

The Department for Environment, Food and Rural Affairs have published [guidance on the statutory biodiversity metric and information on how it is used](https://www.gov.uk/guidance/biodiversity-metric-calculate-the-biodiversity-net-gain-of-a-project-or-development) (<https://www.gov.uk/guidance/biodiversity-metric-calculate-the-biodiversity-net-gain-of-a-project-or-development>).

Paragraph: 005 Reference ID: 74-005-20240214

How should plan-makers deal with biodiversity net gain?

Paragraph 185 of the National Planning Policy Framework states, to protect and enhance biodiversity and geodiversity, plans should among other things identify and pursue opportunities for securing measurable net gains for biodiversity. Planning authorities and neighbourhood planning bodies when preparing new policies in line with paragraph 185 will want to take account of the statutory framework for biodiversity net gain.

Plan-makers should be aware of the statutory framework for biodiversity net gain, but they do not need to include policies which duplicate the detailed provisions of this statutory framework. It will also be inappropriate for plans or supplementary planning documents to include policies or guidance which are incompatible with this framework, for instance by applying biodiversity net gain to exempt categories of development or encouraging the use of a different biodiversity metric or biodiversity gain hierarchy.

Plan-makers can complement the statutory framework for biodiversity net gain by, for instance, including policies which support appropriate local offsite biodiversity sites, including whether specific allocated sites for development should include biodiversity enhancements to support other developments meet their net gain objectives in line with Local Nature Recovery Strategies.

Plan-makers should not seek a higher percentage than the statutory objective of 10% biodiversity net gain, either on an area-wide basis or for specific

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including as to local need for a higher percentage, local opportunities for a higher percentage and any impacts on viability for development. Consideration will also need to be given to how the policy will be implemented.

Paragraph: 006 Reference ID: 74-006-20240214

How will biodiversity net gain be effectively monitored and enforced?

Failure to comply with the biodiversity gain condition by commencing development without approval of the Biodiversity Gain Plan will be a breach of planning control. Local planning authorities have a range of [planning enforcement powers \(https://www.gov.uk/guidance/ensuring-effective-enforcement\)](https://www.gov.uk/guidance/ensuring-effective-enforcement) and have responsibility for taking whatever enforcement action may be necessary, in the public interest, in their area.

Effective enforcement is important to tackle breaches of planning control and maintain integrity of the decision making process. Local planning authorities are already encouraged to prepare local enforcement plans, and set out the priorities for enforcement action, and they may want to update these to reflect the introduction of biodiversity net gain. This could cover both the initial delivery and ongoing management and maintenance mechanisms to assist monitoring of gains in the longer term.

Appropriately worded planning conditions and planning obligations would also help achieve effective monitoring and enforcement of biodiversity net gain, particularly in relation to the maintenance and monitoring of significant onsite habitat enhancements and registered offsite biodiversity gains.

Paragraph: 007 Reference ID: 74-007-20240214

What is the Biodiversity Gain Hierarchy and how does it relate to the mitigation hierarchy for

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either significant onsite habitat enhancements or offsite gains for the development.

For some planning applications (for instance, applications for outline planning permission where landscaping and layout are reserved matters), the implications for existing onsite habitats and the contribution to onsite gains may be uncertain at the time of the determination of the application. In these cases, decision makers may want to consider what subsequent approvals will be necessary to ensure significant onsite habitat enhancements are appropriately secured.

Onsite habitat enhancements to support the biodiversity gain objective may have positive implications for other policy objectives which may need to be taken into account as part of the determination of the planning application. For example, such as delivering wider benefits to landscaping, amenity, and climate change adaptation.

Paragraph: 019 Reference ID: 74-019-20240214

How do existing local policies apply following the introduction of mandatory biodiversity net gain?

It would be inappropriate for decision makers to continue to give weight to aspects of existing local policies related to biodiversity gains which are inconsistent with the statutory framework for biodiversity net gain. The statutory provisions are an important material consideration that in many cases will take precedence over local planning policy. The statutory framework represents the appropriate national approach towards, and benchmark for, biodiversity gains in planning.

A local policy, for instance, which required a gain of at least 10% from new developments in anticipation of the statutory framework should no longer apply when determining applications for planning permission subject to biodiversity net gain, although it may continue to be a material consideration

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planning permission not yet subject to the statutory framework.

By contrast, a policy which required a gain greater than 10% on an area wide basis or for an allocation may still be relevant as the statutory biodiversity gain objective is for at least a 10% gain.

Decision makers should not give weight to local policy which requires biodiversity gains for types of development which would now be exempt under the statutory framework. Other local biodiversity policies which require specific enhancements to support biodiversity would continue to apply to these applications where appropriate.

Paragraph: 020 Reference ID: 74-020-20240214

How are significant onsite habitat enhancements treated as part of the determination of the planning application?

[Paragraph 9 of Schedule 7A of the Town and Country Planning Act 1990](#)

<https://www.legislation.gov.uk/ukpga/2021/30/schedule/14/enacted> requires that where an applicant relies

upon a significant increase in onsite habitat biodiversity value, the habitat enhancement (“significant onsite habitat enhancement”) must be subject to a [planning condition](#)

<https://www.gov.uk/guidance/use-of-planning-conditions#why-and-how-are-conditions-imposed>,

[section 106 agreement](#)

<https://www.gov.uk/guidance/planning-obligations>, or conservation covenant requiring the habitat enhancement to be maintained for at least 30 years after the development is completed.

The Department for Environment, Food, and Rural Affairs has published further [guidance about significant onsite habitat enhancements](#)

<https://www.gov.uk/guidance/legal-agreements-to-secure-your-biodiversity-net-gain>.

These significant onsite habitat enhancements are likely to form an integral part of the development,

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