

## Biodiversity Net Gain: more than a fancy offset?

07 February 2024

This briefing is on behalf of nature and animal welfare coalition Wildlife and Countryside Link ([Link](#)) and explores the findings and recommendations of research into local authorities' progress towards ambitious biodiversity net gain policies in England.

### Executive summary

As mandatory 10% biodiversity net gain approaches we investigated the net gain policies in place and policies on the horizon for all authorities in England. We seek to celebrate the local authorities with the most ambitious net gain policies, demonstrate the feasibility of higher percentages of net gain and encourage more authorities to strive for greater net gain.

2 local authorities have an active policy above 10% biodiversity net gain (Guildford and Worthing), a further 18 authorities have emerging ambitious policies and 6 more are considering adopting 20% net gain.

The UK Government should support further ambition and robust delivery of BNG. It should:

- support local planning authorities to go beyond the 10% BNG minimum,
- set a higher than 10% national minimum for major infrastructure projects, and
- ensure authorities have sufficient resources for monitoring and enforcement.

### What is Biodiversity Net Gain?

Biodiversity Net Gain (BNG) is a planning policy which seeks to ensure that following development, the natural environment is left in a measurably better state than it was in before.

Under the Environment Act 2021, biodiversity gain is mandatory from February 2024 for all local planning authorities in England. They must require at least 10% BNG on all planning applications, bar a few exemptions, with small development sites remaining exempt until April 2024.

The habitats created from net gain must be secured and protected for at least 30 years, and where possible should be created ‘on-site’ within the boundary land of a project. If this is not possible, developers can achieve their BNG target off-site. As a last resort, they can purchase statutory biodiversity credits for investment in habitat creation elsewhere.

Irreplaceable habitats will be exempt from the mandatory BNG requirement as replacing them would not offer equal value to nature. The Government [has set out](#) an initial list of irreplaceable habitats and has committed to consulting publicly on a list of irreplaceable habitats in 2024.

### **Why 10% Biodiversity Net Gain isn’t ambitious enough**

As one of the most nature depleted countries, the UK must act with ambition and bold policies to combat the ecological crisis. The State of Nature 2023 report revealed troubling trends, finding that 2% of species in Great Britain are already extinct and a further 16% of species are threatened with extinction, with the biggest cause of land and freshwater wildlife decline to be land use and climate change.<sup>1</sup>

Half of English neighbourhoods have less than 10% tree cover, particularly in lower-income areas<sup>2</sup>. With an already overwhelming lack of nature and green space, 10% BNG should not be considered the top limit for development. In fact, Defra concluded that 10% is the absolute minimum necessary to provide reasonable confidence that there will be no net loss of biodiversity.<sup>3</sup>

Planning guidance already sets an expectation to achieve BNG, but our research finds that only 11% of authorities had a measurable target. The new regulatory requirement for net gain will bring certainty and standardisation across England.

Biodiversity gain is likely to drive less than £200m in additional investment each year and— the key point—most of this investment will be to compensate for harm caused by development, with only a fraction (if any) contributing to nature recovery targets.<sup>4</sup> In other words, unless BNG requirements increase beyond 10%, the policy is largely limited to

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<sup>1</sup> [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)

<sup>2</sup> <https://www.theguardian.com/environment/2023/mar/02/nearly-half-of-english-neighbourhoods-have-less-than-10-tree-cover>

<sup>3</sup> [https://consult.defra.gov.uk/land-use/net-gain/supporting\\_documents/181121%20%20Biodiversity%20Net%20Gain%20Consultation%20IA%20FINAL%20for%20publication.pdf](https://consult.defra.gov.uk/land-use/net-gain/supporting_documents/181121%20%20Biodiversity%20Net%20Gain%20Consultation%20IA%20FINAL%20for%20publication.pdf)

<sup>4</sup> [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/839610/net-gain-ia.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/839610/net-gain-ia.pdf)

offsetting. An additional £5.6bn investment is needed every year to meet Government nature targets.<sup>5</sup>

### The cost of raising Biodiversity Net Gain

The Environment Act allows local authorities to set higher requirements for net gain, in line with ecological need. Increasing biodiversity net gain targets would be affordable and manageable and help ensure that the policy plays a real role in nature recovery.

The cost of BNG will depend on a number of factors such as the scale of the project or such as location and habitats affects, and is likely to follow the pattern of the mitigation hierarchy with onsite net gain the least costly compared to offsite net gain or buying biodiversity credits.<sup>6</sup> Net gain will also be cheaper on sites that have been previously developed and more costly on greenfield sites where the biodiversity baseline will be higher.

Studies have found that the cost of advancing BNG from 10% to 20% is often very manageable. Independent research by both Defra and the Kent Nature Partnership found the price of 10% or 20% BNG to be very similar with relatively little impact on the overall costs when compared to the total cost of mitigating negative development impacts.<sup>7 8</sup> In 2020 Defra reviewed five infrastructure projects and found that the costs for 20% BNG was around just 1% of the capital costs for all but one of these projects.<sup>9</sup>

Moving from 10% to 20% BNG does not massively increase costs but it does continue to increase the benefits created for nature and people.

Beyond the advantages to the local ecology, if done well, BNG can provide communities with greater access to nature, increased mental and physical wellbeing, improved air quality and flood management too. January 2024 has already tested the UKs flood defences as named storms Henk, Isha and Jocelyn caused flooding and disruption across much of the nation. Providing nature-based drainage solutions through BNG obligations can reduce the risk of flooding and water damage, which can also help protect to buildings and reduce maintenance costs in the long term.<sup>10</sup>

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<sup>5</sup> [The-Finance-Gap-for-UK-Nature-13102021.pdf \(greenfinanceinstitute.com\)](#)

<sup>6</sup> [https://mktgdocs.cbre.com/2299/Ofa74b26-55b0-4d0f-bf33-18aefff27d0b-1731468600/ESG\\_20-20Biodiversity\\_20Net\\_2.pdf](https://mktgdocs.cbre.com/2299/Ofa74b26-55b0-4d0f-bf33-18aefff27d0b-1731468600/ESG_20-20Biodiversity_20Net_2.pdf)

<sup>7</sup> [https://consult.defra.gov.uk/land-use/net-gain/supporting\\_documents/181121%20%20Biodiversity%20Net%20Gain%20Consultation%20IA%20FINAL%20for%20publication.pdf](https://consult.defra.gov.uk/land-use/net-gain/supporting_documents/181121%20%20Biodiversity%20Net%20Gain%20Consultation%20IA%20FINAL%20for%20publication.pdf)

<sup>8</sup> <https://kentnature.org.uk/nature-recovery/biodiversity-net-gain/>

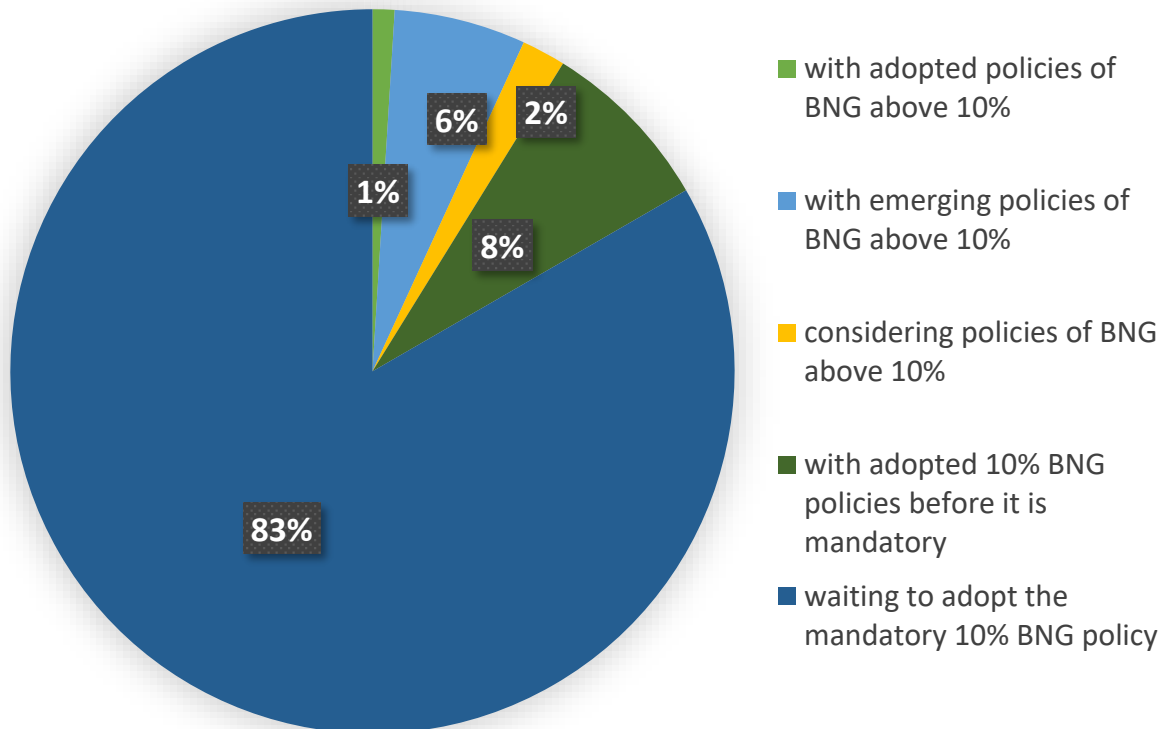
<sup>9</sup> <https://randd.defra.gov.uk/ProjectDetails?ProjectID=20490&FromSearch=Y&Publisher=1&SearchText=NE0146&SortString=ProjectCode&SortOrder=Asc&Paging=10#Description>

<sup>10</sup> <https://www.architectsjournal.co.uk/specification/in-practice-designing-with-nature-in-mind>

## Key findings

### Biodiversity net gain

## Local Authorities and Biodiversity Net Gain targets (%)



- 2 local authorities, Guildford & Worthing, have adopted BNG policies of 20% in local plans, which is just 0.6% of local authorities. Worthing only applies the 20% policy to developments on previously developed land and elsewhere the policy is for 10% minimum but 20% is encouraged.
- 20 local authorities (6%) have emerging BNG policies above 10%, ranging up to 30% for Kingston Upon Thames and Tower Hamlets.
- A further 6 local authorities (2%) are seriously considering BNG policies above 10% and plan to explore this in consultations.
- Just 24 local authorities (8%) had adopted a target of around 10% BNG prior to it becoming mandatory, which would mean that 293 authorities (83%) will be enforcing 10% net gain for all developments for the first time on February 12<sup>th</sup>.



Two particularly ambitious emerging policies are from the London boroughs of Tower Hamlets and the Royal Borough of Kingston Upon Thames who are both striving for a target of 30% net gain which we can hope to see adopted by late 2024 and 2025 respectively.

Other councils of note include Oxfordshire County Council who in 2022 adopted a policy within its Climate and Natural Environment Policy Statement to '*Achieve and where possible exceed government and local biodiversity net gain targets with an ambition of achieving 20% net gain*' and the Royal Borough of Windsor and Maidenhead will be encouraging a best practice of 20% net gain on new developments.

#### **How London Borough of Tower Hamlets decided on a 30% BNG target**

Initial conversations between the councils Biodiversity and Ecology team & the Planning team sparked a study to review the delivery of biodiversity net gain in recent planning applications.

This study revealed that due to the low existing biodiversity baseline, many developments already achieved or exceeded a 10% biodiversity net gain with minimal effort, with 82% already achieving 30% net gain.

This supported the proposed policy that it is both feasible and reasonable to require new development proposals in Tower Hamlets to deliver a minimum of 2.5 BU/ha or 30% gain (whichever is higher) in habitat value for wildlife, compared with the pre-development baseline.

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#### **Geographical regions**

BNG ambitions are extremely concentrated in the south of England across councils with adopted, emerging or who are considering higher BNG policies, with just Sheffield City in Northern England. The region with the most ambitious BNG policies is the South East of England, which features:

- 100% of the councils with adopted policies above 10%
- 77% of the local authorities implementing or considering the most ambitious Biodiversity Net Gain policies.

#### **What are the barriers to adopting ambitious net gain policies?**

To encourage more authorities to adopt higher BNG targets it is important to consider the barriers that they have found to doing this, in order to find solutions. Barriers to adopting

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<sup>11</sup> <https://www.greengage-env.com/city-of-london-and-tower-hamlets-bng-policy-evidence-base/>

ambitious net gain goals include: lack of access to ecological advice; evidence of viability; and awareness among Local Authorities of their options.

A councils level of access to an ecologist or biodiversity team will have an important influence on its BNG targets. The above example of Tower Hamlets shows that its ambitious BNG policy began with conversations between ecology teams and planning departments.

This is one area which falls victim to the wider greens skills gap present in the UK. In 2019 ENDS revealed that just 26% of councils had employed an in-house chartered ecologist<sup>12</sup> which is now slightly higher at 33% of councils according to the Local Government Association. This skills shortage of in-house ecologists is a barrier to achieving better environmental policies and ensuring that nature benefits from biodiversity net gain goals.<sup>13</sup> We hope that this figure will increase with the opening of additional ecologist roles which will focus on mandatory biodiversity net gain.

In response to the FOI submitted to West Berkshire Council they stated that *'the council has no evidence to support a (BNG) figure higher than 10%'*. Similarly, the reason that Rossendale Council dropped its draft policy of 20% BNG was that the planning inspectorate found no justification for either 10 or 20% net gain.

However our research shows that a growing number of other councils continue to find 20% BNG to be extremely worthwhile and achievable in their area.

Elmbridge Borough Council observed that a greater level of BNG is needed to address the particularly severe level of biodiversity decline in Surrey. They site inspiration from neighbouring authority Guildford who adopted their policy for 20% net gain in 2023 and Mole Valley before commissioning a viability assessment.<sup>14</sup> This concluded 20% net gain to be considered viable, supportable and justified, based on the low calculated approximate costs of up to £1.43/sq. m. or £796/dwelling total to reach 20%.<sup>15</sup>

There are different ways to incorporate a higher net gain policy, which will still provide greater benefits for nature. For example, since 2019 Wirral Council has required 20% BNG when developments are on council land and they continue to uphold this policy while their draft local plan will reference the mandatory blanket 10% policy for all developments.

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<sup>12</sup> <https://www.endsreport.com/article/1586149/one-four-councils-employ-in-house-ecological-experts>

<sup>13</sup> <https://www.local.gov.uk/about/news/lga-responds-environmental-audit-committee-report-biodiversity-and-ecosystems>

<sup>14</sup> <https://www.elmbridge.gov.uk/sites/default/files/2023-08/Biodiversity%20Net%20Gain%20Modification%20Supporting%20Note%20-%20Jule%202023.pdf>

<sup>15</sup> <https://www.elmbridge.gov.uk/sites/default/files/2023-08/ENV016%20-%20Biodiversity%20Net%20Gain%20Viability%20Commentary%20Note%20-%20Jul%202023.pdf>

In 2019 the Defra impact assessment found that raising the target to a 20% net gain policy could result in over 1,500 (29%) more hectares for nature than a 10% policy would.

While authorities have found barriers to accepting a higher net gain, we hope that tangible examples and success stories from other authorities will inspire greater ambitions as Elmbridge Borough Council have done.

Local authorities should not be left to traverse biodiversity net gain alone. To secure the greatest benefits for nature, it is important that Government supports the rollout, robust implementation, and further ambition of BNG.

**We recommend that DEFRA and Natural England communicate clear advice to Local Councils, setting out:**

- 1. the flexibility they have to go beyond 10%;**
- 2. support for assessing local need for nature recovery; and**
- 3. standard methodologies for proving viability and costs and benefits of higher requirements.**

### What does the Government need to do to ensure that BNG delivers for nature?

- **Support local planning authorities in raising their ambitions above the national 10% minimum.**
- Go beyond a 10% net gain national minimum for Nationally Significant Infrastructure Projects (NSIPs).
- Publish a consultation on the definition, expanded list, and compensation principles for irreplaceable habitats.
- Reverse the decision to enable the selling of excess units.
- Improve the monitoring and enforcement of onsite delivery, through requiring onsite gains to be registered on the BNG register and providing guidance and support for local planning authorities to carry out enforcement if BNG is not delivered.

This study seeks to celebrate the local authorities who are on the leading edge of biodiversity net gain as we head into mandatory net gain across England. We hope that these examples can be used as inspiration to other authorities and implore them to aim higher than reaching the 10% target as it is feasible, achievable and will deliver benefits for nature.

Government must support local areas to commit to stronger ambitions and ensure that biodiversity net gain has the positive ecological impact that we are hoping for.

Wildlife and Countryside Link (Link) is the largest nature coalition in England, bringing together 82 organisations to use their joint voice for the protection of the natural world and animals. Wildlife and Countryside Link is a registered charity number 1107460 and a company limited by guarantee registered in England and Wales number 3889519.

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**Table 1: Local Authorities who have adopted BNG policies above 10%**

Local Authority	Political party lead	BNG Percentage Adopted	Policy	Policy Document	Biological emergency declaration	Local 30x30 target
Guildford, South East	Liberal Democrat	20%	Qualifying development proposals submitted after the national scheme comes into effect are required to achieve a biodiversity net gain of at least 20 per cent, or the advised national minimum amount, whichever is greater, measured using the national biodiversity net gain calculation methodology. Where previously developed land is exempt from BNG but supports at least one protected or priority species population or habitat, or an assemblage of species with an otherwise demonstrably high biodiversity value, a measurable 20% BNG will be required.	The Local Plan Development Management Policies, p.40. Adopted March 2023	No	No
Worthing, South East	Labour	10% or 20% conditionally	New developments (excluding change of use and householder) should provide a minimum of 10% net gain for biodiversity - where possible this should be onsite. Where it is achievable, a 20%+ onsite net gain is encouraged and is required for development on previously developed sites.	Local Plan 2020-2036, p.161. Adopted March 2023	Yes	No

**Table 2: Local Authorities with emerging BNG policies above 10%**

Local Authority	Political party lead	BNG Percentage Emerging	Policy	Policy Document	Biological emergency declaration	Local 30x30 target
Canterbury, South East	No party majority	20%	All proposals for development, other than those exempt through national legislation, will be required to demonstrate and deliver a minimum of 20% biodiversity net gain.	Reg 18 2022 Draft Policy DS21 – Supporting biodiversity recovery	Yes	No
Cherwell, South East	Conservative	10% or 20% conditionally	Development will be required to demonstrate a minimum of 10% net gain in biodiversity. At least 20% biodiversity net gain will be sought in the Nature recovery Network Core and recovery zones, and new urban extensions will be required to achieve 20% biodiversity net gain.	Reg 18 2023 Cherwell Local Plan Review Core Policy 12 -Biodiversity Net Gain	No	No
East Devon, South West	No party majority	20%	Where permanent or long-term temporary habitat loss or direct reduction of habitat condition is identified, suitable biodiversity net gain of at least 20% is proposed, which should be ecologically relevant and connected to the site affected as to not result in a net reduction of the condition of the site.	Reg 18 2022 Draft Policy 87 - Biodiversity Net Gain	No	No
Elmbridge, South East	No party majority	20%	Elmbridge have proposed a main modification to draft Policy ENV6 of the draft Local Plan to increase the BNG requirement from 10% to 20% (main modification ref. M4.51).	Main Modification Submission Note: Elmbridge Local Plan 2037. July 2023	No	No
Mole Valley, South East	Liberal Democrat	20%	The policy will require not only that the loss of biodiversity on development sites is mitigated but that there is a net gain of 20% on most sites.	Reg. 19 Draft Policy EN9 – Natural Assets	No	No
Mid Sussex, South East	Liberal Democrat	10% or 20% conditionally	A minimum percentage of biodiversity net gain of 20% will be required for Significant Sites and for the Significant Sites allocations in this Plan DPSC1 – DPSC3	Reg 19 2024 Draft Policy DPN2 – Biodiversity Net Gain	No	No
London Borough of Ealing, Greater London	Labour	20%	Development proposals should achieve a biodiversity net gain of at least 20 per cent, or the advised national minimum amount whichever is greater.	2023 Draft Policy G6: Biodiversity and access to nature	No	No

London Borough of Tower Hamlets , Greater London	Aspire	30%	Development proposals for all major development and some minor development must deliver a minimum 2.5 biodiversity unit (BU) per hectare increase or 30% gain (whichever is higher) in habitat value for wildlife compared with the pre-development baseline. Where 2.5 BU/ha is achieved, but represents lower than 10 or 20% net gain, then a target of 30% gain is required to ensure biodiversity is maximised within developments.	Reg 18 2022 Draft Policy BO4 - Biodiversity and access to nature	No	No
London Borough of Richmond upon Thames, Greater London	Liberal Democrat	20% for certain developments	a measurable 20% net gain for biodiversity will be required for the following development proposals: <ul style="list-style-type: none"> <li>- small-scale householder applications which increase the footprint and/or floorspace of the existing dwelling;</li> <li>- all development proposals, including conversions or changes of use, that result in 1dwelling unit or more;</li> <li>- non-residential development proposals which increase the footprint and/or floorspace.</li> </ul>	Reg 19 2023 Draft Policy 39 - Biodiversity and Geodiversity	No	No
Sevenoaks, South East	Conservative	20%	All proposals for new development (qualifying development), which are not exempted through regulations, must provide 20% biodiversity net gain.	Reg 18 2022 Draft Policy BW2 - Biodiversity in New Development	No	No
Sheffield City, Yorkshire and the Humber	No party majority	Above 10% for certain developments	BNG in excess of 10% may be required where: <ul style="list-style-type: none"> <li>- there is a particular ecological need in that location based on evidence in a biodiversity/nature recovery action plan or as part of the Local Nature Recovery Network mapping, or</li> <li>- there is evidence of rare/protected species within, or close to, the development site; or</li> <li>- the site starts with very low or nil existing biodiversity value.</li> </ul>	Reg 19 2023 Draft Policy GS6 -Biodiversity Net Gain	Yes	No
South Oxfordshire & Vale of White Horse, South East	Vale of White horse is Liberal Democrat	11-25%	Development in South Oxfordshire and Vale of White Horse must deliver at least 11-25% biodiversity net gain (whatever is the maximum assessed as deliverable through the Joint Local Plan Viability Assessment).	Reg 18 2024 Draft Policy NH1 - Nature recovery	Yes	No

Surrey Heath, South East	Liberal Democrat	20%	Policy E3 aims to ensure the new development delivers biodiversity net gains in the borough. The policy achieves this by setting out a minimum requirement for 20% net gains and setting out how this should be delivered as part of development proposals.	Reg 18 2022 Draft Local Plan Policy E3 Biodiversity Net Gain	Yes	No
Swale, South East	No party majority	20%	Swale is keen to be a vanguard for the emerging biodiversity net gain policy in new developments and our evidence shows that we can achieve 20% rather than the 10% in emerging Government guidance. Unless exempt, provide a minimum 20% net gain in biodiversity against a pre-development baseline.	Reg 18 & Reg 19 2021 Draft local plan review	Yes	Yes
Uttlesford District Council, South East	Residents Association	20%	Development will be required to demonstrate a minimum of 20% net gain in biodiversity (measured using the DEFRA biodiversity metric 3.1 or successor) by protecting, enhancing or creating sites of greater biodiversity or geological value and improved soils.	Reg 18. 2023. Draft core policy 40: Biodiversity.	Yes	No
Royal Borough of Kingston upon Thames, Greater London	Liberal Democrat	30%	Developments will be required to deliver a minimum of 30% Biodiversity Net Gain.	Reg 18 2023 Draft Policy KN3 – Biodiversity	Yes	Yes
West Oxfordshire, South East	No party majority	10% or 25% conditionally	Development at Salt Cross Garden Village area will be required to demonstrate an overall biodiversity net gain of 25%. Otherwise 10% across the council.	Emerging Salt Cross Garden Village Area Action Plan	Yes	No
Wiltshire, South West	Conservative	20%	Development must achieve a minimum of 20% biodiversity net gain, or higher as stipulated in national legislation and/or policy or supplementary guidance, over the pre-development biodiversity value as measured by the latest Biodiversity Metric.	Reg 19 2023 pre-submission draft policy 89 - Biodiversity net gain	No	No



**Table 3: Local authorities considering adopting 20% net gain within consultations**

1	Birmingham City Council
2	Greater Cambridge
3	Chelmsford Borough Council
4	Herefordshire Council
5	London Borough of Harrow
6	Maidstone Borough Council

**Table 4: Local targets to protect 30% of land and sea by 2030 (30x30)**

	<b>Councils with an adopted 30x30 target</b>	<b>Councils with an emerging 30x30 target:</b>
1	Cornwall Council	Warwick
2	Watford Borough Council	West Oxfordshire
3	Cheshire West and Chester	Horsham through NRN
4	Dorset Council	Leicestershire NRN
5	North East Lincolnshire Council	Malvern Hills
6	Portsmouth City Council	Mid-Sussex (exploring)
7	Royal Borough of Windsor and Maidenhead	Staffordshire County Council
8	Royal Borough of Kingston upon Thames	Worcester City Council & Wychavon
9	South Derbyshire	Dartford
10	Suffolk County Council	High Peak Borough
11	Torridge District Council	
12	Wirral Metropolitan Borough	

## Appendix 1: Method

A Freedom of Information request was submitted to all 317 local authorities in England between 15<sup>th</sup> & 28<sup>th</sup> November, asking what percentage of BNG they currently require for developments in their local plans or will be seeking in their local plan reviews.<sup>16</sup>

We define '**adopted**' policies as policies present in the authorities' adopted local plan or supplementary planning documents at the time of request.

We define '**emerging**' policies as policies present in the most recently available draft local plan. While this is encouraging, it does not guarantee that the ambitious policies won't be dropped before adoption, as was the case for at least Rossendale Council and Bath & North East Somerset Council.

We define authorities as '**considering**' adopting BNG policies above 10% when they have expressed within their response to us that they are investigating this option, or where there is evidence that they are publicly consulting on including BNG policies >10% in their draft local plans.

## Appendix 2: other council commitments

### Ecological Emergency

- 78 (25%) local authorities have declared an Ecological emergency.
- This has increased from just 15% in 2021.<sup>17</sup>

### 30 x 30 target

- 12 councils have a local target to protect 30% of land by 2030
- A further 10 councils have an emerging target to protect 30% of land by 2030.

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<sup>16</sup> Responses to the FOI were not provided by 22 councils. In these cases, information was supplemented by independent research and is true and accurate to our knowledge.

<sup>17</sup> <https://www.inkcapjournal.co.uk/less-15-of-councils-have-declared-an-ecological-emergency-why-the-delay/>