

Biodiversity Net Gain update

- Kent BNG Officer recruited – Nicky Britton-Williams, seconded from KWT, started 15th March.
- Development of BNG sites register for autumn 2023 .
- New Defra BNG grant – potential capacity building.
- Government response to 2022 BNG regulations and implementation consultation published.

BNG officer support to LPAs

- A regular email update summarising BNG regulations, guidance and information as its released.
- Model BNG policy and supplementary planning guidance/document as appropriate.
- Training for planning officers and relevant elected members.
- Advice notes on regulations and guidance.
- County guidance for “*areas of strategic significance*” and “*county specifics*”.
- Guiding principles for offsite BNG.
- Proposal for meeting monitoring, enforcement and reporting requirements.

Government's BNG response headlines (1)

- More detail to come in secondary legislation and guidance – still lots of unknowns.
- Additional funding for LPAs of £16.71 million for preparation; more to come through new burdens funding.
- Mandatory BNG will definitely start November 2023.
- BNG requirements for small sites delayed to April 2024.
- NSIPs requirement for BNG no later than November 2025.
- Exemptions clarified – previously developed land and change of use will NOT be exempt.

Government's BNG response headlines (2)

- BNG statement required at planning application stage.
- Biodiversity gain plan to be approved prior to commencement – national template to be provided.
- On-site and local off-site BNG incentivised through metric 'strategic significance' score.
- LPAs can sell biodiversity units, but can't direct developers to use them unless 'there are clear ecological justifications to do so'.
- Government won't be providing a trading platform or brokering service.

Government's BNG response headlines (3)

- Natural England will operate the biodiversity gain register. This will:
 - act as a public register for off-site BNG
 - not act as a marketplace
 - not assess ecological suitability or additionality – this will be the responsibility of whoever the legal agreement is made with
- Government is 'exploring' how on-site net gains can be included in the register.
- Can stack habitat creation/enhancement, as long as it's additional – guidance now provided online.

Government's BNG response headlines (4)

- Statutory biodiversity credits will be sold by Natural England on behalf of Secretary of State through a digital platform.
- Indicative credit price will be available six months before mandatory but no information on when platform will open.
- Credits remain a last resort.
- Local credit schemes will not be possible.

Government's BNG response headlines (5)

- The planning enforcement regime will be the principal way of enforcing delivery of BNG
- LPAs will need to ensure gains are appropriately secured to enable effective enforcement.
- Guidance and training to be provided on use of planning conditions, obligations and conservation covenants.
- No further information on biodiversity reporting requirements provided.

What's next from Defra?

Topic	More to come?
Stacking, including Defra guidance	No, but guidance may be updated
Biodiversity metric 4.0	Yes, updated metric to be published
Conditions, S106 and conservation covenants	Yes
Biodiversity gain site register	Eligibility criteria to be published and actual register
Statutory credits	Yes
Monitoring and enforcement	Yes
Off-site BNG	Yes
Habitat monitoring and maintenance	Yes, and template
Resourcing	Yes, on funding but not 'how to'
Planning application process with BNG	Yes Some information, e.g. on biodiversity gain plan, but not overall process