



Biodiversity Net Gain

Philip Robson

probson@kingschambers.com

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kingschambers.com  [@kings_chambers](https://twitter.com/kings_chambers)  [@kings-chambers](https://www.linkedin.com/company/kings-chambers)



BNG – What is it?

“if the biodiversity value attributable to the development exceeds the pre-development biodiversity value of the onsite habitat by the relevant percentage.”

Part 1, Paragraph 2, Schedule 14 Environment Act 2021

Leaving the natural environment in a measurably better state than it was beforehand

Where does BNG come from?

Environment Act 2021

sections 98 – 101, Schedules 14 (TCPA) and 15 (NSIP).

- Requirement to deliver 10% BNG (not yet in force)
- s.100 – Biodiversity gain site register
- s.101- Biodiversity credits scheme
- S.102 – Amendment to s.40 NERCA to conserve and “enhance” biodiversity



Where does BNG come from?

Environment Act 2021

- s.103 – Biodiversity Reports
 - First report no longer than 3 year, subsequently 5 years.
 - Include how delivering on BNG through conditions.
- s.104 – Local Nature Recovery Strategies
 - Biodiversity priorities, including habitats and species.
 - Opportunities for recovering or enhancing biodiversity.

Where does it come from?

NPPF

- **Policies and decisions** should...minimize impacts on and provide net gains for biodiversity - §174(d).
- **Plans** should identify and pursue opportunities for securing measurable net gains for biodiversity - §179(b).
- opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity - §180(d)

When will it come into force?

Statutory requirement from
November 2023

BUT – consider masterplanning,
plan development, phasing, land
purchase agreements

Some LPs already have a BNG
gain policy – s.38(6).

Don't sleep on BNG!



How will it work?

Decision taking

- Schedule 14 EA 2021 amends TCPA.
- Requires a condition on grants of planning permission to secure BNG.
- Development may not be begun unless a BNG plan has been submitted and approved.
- Must show 10% improvement from pre-development biodiversity value of the onsite habitat.
- Can be through onsite, offsite or biodiversity credits.

How will it work?

Decision Taking – How is it calculated and monitored

- Application of the Biodiversity metric to calculate existing Biodiversity value and value of proposed onsite/offsite/credits.
- Offsite must be secured for minimum 30 years.
- Exemptions?
- Secured through s.106 or conservation covenants.

How will it work?



Plan making

- Can an LPA ask for more than 10%?
- Explain how calculated?
- Link in BNG to local strategic priorities – LNRS



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Who cares?

- Role in the planning balance?
- Viability?
- New land markets?
- How to secure?
- Importance to strategic planning?



Thank You



@philipjrobson



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