
Housebuilder Top Tip: Biodiversity Net Gain and the Environmental Bill

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Biodiversity net gain is an approach to development that aims to leave the natural environment in a measurably better state than previously found. A number of Local Planning Authorities have incorporated this approach into their Local Plans, but the Environmental Bill, now in its final stages in the House of Lords, will mandate nationally a 10% increase in the net biodiversity of land seeking planning permission. The Bill requires that biodiversity net gain will be delivered within the existing planning and development process and that a grant of planning permission will be subject to a pre-commencement condition requiring a biodiversity net gain plan to be approved.

How proposals work in practice

Biodiversity net gain on a site is measured in the following ways:

1. the post-development biodiversity value of the onsite habitat;
2. the biodiversity value of the development of any registered offsite biodiversity gain allocated to the development; and
3. the biodiversity value of any biodiversity credits purchased for the development.

The metric used for calculation, developed between Defra and Natural England, enables practitioners to calculate losses or gains by assessing habitat through three categories:

1. Distinctiveness - whether the habitat is of high, medium or low value to wildlife;
2. Condition - whether the habitat is a good example of its type;
3. Extent - the area, in hectares or kilometres (depending on the habitat type), that the habitat occupies.

The Government will require net gain outcomes to be maintained for a minimum of 30 years and encourage longer term protection beyond this term provided it is acceptable to the landowner.

Some Points to Consider for the Future

- Any agreements with landowners securing future development sites will need to consider biodiversity net gain and how those will be incorporated into and delivered in the scheme - has sufficient land been secured to deliver the biodiversity gain? Does the price calculation need to reflect the biodiversity enhancements on the scheme? Will ecologists need to be appointed earlier to calculate the biodiversity units and prepare a scheme?
- Any reduction/damage to biodiversity after 30 January 2020 on sites where development may come forward in the future will be disregarded when calculating the pre-development biodiversity value. Unless works are done in accordance with a planning permission, it will not be possible to reduce the pre-development biodiversity value and make it easier to achieve a 10% improvement.
- Where a site already has planning permission, the baseline for the pre-development biodiversity value for any future development is to be calculated using the final value of that previous planning permission irrespective of whether that has been delivered or not.

If you have any questions about Biodiversity Net Gain or its implications, please contact a member of the [DAC Beachcroft Planning Team](#).

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