

Biodiversity Net Gain: Updated timetable

1 Executive Summary

On 27 September 2023, the Department for Environment, Food and Rural Affairs (Defra) confirmed that the Government was delaying the introduction of the mandate to deliver 10% Biodiversity Net Gain (BNG) on all sites, contained in the 2021 Environment Act.¹

BNG was meant to become a mandatory part of the planning system in England in November 2023. However, Defra said that under its “updated timetable”, developers will be required to deliver net gain on sites from January 2024.

This briefing considers the implications of this announcement on local authorities in England, but will be of interest to APSE member councils in Wales, Scotland and Northern Ireland.

2 What is Biodiversity Net Gain?

Net gain is an approach to development that aims to leave the natural environment in a measurably better state than it was beforehand. The aim of BNG is that communities, planners and planning authorities will be able to ensure that any new developments are ‘nature positive’ by placing nature and biodiversity gain at the heart of decision making and design. In doing this, existing habitats can, wherever possible, be protected. But, where ‘disturbance’ does occur, then these ‘disturbances’ are compensated for with natural habitat and ecological features over and above what has been affected.

BNG amends the Town and Country Planning Act, requiring all planning permissions (with a few exceptions) to deliver at least 10% biodiversity net gain. The policy was approved as part of the 2021 Environment Act, and stipulated the mandate should be implemented from November 2023.

¹ <https://www.legislation.gov.uk/ukpga/2021/30/schedule/14/enacted>

2.1 How will BNG be measured?

Habitats and wildlife impacted by development will be given a biodiversity value using a government-developed metric 'calculator': from native hedgerows and hay meadows, which support dozens of species and merit a high unit value, down to less habitat-rich cropland, and derelict land, which would be awarded a low value.

3 Announcement of the delay

On 27 September 2023, Defra confirmed that the Government was delaying the introduction of the mandate to deliver BNG. In a press release, Defra announced that:

*'Under the updated timetable set out today developers in England will be required to deliver 10% "Biodiversity Net Gain" from January 2024 onwards when building new housing, industrial or commercial developments meaning by law they must deliver a net positive for the local environment, for example by creating new habitats and green spaces. Biodiversity Net Gain for small sites will still be applicable from April 2024, and implementation for Nationally Significant Infrastructure Projects remains planned for 2025.'*²

Defra also added that:

'Mandatory Biodiversity Net Gain will only apply to new applications for planning permission for major development made after November 2023. We are working with DLUHC on transitional arrangements to ensure that Biodiversity Net Gain is not applied retrospectively to planning applications that have been submitted or have already been granted permission before the implementation date.'

3.1 Date for the publication of all guidelines and regulations set for late November

In the 27 September press release, Defra also announced that by the end of November, they would publish all guidance and the regulations including:

- The statutory biodiversity metric, critical for calculating the correct biodiversity gain.
- The draft biodiversity gain plan template, which will help developers prepare for what they will need to complete during the planning application stages.
- The Habitat Management and Monitoring Plan template, which will set out how the improved significant on-site and off-site habitats will be managed for the long term.
- A package of Biodiversity Net Gain guidance that sets out further advice for landowners, developers, and Local Planning Authorities around their role and responsibilities in

² <https://www.gov.uk/government/news/biodiversity-net-gain-moves-step-closer-with-timetable-set-out>

delivering mandatory Biodiversity Net Gain.

Speaking of the announcement, Trudy Harrison, Biodiversity Minister said:

“The updated timetable and guidance we are setting out today will help smooth the transition ahead of Biodiversity Net Gain going fully live in January 2024.”

4 APSE Comment

For many years, building development has been a significant cause of nature loss in England. BNG provides an opportunity, however imperfect, to install a system which does more to protect and improve our environment for future generations.

When the Government consultation on BNG was first announced back in January 2022, APSE stressed the importance of BNG being *“delivered to a good standard, in the right places and in a manner that is transparent and can be managed, monitored, and maintained for the long term.”*³

“Delivering to a good standard” requires that adequate resources and infrastructure be in place ahead of the rollout. The announcement from Defra on 27 September would strongly suggest this is not currently the case with BNG.

Though APSE appreciates the frustration many in local government, and the wider greenspace sector, feel in response to the delay, it is critical that the metrics and templates associated with BNG are as robust as possible.

That said, it is now incumbent on the Government to meet these revised deadlines. Further delay would only add weight to recent criticisms from across the public policy landscape that the Government are starting to vacillate on the commitments they made in the Environment Act 2021.⁴ As many local councils have expended significant time, energy and resources into meeting these commitments over the past few years, more delays would risk serious discomfort spreading across the sector that their efforts have been, in some cases, for nought.

APSE would also suggest that regardless of mandatory targets, responsible developers could and should implement the principles of biodiversity net gain into developments, working collaboratively with local authorities to ensure long-term environmental and ecological sustainability.

³ <https://www.apse.org.uk/index.cfm/apse/members-area/briefings/2022/22-01-biodiversity-net-gain-consultation-2022pdf/>

⁴ <https://apse.org.uk/index.cfm/apse/members-area/briefings/2023/23-44-pm-speech-on-net-zero/#>

4.1 Discover how APSE can help your council's biodiversity programme

All APSE members can sign up to APSE's Parks, Horticulture and Grounds Maintenance Advisory Group network, which is an online network providing four learning events across the year, with expert speakers from across local government and the wider parks and greenspace sector. You can sign up to the network using [this link](#).

APSE Training has also designed a special interactive online course for parks professionals: Preparing for Biodiversity Net Gain. This training has been specifically designed to prepare parks and greenspaces colleagues for the introduction of this legislation. Through a variety of interactive activities, learners will have the opportunity to gather information and discuss strategies for practical application. Heavily discounted for APSE members, you can book your place on the course [here](#).

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