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BNG from policy to delivery

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Biodiversity Net Gain Implementation- one year on

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Introduction & Housekeeping



Format of this Session

Introduction to BNG, Reflections from the first year

- Pre-Application

 - Statutory Metric

 - Small Sites/Lower Risk Metric

Task One: Designing your scheme to maximise BNG

- During Application

Task Two: Ensuring BNG delivery

- Post Applications- BNG Plan

- Post Application- Delivery and Monitoring

Task Three: Management and Monitoring BNG

Q and A and key messages



The Basics

- BNG became mandatory to deliver as part of the Environment Act on 12 February 2024 for large sites, and for small sites from 2 April 2024.
- Applicants need to compensate for biodiversity impacts on development sites.
- Habitat is used as a proxy for biodiversity and applicants must deliver a minimum 10% uplift.
- Losses and gains are measured via a statutory biodiversity metric.



The Basics

- The BNG hierarchy requires on-site delivery of BNG wherever possible, if this is not possible off-site BNG credits can be purchased.
- Land managers and developers need to register and allocate off site biodiversity gains via a public register.
- If off-site credits are not available statutory credits can be purchased from the Government. They are deliberately expensive to disincentivise their use.



Biodiversity Gain Hierarchy

It must be demonstrated, in the Biodiversity Gain Plan, how the Biodiversity Gain Hierarchy has been followed in the approach to achieving 10% BNG. If the hierarchy has not been applied, justification must be provided.

Applying the hierarchy means delivering BNG in the following priority order:

A

For onsite habitats of medium, high or very high distinctiveness:

1) first avoid adverse effects

2) where unavoidable, mitigate those adverse effects

B

Compensate for adverse effects to all onsite habitats by:

1) Onsite habitat enhancements

2) Creation of new habitats onsite

3) Registered offsite biodiversity gain

4) Purchase of statutory biodiversity credits

LICHFIELDS



Reflections from one year on

- BNG has proven to be more complex and complicated than first thought
- Some initial difficulties were expected but implementation has proven to be particularly difficult for SME builders
- There is a range of experience, confidence and access to ecologists amongst LPA
- There is a difference in willingness of LPAs to move down the BNG hierarchy
- De Minimus and Self-Build Exemptions proving controversial



The Application Timeline (Future Homes Hub & PAS)

Pre-application

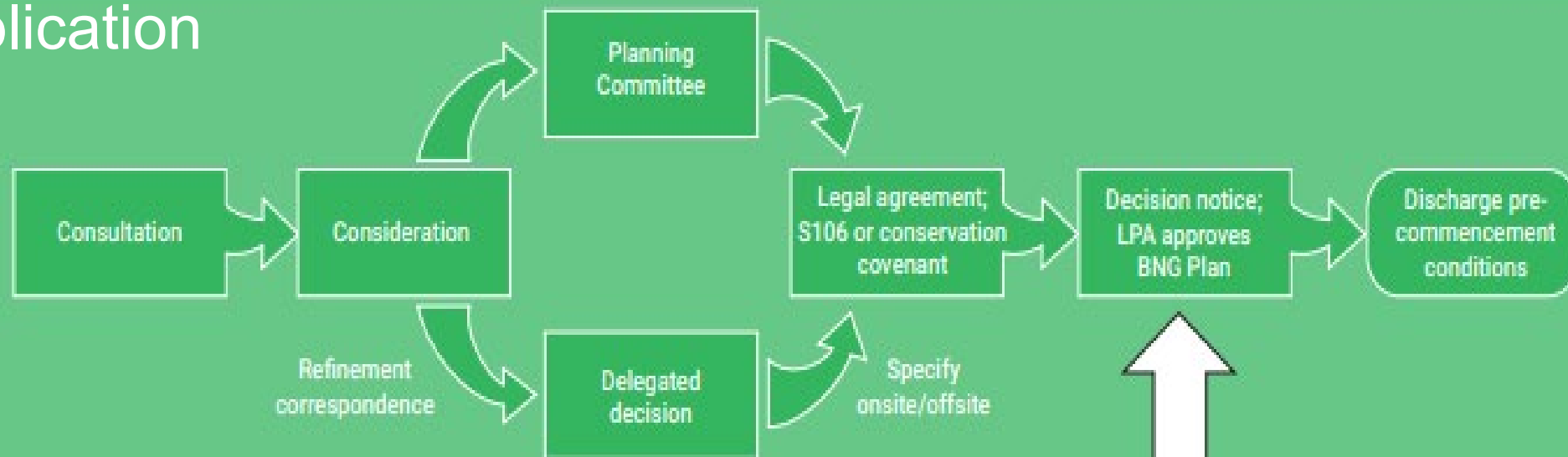


Local Planning Authority Process



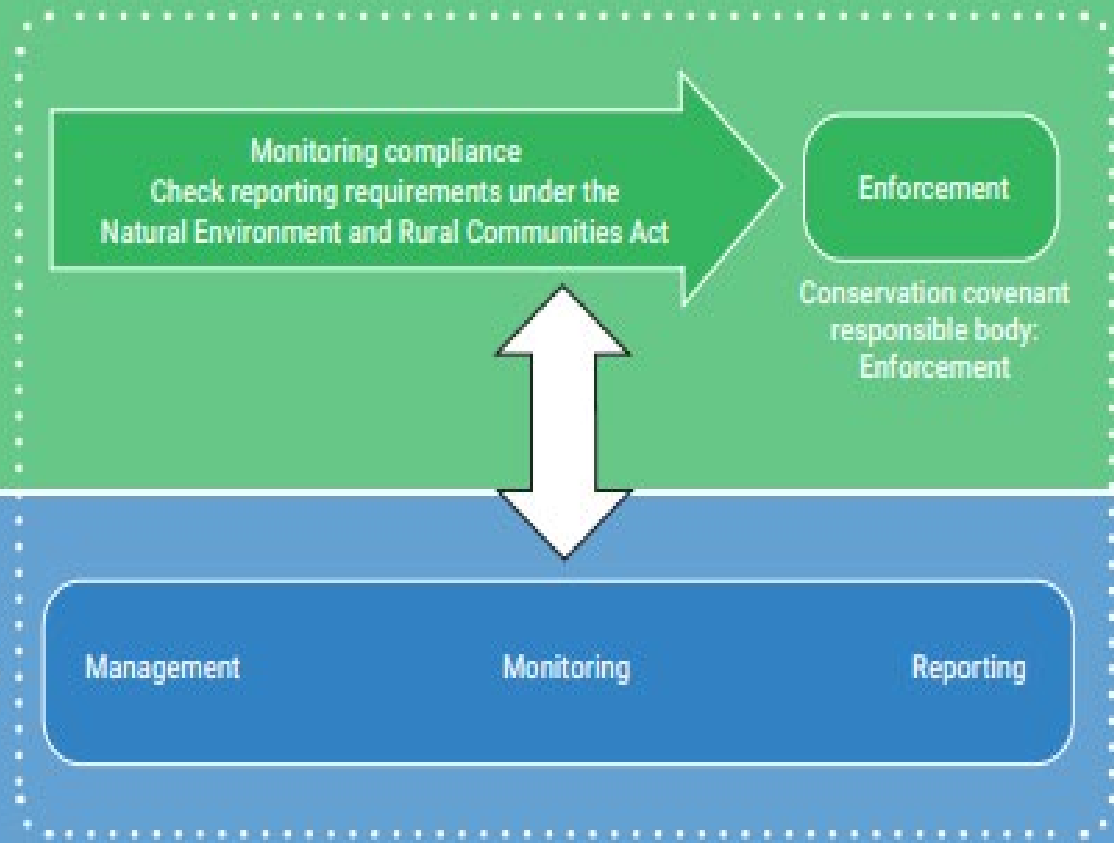
Developer Process

Application



continue to construction and occupation stage

Construction & Occupation



Habitat protection, enhancement and implementation

Could be third party

Management Monitoring Reporting

Obligation to continue to manage and monitor for 30 years

Task One: Designing your scheme to maximise BNG



The Application Timeline (c/o Future Homes Hub & PAS)

Pre-application



Local Planning Authority Process



Developer Process

Statutory Metric(s)

[Statutory biodiversity metric tools and guides - GOV.UK](https://www.gov.uk)
www.gov.uk



Task One (Extension): Engaging with Local Plan process on policy

Task Two: Ensuring BNG delivery



Application



continue to construction and occupation stage

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LICHFIELDS



Task Two (Extension):
Engaging with Local Plan
process about your site



Task Three: Management and Monitoring BNG

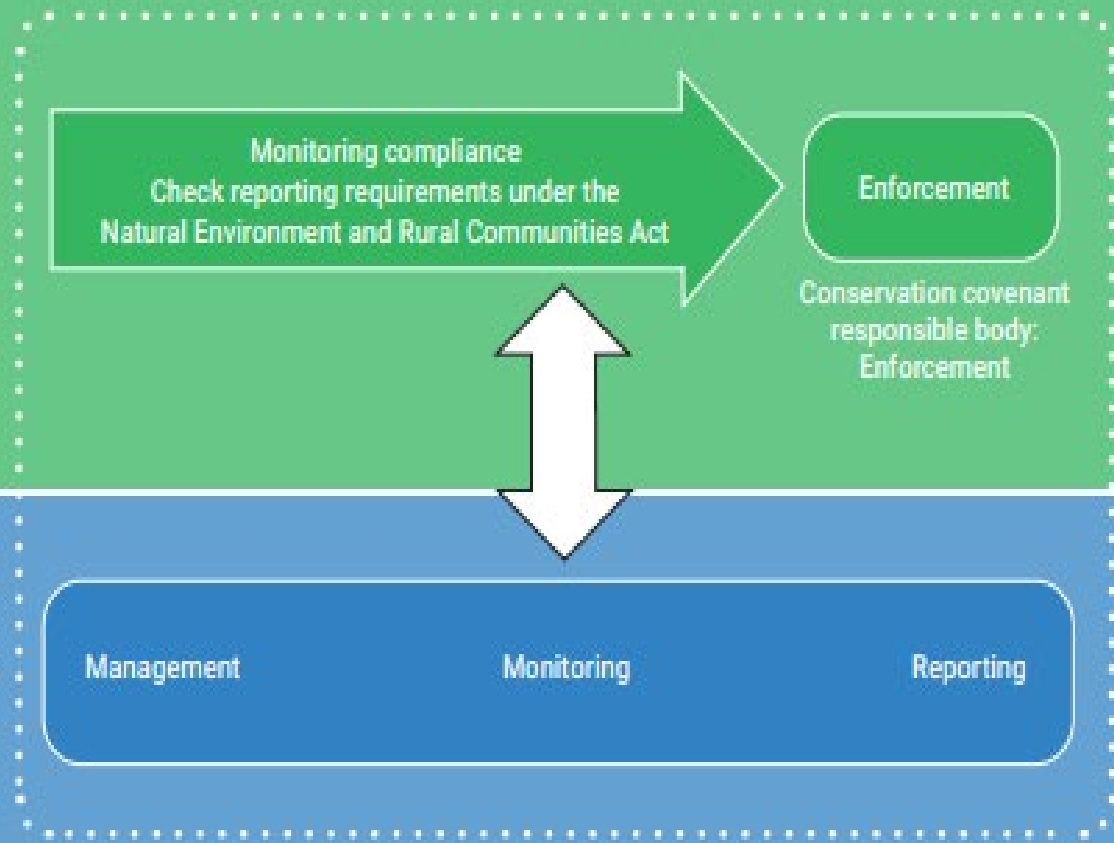


Biodiversity Gain Plan

[Biodiversity gain plan \(publishing.service.gov.uk\)](https://publishing.service.gov.uk)



Construction & Occupation



Habitat protection, enhancement and implementation

Could be third party



Obligation to continue to manage and monitor for 30 years

Task Three (Extension): Engaging with Local Plan process BNG Plan monitoring



Q&A



Key Messages

- BNG is a key factor in most planning applications and Pre-Application
- Although it is secured via a post permission condition, BNG need to be thought about as soon as possible in scheme design
- BNG needs to be considered at pre-app, during the application and post-permission

There is a lot of help and advice available from MHCLG, DEFRA, Future Homes Hub, Planning Advisory Service and HBF



Advice available at www.hbf.co.uk:

- Planning Practice Guidance;
- DEFRA guidance; and
- FAQs.






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