

What's next for BNG? An Overview with MHCLG & DEFRA

6 May 2026

Online: 10am

We are using Slido during this event



<https://app.sli.do/event/4VKTV322s9ySYBuyp8kEgo>

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A bit of housekeeping

- Hello – there's over 500 people on the call
- We are in 'Town Hall' mode – so cameras, microphones and the chat function are off
- We are using Slido to run some polls and the Q&A
- Please 'up vote' questions
- We will be having a Q&A session after presentations
- We won't have time to answer all questions, but we will share all comments and questions with Defra and MHCLG
- We will leave Slido open until tomorrow
- We will share a recording and slides on our webpages

Agenda

1. Introduction and housekeeping
 2. Presentation on BNG recent announcements:
 - BNG for Nationally Significant Infrastructure Projects
 - Upcoming changes to BNG for minor, medium and brownfield development
 - Consultation on potential targeted exemption for residential brownfield
 - Consultation draft National Planning Policy Framework
 3. Q & A
 4. Close by 11.30
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- Aemelia Humphreys, Chloe Jones and Katie Gowers, Defra
 - Andrew Short, MHCLG
 - Rebecca Moberly, PAS

Polls and Interactions

- We are using Slido
- Please 'up vote' questions rather than ask again



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Department
for Environment
Food & Rural Affairs

Biodiversity Net Gain

PAS – 06 May 2026

BNG | Recent announcements

Government has published a set of key updates that strengthen and streamline how BNG operates across the planning system.



The government response to the 2025 consultation on “*BNG for Nationally Significant Infrastructure Projects*”, including an updated ‘model biodiversity gain statement’ and impact assessment.



The government response and evidence annex to the 2025 consultation on “*Improving BNG implementation for minor, medium and brownfield development*”.



A further consultation on a potential targeted residential brownfield exemption.

NSIPs | Implementing BNG for NSIPs

BNG for NSIPs will be implemented through 'biodiversity gain statements' that set out how BNG must be achieved

Last year, we consulted on draft 'model text' for biodiversity gain statements. The consultation response - published in April - confirms the go-live date and sets out the final 'model text' that will apply to all NSIP types

Next steps

May 2026

- Introduce and publish **secondary legislation** and **final biodiversity gain statements** needed to implement BNG for NSIPs

May 2026
to go-live

- **Publish supporting guidance** and updated metric user guide in prioritised batches
- **Industry engagement** to support transition to mandatory BNG - for both developers and decision makers

November
2026

- **BNG go-live** – 2 November 2026

Post go-live

- Biodiversity gain statements will be incorporated into National Policy Statements as they are next updated
- Continued industry engagement to support smooth implementation



NSIPs | Headlines from the streamlined framework

10% biodiversity net gain will be mandatory for all NSIP applications submitted on or after 2 November 2026

The mandatory framework for NSIPs is **broadly in line with the existing TCPA regime:**

10% BNG requirement for all NSIPs

Calculated with the **statutory biodiversity metric**

Access to the same off-site market and **register**

Statutory credits can be used as a last resort

There are some **changes** to adapt BNG to fit the NSIP consenting process and scale of projects, including:

Baseline: includes habitats within the Order limits that are:

- negatively impacted by the development
- used to contribute towards BNG

Delivery hierarchy: NSIPs can deliver on-site or off-site in the first instance

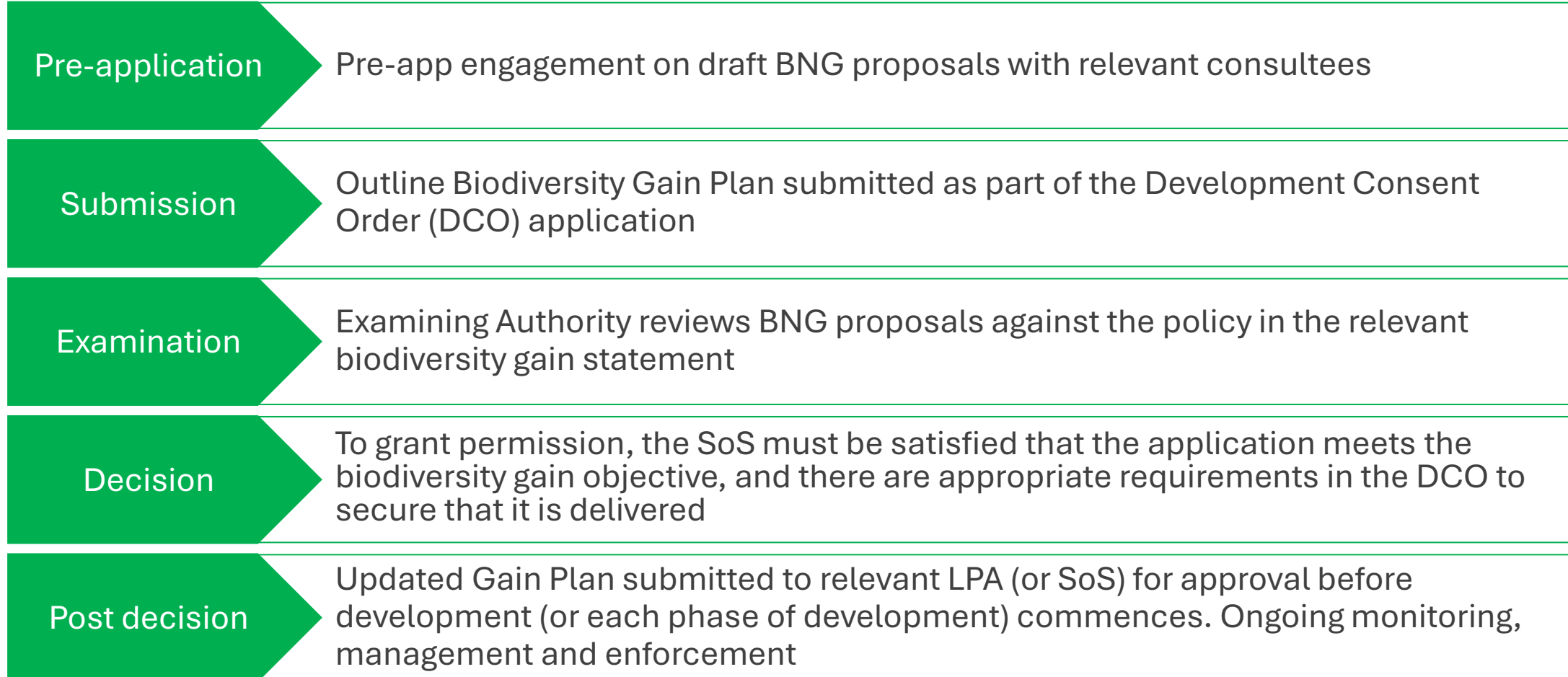
Temporary impacts: still subject to BNG, but with extended temporary loss rule in the metric

On-site gains: secured for 30 years from completion of habitat works
After 30 years, ongoing habitat maintenance for the lifetime of the NSIP

Gain plans: Outline gain plan with DCO application. Updated plan for approval before development commences

NSIPs | BNG within the NSIP consenting process

The framework on BNG for NSIPs has been designed to fit within the existing consenting stages



NSIPs | LPA role in BNG for NSIPs

LPA role on BNG aligns with their existing role in the wider NSIP consenting process. Key actions may include:

Pre-application

- Engage with applicant's BNG proposals
- Review the proposed requirements in the draft DCO to secure BNG
- Negotiate s106 agreements to secure biodiversity gains (if needed)

Examination

Submit representations on BNG proposals (if needed)

Post decision

- Discharge requirements relating to BNG – this will involve reviewing updated gain plans submitted to the LPA for approval post-consent (where applicable)
- Monitoring and enforcement of biodiversity gains secured with either:
 - a) requirements in the DCO
 - b) s106 agreements with the LPA

NSIPs | LPA approval, resourcing and support

Post decision

Approval of updated gain plans by LPAs

After consulting on this topic, the gain statement allows **flexibility** over who acts as the discharging authority for updated biodiversity gain plans after consent – in line with existing practice

The discharging authority could be:

- the host LPA
- a lead LPA (where projects span more than one authority)
- the Secretary of State, in consultation with relevant LPAs

We will publish guidance to support decisions on the appropriate discharging authority in different circumstances

Cost recovery / resourcing

- Currently - LPAs can recover costs for their involvement in NSIPs through Planning Performance Agreements
- Government is bringing forward statutory backing for full cost recovery for LPAs, expected in Spring–Summer 2026

Support for LPAs

- Existing government funding for LPAs on BNG can be used to help prepare for the NSIP regime
- We will continue to work with PAS to engage with the NSIP network and to develop LPA-specific guidance/resources

Minor, medium and brownfield | Consultation summary

- Over **25,000 responses** were received. These included over 23,000 campaign responses from Wildlife Trusts and RSPB campaigns.
- Responses came from a wide range of stakeholders, including eNGOs, ecological consultants, developers, planning consultants, local planning authorities, and members of the public.
- A large majority supported some changes to exemptions.
- A very small number supported an exemption for all minor development.
- Many responses supported an area-based threshold of 0.1 hectares.
- The threshold of 0.2 hectares decided on seeks to strike a balance between simplifying the planning process, reducing BNG's impact on development, and improving biodiversity.
- The consultation proposed several changes to the metric. The digitisation of the metric was one of the most widely supported options.



Minor, medium and brownfield | Headline changes to Exemptions

Updates to exemptions, the biodiversity hierarchy and the statutory biodiversity metric aim to reduce administrative burdens and improve flexibility for minor developments.

Category	Expected changes
New Exemptions	<ul style="list-style-type: none">• 0.2ha area-based exemption - measured using total site area within the red line boundary, does not apply where onsite priority habitats are impacted▪ Temporary planning permissions granted for a maximum of five years where the whole development comprises solely of temporary development. Development whose primary objective is to conserve or enhance biodiversity – where habitat change requires planning permission.• Targeted exemption for development that enhances parks, playing fields and public gardens – will target development and community and local authority level. Does not apply where onsite priority habitats are impacted• Transitional arrangements will be put in place through legislation to ensure that exemption changes apply to new applications for planning permission.
Exemptions Removed	<ul style="list-style-type: none">• Self-build and custom-build exemption – in response to feedback that it's confusing and difficult to enforce, we expect many applications will be covered by the new area-based exemption
No change	<ul style="list-style-type: none">• No new exemption for minor development• Other current exemptions remain unchanged (including householder and for biodiversity gain sites)


Minor, medium and brownfield | **Headline changes**

Updates to exemptions, the biodiversity hierarchy and the statutory biodiversity metric aim to reduce administrative burdens and improve flexibility for minor developments.

Category	Expected changes
Biodiversity gain hierarchy	<p>Will be updated for minor development only to give off site delivery equal status to onsite habitat creation and enhancement.</p> <p>Biodiversity Gain Plan template will be updated and transitional arrangements put in place to ensure only applies to new applications for planning permission.</p>
Metric	<ul style="list-style-type: none">• Move the current Excel metric tools to a digital, integrated service• Small Sites Metric will continue to apply for minor development only not medium development• Spatial risk assessment for adjusted to Local Nature Recovery Strategy areas rather than LPA/NCA (existing approach for intertidal and watercourse module retained)• Improve identification of Open Mosaic Habitat (OMH) and other urban habitats through updated guidance, clearer definitions, and reviewed condition assessment• Introduction of a proxy habitat when OMH units are unavailable• Consider changes to the assessment of watercourse condition, including a new distinctiveness category for heavily modified watercourses• Will not take forward proposal to allow biodiverse features in private gardens to count for BNG• Transitional arrangements will be put in place for metric changes along with guidance on which version of the metric should be used

Minor, medium and brownfield | Next steps

Until changes take effect, the current BNG requirement remains in place and developers should continue to follow [existing guidance and legislation](#) when delivering BNG.

- 
- Ongoing
- Development of **secondary legislation and guidance**
- July 2026
- **Phase 1** brought forward (subject to parliamentary scheduling)
 - Introduction of 0.2 ha area exemption
 - Exemption of temporary planning permissions granted for a maximum of 5 years
 - Removal of small-scale self and custom-build
 - Amendment to biodiversity gain hierarchy
 - **Phase 2** brought forward (subject to parliamentary scheduling)
 - Exemption for development whose primary objective is to conserve or enhance biodiversity
 - Targeted exemption for development that enhances parks, playing fields and public gardens
 - Changes to statutory metric including spatial risk multiplier and digital metric
 - **Potential** new brownfield exemption depending on the outcome of the government response to the consultation on BNG for residential brownfield development. Confirmation of 'de minimis' approach.
- 2027

Brownfield | Potential targeted exemption for residential brownfield

Government has launched a further consultation on a potential targeted exemption for residential brownfield development.

Aim

- Some delivery challenges on small / constrained brownfield sites.
- Government is committed to delivering 1.5 million homes this parliament.
- The consultation reflects government's brownfield first approach and ambition to accelerate the delivery of new homes on well-connected urban land.
- This consultation seeks to complement this approach.



Brownfield | Potential targeted exemption for residential brownfield

The consultation seeks to define brownfield residential development and considers a range of area-based exemptions for brownfield sites.

Views sought

- A definition of brownfield residential development (below)
- Is an exemption supported?
- Potential exemption thresholds
- Measures to limit ecological impacts
- Potential ecological, administrative and viability impacts of a targeted BNG exemption

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.

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.

Brownfield | Potential targeted exemption for residential brownfield

Please respond to the consultation by the 10th of June.

Next steps

- The consultation will run for 8 weeks and close on **10 June 2026**.
- Responses will be analysed and the government's response published in due course, setting out the main themes and resulting policy decisions.
- Depending on the outcome, further amendments to secondary legislation may be required.



Please respond & provide any evidence you may have in support

NPPF Consultation | Proposed Changes on BNG

The [NPPF consultation](#) includes a policy change to limit the circumstances in which plans may seek biodiversity net gain contributions which exceed the statutory requirement.



Requirements which exceed the statutory expectations are proposed to be limited to circumstances in which higher levels of gain can be justified on specific sites being allocated in the development plan, where this would not be on sites that are exempt from the statutory requirement.



The changes aim to ensure consistent and proportionate application of BNG policies across local authorities, as part of the Government's wider ambition to promote certainty for applicants and speed up local plan production.



The consultation seeking views on a revised version of the NPPF closed on 10 March. We are currently analysing the responses received and we will publish the final version in Summer 2026.



Questions



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Wrap-up

- Feedback: a couple of polls
- Recording and slides will be on our webpages soon
- PAS support going forward

<https://www.local.gov.uk/pas/environment/biodiversity-net-gain-bng-local-planning-authorities>



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