

Submitted to Improving the implementation of Biodiversity Net Gain for minor, medium and brownfield development  
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## Introduction

1 What is your name?

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3 What is your organisation?

Organisation:  
Institution of Environmental Sciences (joint response with Association of Local Government Ecologists)

## Purpose of the consultation

## Background

## Options to improve the implementation of Biodiversity Net Gain

## Consultation Structure

## Using and sharing your information

4 Would you like your response to be confidential?

No

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

## 1. Improving exemptions

5 Question: Which of the following statements do you most support:

Some changes should be made (please state which options you support with thresholds where applicable)

Please state which options you support with thresholds were applicable :

We support the removal of the self-build and custom build exemption, and replacement with an exemption for a single dwelling house with a 0.1 hectare threshold.

We support the extension of the de minimis exemption to 50 square metres.

See questions below for reasoning.

## 1. Improving exemptions: a) Self and custom build development

6 Do you agree that the self and custom-building exemption should be removed and that it should be replaced with an exemption for a single dwelling house?

Yes (please explain why)

Please elaborate on your answer here:

Yes, the self and custom-building exemption should be removed and replaced with an exemption for a single dwelling house. There is no ecological justification for the existing exemption; custom and self-build projects can, and often do, cause harm to habitats and ecosystems. Both the Institution of Environmental Sciences (IES) and Association of Local Government Ecologists (ALGE) have been calling for the removal of this exemption since February 2025. (This is a joint IES and ALGE consultation response - see our BNG in Practice Report, February 2025).

Since the introduction of mandatory BNG, IES and ALGE members have reported a marked increase in custom and self-builds, and this is also reflected in

Planning Portal data, suggesting that the exemption is being exploited by some developers. This not only undermines the intent and effectiveness of BNG, but the real (and perceived) risk of developers exploiting the exemption also imposes a significant administrative burden on Local Planning Authorities (LPAs). Verifying whether a development genuinely qualifies as a self or custom-build can be challenging.

An exemption for a single dwelling house would be far simpler for LPAs to assess and enforce. It represents a more proportionate and practical approach that still supports individual homebuilders while reducing the risk of system abuse.

This is a pragmatic and proportionate change that would reduce opportunities for misuse, ease the burden on LPAs and strengthen trust among LPAs, developers, and ecological consultants. Crucially, it would help ensure that BNG is being applied where it is most needed: to developments with a significant impact on biodiversity.

7 Do you agree with the proposal for a 0.1 hectare threshold?

Yes (please explain why)

Please elaborate on your answer here:

Yes, we support removing the self and custom-building exemption and replacing it with an exemption for a single dwelling house with a 0.1 hectare threshold.

Setting the exemption threshold at 0.1 hectares is supported by analysis in the eftc BNG in Small Developments Report, which although it does not model this exact scenario, highlights that focusing on implementing BNG for sites above 0.1 hectares is highly desirable for stimulating demand for BNG units and expanding the area of land subject to BNG, while reducing administrative burdens.

However it is important that the exemption would not apply if the site contained priority habitats or habitats of high distinctiveness. Local Planning Authorities should retain discretion on application of the exemption based on the site's contribution to ecological networks and corridors. This should be kept under close review to ensure that ecological connectivity is being considered and valued in the application of the exemption.

1. Improving exemptions: b) Development below the 'de minimis' threshold

8 Do you agree the area de minimis threshold should be extended?

Yes

9 If you answered yes to the previous question, which of the following thresholds do you think is the most appropriate?

50 square metres

10 Please use this space to elaborate on your answer to the previous question

Please elaborate on your answer here:

We agree that the de minimis threshold should be extended. Our members are clear that the current 25 square meters threshold is impractical and overly burdensome for Local Planning Authorities, ecological consultants and small developers. Habitats under this threshold are likely to be of negligible ecological value.

We support extending the de minimis to 50 square metres. This should be accompanied by strengthened BNG implementation for sites above 50 square metres, through improvement of the Small Sites Metric (SSM) (see Question 31), more robust data collection and improved monitoring and enforcement of gains. This is particularly important to address the current widespread misuse of the existing de minimis exemption, which has been clearly evidenced in the eftc BNG in Small Developments Report.

However, it should be noted that extending the de minimis exemption to 50 square metres does and should not then automatically negate the requirement for an applicant to undertake an ecological impact assessment of the proposed development site, as there are still statutory and legal obligations to consider impacts upon protected species, for example roosting bats or nesting wild birds, or if there are habitats that can be retained, replaced or extended. If the exemption is changed, then it still needs to be impressed upon any applicant that this does not equate to a 'get out clause' to avoid exercising the precautionary principle and ensuring that their development will still secure a baseline from which ecological improvements can be secured.

We would also support moving from an 'impact-based' to an 'area-based' exemption, determined by the overall site size. Impact-based assessments can be confusing and complex for developers to calculate and for local planning authorities to verify, and modelling in the eftc BNG in Small Developments Report has shown this change would not weaken the BNG process or market.

1. Improving exemptions: c) Full exemption for all minor development

11 Do you think the BNG requirement should be removed for minor development (for example including up to 9 residential homes)

No

12 Please provide evidence for your response to the previous question here

Please provide evidence here:

No. We strongly oppose removing the BNG requirement for small sites.

Exempting minor development would significantly undermine the overall effectiveness of BNG. Small sites currently account for around 80% of transactions in the off-site biodiversity market, and over the 30-year delivery period, the gains secured are projected to cover an area larger than the Isle of Wight. Removing these gains would produce significantly worse outcomes for nature than anticipated, putting the policy's contributions to national biodiversity targets at risk.

Modelling has shown that removing the BNG requirement for small sites (and continuing current implementation practice for larger sites) would roughly half the size of the biodiversity unit market and likely have a significant negative impact on biodiversity.

While the IES and ALGE have been consistent in communicating the real challenges in applying BNG to small sites, our members do not support scrapping the requirement altogether. Instead, the consensus is clear: the current approach needs reform, not removal.

Reversing the policy just over a year after its introduction would devastate the emerging nature market, damage investor confidence and create additional uncertainty for developers, landowners, and LPAs. There are sensible ways to improve the small sites system set out in the rest of our response, without removing a core part of the policy that has taken decades to bring together.

13 If minor development were to be exempted from BNG, do you agree that the de minimis threshold should be extended to cover other types of development outside of the minor development category having little or no impact on biodiversity?

No

14 Please elaborate on your answer to the previous question

Please elaborate here:

We do not agree that minor development should be exempted from BNG and do not agree that the de minimis threshold should be extended further than we have set out.

## 1. Creating new exemptions for certain types of development

### 1. Creating new exemptions for certain types of development: a) Parks, public gardens and playing fields development

15 Do you agree that parks, gardens and playing fields development, as defined above, should be partially exempt from BNG?

No

16 Please elaborate on your answer to the previous question

Please elaborate on your answer here:

No, parks, gardens and playing fields development should not be partially exempt from BNG. While we understand the intent to support community-led projects, there is no ecological justification for a new exemption; such development can, and often do, cause harm to habitats and ecosystems.

Such an exemption would introduce another opportunity for exploitation, with the definition of a park, garden and playing field development likely to be misapplied by some developers, as has been the case with the de minimis exemption. We would suggest that other policies are considered to support community-led projects that do not weaken the BNG system.

### 1. Creating new exemptions for certain types of development: b) Development whose sole or primary objective is to conserve or enhance biodiversity

17 Do you agree that development whose sole or primary objective is to conserve or enhance biodiversity should be exempt from BNG?

Yes

18 If yes, do you think there should be an upper size limit?

No

19 Please provide evidence to your answer where possible, including examples of developments that you think would be exempted.

Please provide evidence here:

Yes, development whose sole or primary objective is to conserve or enhance biodiversity should be exempt from BNG.

In its current form, the system can disincentivise biodiversity-focused projects. For example, since the introduction of mandatory BNG, our members have reported that projects for Great Crested Newts district licensing (i.e. pond creation), have stalled due to the additional costs and administrative processes.

These projects should be exempt.

This new exemption would be a common-sense change that helps to ensure that BNG supports, rather than hinders, positive ecological outcomes. If introduced it would have to be clearly and tightly defined, and monitored to ensure that it was not being exploited.

## 1. Creating new exemptions for certain types of development: c) Temporary development

20 Do you agree that temporary planning permission should be exempt from BNG?

Don't know

21 Please provide evidence where possible, including examples of developments that you think would be exempted.

Please provide evidence here:

22 If yes, do you agree with the 5 year time limit?

Don't know

23 Please give reasons

Please add text:

## 2. Streamlining the BNG metric process

### 2. Streamlining the BNG metric process - Development which can use the Small Sites Metric

24 Do you think the SSM should be used for medium development?

No

Please elaborate on your answer here:

We do not support extending the SSM to be used for medium development. The SSM is not fit for complex ecological assessments that medium development will likely require.

25 Do you think the SSM should be able to be used on sites with European protected species present?

Don't know

Please elaborate on your answer here:

26 Do you think the SSM should be able to be used on sites with protected sites present?

Don't know

Please elaborate on your answer here:

27 If these changes are taken forward, and the SSM is re-badged as a low impact metric. Do you think there should be any other restrictions on use of the SSM?

No

Please state what further restrictions you think there should be on the use of the SSM, or why you believe no further restrictions are required:

We do not support using the Small Sites Metric for medium development. We also do not support labelling the Small Sites Metric as a low impact metric. This would be confusing and inaccurate as not all small developments have a low impact on biodiversity, and some large developments may have a low impact on biodiversity.

### 2. Streamlining the BNG metric process - SSM removal of the trading rules)

28 Do you think the trading rules should be removed in the SSM (which contains only medium and low distinctiveness habitats)?

No

Please elaborate on your answer here:

The trading rules should not be removed in the SSM. Removing them would risk incentivising the creation of low distinctiveness habitats at the expense of medium distinctiveness habitats, leading to an overall decline in biodiversity.

29 If you answered no, do you think the trading rules should be amended in the SSM to allow the losses of any medium distinctiveness habitat to be compensated for with any other medium distinctiveness habitat (but not with low distinctiveness habitats)?

Yes

Please state why you think the trading rules should or shouldn't be amended in the SSM:

We do support amending the trading rules in the SSM to allow the losses of any medium distinctiveness habitat to be compensated for with any other medium distinctiveness habitat (but not any low distinctiveness habitats). This would simplify the SSM and provide LPAs with greater flexibility in securing appropriate biodiversity outcomes.

Under the current rules, developers must either replace habitats like-for-like or "trade up" to a higher distinctiveness habitat. This can be disproportionately expensive and can unfairly penalise developers in areas where there is limited availability of specific habitat units.

It can also mean that you are not getting the right habitat in the right place. For example, offsetting grassland with grassland may not always be the most ecologically appropriate habitat for a specific location. This is especially true for off-site units, which a lot of small site developers require.

The current system also means that habitat banks may deliver units to meet the demand for a particular habitat, such as neutral grassland or scrub, rather than what is most suitable for the location. Amending the trading rules as proposed would give habitat banks the flexibility to focus on delivering the right habitats in the right places, potentially revitalising a struggling market.

If this change is made, it should be accompanied by monitoring of the types and proportions of medium distinctiveness habitats being lost and created. If certain habitat types are found to be declining significantly, the approach should be revisited and adjusted accordingly. If successful, this more flexible model could be considered for wider application to all sites.

## 2. Streamlining the BNG metric process - SSM changing how habitat condition is fixed

30 Do you think habitat condition should be fixed at 'poor' for baseline habitats, and 'moderate' for the target condition of enhanced habitat in the SSM?

Don't know

Please elaborate on your answer here:

31 Are there any other changes to the SSM or metric process for minor and medium development that should be considered to overcome challenges or streamline the process?

Add answer here:

Yes, the Small Sites Metric (SSM) is currently not fit for purpose and needs reform.

Feedback from our members indicates that the SSM is frequently applied incorrectly, which increases the administrative burden on Local Planning Authority (LPA) ecologists and undermines both the effectiveness of the BNG system and biodiversity outcomes. Compatibility issues with some off-site providers, along with ambiguity surrounding the definition of a 'competent person', have led many ecologists and consultants to default to using the statutory BNG metric for small sites. This results in inconsistency, unnecessary complexity, and additional costs.

We support the underlying principle of the SSM that the complexity of the BNG process should be proportional to the size of development, and we believe that significant simplification of the SSM is required to make it easier to apply correctly, and more straightforward for LPAs to verify. Improvements could include refining the metric itself (e.g. consolidating habitat categories), developing clear guidance, and enhancing usability and accessibility through digitalisation.

Importantly, LPAs should retain the authority to require a statutory metric submission where the distinctiveness, strategic significance, or connectivity of habitats warrant more rigorous assessment - particularly in light of the rollout of Local Nature Recovery Strategies (LNRS) across England.

We could also see merit in integrating the SSM with the statutory metric to have one metric tool, which is then used on a sliding scale of complexity, with different components activated based on the scale of the development.

In addition, we would also encourage a more active role for LPAs in stimulating and securing demand in the small sites BNG market. There is not a consensus on the best way of achieving this, but one option to be explored could be enabling developers to pay a fixed, transparent fee to the LPA in lieu of securing biodiversity units themselves. The LPA would then take responsibility for procuring units from habitat banks or other off-site providers. We would only support such an approach if it required biodiversity units to be secured by LPAs in anticipation and advance of development - consistent with the approach taken under the Habitat Regulations. If initially financially supported by central government, this could hugely simplify the process for small developers, support habitat banks by guaranteeing demand for units in advance, and allow LPAs to set quality standards and reward high-performing habitat banks.

Supporting LPAs to secure demand up-front for off-site units would also provide much-needed support to the struggling habitat bank market. Some of our members report that in their areas no habitat bank transactions have yet occurred - a clear indication that intervention is needed to kick-start the system and deliver meaningful biodiversity gains.

## 2. Streamlining the BNG metric process - Simplifying and amalgamating SSM habitats

32 Do you think some habitats of the same broad type with the same value should be amalgamated in the SSM?

Yes

Please elaborate on your answer here:

Yes. This should be part of the simplification of the Small Sites Metric that we advocate for in Question 31. For example, hazel, hawthorn and blackthorn could be amalgamated as one 'woody scrub' but leaving bramble, willow, rhododendron, gorse and others as these are more easily identifiable and distinctive to soil type and conditions.

33 Do you think the habitats in the SSM should be reviewed, to ensure they are easily identified by non-ecologists?

Yes

Please elaborate on your answer here:

Yes. This should be part of the simplification of the Small Sites Metric that we advocate for in Question 31. Those that meet the definition of a competent person should be able to identify habitats in the SSM. However we should be careful not to undermine ecological accuracy, and making habitats easily identifiable should not be an alternative to providing good guidance and support. A review should balance all these considerations to determine what will produce the most accurate assessment in practice.

34 Do you think there should be a watercourse module in the SSM, or should all developments within the riparian zone of watercourse habitats use the main metric tool?

Don't know

Please elaborate on your answer here:

## 2. Streamlining the BNG metric process - Competency, habitat identification and guidance

35 Do you think providing additional guidance on the identification and management of habitats in the small site metric would be helpful?

Yes

36 Do you think more clarity is required within the definition of a competent person undertaking a BNG assessment using the SSM, and reviewing the completed SSM?

Yes

If yes, do you have any suggestions as to how competency could be defined for the SSM?:

Yes. The current lack of clarity around the definition of a 'competent person' is creating confusion and inconsistency among Local Planning Authorities (LPAs). The Small Sites Metric (SSM) offers no field to explain or evidence the basis of an individual's competence, which is insufficient for verification or accountability.

While we understand that the definition of a 'competent person' was left open to allow LPAs flexibility in determining competence, we do support the introduction of a clear definition or competency framework. A competency framework should outline the different levels of expertise required for different BNG requirements, and could be linked to a 'sliding scale' metric if one was developed (see Question 31).

A competent person should be defined as someone with relevant scientific qualifications and demonstrable experience in ecological assessment, the foundation of which should ideally be professional body membership. In other areas, such as land contamination (LCRM), that has generally been taken to equate to chartership or a broadly accepted quality scheme (such as SiLC or NQMS).

However, it is equally important that LPAs retain discretion in assessing individual competence on a case-by-case basis. We must avoid unintentionally excluding individuals with deep site knowledge or practical expertise, such as landowners or experienced horticulturalists, who may not hold formal qualifications but can still provide valuable, competent input.

In the longer term, steps must be taken to grow both the professional ecology workforce and broader ecological literacy across society, to support the demand for ecological skills coming from BNG and other policies. This includes promoting non-professional pathways to ecological skills, such as through the Naturally History GCSE (when introduced) or encouragement of involvement in community biological recording networks (for example supporting the work of Local Environmental Record Centres).

## 2. Streamlining the BNG metric process - Watercourse metric

37 Should a different watercourse condition survey be employed for minor development using the watercourse metric?

Don't know

Please elaborate on your answer here:

38 Should a different watercourse condition survey be employed for minor development using the watercourse metric when there is no impact?

Don't know

Please elaborate on your answer here:

39 Do you think that minor developments should be able to agree with the relevant planning authority that they do not need to complete the watercourse module of the metric when there is no impact?

Don't know

Please elaborate on your answer here:

## 2. Streamlining the BNG metric process - all development (improving the tool)

40 What specific features or improvements would you like to see in a digital version of the metric tools?

Please add text here:

Natural England should develop and maintain a standardised and official digital version of the biodiversity metric tool. The tool must be freely accessible and not restricted by licensing fees or commercial paywalls, so that LPAs, developers, and ecological consultants can access it. To support effective implementation, LPAs should receive training on how to use the digital tool. The digital metric tool should integrate well with other tools and ensure data interoperability.

## 2. Streamlining the BNG metric process - all development (incentivising the inclusion of biodiverse features)

41 Do you think we should allow biodiverse features to be counted within vegetated gardens being created as part of a development?

No

If yes, do you have any suggestions of how we should account for biodiverse features in vegetated gardens being created as part of a development?:

We strongly oppose allowing biodiverse features within vegetated gardens to be counted towards BNG. While such features may have ecological value at the point of delivery, they cannot be reliably secured or maintained over the required 30-year period. For example, a tree planted within a private garden may be neglected, or removed or replaced by a homeowner at any time.

There are already well-documented concerns about the lack of monitoring and enforcement of non-significant on-site gains. Allowing features within private gardens to count towards BNG would introduce even greater uncertainty into the system. It would weaken the integrity of the metric and overstate biodiversity outcomes, by including gains that are unlikely to be sustained over the long-term.

## 3. Increasing flexibility to go off-site for minor development

### 3. Increasing flexibility to go off-site for minor development - relaxing the biodiversity gain hierarchy

42 Do you agree the biodiversity gain hierarchy should be updated for minor development?

Yes

Please elaborate on your answer here:

We believe the biodiversity gain hierarchy should be relaxed for minor development, placing off-site habitat enhancements with the same preference as onsite habitat enhancements (see Question 43 and 44).

43 Would relaxing the biodiversity gain hierarchy for minor development support small developers to deliver BNG more easily?

Yes

Please elaborate on your answer here:

Relaxing the biodiversity gain hierarchy for minor development would help small developers deliver BNG more effectively and with greater certainty.

The biodiversity gain hierarchy requires developers to demonstrate that all on-site options have been exhausted before pursuing off-site solutions. This can be disproportionately challenging for small sites, which often struggle to meet BNG requirements through on-site measures alone. This is because small sites by their nature often have limited space for on-site habitat creation, and small residential developments typically have vegetated gardens which score very low in the metric.

Allowing a more flexible approach, where small developers can access off-site units without having to prove the infeasibility of on-site delivery, would streamline the process, reduce administrative burdens, and provide greater clarity and confidence in how to comply.

44 Do you think placing off-site habitat enhancements with the same preference as onsite habitat enhancements for minor development would deliver better outcomes for nature? Please provide evidence to support your answer where possible.

Yes

Please elaborate on your answer here (with evidence where possible):

Giving off-site habitat enhancements equal preference to on-site enhancements for small sites is likely to deliver better outcomes for nature in practice.

When gains are delivered on small sites, they are often constrained by space, design limitations, and the need to accommodate other priorities such as access and housing. As a result, biodiversity features are frequently delivered in small, fragmented, or isolated pockets, offering limited ecological value and connectivity. This runs counter to the Lawton Principles, which emphasise the importance of creating more, bigger, better, and more joined-up spaces for nature.

Non-significant on-site gains are also not subject to formal monitoring or enforcement, making their long-term delivery over the required 30-year period highly uncertain.

In contrast, off-site gains are more likely to deliver strategic nature restoration at scale. They can be located in more ecologically appropriate areas and contribute to wider landscape-scale restoration efforts. While there are still concerns with monitoring and enforcement, they do require habitat monitoring and management plans.

Equalising the status of off-site enhancements for small sites would improve flexibility, allow biodiversity gains to be better targeted, and enhance confidence in the long-term delivery of BNG.

However, appropriate safeguards would be needed. This includes work to improve the monitoring and enforcement of off-site gains and encouragement of good green development practice. If the change was made then monitoring would be required to track the proportion of on-site gains. If successful, this approach could provide a model for wider application across the BNG system.

### 3. Increasing flexibility to go off-site for minor development - disapplying spatial risk multiplier

45 Should the Spatial Risk Multiplier be disapplied for minor development purchasing off-site units?

No

Please elaborate on your answer here:

No. While we support amending the Spatial Risk Multiplier (see Question 46), we do not believe it should be removed for minor developments purchasing off-site units.

The Spatial Risk Multiplier reflects a key principle of the Environment Act: that biodiversity gains should, wherever possible, be delivered locally to the area impacted by development. Removing the Spatial Risk Multiplier entirely would undermine that principle and risks concentrating biodiversity losses in already nature-deprived urban areas while directing compensatory gains to more rural locations, contributing to widening nature inequality across the country.

Instead, we recommend adapting the Spatial Risk Multiplier that balances support for local delivery with strategic nature recovery at scale.

### 3. Increasing flexibility to go off-site for minor development - spatial risk multiplier amendment

46 Should the Spatial Risk Multiplier assessment methodology be amended, so that it is based on Local Nature Recovery Strategy and National Character areas rather than Local Planning Authority and National Character areas?

Yes

Please elaborate on your answer here:

Yes. The Spatial Risk Multiplier should be amended to align with Local Nature Recovery Strategy and National Character Areas, rather than being tied to Local Planning Authority boundaries.

Some of our members working in urban authorities lack habitat banks in their area. They recognise that this means developers have to look further afield for off-site units, often at significantly higher cost due to the current version of the Spatial Risk Multiplier. This can demoralise and discourage developers, and add unnecessary complexity and delay to the BNG process. Realigning the Spatial Risk Multiplier to LNRS and National Character Areas would enable access to a wider pool of off-site providers and reduce costs for developers.

This amendment would also support the habitat bank market and encourage more strategic, landscape-scale nature recovery. Aligning BNG with LNRS areas would strengthen the link between local nature recovery strategy and delivery mechanisms. Working in line with LNRS areas also makes sense in the context of a move towards devolution and bigger, unitary authorities.

We appreciate that adapting the Spatial Risk Multiplier in this way may increase concentration of nature rich areas and concentrations of development heavy areas. However, overall we think that Local Nature Recovery Areas and National Character Areas are the right level for the Spatial Risk Multiplier to be based on, and we strongly advocate for improved access to nature policies outside of BNG to help mitigate any social impacts.



#### 4. Brownfield developments with Open Mosaic Habitat

47 Should we review the metric habitat definition, condition assessment criteria and guidance to assist with the correct identification and classification of OMH?

Yes

Please elaborate on your answer here:

Yes. A review of the metric habitat definitions, condition assessment criteria, and associated guidance is essential to improve the accurate identification and classification of OMH.

Current approaches often fail to fully capture the ecological importance and conservation value of these habitats. Critically, assessments must better incorporate an understanding of the species assemblages supported by the habitat. This will enable more precise evaluation of habitat quality and ensure that BNG calculations reflect true biodiversity value.

48 Should we allow alternative habitat delivery for the loss of Open Mosaic Habitat?

Don't know

Please elaborate on your answer here:

49 Do you have any suggestions as to the habitat mosaic which may provide the same ecological benefits as OMH or the key considerations we should be incorporating?

Please state suggestions and considerations:

If you are happy to be contacted to discuss, please provide your email:

50 Do you have any further suggestions of how we could improve the viability of brownfield sites with Open Mosaic Habitat present, in relation to their BNG requirement?

Please provide suggestions:

#### 5. Next steps

##### Consultee Feedback on the Online Survey

51 Overall, how satisfied are you with our online consultation tool?

Very satisfied

Please give us any comments you have on the tool, including suggestions on how we could improve it. :