

Annex A – Summary of potential changes in the BNG process

BNG process steps	Current process	Proposed changes	Applicable to
Exemptions	<p>Existing exemptions:</p> <ol style="list-style-type: none"> 1. Householder applications. 2. Developments below the 'de-minimis' threshold. 3. Self-build and custom applications. 4. Biodiversity gain sites. 5. High speed rail transport network. 6. Permitted development. 7. Urgent crown development. <p>BNG has not yet been applied to other routes to planning permission such as retrospective applications and Local Development Orders but has been applied to Crown Developments.</p>	<p><u>Option package 1:</u></p> <p>Targeted revisions to the existing exemptions:</p> <ul style="list-style-type: none"> • Self-build and custom development - for single dwellings to replace the self and custom build development exemption. • Developments below the 'de-minimis' threshold – testing a higher de minimis threshold exempting more minor development. • No impact to existing exemptions 1,4 or 5. 	All development (within new exemption thresholds)
		<p><u>Option package 2:</u></p> <p>A full exemption for all minor developments.</p> <ul style="list-style-type: none"> • This would remove the existing exemption for self and custom build development. • The 'de minimis' exemption (potentially with a higher threshold) would remain to capture other developments which have no or little impact on habitats but are outside the scope of minor development. 	Minor development (& low impact developments under 'de minimis')

		<ul style="list-style-type: none"> No impact to existing exemptions 1,4 or 5. 	
		<p>New additional exemptions (which could be progressed in both option packages and apply outside minor development):</p> <ul style="list-style-type: none"> Parks, public gardens and playing fields development. Development whose primary objective is to conserve or enhance biodiversity. Temporary planning permissions. No impact to 1, 2, 3, 4, or 5 (unless progressed with options 1 or 2). 	All development
Site design and BNG calculation – Small Sites Metric (SSM)	<p>The SSM can currently only be used to calculate BNG for minor development It cannot be used where the following are present:</p> <ul style="list-style-type: none"> priority habitats (excluding some hedgerows and arable field margins). protected sites. European protected species. <p>When developers have priority habitats, protected sites or European protected species onsite, they must use the main version of the statutory metric tool, which needs to be completed by an ecologist.</p>	<p>The SSM could be renamed the ‘low impact metric’ and used on sites which are:</p> <ul style="list-style-type: none"> <1ha in size. No priority habitats present (excluding some hedgerows and arable field margins). <p>The revised SSM would therefore cover the proposed ‘medium’ category of development too.</p> <p>For sites with European protected species and protected sites present, the SSM could be used but an ecologist may need to be engaged independently of BNG.</p>	Minor and medium development (using the SSM)

	<p>The SSM has the following rules:</p> <ol style="list-style-type: none"> 1. 'Trading rules' which mean that losses to any medium distinctiveness habitats need to be compensated for with the same broad habitat type or a higher distinctiveness habitat. 2. Biodiversity unit outputs, for each type of unit, for example area habitat, must not be summed, traded, or converted between types. The requirement to deliver at least a 10% net gain applies to each type of unit. 3. The SSM (or main statutory metric tool) must be used to calculate biodiversity value for BNG. 	<p><u>Option 1</u></p> <p>Trading rules could be removed from the SSM, meaning developers can compensate for the losses of medium distinctiveness habitats with lower distinctiveness habitats allowing developers more flexibility in terms of on site BNG design and off-site unit purchase.</p> <p>Non-specific units could be allocated from the off-site market, rather than needing a unit generated from the creation of a specific broad habitat type or higher distinctiveness habitat. This could allow off-site providers to allocate their 'total net unit change' in their main metric to minor developments (using the SSM), without needing the onsite metric details to be filled out.</p> <p>Developers would still need to meet their 10% requirement.</p> <p>Rules 2 and 3 are not impacted.</p>	<p>Minor and medium development (using the SSM)</p>
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	<p>Habitat condition in the SSM is fixed at:</p> <ul style="list-style-type: none"> • Moderate for existing habitats. • Good for enhanced habitats. <p>Moderate or good can be targeted for created habitats.</p> <p>When developers have poor condition habitats on their site, they are penalised for using the SSM. Enhanced habitats are presumed to be able to achieve good condition in the SSM, when they may not.</p>	<p>Habitat condition in the SSM could be fixed at:</p> <ul style="list-style-type: none"> • Poor for existing habitats • Moderate for enhanced habitats <p>Poor or moderate can be targeted for created habitats.</p> <p>Developers will no longer be penalised by the SSM overvaluing the condition of existing habitats. However, the SSM will undervalue the moderate and good condition habitats. Enhanced habitats will only be able to target moderate condition and created habitat cannot be targeted at good.</p>	Minor and medium development (using the SSM)
	<p>The SSM contains 80 different habitat types.</p> <p>The identification of some of the habitats requires ecological expertise and can be</p>	<p>A number of habitat categories could be merged to significantly reduce the total number of habitat types within the SSM. Users of the SSM would not need technical</p>	Minor and medium development (using the SSM)

	<p>limited by survey season (when the plants are above ground and flowering).</p> <p>Users are required to identify habitats at the habitat category level even though the metric multipliers are identical or very similar within broad habitat types.</p>	<p>knowledge to identify these different types of habitats.</p> <p>Habitat types within the SSM could also be reviewed to see if they can be easily and correctly identified by image analysis, which could help streamline BNG assessments for small sites, improve accuracy of habitat classifications, and could help with seasonal survey constraints for some habitat types.</p> <p>Watercourse habitats could be removed from the SSM.</p>	
	<p>The BNG calculation using the SSM should be completed by a competent person. A competent user as defined in the guidance, must be able to correctly identify habitats onsite and requires knowledge of habitat management measures for those created or enhanced after development.</p> <p>There is currently no simple Government habitat identification guide for SSM users.</p> <p>Users of the SSM have found it difficult to accurately identify habitats and there has been confusion with the interpretation of 'competency'.</p> <p>LPA reviewers have found habitats can be misidentified at baseline and that some post development habitat creation proposals are</p>	<p>Competency requirements could be improved to increase clarity of the definition of a competent person undertaking and reviewing a BNG assessment using the SSM.</p> <p>We could produce a SSM habitat identification and management guide that aligns with the other SSM streamlining amendments.</p> <p>This would help reduce inconsistencies with the use of the SSM and improve the quality of habitat management plans for small site developments.</p>	<p>Minor and medium development (using the SSM)</p>

	not practically deliverable or likely to reach their predicted condition by the end of the 30-year BNG period.		
Site design and BNG calculation – statutory (main) metric tool	Current guidance states that when a development boundary crosses into the riparian zone of a watercourse, there is a requirement to complete a river condition assessment (RCA) where both banks of the watercourse must be surveyed regardless of how much of the riparian zone or watercourse falls within the red line boundary of the development site.	<p>The river condition assessment could be varied for minor development.</p> <p>Guidance could be changed so that the local planning authority can agree with the developer that the watercourse part of the metric does not need to be completed and a 10% uplift in watercourse units is not required under the following circumstances:</p> <ul style="list-style-type: none"> • riparian zone encroachment (where there are any habitat impacts or losses in the riparian zone as a result of the development). • direct encroachment of the watercourse (where there are no impacts to the watercourse riverbank or channel that impacts the function of the river corridor as a result of the development). <p>The need for a 10% gain in any area habitat or hedgerow units at baseline will still apply.</p>	Minor development (using the main metric tool)
Site design and BNG calculation –	Current metric tools are in excel format. Stakeholder feedback to date has been that	We are planning for future versions of the metric tools to be digitised.	All development

both tools	the excel tools pose challenges in terms of functionality, security and user experience.		
	Current guidance states that where private vegetated gardens are being created as part of a development, no other habitats within them should be recorded as created or enhanced. This is because they will be under private ownership and not legally secured for the 30-year period required.	<p>Guidance could be changed so that certain biodiverse features in vegetated gardens can count towards BNG for minor development (such as individual trees, non-priority ponds or native hedges).</p> <p>This would incentivise creation of wildlife-friendly features in gardens in residential developments, making it easier for developers to deliver BNG requirements.</p>	All development
Off-site BNG	The biodiversity gain hierarchy set in secondary legislation, requires developers to deliver onsite habitat improvements in the first instance, followed by off-site gains and finally by purchasing statutory credits from the government as a last resort. Planning authorities must take into account how the biodiversity gain hierarchy has been applied.	<p>The need for planning authorities to take account of how the biodiversity gain hierarchy has been applied could be relaxed in relation to the priority for onsite over off-site compensation.</p> <p>This would only be applicable for minor development and allow small developers to propose the purchase of off-site units without the need for approval from the planning authority, making it easier to deliver off-site BNG.</p>	Minor development

	<p>The Spatial Risk Multiplier (SRM) currently requires developers to buy 1.33x more off-site units in neighbouring Local Planning Authorities (LPA) or National Character Areas (NCA) and 2x more units on the national market.</p>	<p><u>Option 1</u></p> <p>The SRM could be disapplied for minor developments purchasing off-site units making it cheaper and easier to source units to meet their BNG requirement.</p> <p>This would apply for all minor development proposals regardless of whether the SSM or main metric is used for the BNG assessment.</p>	Minor development
		<p><u>Option 2</u></p> <p>Local Nature Recovery Strategy (LNRS) areas could be used alongside NCA areas instead of LPA boundaries. There are 337 LPA's and 48 LNRS areas. Reducing the number of boundaries increases the likelihood a developer could purchase off-site units from a 'local provider'.</p> <p>This change would be applicable to all development as the assessment methodology would be changed in the statutory metric.</p>	All development

Brownfield developments	<p>Open Mosaic Habitat (OMH) is identified in ecological surveys and its habitat condition is assessed using the condition assessments.</p> <p>OMH habitat definitions vary across different sources, and it can be misidentified by ecologists resulting in other habitats being identified as OMH.</p>	An updated metric definition for OMH alongside guidance and an amended condition assessment could support ecologists in the identification of OMH.	All development (with OMH)
	<p>OMH is a high distinctiveness habitat in the statutory biodiversity metric meaning its loss must currently be compensated for on a 'like for like' basis through:</p> <ul style="list-style-type: none"> • Onsite: Creation, retention, or enhancement of OMH. • Off-site: Purchase of OMH units from the private market. • Statutory credits: Buying OMH credits. <p>It can be difficult and expensive for developers and off-site providers to retain and create OMH on-site due to spatial constraints, the unique conditions it requires and need for intermittent disturbance to maintain it.</p>	When there is no offsite OMH habitat available, the loss of OMH habitats could be compensated for with an alternative habitat mosaic with similar ecological benefits.	All development (with OMH)