

APPENDIX 1

Countryside Team – 15th November 2021

Briefing Note – Biodiversity Net Gain and the Environment Act

Background

Biodiversity Net Gain (BNG) is ‘an approach to development that leaves biodiversity in a better state than before’¹. Simplistically it encourages the integration of habitat retention, creation and restoration in a way that goes above the negative effects of a development. It still relies on the application of the mitigation hierarchy (avoid, mitigate or, as a last resort compensate) for biodiversity losses and should be in addition to this approach.

The need to consider and deliver BNG is already embedded in planning policy. For example, National Planning Policy² has the following relevant policies:

15. Conserving and enhancing the natural environment

174. Planning policies and decisions should contribute to and enhance the natural and local environment by:

*...d) minimising impacts on and **providing net gains for biodiversity**, including by establishing coherent ecological networks that are more resilient to current and future pressures.*

Habitats and Biodiversity

*d) development whose primary objective is to conserve or enhance biodiversity should be supported; while **opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.***

BNG is also referenced in Local Plan Policy³:

Policy NBE 4 Biodiversity ‘c)... All development proposals will be expected to avoid negative impacts on existing biodiversity and provide a net gain where possible’.

A new British Standard ‘BS 8683 Process for designing and implementing Biodiversity Net Gain’ is due for release soon.

Key Elements (Environment Act and Mandatory Biodiversity Net Gain)

The new Environment Act⁴ has gone further by mandating BNG for developments and major infrastructure projects. It will amend the Town and County Planning Act and applies to all land down to mean low water.

A minimum of 10% Biodiversity Net Gain will be required. This will be:

Calculated by a **biodiversity** metric.

Delivered by approval of a net gain plan.

¹ Biodiversity Net Gain – Principles and Guidance for UK Construction and Development (2021) CIEEM

² National Planning Policy Framework (2021) www.gov.uk/government/publications

³ Local Plan HART Local Plan (Strategy And Sites) 2032 Adopted April 2020

⁴ Link to press release: [World-leading Environment Act becomes law - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/news/world-leading-environment-act-becomes-law)

APPENDIX 1

The currently approved method of calculation is via the Defra Biodiversity Metric 3. This uses habitat features as a proxy measure of biodiversity value based on four bits of information:

- 1) Habitat size
- 2) Condition
- 3) Distinctiveness
- 4) Connectivity

The metric calculates a baseline and forecasts an outcome in terms of biodiversity units. The difference between the baseline and forecasted outcome is expressed as a percentage loss or gain of biodiversity units.

Guidance allows for BNG to be delivered:

- a. On site
- b. Off site
- c. Via Statutory Biodiversity Credits

Secondary legislation will follow The Environment Act. This is expected to give details of exceptions to the mandatory BNG, outline the BNG plan for developers, how BNG should be combined with other credits (for example carbon), and a national site register.

Additional relevant components of the Environment Act:

- 1) Local Nature Recovery Strategies

Around 50 are expected: these will be designed to enhance existing habitats and create additional habitats.

- 2) Conservation Covenants

Greater than 30 years

Note: The 25-year Environment Plan has a commitment to go beyond just BNG to also include Environmental Net Gain, this would expect developers to deliver a wider range of environmental benefits over and above the full environmental impact of the proposed development (e.g. air quality, flood risk management)⁵.

Anticipated Timetable:

The Environment Act received Royal Assent on 10th November 2021

Local Nature Recovery Strategy Rolled out Spring 2022

Biodiversity Net Gain 10% anticipated to be mandatory Spring 2023

⁵ Biodiversity Net Gain – Principles and Guidance for UK Construction and Development (2021) CIEEM