

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?

Name:

Alison Rood

2 What is your email address?

Email:

Alison.Rood@HistoricEngland.org.uk

3 What is your organisation?

Organisation:

Historic England

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:

Not Answered

Please state which options you support with thresholds were applicable :

Historic England recognises that exemptions offer the opportunity to further streamline BNG for smaller sites. As explained elsewhere in our response (see question 10) we suggest consideration of the historic environment and habitats should be integral to development and any resulting BNG requirements, regardless of thresholds. We support some changes to exemptions, based on possible impacts (either positive or negative) on the historic environment. We offer more detailed consideration of the issues under each of the following questions where there is a potential impact on the historic environment.

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?

Not Answered

Please elaborate on your answer here:

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

Not Answered

Please elaborate on your answer here:

As highlighted in our response to question 10 we have no comment on the extent of thresholds. Rather, we seek to ensure that the interconnected nature of the natural and historic environments is fully considered in the application of BNG.

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

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

Not Answered

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

Not Answered

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

Please elaborate on your answer here:

The historic environment is driven by considerations of impacts on significance rather than the scale of any development. Regardless of threshold it should be recognised that any habitat may contain features of historic significance. Individual buildings, structures and landscapes can all provide important habitats which contribute toward biodiversity.

Paragraph 202 of the National Planning Policy Framework (NPPF) states that heritage assets "are an irreplaceable resource and should be conserved in a manner appropriate to their significance, so they can be enjoyed for their contribution to the quality of life of existing and future generations."

BNG offers the opportunity to conserve and enhance historic environment whilst also delivering the minimum 10% net gain for biodiversity. Where heritage features are present, any planned BNG should be mindful of their presence and appropriate solutions adopted.

As the BNG system continues to bed in, Historic England has concerns about its application under the Town and Country Planning Act 1990, particularly in relation to the off-site register. Historic England is not notified of any sites proposed for the off-site register. This means we are unable to offer any advice regarding the potential impacts (both positive and negative) of any BNG proposals on any historic assets which may be present. Currently this could include the allocation of sensitive (designated and non-designated) sites e.g. scheduled monuments. Well thought out BNG proposals will in most cases be supportive of the positive management of scheduled monuments but there is a concern that proposals which do not take the historic environment into consideration may result in harmful impacts.

We recognise the role local authorities play in securing sites for the off-site register but would welcome the opportunity to look at how the land proposed for the register could take greater consideration of the historic environment. This could potentially take the form of a mechanism to ensure that the off-site register contained only sites where BNG would not have a harmful impact on the historic environment/heritage assets, or that BNG provision was appropriate to that site. This could be through engagement and consultation with the appropriate heritage specialist at local (e.g. local authority), county (e.g. county archaeologist) or national level (Historic England), depending on the type of asset affected.

In April 2024 Historic England, Natural England and the National Heritage Lottery Fund signed a Joint Statement, 'Integrating the Management of the Natural and Historic Environment. This 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. It also acknowledges that nature includes not just habitats and species, but also landscapes, historic features, and cultural connections. The Joint Statement can be viewed at <https://historicengland.org.uk/content/docs/advice/joint-statement-naturalengland-historicengland-nlhf/>.

Historic England suggests this consultation provides the ideal opportunity to jointly develop guidance on how heritage can best be considered and incorporated into BNG for all sites. We would welcome the opportunity to work with Defra and its partners to achieve this.

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)

Not Answered

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

Please provide evidence here:

Please refer to our response to question 10 which highlights that the historic environment is driven by considerations of impacts on significance rather than the scale of any development. Regardless of size, the interconnectedness of the historic and natural environments means that any BNG proposal should consider both in an integrated manner and, where appropriate, seek co-benefits for both.

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?

Not Answered

14 Please elaborate on your answer to the previous question

Please elaborate here:

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?

Not Answered

16 Please elaborate on your answer to the previous question

Please elaborate on your answer here:

Many sites that meet the definition will be of historic interest and may also contain other heritage assets of architectural and archaeological interest. This includes designated heritage assets such as registered parks and gardens, and scheduled monuments, and conservation areas, and may include other sites of local importance. There may be cases of sites where measures to increase biodiversity to meet specific BNG requirements (including specific requirements of the metric and trading rules) would be inappropriate, as it would have a detrimental impact on heritage significance. This could include, for example, a registered park and garden with specific designed planting, designed landscapes within a conservation area, or a park which happens to be co-located with a scheduled monument. There may also be instances, however, where BNG, if designed appropriately with consideration of the historic environment, could be used to enhance designed or other historic landscapes.

Guidance for applicants on nature recovery and the historic environment, and the particular considerations for BNG (whether on site or off site), would help to ensure successful schemes that deliver for nature recovery and the historic environment. Historic England would be pleased to input into such guidance.

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?

Not Answered

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

Not Answered

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

Please provide evidence here:

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?

Not Answered

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

Please provide evidence here:

Regardless of the temporary or permanent nature of a development it is important that the interconnectedness of the natural and historic environments is recognised in any BNG proposals. Integration of their management through the delivery of BNG has the potential to deliver greater benefits to both, as well as to contributing to the government's ambitions for growth and the economy.

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

Not Answered

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?

Not Answered

Please elaborate on your answer here:

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

Not Answered

Please elaborate on your answer here:

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

Not Answered

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?

Not Answered

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:

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)?

Not Answered

Please elaborate on your answer here:

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)?

Not Answered

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

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?

Not Answered

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:

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?

Not Answered

Please elaborate on your answer here:

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

Not Answered

Please elaborate on your answer here:

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?

Not Answered

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?

Not Answered

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?

Not Answered

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

2. Streamlining the BNG metric process - Watercourse metric

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

Not Answered

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?

Not Answered

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?

Not Answered

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:

Historic England suggests the inclusion of a prompt to consider whether the site being assessed is co-located with heritage assets and include accompanying guidance. Assuming a digital version is online this could be in the form of a tick box to trigger a prompt to consider whether there are particular opportunities (or constraints) related to heritage.

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?

Not Answered

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?:

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?

Not Answered

Please elaborate on your answer here:

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

Not Answered

Please elaborate on your answer here:

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.

Not Answered

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

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

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

Not Answered

Please elaborate on your answer here:

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?

Not Answered

Please elaborate on your answer here:

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?

Not Answered

Please elaborate on your answer here:

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

Not Answered

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?

Neither satisfied nor dissatisfied

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