



Department
for Environment,
Food & Rural Affairs

Biodiversity Net Gain - considering a targeted exemption for residential brownfield development

Consultation document

April 2026

We are responsible for improving and protecting the environment. We aim to grow a green economy and sustain thriving rural communities. We also support our world-leading food, farming and fishing industries.

Defra is a ministerial department, supported by 34 agencies and public bodies.



© Crown copyright 2026

This information is licensed under the Open Government Licence v3.0. To view this licence, visit www.nationalarchives.gov.uk/doc/open-government-licence/

Where we have identified any third party copyright information you will need to obtain permission from the copyright holders concerned.

This publication is available at www.gov.uk/defra

Any enquiries regarding this publication should be sent to us at bngconsultation@defra.gov.uk.

How to respond to this consultation

This consultation opened on the 15th of April 2026 and will be open for 8 weeks. Please respond by 23:59 on the 10th of June 2026.

Citizen Space is the department's online consultation portal and our preferred route for receiving consultation responses. We strongly encourage responses are made via Citizen Space, particularly from organisations with access to online facilities. Using the online survey greatly assists our analysis of the responses, enabling more efficient and effective consideration of the issues raised.

Respondents do not need to answer every question. Respondents should not cite previous questions or remark 'see above'. Due to the way the consultation responses are processed we cannot guarantee your comments will be captured if replying in this way. Any points you wish to raise in response to a question should be set out in full as part of that question's response. Any evidence submitted will be reviewed but will not be analysed, summarised, or included in the published government response.

The citizen space portal will be available at the below link:

<https://consult.defra.gov.uk/defra-biodiversity-net-gain/biodiversity-net-gain-considering-a-targeted-exemp/>

If you are unable to use Citizen Space, or you have supporting evidence to accompany your response, you can download the consultation documents and return your response via email to bngconsultation@defra.gov.uk. Alternatively, you can post to Biodiversity Net Gain Consultation, Defra Seacole Building, 2 Marsham Street, London SW1P 4DF, United Kingdom.

We recognise that respondents may choose to use some standard text to inform their response. Campaigns are when organisations (or individuals) coordinate responses across their membership or support base, often by suggesting a set of wording for respondents to use. Campaign responses are usually very similar or identical to each other.

For this consultation, campaign responses may be analysed separately from other responses to ensure the breadth of views received can be summarised effectively and efficiently. All campaign responses will be taken into account in the final analysis of public views and campaigns help indicate the strength of feeling on an issue. The preferred route for all respondents to provide their views (including where a response is based on a campaign) is through the Citizen Space platform.

Submitted responses can be withdrawn or amended by request during the consultation period, and up to 2 weeks after the consultation close.

Using and sharing your information

How we use your personal data is set out in the consultation and call for evidence exercise privacy notice which can be found here:

<https://www.gov.uk/government/publications/defras-consultations-and-call-for-evidence-exercises-privacy-notice>

Other Information

This consultation is being conducted in line with the Cabinet Office “Consultation Principles” and be found at: [Microsoft Word - Consultation Principles \(1\).docx \(publishing.service.gov.uk\)](#)

If you have any comments or complaints about the consultation process, please email: consultation.coordinator@defra.gov.uk

Confidentiality and questions about you

1. Would you like your response to be confidential?

Yes No

If you answered Yes to this question, please give your reason(s).

2. What is your name?

3. What is your email address?

4. Are you responding as part of an organisation?

5. If you are responding as part of an organisation, what is the name of the organisation? Please also provide a short description of the organisation

Contents

Consultation document	1
How to respond to this consultation	3
Using and sharing your information	4
Introduction	6
Purpose of this consultation	7
Consultation structure.....	9
Who should respond.....	9
Background	9
1: Definition of brownfield residential development.....	12
Context	12
Definition	13
2: Considering a targeted BNG exemption	15
Context	15
Proposed thresholds.....	16
Measures to limit ecological impacts	17
3. The potential impact of a targeted BNG exemption for residential brownfield.....	19
Introduction.....	19
Evidence base and methodology.....	19
Modelled impacts.....	23
Summary of evidence and key trade-offs	27
4. Next steps.....	29

Introduction

Biodiversity Net Gain (BNG) is an approach to development designed to leave the natural environment in a measurably better state than before development takes place. The Environment Act 2021 introduced a mandatory BNG requirement in England for most new developments under the Town and Country Planning Act 1990, requiring them to deliver a 10% increase in biodiversity. Following a two-year transition period, BNG has been mandatory for most major developments from 12th February 2024, and for minor development (small sites) from 2nd April 2024.

The government is committed to delivering sustained economic growth as set out in our Plan for Change and building 1.5 million homes by the end of this Parliament. At the same time, we are committed to halting and reversing the decline of nature. BNG provides a clear framework to support these objectives, but the early stages of implementation have highlighted challenges for certain types of development. In May 2025, the Government consulted on improving the implementation of BNG for minor, medium and brownfield development, alongside a separate consultation on applying BNG to Nationally Significant Infrastructure Projects (NSIPs).

The Government set out its intention for BNG alongside the publication of the draft National Planning Policy Framework (NPPF) for consultation in December 2025. The responses to these consultations have now been published, and government has confirmed it will be introducing an exemption for sites under 0.2 hectares, as well as other targeted exemptions and simplifications. This includes measures to help address the challenges of delivering BNG on brownfield sites with Open Mosaic Habitat (OMH), an ecologically valuable habitat which can establish on previously developed sites.

The Government also announced it would consult rapidly on options for a potential further exemption to better support brownfield residential development on sites up to 2.5 hectares. This consultation sets out options for this further potential exemption to better support brownfield (previously developed) land coming forward for residential development. This is in line with proposed wider reforms to create a more rules-based planning system and support housing delivery on suitable urban land.

Purpose of this consultation

The Government is clear that brownfield land should be the first port of call for development, and national planning policy provides strong support for the development of brownfield land. In December 2024, the National Planning Policy Framework was revised to set out that proposals for brownfield development should normally be approved, and the definition of previously developed land in the Framework was expanded to include large areas of hardstanding, better reflecting land that is already developed.

The Government has recently consulted on a new National Planning Policy Framework¹ that included clearer, ‘rules based’ policies for decision-making and plan-making, designed to make planning policy easier to use and underpin the delivery of faster and simpler local plans. This consultation has now closed, and included a range of proposals that built upon the ‘brownfield passports’ working paper, published September 2024. These include strong support for development within settlements, a “default yes” to suitable planning applications for development within a reasonable walking distance of well-connected stations, support for the intensification of urban and suburban locations, and setting clear expectations for minimum densities in locations with good transport connectivity.

This consultation seeks to complement this approach by looking at potential options for a targeted exemption from BNG for some brownfield residential development. Any exemption would seek to simplify the system for these sites, reduce administrative costs, and ensure our brownfield first ambitions directly support the delivery of more homes.

Brownfield residential development often faces significant constraints that make schemes more complex and costly to deliver than comparable greenfield projects. These include constrained site footprints, land contamination, demolition requirements, fragmented ownership, design and access challenges. Government already funds de-risking and enabling works through programmes such as the Brownfield Land Release Fund for these reasons. Against this backdrop, BNG can introduce additional administrative and cost considerations for some small and medium urban sites, which may affect delivery in areas where government policy is to accelerate housing supply on well-connected land.

Stakeholder feedback has also shown that delivering BNG on some brownfield land can be more challenging. While many brownfield sites have low pre-development biodiversity values, our evidence base ([Section 3](#)) indicates that the biodiversity value of some brownfield sites can be comparable to that of equivalent greenfield sites. This could be because more biodiverse habitats can naturally establish over time on certain brownfield sites. When higher BNG delivery costs on such sites are combined with more complex planning issues and additional remediation or demolition costs, this can create incentives for developers to favour greenfield locations where development profits are typically higher.

This issue is often more acute for smaller brownfield residential sites, where limited space makes it harder to compensate for habitat loss (such as the removal of urban trees or

¹ GOV.UK [National Planning Policy Framework: proposed reforms and other changes to the planning system - GOV.UK](#)

scrub) within the development boundary. As a result, off-site BNG is more frequently required, adding to the overall package of planning obligations and placing further pressure on development viability.

The government recognises, however, that BNG is not a challenge for all brownfield residential development. Many larger sites successfully deliver BNG on site, often with gains in excess of 10%, through intelligent design and landscaping which integrates BNG with sustainable drainage and urban greening, to create rich, biodiverse urban habitats. In addition, feedback from the sector suggests BNG implementation has been less of an administrative burden for larger residential developments for both applicants and local planning authorities (LPAs). This is due to factors such as applicants having access to strong consultancy support and LPAs being more likely to focus their ecologists on these developments. For these reasons, we are proposing that the focus of any exemption for brownfield residential development should not apply to larger sites. This targeted approach is designed to ease the burden where the BNG requirement is most likely to affect delivery, while aiming to ensure that BNG continues to function effectively for larger sites and for greenfield development.

The modelling presented later in this consultation document shows that, under some proposed exemption thresholds, there are likely to be substantial ecological and nature market impacts that need to be considered against the administrative benefits from a simplified planning system and any potential housing gains. We are therefore seeking views on the trade-offs involved and whether these impacts can be justified in the context of supporting brownfield housing delivery. We also want to understand any potential implications for local communities, including how an exemption could affect access to nature-rich spaces that support health and wellbeing.

Targeted stakeholder engagement will take place throughout and following this consultation. This will help further government's understanding of the challenges faced by developers of smaller, brownfield residential sites, the implications for LPAs, and the ecological impacts of any brownfield residential exemption. We will hold sessions with relevant stakeholders to gather evidence. This consultation and stakeholder engagement will help us understand whether a targeted BNG exemption for brownfield residential development is needed, and, if so, how it should be designed to ensure it is both clear and proportionate.

Consultation structure

This consultation will focus on:

- A definition of brownfield residential development - establishing a clear, operational definition that combines both what constitutes residential-led development and what counts as brownfield land.
- Potential exemption thresholds - seeking views on whether a targeted exemption is required and if so, the appropriate area based threshold at which a brownfield residential development may qualify for the exemption.
- Measures to limit ecological impacts - identifying safeguards to ensure that exempted developments continue to protect important habitats.
- The potential impacts of a targeted BNG exemption - a summary of the evidence and modelling used to assess the potential impacts of a targeted brownfield BNG exemption across different thresholds and definitions of brownfield land.

These elements are essential to ensure any exemption is clear, proportionate and environmentally robust.

Who should respond

We welcome views from anyone with an interest in brownfield development, BNG delivery or the planning system. We particularly welcome responses from:

- Brownfield developers and housebuilders.
- Mayors and local planning authorities.
- Ecological, planning and environmental consultants.
- Environmental groups and NGOs.
- Habitat banks and biodiversity unit providers.
- Land agents, landowners and managers.
- Members of the public with an interest in planning or nature recovery.

Background

The Environment Act 2021 introduced a mandatory BNG requirement in England for developments under the Town and Country Planning Act 1990². BNG evolved from earlier policy approaches such as “no net loss” and biodiversity offsetting, responding to long-term declines in biodiversity in England by requiring new development to secure measurable improvements for nature.

Under the statutory framework, planning permissions are granted subject to a biodiversity gain condition requiring a 10% increase in biodiversity, as calculated by the statutory biodiversity metric³. Biodiversity gains can be delivered on site, through registered off-site

² UK Government (1990) [Town and Country Planning Act 1990](#)

³ GOV.UK (2023) [Statutory biodiversity metric tools and guides - GOV.UK](#)

gains, or via statutory biodiversity credits as a last resort. In accordance with the mitigation hierarchy, developers must seek to avoid and minimise harm to more valuable habitats before compensating for any residual impacts.

Irreplaceable habitats⁴ are excluded from the 10% requirement due to their ecological sensitivity and cannot be recreated within the timescales required for BNG. Proposals affecting irreplaceable habitats, if they are granted planning permission⁵, must instead follow a bespoke compensation approach agreed with the local planning authority.

Significant on-site and registered off-site gains must be secured⁶ and maintained for at least 30 years through Section 106 agreements, conservation covenants or planning conditions.

The government response to the 'Improving the implementation of BNG for minor, medium and brownfield development' consultation⁷ confirmed that we will implement a package of changes including:

- A new area based exemption at 0.2 hectares.
- Removing the self and custom-build exemption.
- Further targeted exemptions above 0.2 hectares for temporary planning permissions, playfields, parks and public gardens and development with the primary objective to conserve or enhance biodiversity.
- Changes to provide greater flexibility for delivering BNG off-site.
- Measures to overcome challenges for brownfield sites containing Open Mosaic Habitat (OMH).

This consultation considers whether a further targeted exemption for brownfield residential development is appropriate.

Brownfield land has long been a priority in national planning policy. Local planning authorities maintain brownfield land registers for residential development⁸, identify suitable previously developed land for redevelopment, and are encouraged through the National Planning Policy Framework to make effective use of land, particularly in well-connected urban areas.

⁴ UK Government (2024) [The Biodiversity Gain Requirements \(Irreplaceable Habitat\) Regulations 2024](#)

⁵ There is also a strong policy presumption against development proposals which would result in the loss or deterioration of irreplaceable habitats. The current NPPF emphasises that such proposals should be refused unless there are wholly exceptional reasons (a position carried forward in the draft revised NPPF).

⁶ GOV.UK (2023) [Enter a legal agreement for biodiversity net gain - GOV.UK](#)

⁷ GOV.UK (2026) Government response to Improving the implementation of biodiversity net gain for minor, medium and brownfield development consultation [Improving the implementation of biodiversity net gain for minor, medium and brownfield development - GOV.UK](#)

⁸ GOV.UK (2017) [Brownfield land registers - GOV.UK](#)

In 2022, brownfield land made up 8.7%⁹ of land in England and approximately 54%¹⁰ of residential development. Recent independent analysis by Savills indicates that since the start of 2023, 52%¹¹ of homes submitted in planning applications were on brownfield land. A further external publication by CPRE, The State of Brownfield Report 2025, reports that between 2023 and 2024, England's total minimum net dwelling capacity on brownfield land increased by 16%, from 1.21 million to 1.41 million¹². These figures underline the importance of ensuring that the BNG regime operates effectively for brownfield sites and supports the delivery of new homes in suitable urban areas.

Brownfield sites can vary widely in ecological characteristics. While many support low distinctiveness or urban habitats, others can contain priority habitats or areas of high biodiversity value. Semi-natural habitats can develop over time through natural succession, particularly on undisturbed or fragmented brownfield sites. These sites can also play an important role in supporting urban biodiversity, providing refuges for wildlife and offering nearby communities access to nature.

Open Mosaic Habitat (OMH) is the most common priority habitat¹³ that can develop on previously disturbed brownfield sites. The government's earlier consultation response has already committed to measures aimed at overcoming the challenges associated with developing brownfield sites that contain OMH. More rarely, brownfield sites may also include other priority habitats, such as priority watercourses, and some sites may support ancient and veteran trees, which are irreplaceable habitats.

⁹ GOV.UK (2022) [Land use statistics: England 2022](#) (most recent Gov release)

¹⁰ GOV.UK (2022) [Homes and different land types fact sheet 2022](#) (most recent Gov release)

¹¹ Savills (2025) [Savills UK | Planning in England: The Current Pipeline](#)

¹² Campaign to Protect Rural England (2025) [State of Brownfield 2025](#)

¹³ GOV.UK (2022) [Habitats and species of principal importance in England - GOV.UK](#)

1: Definition of brownfield residential development

Context

The Government is looking at options to potentially apply a targeted area based exemption from BNG to brownfield residential development. As BNG is a regulatory requirement within the planning system, it is important that the regulations set out a clear and objective definition of what constitutes brownfield residential development. This definition needs to be straightforward for applicants to evidence and for local planning authorities to validate, helping to minimise disputes and avoid delays arising from uncertainty about whether a proposal is subject to BNG. Experience from the initial rollout of BNG shows that some existing exemptions have led to prolonged discussions about eligibility and we need to ensure this definition is clear-cut as possible.

Our starting point is the National Planning Policy Framework definition of previously developed land (PDL):

Previously developed land: Land which has been lawfully developed and is or was occupied by a permanent structure and any fixed surface infrastructure associated with it, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed). It also includes land comprising large areas of fixed surface infrastructure such as large areas of hardstanding which have been lawfully developed. Previously developed land excludes: land that is or was last occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill, where provision for restoration has been made through development management procedures; land in built-up areas such as residential gardens, parks, recreation grounds and allotments; and land that was previously developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape.

While this is a well-established definition for planning decisions, where case-specific judgment is appropriate, its flexibility makes it difficult to use in legislation, where clarity and administrative certainty are essential. A regulatory definition which exempts development needs to refer to development, rather than land alone, and must rely on objective criteria that minimise interpretation as far as possible.

To achieve this regulatory certainty, we propose drawing on the approach taken for the “previously developed sites” relief in Building Safety Levy (BSL) regulations¹⁴. That approach was designed to reduce ambiguity by introducing a clear percentage test for previously developed land and anchoring what counts as “previously developed” to an objective point in time. In the BSL regulations, relief applies where at least 75% of the development land is previously developed, and “previously developed” is defined by the presence of a building after 1948, while excluding land associated with agriculture, forestry, minerals extraction and landfill.

¹⁴ See Regulation 21 of the draft Building Safety Levy (England) Regulations 2025. These regulations have yet to be confirmed.

Definition

We propose that any BNG exemption follows a similar structure. Under this approach, “brownfield development” would be defined as development where at least 75% of the land within the planning application boundary is “previously developed land” (PDL), which would mean:

- Land where there is, or was, a lawful permanent building or structure from 1948 onwards (when the Town and Country Planning system was established and records can typically evidence lawful development).
- The definition of “structure” would include hardstanding, roads and other fixed surface infrastructure.
- Exceptions would be included for buildings last used for agriculture or forestry, and for land used for minerals or landfill waste activities.

This definition retains key elements of the NPPF definition but replaces the more subjective aspects, such as curtilage and green space within built-up areas, with the clearer $\geq 75\%$ test. This is intended to simplify assessment and reduce disagreement over the status of land such as gardens, open space or landscaped areas. We anticipate that, in most cases, spatial information on the footprint of permanent buildings and structures should be readily available to planning consultants and would have been identified as part of the preparation of the application’s planning statement or design and access statement. Aligning identical or very closely aligned definitions to those used in the Building Safety Levy regulations could also reduce administrative burden for applicants by enabling reliance on a consistent evidence base and limiting duplicative assessments as far as possible.

The 75% threshold has been selected to reflect land that predominantly comprises, or historically comprised, permanent lawful buildings or structures. Using a higher threshold could exclude developments widely understood to be brownfield because part of the site, while in the curtilage of a building, lies outside the building’s footprint.

We expect that most developments identified by planning professionals as previously developed under the NPPF would also meet this more operational regulatory definition. However, we recognise that some sites may not meet the $\geq 75\%$ test. For example, where a single permanent structure sits within a large curtilage of semi-natural habitat. We welcome views on whether 75% is the most appropriate level.

While alignment with the NPPF and Building Safety Levy definition is desirable from an administrative perspective, also it is important to consider the ecological implications of different PDL thresholds. These have been modelled and the results set out in [Section 3](#).

Finally, we propose that any exemption applies only to development which is predominantly residential. Mixed-use or commercial-led schemes with a small residential component would fall outside the potential exemption. This ensures any exemption is tightly targeted at the housing outcomes it is intended to support and avoids ambiguity for non-residential schemes. For example, a predominantly commercial scheme with a small

number of residential units above ground floor retail would not qualify, whereas a residential scheme with ancillary commercial uses could.

Consultation questions

6. Do you support the proposed regulatory definition of residential brownfield development?

- Options: Yes / No / I don't know / I'm not sure
- Free text (optional): If you do not support the proposed definition, what specific changes would you make and why?

7. Do you agree that the proportion of the land within the planning application boundary should be $\geq 75\%$ Previously Developed Land (PDL) to qualify?

- Options: Yes / No / I don't know / I'm not sure
- If no, which % PDL do you support? $\geq 70\%$ PDL / $\geq 80\%$ PDL / Other PDL% (please specify)
- Free text: Please provide the rationale and any evidence supporting your response (for example case studies, data, or experience).

8. To what extent do you agree that the proposed regulatory definition aligns with current interpretations of 'Previously Developed Land' under the NPPF glossary for planning decisions?

- Options: Strongly agree / Agree / Neither agree nor disagree / Disagree / Strongly disagree / I do not have experience with the current interpretation of PDL / I don't know / I'm not sure
- Free text (optional): If you disagree or strongly disagree, please identify the circumstances where you consider divergence between the definitions would occur. Information on the frequency of these circumstances and the impact of using the proposed regulatory definition for a BNG exemption would be welcome.

9. Overall, do you consider the proposed definition and evidential requirements to be proportionate and workable for applicants and local planning authorities?

- Options: Strongly agree / Agree / Neither agree nor disagree / Disagree / Strongly disagree / I don't know / I'm not sure
- Free text (optional): If you disagree or strongly disagree, please state why it would not be proportionate and workable from either an applicant or local planning authority perspective. Information on the likely costs incurred or time taken by either would be welcome.

2: Considering a targeted BNG exemption

Context

Smaller residential brownfield developments play an important role in delivering new homes in well-connected urban areas, but they often come forward with constrained footprints, existing infrastructure issues and complex site conditions (which may require remediation). These characteristics mean developers must prioritise efficient land use and practical design solutions, often leaving limited scope to incorporate the types of on-site habitat enhancements that BNG is designed to secure. As a result, smaller schemes are more likely to rely on off-site units, which can be costly depending on the site's baseline habitats. The easements and streamlining set out in the government's response to the minor, medium and brownfield consultation will make it quicker, cheaper and easier for smaller developers to deliver offsite. Nevertheless, we are interested in understanding whether or not BNG could still materially affect the viability of some of these schemes, and so we are using this consultation to gather further evidence on the specific challenges faced in delivering BNG on smaller brownfield sites.

As part of this, we are considering options for a targeted exemption to support the delivery of residential development on brownfield land. Any exemption would need to be carefully designed to ensure that the environmental outcomes of the policy remain robust, and we are exploring below whether additional measures are needed to limit ecological impacts. Any new exemption would operate in addition to existing exemptions, including the confirmed exemption for sites under 0.2 hectares. We present evidence in [Section 3](#) setting out the cumulative impacts of the 0.2-hectare exemption and any proposed brownfield residential development exemptions.

It is also important to note that residential brownfield developments are, and will continue to be, subject to a strong suite of environmental protections through the NPPF, guidance and wider regulatory requirements. These measures will help ensure that new development maintains high environmental standards and include:

- **Green infrastructure policies and standards:** The NPPF supports the delivery of multi-functional green and blue infrastructure. Natural England's Green Infrastructure Framework, including tools such as the Urban Greening Factor and tree-canopy standards, provide LPAs with clear, measurable mechanisms for securing greening on urban sites without requiring biodiversity unit calculations.
- **Wildlife friendly building design:** The proposed NPPF includes expectations for nature supporting features in new housing, such as swift bricks and other integrated biodiversity measures, helping developments contribute positively to local species-friendly building design.
- **Sustainable Drainage Systems (SuDS):** The NPPF supports SuDS that are proportionate to the scale of development and designed to deliver multiple benefits, including improved water quality, biodiversity enhancement and amenity value.

- **Baseline ecological protections:** Existing safeguards for irreplaceable habitats, designated sites and protected species remain fully in place regardless of any exemption. Planning applications will continue to be assessed against clear, rules-based tests, with refusal required where significant harm to biodiversity cannot be avoided, mitigated or, only as a last resort, compensated.
- **Design and Placemaking:** The government's proposed Design and Placemaking Planning Practice Guidance reinforces that well-designed places should prioritise nature, expecting schemes to protect existing natural features and embed nature-positive measures.

These protections and policy requirements help to secure good quality environmental delivery on urban sites. They also provide a framework for local planning authorities to consider cumulative impacts through plan-making and decision-taking.

Proposed thresholds

We are considering an exemption for brownfield residential development on a range of different area based thresholds. The purpose of a threshold is to ensure that any exemption is tightly focused on the types of previously developed, space-limited sites where BNG requirements are most likely to create disproportionate challenges.

Thresholds also need to align with the way development is planned and assessed. In practice, site size is a key determinant of design flexibility, ecological baseline, and the feasibility of delivering onsite enhancements. A clear area based threshold therefore provides a simple, objective and administratively workable way of identifying the developments most likely to benefit from an exemption.

We are seeking views on the most appropriate single area threshold at which any exemption should apply. We are considering the following options:

- 0.5 hectare
- 1 hectare
- 1.5 hectares
- 2 hectares
- 2.5 hectares

To inform decisions, we want to ensure there is a good evidence base on:

- The administrative benefits from this exemption for both developers and LPAs (in terms of simplified planning processes).
- The impact of this exemption on the viability of residential brownfield development.
- The impact of this exemption on biodiversity including the potential of biodiversity compensation losses and impact on nature markets.

We have already undertaken some analysis of the potential impacts of introducing a brownfield exemption at different threshold options, alongside the confirmed exemption for

sites below 0.2 hectares (see [Section 3](#)). The modelled impacts are broken down based on each area threshold, and we have also considered the effect of varying the proportion of Previously Developed Land required in the proposed brownfield definition.

This evidence is intended to inform consideration of whether a brownfield residential exemption should be introduced and, if so, which threshold would most effectively target sites where BNG requirements have the greatest impact on viability. We are keen for further evidence to build on this analysis, particularly in relation to the administrative benefits and viability impacts for development of these different threshold options. We want to use the consultation period to discuss the evidence base further with stakeholder groups.

Measures to limit ecological impacts

Brownfield sites vary widely in their ecological characteristics. Some can contain priority habitats such as Open Mosaic Habitat (OMH) or semi-natural habitats that have established on previously developed land, supporting protected and rare species. As we consider ways to bring forward more homes on brownfield land, it remains essential to balance this objective with the need to maintain strong protections for sites of higher ecological value.

The proposed definition of brownfield land, using a set percentage of Previously Developed Land, as well as a threshold limit, aims to go some way to ensuring that any exemption is focused on genuinely urban sites and excludes sites with more extensive semi-natural habitat which have never been previously developed. As with other BNG exemptions, any new exemption will not apply where priority habitats are impacted. We also want to seek views on whether further restrictions would be necessary to ensure any exemption is appropriately targeted, if taken forward.

Consultation Questions

10. What impact do you think the introduction of a mandatory BNG requirement has had on brownfield residential schemes of less than 2.5 hectares?

- Options: No impact / Negative impact / Positive impact / Mixed impact / I don't know / I'm not sure
- Please specify specific impacts (drop down)
- Free text (optional): Please provide evidence if possible.

11. Do you support a targeted area based exemption for residential brownfield development? We are also consulting on a proposed definition of "brownfield development", including the threshold for the proportion of previously developed land (%PDL). For this question, please answer on the basis that the proposed definition will be taken forward.

- Options: Yes / No / I don't know / I'm not sure
- Free text: Please explain your reason.

12. If you support a targeted area-based exemption for residential brownfield development, which exemption threshold for a residential brownfield development do you support?

- Options: 0.5 hectare / 1 hectare / 1.5 hectare / 2 hectare / 2.5 hectare / No preference / Other (please specify) / Do not support / I don't know / I'm not sure

13. Do you think there is a case for an area-based exemption for residential brownfield development that is greater than 2.5 hectares?

- Options: Yes / No / I don't know / I'm not sure
- Free text (optional): Please explain why or why not.

14. Do you foresee any unintended consequences arising from a targeted exemption for brownfield residential development?

- Yes / No / I don't know / I'm not sure
- Free text (optional): If yes, please outline the types of risks or unintended consequences you consider most likely (for example ecological, administrative, market based or behavioural).

15. How easy or difficult do you think it would be for applicants and LPAs to apply this exemption in practice?

- Options: Very easy / Easy / Neither / Difficult / Very Difficult / I don't know / I'm not sure
- Free text (optional): Please indicate any specific areas where clarity or further guidance would be required.

16. Do you think any additional measures are needed to ensure that the exemption is appropriately targeted in relation to potential ecological impacts?

- Options: Yes / No / I don't know / I'm not sure
- Free text (optional): If yes, please outline what additional measures you consider necessary.

3. The potential impact of a targeted BNG exemption for residential brownfield

Introduction

This section explains the evidence and analytical approach Defra have used to date to assess the potential impact of a targeted BNG exemption for brownfield residential development. It summarises the data sources, methods and key assumptions used to estimate how many applications and dwellings might be exempt under different thresholds, and the corresponding implications for biodiversity and the off-site market.

It has been included to support consultation responses. In doing so, it seeks to provide a transparent account of how this analysis has been carried out and highlights key uncertainties that should be considered when interpreting the results. Further analysis will be undertaken on the administrative and viability impacts of the exemption.

Evidence base and methodology

Evidence base

The analysis draws on a large dataset of granted planning applications and statutory BNG metric calculations, covering the period from February 2024 (when mandatory BNG commenced for major planning applications) to August 2025. Data was collected from LPA planning portals. Around 16,000 approved residential planning applications were identified, and from these around 3,000 statutory metric calculations were collected and assessed.

The dataset covers almost half of England's LPAs over the first 18 months of mandatory BNG (February 2024 – August 2025) and includes only applications where statutory metric data was accessible. As such, the percentages should be interpreted as indicative rather than precise national estimates.

From the dataset, approximately 1,000 applications granted planning permission with attached metrics were selected for detailed analysis. Selection was based on:

- The availability of data in an accessible format.
- Use of the full statutory metric.
- Relevance to new residential development (rather than commercial and other types of development).

The analysis has also been complemented by broader development market data and research material which Defra and MHCLG have access to.

Key analytical measures

The analysis presented supports the core questions in the consultation document but is not a forecast of future activity. It focuses on six key measures:

Table 1: Descriptions of the six key measures used in this analysis

#	Analytical measure	Description
1	Percentage of BNG eligible planning applications exempted	<ul style="list-style-type: none"> The proportion of planning applications that were subject to mandatory BNG based on the current exemptions (i.e. excluding householders and developments under the de minimis threshold) that would fall within each exemption threshold.
2	Percentage of BNG eligible dwellings exempted	<ul style="list-style-type: none"> The proportion of dwellings proposed in the planning applications granted that would have been subject to mandatory BNG based on the current exemptions, no longer required to deliver BNG under each threshold.
3	Percentage of biodiversity units ¹⁵ foregone	<ul style="list-style-type: none"> The estimated percentage of baseline biodiversity units that would no longer need to be compensated if the applications were exempt from BNG. This is expressed as a proportion of the baseline biodiversity unit value of all planning permissions that would have been subject to mandatory BNG and takes into account current exemptions. Biodiversity units foregone refers to the units that would otherwise have been delivered for non-exempt planning permissions, on site, off site, or via statutory credits. Although exempt sites may still deliver habitats through other planning requirements, these would not be delivered under BNG.
4	Percentage of nature market transactions no longer occurring	<ul style="list-style-type: none"> An estimate of the reduction in off-site biodiversity unit transactions resulting from fewer developments needing to purchase off site units as a result of more developments being exempt. This is inferred by comparing the number of developments currently delivering off-site units with the number that would be exempt under

¹⁵ The dataset includes ecological reports and metric calculations providing expert assessments of baseline biodiversity value (in biodiversity units). These assessments were used to estimate the percentage of biodiversity units that would be foregone under different exemption thresholds.

		each scenario, providing an indication of the potential effect on market activity and supply.
5	Estimated compliance cost savings to developers	<ul style="list-style-type: none"> • An estimate of the reduction in costs developers would face if the applications were exempt from BNG. • The savings reflect avoided expenditure on delivering biodiversity units (whether through onsite habitat enhancements, offsite units or statutory credit purchases) • The cost ranges presented capture uncertainties¹⁶ in delivery route (onsite vs offsite), onsite mitigation costs, and variation in development density. • Some administrative costs (for example the preparation of a metric) are not included.
6	Estimated cost to nature	<ul style="list-style-type: none"> • This measure translates the biodiversity units foregone under each exemption threshold into an equivalent annual monetary value. The estimates use the estimated overall habitat delivered by BNG¹⁷ and the value of those habitats to wider society¹⁸ in order to estimate the value. • It provides an indication of the environmental cost of exempting additional brownfield developments from mandatory BNG, reflecting the loss of habitats that would otherwise have been created or enhanced through BNG delivery. • The values are derived using a 30-year appraisal period (consistent with the minimum BNG habitat management commitment) and represent the equivalent annualised cost to nature from reduced habitat delivery. While exempt sites may still provide some habitat benefits through other planning policies, these impacts are not delivered under BNG and therefore not captured in this measure.

¹⁶ The number of dwellings already covered by existing exemptions and the level of non-compliance are also uncertain. Any changes to housing supply from these or other planning reforms are not reflected.

¹⁷ Based on the central estimate of the Biodiversity Net Gain Impact Assessment. Available at: <https://assets.publishing.service.gov.uk/media/5da5d695ed915d17b4f13f63/net-gain-ia.pdf>

¹⁸ Willingness to Pay of £0.07 per 100 hectares per household according to the Defra commissioned study "[Valuing the Benefits of Species Recovery in England - BE01124](#)" for a one step change in wild species presence for semi-natural grassland. Habitat delivered under BNG is expected to be more biodiverse and valuable on average than semi-natural grassland, so the actual biodiversity benefits foregone may be higher than this estimate.

Two further key measures, the increased annual housing supply as a result of the exemption and the economic consequence of this additional development, are not included in this analysis due to data and methodology limitations.

Assumptions and limitations

Several academic and external researchers^{19,20,21} have investigated BNG and the impact of exemptions. Their findings have been considered alongside internal analysis and show broad alignment across comparable scenarios. The analysis represents an early assessment using the data collected so far, and we are keen to build on this evidence base through further engagement and additional information provided via this consultation.

As there is currently no established marker to determine what a brownfield site is, we have calculated whether a site is brownfield or not by looking at the baseline habitat on that site (in particular the percentage which is urban habitat) as a proxy. The following tables show the sites classified as brownfield, depending on the proportion of Previously Developed Land (PDL) stated.

We have considered both the area threshold of an exemption, and the proportion of PDL within the proposed brownfield definition as each factor influences the number and type of sites that could be captured. The dataset, though relatively large, exhibits some roughness once broken up and redivided. A few individual applications can shift the estimated percentages and the figures presented should be considered indicative of the scale rather than precise point estimates, especially at higher exemption thresholds.

All findings presented here relate solely to residential planning applications and therefore do not represent total impacts across all development types, as commercial and other non-residential developments are not included in the underlying baseline.

A full impact assessment will seek to test and improve these inputs and assumptions as well as assess administration cost savings for both developers and planning authorities.

¹⁹ Duffus, N.E. et al. (2025) 'Early outcomes of England's new biodiversity offset market'. doi.org/10.1101/2025.06.22.660961

²⁰ BNG 500 Group (2025) [BNG500 - Francis Hesketh LinkedIn](#).

²¹ Eftec. (2025). Lessons learned from the first year of the Biodiversity Net Gain Market in England. [Lessons learned from the first year of the Biodiversity Net Gain Market in England](#).

Modelled impacts

Baseline impacts of a 0.2 hectare exemption

As the government has already confirmed an exemption for sites below 0.2 hectares²², Table 2 sets out the baseline position. It shows the proportion of applications and dwellings that would have been subject to mandatory BNG now exempt under this threshold, alongside the corresponding percentage of biodiversity units foregone, and the share of offsite market transactions that will no longer occur.

It is estimated that around 80% of planning applications are already exempt from mandatory BNG²³ ahead of the implementation of the 0.2 hectare exemption (for example, householders or developments under the de minimis threshold). The percentages shown in the tables below therefore relate only to the remaining residential planning applications and dwellings that *would have been subject to mandatory BNG*.

Table 2: The baseline impacts of a 0.2 hectare BNG exemption²⁴

Area exemption threshold	Total % of BNG eligible planning applications exempted	Total % of BNG eligible dwellings exempted	Total % of biodiversity units foregone	Total % of offsite market transactions no longer occurring
0.2 ha	51% ²⁵	11%	12%	41%

Potential impacts of a brownfield residential exemption

The following table shows the estimated impact of introducing a brownfield residential exemption (0.5–2.5 hectares) both independently, and in combination with the 0.2-hectare exemption (to show total impact). These estimates assume that 75% of the planning application boundary is previously developed land (PDL) in line with the proposed approach for the brownfield land definition (see [Section 1](#)).

²² GOV.UK (2026) Government response to Improving the implementation of biodiversity net gain for minor, medium and brownfield development consultation [Improving the implementation of biodiversity net gain for minor, medium and brownfield development - GOV.UK](#)

²³ Planning Portal Data, January 2026

²⁴ Based on a sample of over one thousand granted planning applications that were subject to BNG in the 18 months after BNG became mandatory in February 2024.

²⁵ As already around 80% of applications were exempt, with this additional exemption, around 90% of applications would be exempt from BNG.

Table 3: Using a brownfield definition which requires 75% PDL, the impacts of a brownfield residential exemption across 0.5 – 2.5 hectares²⁶

Brownfield residential development exemption threshold	% of BNG eligible planning applications exempted (Total figure includes 0.2 ha)	% of BNG eligible dwellings exempted (Total figure includes 0.2 ha)	% of biodiversity units foregone (Total figure includes 0.2 ha)	Estimated Compliance Cost Savings to Developers (annual, £m) Central savings and range	Estimated Cost to Nature (annual, £m)
0.5 ha	10% (60% total)	13% (24% total)	7% (19% total)	~£20m £10m - £31m	~£58m
1 ha	12% (63% total)	16% (27% total)	10% (22% total)	~£24m £12m - £36m	~£84m
1.5 ha	13% (64% total)	26% (38% total)	10% (22% total)	~£41m £21m - £61m	~£87m
2 ha	13% (64% total)	27% (39% total)	11% (22% total)	~£42m £21m - £64m	~£90m
2.5 ha	13% (64% total)	28% (39% total)	11% (22% total)	~£43m £22m - £65m	~£91m

Nature market impacts: Using a brownfield land definition which requires 75% PDL, removes a further 7% of the remaining transactions in the offsite market leading to a total reduction of around 48% when considered alongside the 0.2-hectare exemption²⁷.

²⁶ The dataset, though relatively large, exhibits some roughness once broken up and redivided. A few individual applications can shift the estimated percentages and the figures presented should be considered indicative of the scale rather than precise point estimates. Figures are rounded.

²⁷ We estimate the of the BNG market in the 12 months up until January 2026 at £36.7m – £42.7m (£40.0m best estimate), based on the biodiversity units allocated on the BNG register and average market prices according to our assessment and third-party reports.

Sensitivity analysis

We have undertaken further sensitivity analysis about the % PDL in the brownfield land definition. Tables 4 and 5 show the estimated impact if 70% or 80% of the planning application boundary is previously developed land (PDL).

Table 4: Using a brownfield definition which requires 70% PDL, the impacts of a brownfield residential exemption across 0.5 – 2.5 hectares

Brownfield residential development exemption threshold	% of BNG eligible planning applications exempted (Total figure includes 0.2 ha)	% of BNG eligible dwellings exempted (Total figure includes 0.2 ha)	% of biodiversity units foregone (Total figure includes 0.2 ha)	Estimated Compliance Cost Savings to Developers (annual, £m) Central savings and range	Estimated Cost to Nature (annual, £m)
0.5 ha	11% (61% total)	14% (25% total)	7% (19% total)	~£21m £11m - £32m	~£60m
1 ha	14% (64% total)	17% (28% total)	10% (22% total)	~£26m £13m - £39m	~£89m
1.5 ha	14% (65% total)	27% (39% total)	11% (22% total)	~£42m £21m - £63m	~£91m
2 ha	15% (65% total)	28% (40% total)	11% (23% total)	~£44m £22m - £66m	~£94m
2.5 ha	15% (65% total)	29% (40% total)	11% (23% total)	~£44m £22m - £67m	~£96m

Nature market impacts: Using a brownfield land definition which requires 70% PDL, removes a further 8-9% of the remaining transactions in the offsite market leading to a total reduction of between 49%-50% when considering alongside the 0.2 hectare exemption.

Table 5: Using a brownfield definition which requires 80% PDL, the impacts of a brownfield residential exemption across 0.5 – 2.5 hectares

Brownfield residential development exemption threshold	% of BNG eligible planning applications exempted (Total figure includes 0.2 ha)	% of BNG eligible dwellings exempted (Total figure includes 0.2 ha)	% of biodiversity units foregone (Total figure includes 0.2 ha)	Estimated Compliance Cost Savings to Developers (annual, £m) Central savings and range	Estimated Cost to Nature (annual, £m)
0.5 ha	9% (59% total)	12% (23% total)	6% (18% total)	~£18m £9m - £28m	~£52m
1 ha	11% (62% total)	15% (26% total)	9% (21% total)	~£22m £11m - £34m	~£77m
1.5 ha	11% (62% total)	25% (36% total)	9% (21% total)	~£38m £19m - £58m	~£79m
2 ha	12% (62% total)	26% (37% total)	10% (21% total)	~£40m £20m - £60m	~£82m
2.5 ha	12% (62% total)	26% (37% total)	10% (21% total)	~£40m £20m - £60m	~£83m

Nature market impacts: Using a brownfield land definition which requires 80% PDL, removes a further 6-7% of the remaining transactions in the offsite market leading to a total reduction of around 47-48% when considering alongside the 0.2 hectare exemption.

Summary of evidence and key trade-offs

The analysis presented assesses the potential impacts of introducing a targeted BNG exemption for brownfield residential development across a range of area thresholds. Using planning application data and statutory metric calculations, the findings are indicative rather than definitive but support a transparent assessment of the trade-offs involved.

The modelling tests brownfield exemptions between 0.5 and 2.5 hectares, both independently and in combination with the 0.2 hectare exemption. The sensitivity analysis shows that varying the percentage of the site boundary required to be previously developed land (PDL) has a modest influence on the proportion of dwellings that would be exempt. From 70% to 80%, the change in dwellings exempted varies by a maximum of three percentage points.

The area threshold is the primary driver of how many sites would fall within scope of any exemption. Moving from a 0.5-hectare threshold to a 2.5-hectare threshold more than doubles the proportion of dwellings that could be exempt from BNG. Under the higher thresholds, the modelling suggests that up to 64% of currently non-exempt residential planning applications could become exempt when considering alongside the 0.2 hectare exemption. The combined impact of the 0.2 hectare and proposed brownfield exemption could lead to more than one-fifth of biodiversity units currently delivered through BNG being foregone. Beyond the 0.5-hectare threshold, the percentage of the site boundary required to be previously developed land (PDL) becomes more important in determining the biodiversity implications.

Although brownfield land is often assumed to support lower ecological value than greenfield sites, the statutory metric assessments and ecological evidence underpinning the calculations indicate that in practice, the biodiversity value of some brownfield sites can be comparable to that of greenfield development²⁸.

The analysis suggests a brownfield exemption could remove a further 6-7% of remaining off-site transactions. The combined impact of the 0.2 hectare and proposed brownfield exemption could lead to a total reduction of around 47% to 48% in off-site biodiversity market transactions. This reflects the reduced number of developments delivering off-site units and is likely to influence market price and supply dynamics.

Taken together, these results highlight that some of the proposed exemption thresholds could lead to substantial ecological and market impacts that need to be considered against any potential housing gains. Increasing the area threshold for a brownfield exemption delivers progressively larger reductions in developer compliance costs, reflecting fewer sites required to undertake onsite habitat creation, secure off-site units, or purchase statutory credits. However, at the same time, higher thresholds lead to a greater volume of biodiversity units being foregone and therefore a higher cost to nature, reflecting the habitat that would otherwise have been delivered and its wider societal benefits.

²⁸ BNG: Nature in the evolving market. <https://www.carterjonas.co.uk/research-and-insight/biodiversity-net-gain-navigating-evolving-market>

These trade-offs highlight the importance of seeking a threshold that overcomes the challenges of facilitating housing delivery on brownfield sites without compromising biodiversity outcomes. We are therefore seeking views on whether a brownfield residential exemption should be taken forward, and, if so, which threshold would best target sites where BNG requirements most affect delivery.

As this assessment is based on the evidence available to date, we are keen to build on and refine it through further engagement and additional information provided via the consultation.

Consultation questions

17. If you have any further evidence about the administrative, viability, biodiversity or nature market impacts for this exemption that you have not provided in previous responses, please provide it in the box below. Any evidence submitted will be reviewed by the department but will not be analysed, summarised, or included in the published government response.

- Free text (optional): Please summarise further evidence.

4. Next steps

This consultation opened on the 15th of April 2026 and will be open for 8 weeks. Please respond by 23:59 on the 10th of June 2026. Following the closing date, we will review and analyse all responses received.

We will consider the views raised in response to this consultation and publish a summary of responses alongside the government's response. This will set out the main themes raised and the resulting policy decisions.

Depending on the outcome of the consultation, and whether a targeted residential brownfield exemption is taken forward, amendments to secondary legislation may be required. A full impact assessment will be published in due course.

We will also set out how any potential changes will align with, and be sequenced alongside, the wider package of reforms arising from the 'Improving the implementation of BNG for minor, medium and brownfield development' consultation.

In the meantime, the mandatory Biodiversity Net Gain requirement remains in place. Developers should continue to follow existing legislation and published guidance when preparing and determining planning applications. Planning applications that have been granted subject to the biodiversity gain condition will be required to discharge this condition through the submission and approval of a biodiversity gain plan before development can commence.