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)



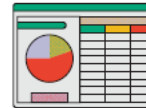
The percentage BNG required is a **minimum of 10%**. This can be higher if stated in the Local Plan.



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

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



BNG – A Paradigm Shift for Development



From this.....



..... to this





Questions