

## Biodiversity Net Gain Consultation February 2022

GCSP Officer Responses – This table should be read alongside the Consultation document

[Consultation on Biodiversity Net Gain Regulations and Implementation - Defra - Citizen Space](#)

Justifications shown below are intended to inform officers'/members understanding of the proposed response and in the main are not intended to be submitted as a consultation response. Those justifications proposed to be submitted are marked with an asterisk (\*).

Question No	Agree with proposal	Justification
<b>Defining the scope of BNG for Town and Country Planning Act (TCPA) development</b>		
1a	Y	A development of 50m <sup>2</sup> or under would not warrant administration needed to apply BNG – not an effective approach
1b	Y	A length of hedgerow of 10m or above is a proportionate length for a hedgerow feature to be considered for loss mitigation
2	Y	Enforcement would be extremely difficult to undertake on all householder applications due to volume and context
3	Y	Change of use applications should be exempted from BNG requirements as no effect on habitats
4	Y	We believe that developments undertaken for the purpose of mandatory BNG requirements should be exempt from BNG
5	N	Self builds can come in all shapes and sizes and might inflict harm to biodiversity, so should not be exempt from BNG
6	Y	Yes, brownfield sites should be exempt from BNG where sealed, hard surfaces are predominant baseline condition
7	Y	Yes, we agree that temporary applications should not be exempt from BNG as temporary development can do lasting damage
8	Y	Yes, we agree not to exempt permitted developments within sensitive landscapes like AONB etc
9	DNK	Uncertain of any other development types that might be exempt from BNG as above – so answered Don't Know
<b>Development within Statutory Designated Sites</b>		
10	Y	Yes, we agree not to exempt developments within Statutory Designated Sites from BNG
11a	Y	Yes, we agree to exclude developments in irreplaceable habitats. The Mitigation Hierarchy should be followed at all times
11b	Y	Yes, a BNG plan should be included for transparency
11c	Y	Yes, where no impacts are evident, BNG metric should be used to calculate enhancements
11d	Y	Yes, clear definition of irreplaceable habitats would be helpful to all
11e	Y	Yes, guidance on what IH are would introduce clarity into the process and any compensation agreements

Applying BNG to different types of development		
12	Y	Yes, we agree that applications for outline planning permission or permissions which have the effect of permitting development in phases should be subject to a condition which requires approval of a biodiversity gain plan prior to commencement of each phase.
13	Y	Yes, phased development plans to include BNG are sensible as things do change over time
14	Y	Yes, small sites metric needs review as small sites calculations require simplification so that the burden is not asymmetric to need
15	N	No, we do not support longer transition times for BNG as we have biodiversity emergencies now which require immediate action
16	Y	No need to reduce burden for small site development, this process is to better protect biodiversity, not business.
Nationally Significant Infrastructure Projects		
17	N	No, we do not believe that any targeted exemptions should be applied to NSIP development to change BNG requirements
18	N	No, we have biodiversity emergencies now and should not wait for more years to pass before applying BNG to NSIPs
19	N	No, we have biodiversity emergencies now and should not wait for more years to pass before applying BNG to NSIPs
20	Y	We need a cut-off date somewhere and so a project's acceptance at examination seems as good as any point to set agreements
21	Y	Any process which seeks simplify and facilitate the delivery of BNG while maintaining transparency is a good idea
22	Y	Yes, we believe that aligning the NSIP and TCPA approaches would appear to be logical
23	Y	Yes, we agree that a distinction being made for NSIPs between on-site habitats (which are subject to the biodiversity net gain percentage) and those habitats within the development boundary which are included solely for environmental mitigation (which could be treated as off-site enhancement areas without their own gain objective) would help clarification of conditions
24	N	No, we believe that the information contained within the draft BNG Plan is adequate
25	N	Ideally longer is needed, recognising the often-long term and wide-ranging impacts of NSIPs
26	Y	Yes, compulsory purchase powers might help in achieving Net Gain goals
27	N/A	We do not have any marine environments within our District
How the mandatory BNG requirement will work for TCPA development		
28a	Y	Yes, we agree that the plans for BNG Plans appear sensible and present a standardised approach
28b	Y	Yes, we agree that the plans for BNG submission and approval appear sensible and present a standardised approach
29	Y	Yes, we agree that the information presented in the draft template appears to be adequate for needs
Offsite Biodiversity Net Gain		
30	Y	Yes, more guidance from DEFRA is needed to ensure that BNG is effectively delivered in appropriate offsite locations
31	Y	Yes, Gov should incentivise developers to secure sites for longer than 30 years in whatever manner is appropriate and credible
Biodiversity Market Credits		

32	Y	Yes, the rationale given for the supply of biodiversity units seems like a reasonable approach
33	Y	Yes, we agree that developers who exceed their BNG objectives onsite should be able to use or sell excess units
34	Y	Yes, the role of the UK government as set out above is appropriate as described
<b>Habitat Banking</b>		
35	Y	Yes, the rationale given in the proposal seems like a reasonable approach to ensuring that habitat banking is encouraged
36	Y	Yes, the date given as a benchmark, cut off for habitats would appear to be credible and practical
37	D/K	We could not come to a consensus on this question, but thought that it might be unlikely to happen, given the market pressures
<b>Biodiversity Gain Site Register</b>		
38	Y	Yes, we agree that the eligibility criteria and rationale given seems like a reasonable approach
39	Y	Yes, we would agree that 28 days to determine an application would appear to be an adequate length of time
40	Y	Yes, we agree that the list of information requirements is sufficient to demonstrate that a BNG site is legitimate
41	Y	Yes, we agree that a HMP is a reasonable approach
42a	Y	Yes, setting a fee for registration would seem appropriate
42b	Y	Yes, imposing financial penalties for misleading information might act as a deterrent to opportunistic fraud
43	Y	Yes, applicants should be able to appeal decisions
<b>Additionality - a real increase in social value that would not have occurred in the absence of the intervention being appraised</b>		
44a	Y	Yes, the proposals presented around additionality with respect to measures delivered within development sites appear to be appropriate and balanced
44b	Y	Yes, the proposals presented around additionality with respect to protected species and off-site impacts to protected sites appears to be appropriate and balanced
44c	Y	Yes, the proposals presented around additionality with respect to on-site impacts on protected sites, and any associated mitigation and Compensation appear to be appropriate and balanced
44d	Y	Yes, the proposals presented around additionality with respect to achievement of River Basin Management Plan Objectives appear to be appropriate and balanced
44e	Y	Yes, the proposals presented around additionality with respect to the strengthened NERC Act duty on public authorities appear to be appropriate and balanced
45	Y	Yes, non-designated features or areas of statutory designated sites and Local Wildlife Sites should be able to register – sensible
46	N/A	Not relevant to LPA landscape context as we do not have marine environments within our District
47	Y	Yes, we agree that combining payments for biodiversity units with other environmental services seems appropriate
<b>Statutory Biodiversity Credits</b>		
48a	Y	The proposals presented around statutory biodiversity credits appear to be appropriate and balanced
48b	Y	The proposals presented around statutory biodiversity credits appear to be appropriate and balanced

49	N	No, the proposals around credit sales would appear to be well thought through and balanced
50	Y	Yes, the principles suggested around credit sales would appear to be well thought through and balanced
51	Y	Yes, we agree with the approach suggested for credit investments
<b>Reporting, Evaluation and Monitoring</b>		
52	Y	Yes, the project-level management, monitoring, enforcement, and reporting proposals seem sufficient
53	Y	Yes, any earned recognition has potential to focus enforcement and scrutiny of biodiversity net gain assessments
54	Y	*We would support the submission of data instead of or in addition to simply producing a report. This would enable central government and local users to collate, view, present and manipulate the information more efficiently and effectively.
55a	N	No, we feel that as currently configured the biodiversity reports will have an adequate and balanced amount of data
55b	N	No, we feel that you have the correct balance of need when seeking data for reports and cannot comment further on this