

Biodiversity Net Gain Update - May 2023

Since the Environment Act was passed into law in November 2021, requiring a 10% net gain in biodiversity for most planning applications, an update from the government has been eagerly awaited to confirm an exact timeline for when Biodiversity Net Gain (BNG) will be enforced and with full details about the new legislation.

From November 2023, mandatory BNG will be required for the majority of planning permissions granted in England, with far-reaching implications for both the public and private sectors.

What exactly is BNG?

The goal of BNG is to leave the environment in a substantially better condition than it was prior to development. Several local planning agencies, utility companies, house builders and other organisations have utilised it for many years to show how development can result in beneficial biodiversity effects. Nonetheless, it will soon be a requirement for most new developments to receive planning approval and they will be required to deliver a 10% BNG over a 30-year period. To measure the worth of ecosystems both before and after development, a biodiversity metric (developed by Natural England and key stakeholders) must be used.

What is new ?

The UK government's Department for Environment, Food and Rural Affairs (DEFRA) published their [response](#) to the public consultation on BNG rules and implementation on February 21, 2023. How the requirement for BNG will be applied to projects and Nationally Significant Infrastructure Projects (NSIPs) was the subject of the consultation, which also outlined DEFRA's suggestions. In addition to outlining the government's current policy position, the response provides feedback on the 12-week period of public consultation. The consultation response's main points are:

- Beginning in November 2023, the bulk of planning applications must adhere to the mandated 10% BNG standards. For "small sites," which will now have until April 2024 to comply with the standards, the implementation of required net gain will be phased in.
- Beginning in 2025, NSIPs must abide with BNG regulations.
- Except for a few exempt development types, 10% BNG will be required for all Town and Country Planning Act of 1990 developments.



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- A BNG statement must be provided with the planning application, and a biodiversity gain plan must be authorised before construction can begin.
- If a developer exceeds the target for biodiversity gain, the extra biodiversity units may be used or sold as off-site gains for another development.
- Between now and November 2023, Local Planning Authorities (LPAs) will receive up to £16.71 million in funding to help them get ready for required net gain.
- Later in 2023, draft secondary legislation and additional guidelines for the administration and implementation of mandatory BNG are expected to be released.

Will BNG be needed for my development?

Most new construction in England will call for BNG. Permitted development and urgent crown development previously received exemptions under the Environment Act of 2021. Moreover, householder applications, small-scale self-build and bespoke housebuilding, developments damaging habitat below 25 m^2 (or 5 m of linear habitat, such as hedgerows), and other exemptions were granted throughout the consultation.

What if I am unable to deliver BNG on-site?

Although it will be encouraged to deliver biodiversity gains on-site, guidance and procedures will be given for developers to buy off-site biodiversity units through a private off-site market if this is not possible. This will cover the price of keeping the land under observation and maintained for at least 30 years. Also, statutory biodiversity credits will be sold and spent in the development of new habitats. This BNG distribution option is a last resort and is meant to be phased out once the private market is established. Before November 2023, more information and guidelines for BNG provision off site are anticipated to be released.

How ITPenergised can help

Our ecologists are highly experienced and skilled at conducting habitat surveys and condition assessments for a variety of projects. By using the data gathered during a UK Habitat Classification Survey, baseline data for BNG calculations can be provided. Through our experience of the BNG metric, developing and completing habitat enhancement and management plans, we are able to advise early on in a project timeline on BNG requirements. This reduces time and costs, allowing for early consideration of BNG requirements and highest efficiency for customers, whilst maximising benefits for biodiversity.

