

# delaying biodiversity net gain — frustrating; and how much will it help?



Requirements for new development to deliver Biodiversity Net Gain (BNG) have been hailed as a world-leading initiative for reversing biodiversity loss. However, these long-awaited regulations have been delayed from November 2023 to January 2024 (April 2024 for small sites) to allow more time for the government, developers and local authorities to get ready.

## The history of BNG

The principle that new development should deliver BNG is not a surprise. Since the National Planning Policy Framework (NPPF) was introduced in 2012 there has been a requirement for the planning system to achieve 'net gains for biodiversity, where

possible'.<sup>1</sup> This was strengthened in 2018 and we started to see requirements for 'measurable net gains for biodiversity' to come in.<sup>2</sup> However, the NPPF does not include any indication of what would constitute an appropriate gain.

Clearly, biodiversity is in decline globally and across the UK; the *State of Nature 2023* report found that there has been a decline in average abundance of terrestrial and freshwater species of 19% since 1970.<sup>3</sup> Therefore, it seems sensible that new development should be required to address the problem through gains in habitat creation, restoration and enhancement. To support this, seven years ago CIRIA, CIEEM and IEMA published their principles for delivering BNG.<sup>4</sup>

In 2018, the government consulted on plans to address this issue through setting an expectation that new development should achieve a 10% increase in biodiversity. The purpose of this article is not to set out the detail—that can be found on the Department for Environment, Food and Rural Affairs (Defra) website.<sup>5</sup> The government responded to this consultation in 2019, and the plans were included in the Spring Statement in February of that year: BNG



Photos: Danielle Sinnett

Butterfly meadow in Bristol

was set to be a key component of the Environment Bill, which subsequently passed into legislation as the Environment Act 2021. This provided a two-year transitional period for the industry to prepare before the requirements came into force in November 2023.

Over this time there has been a raft of guidance, case studies, videos, webinars and press articles about the new legislation—including further guidance and case studies from CIRIA, CIEEM and IEMA in 2019.<sup>6</sup> Indeed, searching YouTube reveals that, since Natural England released its video *An Introduction to Biodiversity Net Gain* in 2018,<sup>7</sup> there have been more than 160 videos and webinar recordings covering the forthcoming changes, including general overviews, exemplar projects, the use of the biodiversity metric, and what BNG means for different sectors and specific developments such as infrastructure projects. This information comes from a range of organisations, including professional bodies (for example the RTPI, the Planning Advisory Service (PAS), CIEEM, CIWEM, and the Association for Public Service Excellence—APSE), The Wildlife Trusts, and Homes England, as well as from the private sector—for example White Young Green, WSP, Bidwells, the Land Promoters and Developers Federation, and Willmott Dixon).

And Google searches suggest (see Fig. 1) that people have been trying to find out more: over the past ten years, searches for Biodiversity Net Gain have surged from zero interest running up until around December 2018, up to a peak in September 2023, presumably due to the announced delay.

Why the delay?

This raft of information has presumably been produced in response to the very real concerns in the sector that BNG represents a significant change

in planning and development. Back in 2019 the RTPI argued in its response to the government consultation that local planning authorities did not have the skills or resources to respond to the BNG requirements, and this year *The Planner* reported that ‘61% of public sector planners could not confirm they would have the dedicated BNG resource and ecological expertise in-house in place by November’.<sup>8</sup> Our own research—for example in examining in the delivery of affordable housing in the South West<sup>9</sup> and on the BiUrbs project<sup>10</sup>—has found that local authorities are still concerned that they do not currently have the necessary expertise or resources.

More worrying perhaps are reports that almost a third of developers are not aware of the changes.<sup>11</sup> In my experience of talking to planners, developers and architects there seems to be patchy knowledge of the scale of the legislation or where the responsibility for implementation lies. For example, there are often assumptions that this is no more than the existing policy requirement in the NPPF (i.e. that a 10% gain is a policy aspiration and not mandatory), or uncertainty about how this fits with the new Green Infrastructure Framework.

As with green infrastructure, maintenance requirements are a huge area of concern, especially given the 30-year requirement. Often is it assumed that local authorities will pick this up, but they are clearly not resourced to do so. Related to this is the need for monitoring over the same period, a requirement which seldom gets mentioned but will call for resourcing and consideration early on—especially, for example, where access may be restricted.

Defra and Natural England have produced a Biodiversity Metric 4.0 to calculate the change in biodiversity, as well as associated guidance and case

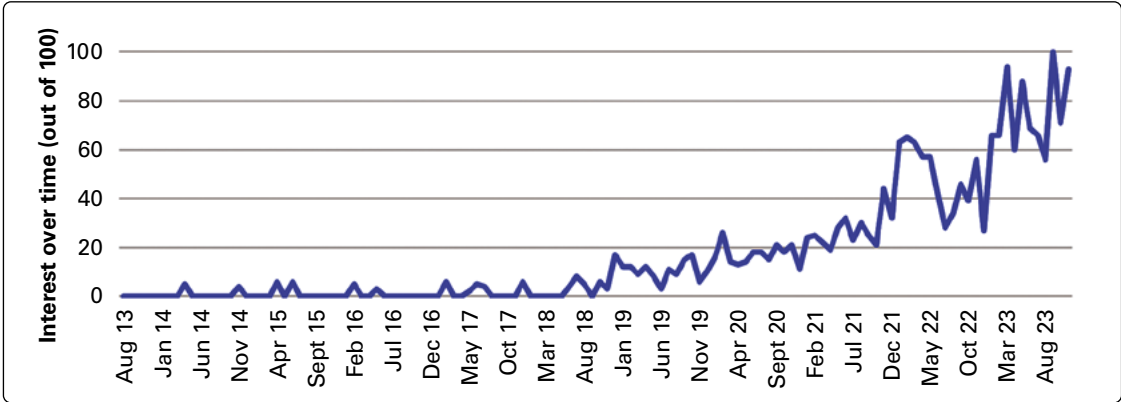


Fig. 1 Google searches for Biodiversity Net Gain from August 2013 to November 2023 measured against a peak value set at 100  
Source: Google Trends—<https://trends.google.com/trends>



**Bird and bug boxes at Castle Park, Bristol**

studies.<sup>12</sup> However, it appears that more guidance is expected as a recent press release<sup>13</sup> suggested that templates for biodiversity gain plans, habitat management and monitoring and further guidance on the role and responsibilities of different stakeholders would be produced by the end of November.

### Is a two-month delay going to help?

I am quite sceptical that those who were not ready after a two-year transition will be ready after a further two months—especially as much of this time falls within the Christmas period. When the news of the delay was announced it was reported (and this has been confirmed by people I have spoken to) that much of the sector was quite frustrated about the delay. Yes, they were concerned about resources and, yes, they fully anticipated some teething trouble in getting to grips with a new system; but, set against the costs already incurred in preparing for a November start, the uncertainty created by the delay has been a big hinderance for very little gain.

The delay will, of course, give Natural England and Defra more time to publish their templates and guidance. But while the government has committed to allocating £15million to support for local authorities, at about £47,000 per authority this seems unlikely to address the resourcing concerns that local government has after years of cuts to planning, particularly if recruitment and training of staff is required.

Despite reservations about how much BNG will deliver in real terms, given the scale of biodiversity loss nationally and the relatively small amount of land being developed I am hopeful that this requirement will ensure that new developments are as biodiverse as we know they can be. It is very likely that there will still be those who are not ready, but it is now urgent that we protect and enhance nature in our towns and cities; so we need to get on with it.

● **Danielle Sinnett** is Professor in Sustainable Built Environments and Director of the Centre for Sustainable Planning and Environments at the University of the West of England, Bristol. The views expressed are personal.

### Notes

- 1 *National Planning Policy Framework*. Department for Communities and Local Government, Mar. 2012. para. 109. [www.gov.uk/government/publications/national-planning-policy-framework--2](http://www.gov.uk/government/publications/national-planning-policy-framework--2)
- 2 *National Planning Policy Framework*. Ministry of Housing, Communities and Local Government, Jul. 2018. para. 174. [www.gov.uk/government/publications/national-planning-policy-framework--2](http://www.gov.uk/government/publications/national-planning-policy-framework--2)
- 3 *State of Nature 2023*. State of Nature Partnership, Sept. 2023. [https://stateofnature.org.uk/wp-content/uploads/2023/09/TP25999-State-of-Nature-main-report\\_2023\\_FULL-DOC-v12.pdf](https://stateofnature.org.uk/wp-content/uploads/2023/09/TP25999-State-of-Nature-main-report_2023_FULL-DOC-v12.pdf)
- 4 *Biodiversity Net Gain: Good Practice Principles for Development*. CIRIA, CIEEM and IEMA, 2016. <https://cieem.net/wp-content/uploads/2019/02/Biodiversity-Net-Gain-Principles.pdf>
- 5 See the Department for Environment, Food and Rural Affairs' 'Biodiversity net gain' webpages, at [www.gov.uk/government/collections/biodiversity-net-gain](http://www.gov.uk/government/collections/biodiversity-net-gain)
- 6 J Baker, R Hoskin and T Butterworth: *Biodiversity Net Gain. Good Practice Principles for Development. Part A: A Practical Guide*. CIRIA, 2019; and T Butterworth, J Baker and R Hoskin: *Biodiversity Net Gain. Good Practice Principles for Development. Part B: Case Studies*. CIRIA, 2019. Both available at <https://cieem.net/i-am/current-projects/biodiversity-net-gain/>
- 7 See [www.youtube.com/watch?v=sVR9VZYkMLc](https://www.youtube.com/watch?v=sVR9VZYkMLc)
- 8 See 'Biodiversity Net Gain delay welcomed, but details, resources and training for planning teams still needed'. News Story. RTP1, 27 Sept. 2023. [www.rtpi.org.uk/news/2023/september/biodiversity-net-gain-delay-welcomed-but-details-resources-and-training-for-planning-teams-still-needed/](http://www.rtpi.org.uk/news/2023/september/biodiversity-net-gain-delay-welcomed-but-details-resources-and-training-for-planning-teams-still-needed/)
- 9 D Sinnett, Z Fouad, K McClymont, et al.: *Housing Affordability in the South West of England*. University of the West of England, for Homes for the South West, Mar. 2023. <https://homesforthesouthwest.co.uk/home/affordability-report/>
- 10 See the BiUrbs — valuing biodiversity in multi-functional urban development and environment — project website, at [www.biurbs.org/](http://www.biurbs.org/)
- 11 'A third of developers remain in the dark over Biodiversity Net Gain regulations'. *Property Reporter*, 3 Nov. 2023. [www.propertyreporter.co.uk/a-third-of-developers-remain-in-the-dark-over-biodiversity-net-gain-regulations.html](http://www.propertyreporter.co.uk/a-third-of-developers-remain-in-the-dark-over-biodiversity-net-gain-regulations.html)
- 12 See Natural England's 'The Biodiversity Metric 4.0 (JP039)' website, at <https://nepubprod.appspot.com/publication/6049804846366720>
- 13 'Biodiversity Net Gain moves step closer with timetable set out'. Press Release. Department for Environment, Food and Rural Affairs, 27 Sept. 2023. [www.gov.uk/government/news/biodiversity-net-gain-moves-step-closer-with-timetable-set-out#:~:text=Under%20the%20updated%20timetable%20set,for%20example%20by%20creating%20new](http://www.gov.uk/government/news/biodiversity-net-gain-moves-step-closer-with-timetable-set-out#:~:text=Under%20the%20updated%20timetable%20set,for%20example%20by%20creating%20new)