

Submitted to Biodiversity net gain for nationally significant infrastructure projects
Submitted on 2025-07-24 12:55:46

Using and sharing your information

Confidentiality Question

1 Would you like your response to be confidential?

No

If yes, please explain::

Your details

2 What is your name?

Name:
Alison Rood

3 What is your email address?

Email:
Alison.Rood@HistoricEngland.org.uk

4 What is your organisation?

Organisation:
Historic England

Biodiversity gain objective

5 Do you agree that the proposed model text provides sufficient information on the biodiversity gain objective?

Other (please explain)

If disagree, please state what additional information you think is required, and explain why:

If other, please explain::

Historic England is the government's statutory advisor on all matters relating to the historic environment including marine planning areas. We champion and protect England's historic places, providing expert advice to local planning authorities, developers, owners and communities to help ensure our historic environment is properly understood, enjoyed and cared for.

We have, and continue to be, supportive of BNG and welcome the introduction of mandatory BNG for NSIPs. We are concerned, however that the impact on historic environments (both designated and undesignated), is not considered within the proposed biodiversity gain objective. Natural and historic environments are inseparable. Using one to inform the other can provide more effective responses to the climate and nature emergencies, inform development and assist in meeting government objectives around growth and the economy.

The interconnected nature of the historic and natural environments was recognised in the Joint Statement 'Integrating the Management of the Natural and Historic Environment' signed by Natural England, Historic England and the National Heritage Lottery Fund in April 2024. This acknowledges that nature includes not just habitats and species, but also landscapes, historic features, and cultural connections. It also seeks to combine efforts to manage and protect both the natural and historic environments to achieve greater benefits for people, nature, places, and the economy. The Joint Statement can be viewed here <https://historicengland.org.uk/content/docs/advice/joint-statement-naturalengland-historicengland-nlh/>

Other documents produced by Natural England explore how the historic environment should be considered and integrated into nature recovery (<https://historicengland.org.uk/content/docs/advice/nature-recovery-historic-environment/>) and the benefits of doing so, for nature, for heritage and for climate action. Similarly, Defra's Farming and Countryside Programme (including the Environmental Land Management Scheme) takes a holistic and collaborative approach to the delivery of a range of environmental goods. This is underpinned by the "no detriment" principle – that achieving one environmental objective should not directly prejudice another. This is more efficient, more effective and more sustainable. It also reduces the need for trade-offs.

The introduction of mandatory BNG for NSIPs provides the opportunity to develop effective solutions which integrate both BNG and historic environment considerations whilst delivering the infrastructure needed. This is particularly important as this consultation proposes that offsite BNG becomes a first-choice option for developers. Please refer to our response to question 15 where we expand upon our concerns regarding the off-site register and the historic environment.

Historic England would welcome the opportunity to work with government to develop guidance on how heritage can best be considered and incorporated into BNG for NSIPs.

Irreplaceable habitat

6 Do you agree that the proposed model text provides sufficient information on irreplaceable habitat?

Disagree (please state what additional information you think is required, and explain why)

If disagree, please explain::

The model text does not take into consideration the impacts on the historic or cultural significance of irreplaceable habitats, their settings and landscapes. In addition, the text states that “enhancement works must be ecologically appropriate and not cause any loss or deterioration of irreplaceable habitats”. We suggest this is extended to include consideration of the impacts on the historic environment which may form an integral part of the irreplaceable habitat e.g. ancient woodland, ancient and veteran trees, a registered park and garden.

We would welcome the opportunity to work with Defra and its partners to develop further guidance which highlights how the integrated nature of the historic and natural environments can inform BNG proposals for NSIP projects. We consider such an approach will assist in speeding up the delivery of projects, achieve co-benefits for nature and the historic environment, whilst also helping to achieve government ambitions for both.

If other, please explain::

Calculating BNG

7 Do you agree that the proposed model text, alongside the statutory metric user guide, provides sufficient detail on the process for calculating biodiversity net gain?

Not Answered

If disagree, please state what additional information is required, and explain why:

If you selected other, please explain:

8 Do you think any additional guidance is required in the statutory metric user guide to clarify how it should be applied for NSIPs?

Not Answered

If yes, please explain::

If other, please explain::

The pre-development biodiversity value

9 Do you agree with the proposal that all habitats within the development site boundary (i.e. the order limits) must be included in the pre-development biodiversity value?

Not Answered

If disagree, please state the circumstances when habitats should be excluded from the pre-development biodiversity value and why:

If other, please explain::

10 Do you agree that the proposed model text provides sufficient information on:a) what the pre-development biodiversity value consists of?

Not Answered

If disagree, please state what additional information you think is required, and explain why:

If other, please explain::

11 Do you agree that the proposed model text provides sufficient information on:b) the relevant date for calculating the pre-development biodiversity value?

Not Answered

If disagree, please please state what additional information you think is required, and explain why:

If other, please explain::

Delivering BNG

12 Do you agree that the proposed model text provides sufficient information on delivering biodiversity net gain on-site, off-site and using credits?

Other (please explain)

If disagree, please state what additional information you think is required, and explain why:

If other, please explain::

Historic England is concerned that off-site is now proposed as a first-choice option. Please refer to our response to question 15 where we expand on this further.

We do not consider that the text as currently proposed provides sufficient consideration of the impacts of BNG delivery on the historic environment. Paragraph 8c of the National Planning Policy Framework (NPPF) affords the historic and natural environments as being of equal importance in achieving sustainable development. We are concerned that biodiversity gains could be delivered at the cost of unacceptable impacts on the historic environment, whereas, if projects are approached sensitively and holistically, they can deliver for both.

We would be pleased to work with both Defra and Natural England to seek an appropriate solution that delivers for both the natural and historic environment. This could be in the form of additional guidance as suggested in our response to question 6.

13 Do you agree that the proposed model text provides sufficient guidance on how to determine what counts as a significant on-site enhancement?

Not Answered

If disagree, please state what additional information you think is required, and explain why:

If other, please explain::

Temporary use of land

14 Do you think there needs to be a bespoke policy on delivering BNG where land is temporarily used for construction of NSIP schemes?

Not Answered

If yes, please explain explain why a different policy is required and what this should be:

If other, please explain::

Considerations for the delivery of biodiversity gains

15 Do you agree that the proposed model text provides sufficient information on the wider considerations for delivering biodiversity gains?

Other (please explain)

If disagree, state what additional information you think is required, and explain why:

If other, please explain::

Historic England is supportive of the concept of biodiversity net gain (BNG), and in its mandatory application to NSIPs. We do however have some wider concerns regarding the potential impact of off-site BNG on the historic environment.

The question relates specifically to the model text and information on 'wider considerations'. As highlighted elsewhere in this response (see our responses to questions five, six and twelve), the historic environment underpins and shapes the natural environment and makes them inseparable from one another. As a result, wherever possible they should be addressed in an integrated manner. Historic England is therefore concerned that there is no reference to, or consideration of, the historic environment as one of the wider considerations.

In addition, the proposed model text refers to the application of the mitigation hierarchy. It includes reference to compensation as a last resort. Unlike the natural environment, historic assets are finite and irreplaceable and so compensation is unlikely to be possible. This emphasises the need for consideration of the historic environment in BNG plans. In doing so any issues relating to the historic environment will be flagged up at the earliest opportunity, thereby potentially preventing delays at a later stage.

It is also worth noting that BNG activities in the marine area (i.e. between MHW and MLW) are all likely to require consent (a marine licence); and they are also likely to have archaeological implications given the richness of these zones. Usually, Historic England would be consulted by the Marine Management Organisation on such consent applications. It is important that this continues to be the case and that there is sufficient join-up and capacity to engage with off-site BNG in intertidal areas.

Historic England agrees with the reasons for providing model text as outlined in the consultation. We would welcome the opportunity to work with Defra and Natural England to explore solutions which both support nature recovery and the historic environment and assists the government in achieving its wider growth missions. We have expanded on this in our response to questions 6, 12 and 23.

Evidence for submission, and decision making

16 Do you agree that the proposed model text provides sufficient information on the following:a) Evidence for submission?

Not Answered

If disagree, please state what additional information you think is required, and explain why:

If other, please explain::

17 Do you agree that the proposed model text provides sufficient information on the following:b) Decision making?

Other (please explain)

If disagree, please state what additional information you think is required, and explain why:

If other, please explain::

Under the Evidence for submission section, we note that as part of the pre-application consultation, applicants are encouraged to engage with the relevant local planning authority. We suggest encouraging that as part of this engagement the relevant (LPA or County Council) heritage specialist is consulted in order to give an initial assessment of the potential for impacts on and opportunities for heritage assets as part of the BNG plan.

18 Do you agree with the proposal to allow updated biodiversity gain plans to be submitted to the relevant local planning authority for approval after consent is granted?

Not Answered

If disagree, please state what alternative you think would be more appropriate and why:

If other, please explain::

Supporting evidence

19 Do you have any evidence for us to consider as part of our final impact assessment on implementing BNG for NSIPs?

Yes (please provide the evidence you think should be considered and explain why)

If yes, please provide the evidence you think should be considered and explain why:

As highlighted throughout our response, Historic England suggests greater consideration is given to the impacts, both positive and negative, on the historic environment. We suggest that as minimum applicants are advised to consult relevant Historic Environment Records (HERs) when developing their BNG plans to assist in the identification of historic assets. Doing so during the early stages of BNG plan preparation should result in quicker and smoother delivery of BNG.

More information on HERs can be found on the Heritage Gateway site at

<https://www.heritagegateway.org.uk/gateway/about/default.aspx#:~:text=For%20a%20full%20list%20of%20local%20authority%20HERs%2C,this%20website%20vis>

If other, please explain::

Overarching questions

20 Do you think the policy proposals and model text for the biodiversity gain statements outlined in this consultation need amending for any specific NSIP type?

Not Answered

If yes, please explain how and why you think the proposals needs amending, and for which NSIP type(s):

If other, please explain::

21 Do you think there are any NSIP types or circumstances that should have different requirements or remain in a voluntary regime (noting this would continue to exclude them from buying registered off-site biodiversity gains and statutory biodiversity credits)?

Not Answered

If yes, please explain and provide evidence where possible:

If other, please explain:

22 Do you have any additional comments on the draft biodiversity gain statement or on the next steps that are not covered by the previous questions?

Yes (please explain)

If yes, please explain :

Unlike with on-site BNG, where Historic England has sight of potential developments as a statutory consultee and so can advise accordingly, we are not aware of sites that are accepted for addition to the off-site register. As a result, we are unable to offer advice on the potential impacts (and whether they are positive or negative) that BNG proposals may have on heritage assets on off-site sites.

These concerns exist currently in the application of BNG under the Town and Country Planning Act 1990. As this consultation proposes applicants can deliver BNG on-site or off-site in the first instance, we are concerned there could be challenges with regard to the conservation of the historic environment arising from an absence of guidance on integrating the historic and natural environment in BNG. The government's target to approve 150 applications in the lifetime of this parliament is indicative of the potential for conflict which could be avoided through the provision of appropriate guidance.

Historic England would welcome the opportunity to discuss these issues further with government and to explore suitable solutions (see our response to question 23).

23 Do you think there are any other topics that should be covered in BNG guidance for NSIPs?

Yes (please state what additional guidance you think is required, and explain why)

If yes, please state what additional guidance you think is required, and explain why:

We recommend that consideration of the historic environment been included in any future guidance on the delivery of BNG for NSIP applications. As highlighted in our responses to questions 6,12 and 15, heritage and the natural environment are interconnected. Integration of their management through BNG delivery has the potential to deliver greater benefits to both as well as or the economy and communities.

If you chose Other, please explain:

Consultee Feedback on the Online Survey

24 Overall, how satisfied are you with our online consultation tool? Please give us any comments you have on the tool, including suggestions on how we could improve it.

Not Answered