

Biodiversity Net Gain & Legislation

April 2025



What is BNG?



"Biodiversity Net Gain is an approach to development that leaves biodiversity in a **measurably** better state than before."

As of 12 February 2024, BNG is mandatory under Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021) for all relevant developments in England and enforces a minimum 10% net gain in biodiversity units relative to the site's baseline biodiversity value.



Timeline of BNG Legislation (England)

- **2018:** National Planning Policy Framework states planning decisions should minimise impacts on and provide a net gain for biodiversity
- **November 2021:** The Environment Act 2021 received royal assent, which included provision for mandatory BNG to be introduced in England commencing in 2023.
- **February 2023:** DEFRA published the consultation response to mandatory BNG, which suggested that mandatory BNG would be enforced from November 2023.
- **September 2023:** DEFRA confirmed that mandatory BNG would come into force from January 2024.
- **November 2023:** Draft secondary legislation, which provides the details for the new BNG framework, was published by DEFRA. Release of the Statutory Biodiversity Metric tool and associated guidance.
- **February 2024:** BNG was made mandatory under Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021), requiring most major developments within the Town and Country Planning Act 1990 to achieve a minimum 10% net gain in biodiversity units relative to the Site's baseline biodiversity value, and through implementation of the six statutory instruments (detailed in section 2.4.2 below).
- **April 2024:** Mandatory 10% BNG was made applicable to minor developments (unless exempt).
- **November 2025:** Mandatory 10% BNG will be applicable to Development Consent Orders (DCOs).

BNG Exemptions

- Householder development
- Development under permitted development rights.
- Development subject to the de minimis exemption - development that does not impact a priority habitat and impacts less than 25 square metres (e.g. 5m by 5m) of habitat, or 5 metres of linear habitats such as hedgerows.
- Urgent Crown development
- Development of a biodiversity gain site
- Development related to the high speed railway transport network



BNG Application



Rules

In order to claim a net gain in biodiversity, a BNG assessment is expected to follow the following four rules, as detailed within the Metric user guide:

Rule 1: The trading rules of the biodiversity metric must be followed.

Rule 2: Biodiversity unit outputs for each type of unit must not be summed, traded, or converted between types. The requirement to deliver at least a 10% (or set target) net gain applies to each type of unit.

Rule 3: Use the Statutory Biodiversity Metric Tools.

Rule 4: In exceptional ecological circumstances, deviation from the biodiversity metric methodology may be permitted by the relevant planning authority.

Biodiversity Net Gain. Good Practice Principles for Development (CIEEM, CIRIA, IEMA 2016)

Principle 1 – Apply the Mitigation Hierarchy

Principle 2 – Avoid losing biodiversity that cannot be offset elsewhere

Principle 3 – Be inclusive and equitable

Principle 4 – Address risk

Principle 5 – Make a measurable net gain contribution

Principle 6 – Achieve the best outcomes for biodiversity

Principle 7 – Be additional

Principle 8 – Create a net gain legacy

Principle 9 – Optimise sustainability

Principle 10 – Be transparent

Biodiversity Net Gain

Good practice principles for development

Biodiversity Gain Hierarchy

The Biodiversity Gain Hierarchy is distinct from the mitigation hierarchy.

The Biodiversity Gain Hierarchy lists the following actions:

- Any adverse impacts on on-site habitats which are of medium, high and very high distinctiveness should be avoided. If they cannot be avoided, the impacts should be mitigated; and,
- For all on-site habitats, any adverse impacts caused by the development should be compensated for. Compensation (offsetting) should be focused on enhancement of existing on-site habitats as a priority, then the creation of new on-site habitats, then registered off-site offsetting, and as a last resort, the purchase of biodiversity credits.

BNG in Planning



Will a HMMP be needed?

Yes if:

- The onsite gains are 'significant'. **Significant enhancements** are areas of habitat enhancement which contribute significantly to the proposed development's BNG, relative to the biodiversity value before development.
- Retention of existing habitat does not count as an on-site enhancement.

What counts as a significant enhancement will vary depending on the scale of development and existing habitat, but these would normally be:

1. habitats of **medium or higher distinctiveness** in the biodiversity metric
2. habitats of **low distinctiveness which create a large number of biodiversity units relative to the biodiversity value of the site before development**
3. **habitat creation or enhancement where distinctiveness is increased relative to the distinctiveness of the habitat before development**
4. areas of habitat creation or enhancement which are **significant in area relative to the size of the development**
5. **enhancements to habitat condition, for example from poor or moderate to good**

Examples of significant enhancements include creating a wildflower meadow or a nature park

Yes if:

- **Any offsite gains**

Think about the Site
and context

How will the site be
used?

What pressures will
the site be exposed
to?

**BNG is best thought
about early and
collaboratively**

Protected species
considerations

Drainage, flood risk
considerations

Climate change and
resilience



Tyler
Grange

Thank you