

Biodiversity net gain

Planning Applications Requirements (BNG PAR)

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Biodiversity net gain

Biodiversity net gain (BNG) has been introduced to ensure that habitats for wildlife are left in a measurably better state than they were before development. BNG is mandatory under Section 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021) and all new developments must deliver a biodiversity net gain of 10%.

On the 2 April 2024 the legislation changed to include minor as well as major developments, and incorporated the submitting of documents as part of the national validation requirements (where no exemption applies). Exemptions that existed before 2 April for minor development no longer apply.

Exemptions

There are some types of development which are exempt and information on [exempt developments](#) can be viewed on GOV website and see below. Your application for must state the exemption and evidence may be requested.

Applications will only be made valid if they meet the criteria set out in this document.

The following exemptions currently apply for BNG requirements.

Variations of planning permission

Biodiversity net gain does not apply to:

- retrospective planning permissions made under section 73A; and
- section 73 permissions where the original permission which the section 73 relates to was either granted before 12 February 2024 or the application for the original permission was made before 12 February 2024

Developments below the threshold

A development that does not impact a priority habitat and impacts less than:

- 25 square metres (5m by 5m) of on-site habitat; and
- 5 metres of on-site linear habitats such as hedgerows

What development does the de minimis exemption apply to? And how should it be assessed?

The de minimis exemption only applies to development if the following two conditions are met:

- the development must not impact on any onsite priority habitat; and
- if there is an impact on other onsite habitat, that impact must be on less than 25 square metres (e.g. less than a 5m by 5m square) of onsite habitat with a biodiversity value greater than zero and on less than 5 metres of onsite linear habitat (such as a hedgerow)

Onsite habitat is impacted by the development if it is lost or degraded such that there is a decrease in the biodiversity value of that habitat (as determined by the statutory biodiversity metric). A decrease in biodiversity value occurs where there is a change in habitat type, extent, or condition which results in a negative unit score. A priority habitat is a habitat listed by the Secretary of State for Environment, Food and Rural Affairs under [section 41 of the Natural Environment and Rural Communities Act 2006](#).

The exemption is designed to cover planning permissions for:

- Development which only impacts on onsite habitat with a biodiversity value of zero so no gain would be required if there was no exemption;
 - Developments where there is only a de minimis impact on other onsite habitat to ensure biodiversity net gain is applied proportionally;
 - Minor development in established areas of habitat where the development would have less than 25 square metres (or less than 5 metres for linear habitat) impact on this habitat (unless priority habitat); and
 - Change of uses to development where there is no or only a de minimis impact on onsite habitat.
- An applicant, if they consider their development proposal would be within the scope of the de minimis exemption, must state in their planning application form that they consider the proposal to be subject to the de minimis exemption and provide reasons for this. This will enable the local planning authority to consider whether the proposal is genuinely exempt at the validation stage. They will want to consider particularly carefully those statements stating that a development proposal will be subject to a de minimis exemption where the proposal is for substantive building works and there are significant areas of onsite habitat (where the distinctiveness is higher than very low) within the red line boundary.
 - If it is clear the development proposal is not exempt, the pre-development biodiversity value will need to be provided for the application, and, if planning permission is granted, a Biodiversity Gain Plan must be submitted and approved before commencement of the development.
 - When providing reasons for the de minimis exemption, an applicant should provide sufficient evidence to support their justification. In cases where the development would be smaller than 25 square metres, the description of development, existing and proposed site plans, and the development's area size (in square metres) may be sufficient evidence.
 - In other cases where it cannot be clearly demonstrated through site plans and descriptions whether an onsite habitat would be lost or degraded by the development, applicants are strongly encouraged to provide a completed metric for the pre-development and post-development value for the onsite habitat and clear plans identifying the nature and size of this pre-development onsite habitat and how much of it will be impacted by the development. This will be particularly important where the development involves multiple small-scale impacts on onsite habitat, especially if the onsite habitat covers a large area, to avoid the cumulative effect on onsite habitat being more than the de minimis threshold.
 - Some illustrative scenarios where the de minimis exemption would apply are set out below:

Scenario 1: A development solely on a sealed surface

The development is a new commercial building on an existing car park. There are no other habitats (e.g. a green verge or tree) within the red line boundary of the development. The development would be exempted from biodiversity net gain by the de minimis exemption as:

- the development does not impact on any onsite priority habitat;
- the car park would be classified as developed land: sealed surface which has a biodiversity value of zero under the statutory biodiversity metric; and
- there are no other onsite habitats.

Scenario 2: A development which only marginally impacts on a garden habitat

The development is a new residential dwelling largely on the footprint of an existing dwelling which will be demolished but there would be a small loss of a grass lawn (of 20 square metres) in the

garden. The red line boundary for the development includes two large trees at the end of the garden which are not affected by the development. The development would be exempted from biodiversity net gain by the de minimis exemption as:

- the development does not impact on any onsite priority habitat;
- the existing dwelling would be classified as a developed land: sealed surface which has a biodiversity value of zero under the statutory biodiversity metric;
- the grass lawn would be classified as vegetated garden and would have a biodiversity value of greater than zero under the statutory biodiversity metric but the size of this habitat lost is less than 25 square metres; and
- the trees within the red line boundary would be classified as individual urban trees and would have a biodiversity value of greater than zero under the statutory biodiversity metric but are not impacted by the development.

Scenario 3: A very small development within an established wood

The development is a new telecommunications mast (taking up 5 square metres of land) within mixed woodland. The development would be exempted from biodiversity net gain by the de minimis exemption as:

- the development does not impact on any onsite priority habitat;
- the woodland would be classified as other woodland: mixed and would have a biodiversity value of greater than zero under the statutory biodiversity metric, but the size of the habitat impacted is less than 25 square metres.

Self / custom builds

A declaration together with Form: DM01 Self/custom build eligibility form must be submitted for any application claiming the self-build exemption for biodiversity net gain. The proforma and form are available as a download at the below page called 'Self/custom build form for BNG'. All sections and parts of this form must be completed and submitted with the application.

[Planning application forms, biodiversity and validation guidance](#)

Householder exemption

The biodiversity gain planning condition does not apply in relation to planning permission for development which is the subject of a householder application within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015.

Biodiversity gain site

Developments undertaken mainly for the purpose of fulfilling the BNG planning condition for another development are exempt.

High speed rail transport network

An exemption applies to any development forming part of, or ancillary to, the high-speed railway transport network, comprising connections between all or any of the places or parts of the transport network specified in [section 1\(2\) of the High Speed Rail \(Preparation\) Act 2013](#).

Other exemptions

The following are exempt by the [Environment Act 2021](#):

- urgent crown developments;
- developments that are granted planning permission by a development order (including permitted development rights);

Biodiversity net gain has not been commenced yet for planning permissions which have been granted through other routes to permissions. These include:

- Local development orders;
- Simplified Planning Zones;
- Neighbourhood development orders;
- Successful enforcement appeals; and
- Deemed planning permission.

The grant of permission in principle is not within the scope of biodiversity net gain (as it is not a grant of planning permission), but the subsequent technical details consent (as a grant of planning permission) would be subject to the biodiversity gain condition.

The approval of reserved matters for outline planning permissions is not subject to the biodiversity gain condition (as it is not a grant of planning permission).

National planning requirements

The following requirements must be submitted for applications which are not exempt from BNG.

Major applications

A Statutory Biodiversity Metric must be completed for all major applications (see [Appendix A](#) below). This is used to calculate the pre-development and post development value of the development's onsite habitat, as well as the value of offsite biodiversity gains and biodiversity credits.

The metric must be completed by a person who is suitably qualified and competent see:

<https://www.gov.uk/government/publications/statutory-biodiversity-metric-tools-and-guides>

Local planning authorities should take a proportionate approach to these information requirements focused on only necessary additional information, and integrated with wider information requirements on biodiversity and other environmental matters, smaller developments should generally be subject to fewer information requirements than a major development unless the development would have an adverse impact on valuable onsite habitats. For example:

- on smaller sites where the existing habitats impacted have a low biodiversity value and the scope for onsite enhancements is limited it may not be appropriate to request a substantive amount of information from applicants, and may want to rely on the minimum information requirements;
- it may be appropriate to require information on the proposed balance between onsite gains, off-site gains and biodiversity credits, for proposals involving significant onsite habitat enhancements, and potential requirements for s106 agreements;
- in some cases, further details (such as landscaping) may only be approved as a subsequent matter (for example approval of conditions following the grant of planning permission) following the grant of planning permission and if offsite gains and credits are proposed to be used, evidence is going to be required in the Biodiversity Gain Plan

therefore it may not be proportionate to request all this information at the planning application stage.

Minor applications

A Small Sites Metric (SSM) must be completed by a competent person for all minor development proposals (see checklist below).

SSM is appropriate for smaller development projects that are not considered "major" under planning regulations. This typically includes residential developments with 1 to 9 dwellings on a site of 1 hectare or less (or less than 0.5 hectares if the number of dwellings is unknown), and commercial developments creating less than 1,000 square meters of floor space or on sites less than 1 hectare.

Here's a more detailed breakdown:

Residential Developments:

- **Dwellings:** 1 to 9 dwellings on a site.
- **Site Area:** Less than 1 hectare, or less than 0.5 hectares if the number of dwellings is unknown.

Commercial Developments:

- **Floor Space:** Less than 1,000 square meters of floor space created.
- **Site Area:** Less than 1 hectare.

Other Criteria:

- The project should not involve the winning and working of minerals or the use of land for mineral-working deposits.
- The project should not be a waste development.

Important Considerations:

- The SSM can only be used on sites where priority habitats are not present.
- If a development is considered "major," the statutory biodiversity metric tool must be used, [according to GOV.UK](#).
- Even if a project meets the criteria for the SSM, the statutory metric tool can still be used if preferred.

Like large-site developers, smaller-site developers must answer the 10% biodiversity net gain (BNG) requirement in the UK government's [Environment Act 2021](#). Small developers now also must submit their project and their plan to support 10% BNG to local planning authorities (LPAs).

The benefits of working with the Small Sites Metric include a streamlined biodiversity assessment: Developers simply select from the brief list of habitats within the tool. There is no requirement for an individual with ecological training or experience ("competent person") to deliver a condition assessment.

Even if the site meets the criteria for a SSM, applicants need to answer "yes" to the following questions to confirm that they should be using the SSM tool:

- Are all habitats on your site available for selection in the Small Sites Metric? (If you have other habitats that are not included in the Small Sites Metric, such as riparian zones, you will need to move to the Statutory Biodiversity Metric.)
- Can you confirm that none of the following are on your site?
 - Priority habitats.
 - Statutory protected sites or habitats.
 - European protected species.

The SSM must be completed by a competent person.

<https://www.gov.uk/government/publications/statutory-biodiversity-metric-tools-and-guides>

Planning obligations

For the purposes of biodiversity net gain, planning obligations are one of the mechanisms under paragraph 9 of Schedule 7A necessary to secure the maintenance of significant onsite habitat enhancements for at least 30 years, They are also required to register sites for offsite gains (unless conservation covenants are used).

The purpose of planning obligations is to make development acceptable in planning terms. If planning obligations are going to be used for biodiversity net gain, it is good practice to submit information about any potential planning obligations which may need to be entered into should the proposal be granted planning permission. For example, this may be appropriate if pre-application engagement has indicated the need for:

- significant increase of onsite biodiversity enhancements, then applicants are encouraged to provide a draft Habitat Management and Monitoring Plan as part of the application which sets out the proposals for long term maintenance of habitats to be secured through [planning condition](#) or [planning obligation](#); or
- an off-site biodiversity gains site specifically to provide gains for the development, then applicants are encouraged to provide the local planning authority with draft heads of terms clearly setting out the obligations that they are likely to be bound by in a [section 106 agreement](#), should permission be granted.

Appendix A: Statutory submission requirement checklist

All planning applications which are not exempt from BNG conditions will be required to submit:

- a) confirmation that the applicant believes that planning permission, if granted, the development would be subject to the biodiversity gain condition;
- b) the pre-development biodiversity value(s), [either on the date of application or earlier proposed date \(as appropriate\)](#);
- c) where the applicant proposes to use an earlier date, this proposed earlier date and the reasons for proposing that date;
- d) [the completed metric calculation tool](#)* showing the calculations of the pre-development biodiversity value of the onsite habitat on the date of application (or proposed earlier date) including the publication date of the biodiversity metric used to calculate that value;
- e) a statement whether activities have been carried out prior to the date of application (or earlier proposed date), that result in loss of onsite biodiversity value ('[degradation](#)'), and where they have:
 - a. a statement to the effect that these activities have been carried out;
 - b. the date immediately before these activities were carried out;
 - c. the pre-development biodiversity value of the onsite habitat on this date;
 - d. the completed metric calculation tool showing the calculations, and
 - e. any available supporting evidence of this;
- f) a description of any [irreplaceable habitat](#) (as set out in [column 1 of the Schedule to the Biodiversity Gain Requirements \(Irreplaceable Habitat\) Regulations 2024](#)) on the land to which the application relates, that exists on the date of application, (or an earlier date); and
- g) plan(s), drawn to an identified scale and showing the direction of North, showing onsite habitat existing on the date of application (or earlier proposed date), including any irreplaceable habitat (if applicable).

*For smaller development projects including residential developments with 1 to 9 dwellings on a site of 1 hectare or less (or less than 0.5 hectares if the number of dwellings is unknown), and commercial developments creating less than 1,000 square meters of floor space or on sites less than 1 hectare, the relevant Biodiversity Metric Tool is a Small Site Metric (SSM) and answers to the following questions:

- Are all habitats on your site available for selection in the SSM? (If you have other habitats that are not included in the SSM, such as riparian zones, you will need to move to the Statutory Biodiversity Metric.)
- Can you confirm that none of the following are on your site?
 - Priority habitats.
 - Statutory protected sites or habitats.
 - European protected species.

Appendix B: Post-determination and post-development BNG checklists

Once an application is approved, a condition is attached by statute to the planning permission requiring the submission of a **biodiversity gain plan**. This plan will describe how the 10% uplift in biodiversity will be achieved and must include the following information:

- Information about the steps taken or to be taken to minimise the adverse effect of the development on the biodiversity of the onsite habitat and any other habitat
- The pre-development biodiversity value of the onsite habitat
- Any registered offsite biodiversity gain allocated to the development before the date of submission of the biodiversity gain plan and the biodiversity value of that gain in relation to the development
- Any registered offsite biodiversity gain proposed to be allocated to the development and the biodiversity value of that gain in relation to the development
- Any biodiversity credits purchased before the date of submission of the biodiversity gain plan
- Any biodiversity credits proposed to be purchased for the development
- The post-development biodiversity value of the onsite habitat for the overall development

The biodiversity gain plan template can be found here:

- [GOV.UK form – Biodiversity gain plan](#)

A feature of the BNG regime is that BNG provision should be secured for a period of 30 years and managed and maintained appropriately. Natural England's **habitat management and monitoring plan** template can be found here:

- [Natural England – Habitat Management and Monitoring Plan Template \(JP055\)](#)

Further information about BNG on GOV.UK:

- Please go to the Government website for [more information about biodiversity net gain.](#)
- For an overview of key information and terms relating to BNG, read [Understanding biodiversity net gain.](#)
- Planners, developers, land owners and those already involved with BNG can [view the statutory guidance relating to BNG.](#)