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Submitted to Improving the implementation of Biodiversity Net Gain for minor, medium and brownfield development
Submitted on 2025-07-11 20:49:09

Introduction

1 What is your name?

Name:

Andrew Rylah

2 What is your email address?

Email:
-

3 What is your organisation?

Organisation:
Landscape Institute

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:

Some changes should be made (please state which options you support with thresholds where applicable)

Please state which options you support with thresholds were applicable :

The Landscape Institute supports making changes to BNG exemptions, advocating a nuanced approach that recognises the cumulative impact of even minor developments. The current process, for minor and medium-sized developments, is viewed as complex, and can lead to delays and confusion. Refining the process, and engaging landscape professionals and ecologists to support it, would improve implementation and effectiveness.

Proposed Changes and Thresholds
The Landscape Institute recommends the following key changes to exemptions:
• 'Minor Development': Instead of blanket exemptions, it needs recognising that even minor individual sites can collectively have a significant impact on habitat loss and ecological connectivity, especially in urban or fragmented areas.
• Contextual Understanding: Any changes to exemptions must consider the specific ecological context. While biodiversity improvements are often beneficial, even minor alterations in highly biodiverse areas can play a crucial role in habitat linkage and green infrastructure networks.
• Review and Amend Thresholds: The thresholds for exemptions, particularly for residential gardens and their cumulative habitat value, require careful review to prevent misuse and ensure proper valuation.
• Focus on Site Footprint and Vegetation: Exemptions should be revised to consider the basic site footprint and the presence or absence of vegetation cover, as every site has the potential to contribute to BNG.

Alternative Approaches to Exemptions
Recognising the complexity of the current metric-based approach for small sites, the Landscape Institute proposes a shift towards a more proportionate, plan-led system:
Simplified Tools and Support
• Small developers should be supported with simplified tools and easier access to local habitat banks or GI project pipelines to reduce disproportionate costs and administrative burdens.

Ecological Sensitivity and Impact Definition
The exemption framework should also be guided by a clear hierarchy of ecological sensitivity, supported by a standardised definition of 'significant impact'. This should:
• Draw on principles from Habitat Management and Monitoring Plans (HMMPs).
• Include spatial criteria such as proximity to protected sites (e.g. Sites of Special Scientific Interest (SSSIs), Special Areas of Conservation (SACs), Areas of Outstanding Natural Beauty (AONBs)), Local Nature Recovery Networks, and priority habitats.
This approach would enable planning authorities to exercise discretion based on the local ecological context, thereby preventing the unintended erosion of biodiversity assets.

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?

No - keep existing exemption in place (please explain why)

Please elaborate on your answer here:

We support the intent to reduce administrative barriers for self and custom-building, but have concerns about extending the exemption to all single dwellings due to the potential for cumulative biodiversity loss, especially in sensitive landscapes and ecological networks.

Key Points
• Cumulative Impact: Even minor developments contribute to habitat fragmentation and disrupt ecological processes, particularly in peri-urban and rural areas.
• Urban Opportunities: Sub-0.1ha sites, especially in urban areas, offer opportunities for water-sensitive design, increased tree canopy cover, and nature-based cooling.
• Exclusion Zones: Exemptions should not apply to developments within or adjacent to Local Nature Recovery Networks (LNRNs), protected landscapes, designated or ecologically sensitive sites, or priority habitats.
• Ecological Sensitivity: A clear hierarchy of ecological sensitivity and a definition of 'significance' are needed to guide exemption decisions.

Alternative Approaches
Instead of a blanket exemption, we suggest a variety of measures could be considered:
• Defined Low-Impact Criteria: Exemption eligibility limited to existing buildings (e.g. barn conversions), brownfield infill with no priority habitat loss, and sites with no proximity to designated or strategic habitats.
• Alignment with Local Nature Recovery Strategies: Empowering Local Planning Authorities (LPAs) to make spatially and ecologically informed decisions.
• Screening Tool: Integration of a checklist to guide planning authorities and applicants on exemption applicability. This could be AI created.

This approach offers proportionality for applicants, greater ecological integrity, and local flexibility aligned with nature recovery goals. It ensures that all development, even at the most minor scale, contributes positively to biodiversity.

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

No - keep existing exemption in place (please explain why)

Please elaborate on your answer here:

In principle the Landscape Institute acknowledges the rationale to simplify BNG requirements for very small developments, but stress that area alone is an insufficient measure of ecological impact. The Institute has significant concerns highlighted below about a blanket extension and advocates for a highly conditional approach.

Concerns with Extending De Minimis
• Disregard for Baseline Conditions: A de minimis threshold based solely on area can ignore existing baseline habitats and their ecological value. Even small sites, such as a hotel development with mature trees on a previously unsealed surface, can offer significant biodiversity opportunities that would be missed if exempted.
• Loophole Potential and Cumulative Impact: There is a strong concern that an extended de minimis threshold could become a loophole, allowing for the incremental loss of biodiversity across multiple developments without compensation. Even impacts on less than 25 square metres of habitat or 5 metres of linear features, if consistently exempted, could lead to significant negative cumulative effects over time.
• Missed Opportunities for Nature Recovery: Every development, regardless of size, presents an opportunity to improve and create habitat, restore biodiversity and also strengthen the benefits that nature offers to people (Environment Act). A broad de minimis exemption would work directly against the principle of maximising biodiversity gain in the immediate locality, including benefits for health, restored natural systems and Sustainable Drainage Systems (SuDS).
• Unintended Consequences for Strategic Planning: A blanket de minimis exemption could undermine broader ecological network strategies, such as those outlined in LNRS, by exempting small sites that could otherwise contribute significantly to these goals. Even large, high-profile projects have sometimes misused the de minimis threshold, highlighting this risk.

Conditions for any De Minimis Exemption
Should a de minimis threshold exist, the Landscape Institute advocates a more nuanced, site-specific approach, combining area with essential ecological criteria. Any de minimis exemption should only apply if:
• It does not affect overland flow of floodwaters.
• It does not remove or interfere with mature trees, water bodies, or alter any water courses.

• It does not infringe on any green corridors or priority habitats.
• It is not located on habitats of principal importance or within critical factors such as those within 5 metres of onsite linear habitats.
• It is a single dwelling self-build on a plot size in line with a sensible 'de minimis' plot size.

We also propose that Local Planning Authorities should retain the discretion to screen applications for ecological sensitivity and request appropriate ecological evidence before granting an exemption. This is particularly crucial given the critical role of landscape officers in assessing the cumulative impact of developments.

For very small areas Planning and Local Policy should be approached more strategically, considering cumulative impact and local context as addressed in previous questions. The Landscape Institute supports increased resourcing and upskilling within LPAs and across other partnerships involved in considering BNG applications.

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

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

Yes

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

50 square metres

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

Please elaborate on your answer here:

The Landscape Institute supports extending the de minimis threshold to 50 square metres provided concerns as noted above are considered, but strongly opposes raising it beyond this figure. This position aims to balance the need to alleviate the administration for small developers and local authorities and the critical imperative of maintaining legal commitments made on nature recovery including ecological integrity and preventing habitat fragmentation.

We suggest an increase from the current 25m² to 50m² for non-priority habitat for the following reasons:
• Practicality and Burden Reduction: The current 25m² threshold is considered overly burdensome for local authorities, micro/SME developers, and individual clients. Many small sites struggle with the practicalities and costs of achieving on-site BNG or funding off-site units for very small areas. An increase to 50m² would better reflect these practical delivery constraints.
• Ecological Viability: While there's limited UK research defining precise minimum area thresholds, ecological studies indicate that habitat patches below 50m² are often ecologically compromised. They tend to be dominated by edge effects (e.g. increased disturbance, predation, pollution), have low species richness and limited carrying capacity, and lack the connectivity needed for recolonisation.
• Support for Complex Habitats: Patches of 50m² or more can support more structurally complex vegetation, resilient invertebrate populations, and contribute more effectively to functioning ecological networks, especially within multifunctional green infrastructure. For example, a traditional orchard is defined as requiring approximately 40-50m² per five trees to support understorey flora and pollinators.

Opposition to Thresholds Above 50m²
Raising the de minimis threshold above 50m² is opposed due to significant risks:
• Undermining Biodiversity Networks: Larger exemptions could undermine local biodiversity networks and strategic nature recovery efforts outlined in LNRS.
• Manipulation Risk: A higher threshold could encourage boundary manipulation by developers seeking to avoid BNG obligations.
• Loss of Valuable Spaces: It risks the loss of ecologically valuable small spaces, particularly in urban and peri-urban areas, where every bit of green space can contribute to overall biodiversity and ecosystem services.

We are aware that research, conducted by Eftec, on behalf of Wildlife and Countryside Link has just been published which suggests that a 0.1 ha area based, whole-site de minimis would be beneficial for developers, Local Planning Authorities and biodiversity, in clarifying and simplifying BNG exemptions. We have not fully scrutinised this proposal but believe that it merits consideration.

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)

No

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

Please provide evidence here:

We do not support the complete removal of BNG requirements for minor developments. While acknowledging the challenges faced by small-scale developers, we believe that exempting these schemes would undermine crucial biodiversity objectives, negatively impact ecological networks, and significantly reduce private investment in nature recovery.

Key Arguments Against Exemption

• Cumulative Ecological Impact: While individual minor developments may seem small, their collective impact is substantial. Ecological studies consistently show that fragmented, small-scale developments, when not part of a coherent green network, lead to significant habitat fragmentation and incremental habitat loss. Minor developments currently contribute a considerable amount of BNG habitats annually, and removing this obligation would seriously jeopardise national biodiversity targets.
• Viability of the Biodiversity Offset Market: Minor developments account for approximately 80% of current market transactions for off-site biodiversity units. A full exemption would drastically reduce demand, destabilising the emerging biodiversity offset market and undermining the government's ambition to attract significant private investment into nature recovery.
• Ecosystems Services, Climate Resilience and Green Infrastructure: BNG has played a crucial role in normalising green infrastructure design in minor developments. This delivers not only biodiversity gains but also vital climate resilience functions such as urban cooling, shading, benefits to air quality and increased water resilience - increased permeable vegetated areas for water attenuation, increased resilience to both flooding and drought. Removing BNG would directly undermine climate-responsive urban design and the delivery of multifunctional green infrastructure, which is essential for adapting to climate change.
• Lost Opportunities for Nature Recovery: Without BNG, a key tool for landscape architects to advocate for and ensure investment in soft landscaping and nature within developments would be lost. Every development presents an opportunity to connect nature, improve habitats, and enhance wildlife habitat including pollinating species. The role of mandatory BNG as a tool for Nature Recovery as set out in the Environment Act (2021) is also a key part of UK's commitment to Halt and Reverse Nature Loss by 2025, aligned with the Global Biological Framework.
• Local Authority Capacity and Strategic Guidance: While exemption might seem to reduce administrative burden on local authorities, it would simultaneously diminish their capacity to strategically guide ecological enhancements, weakening the effectiveness of Local Nature Recovery Strategies (LNRS) which are a key national framework set out for reversing nature decline.

The Landscape Institute's professional experience shows that mandatory BNG requirements (including the 30-year timescale, and legal commitments) have already led to more positive discussions, proactive decision-making, and tangible actions to prioritise landscape and habitat outcomes.

Developers could contribute to funding local biodiversity initiatives, especially within 1km of the development site, benefiting both residents and wildlife.

BNG requirements encourage innovative architectural and urban planning solutions that allow for both increased density and sufficient space for nature and connectivity on-site. The goal is to integrate green spaces for people and nature, rather than separating BNG areas from public open space. Implementing BNG that prioritises a structurally diverse habitat with robust monitoring and adaptive management ensures genuinely effective biodiversity outcomes and increased well-being for people.

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?

No

14 Please elaborate on your answer to the previous question

Please elaborate here:

The Landscape Institute does not support extending the de minimis threshold to cover other types of development. Such a broad exemption risks eroding ecological outcomes and creating significant regulatory loopholes.

Key Concerns with Broader Exemption
• Significant Impact Beyond Minor Development: Even developments outside the "minor" category, regardless of their apparent minimal impact, can still significantly affect habitats. This is particularly true in fragmented landscapes or near designated ecologically sensitive sites.
• Cumulative Impact: Expanding the de minimis threshold would exacerbate the already existing concern regarding the cumulative impact of numerous small changes. Over time, this could lead to considerable uncompensated biodiversity loss.
• Risk of Manipulation: Larger de minimis thresholds could encourage developers to manipulate site layouts to deliberately evade BNG obligations, undermining the credibility and effectiveness of the policy.

Conditions for Any De Minimis Threshold
Should any adjustment be made to the current de minimis threshold (which the Landscape Institute believes should not exceed 50m²), it must only apply under very strict conditions:
• No Loss of Priority Habitats: The exemption should not lead to the loss of any priority habitats.
• No Impact on Ecological Corridors: There must be no adverse impact on established ecological corridors.
• Proximity to Designated Sites: The site must be located outside proximity buffers (e.g. a 5 km radius from Sites of Special Scientific Interest (SSSIs), Special Areas of Conservation (SACs), or Local Nature Reserves (LNR)).

Alternative Approach
Instead of broadening exemptions, the Landscape Institute advocates a streamlined approach for developments that have minimal impacts and limited capacity to deliver on-site gains. The LI would welcome further discussion on mechanisms to improve this.

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?

Some but not all

16 Please elaborate on your answer to the previous question

Please elaborate on your answer here:

The Landscape Institute does not support a blanket exemption from Biodiversity Net Gain (BNG) for such developments. While acknowledging the intent to reduce administrative burdens for community-led projects, a conditional exemption, strictly limited to specific circumstances with genuinely low ecological impact, is advocated.

Concerns with a Blanket Exemption: Such an exemption would miss vital opportunities for nature recovery. It also conflicts with BNG's core principle of enhancing nature impacted by development, particularly as these spaces often see hard surfacing or building additions that degrade biodiversity. Repeated exemptions risk undermining urban green infrastructure and incentivising low-ecological-value designs, conflicting with best practices and standards like Building with Nature. Even sites with existing high biodiversity should still aim for net gain, delivered either on-site or within the same estate/authority.

Conditional Exemptions: Exemptions should only apply if works are limited to low-distinctiveness, intensively managed, species-poor grassland, with no impact on trees (adhering to BS 5837 and TPOs), hedgerows (Hedgerow Regulations), priority habitats, watercourses, or other valuable features. The project must also remain within its existing land use (e.g. upgrading a grass pitch without expansion).

Alternative Approach: For developments in these areas, the Landscape Institute suggests:
• Excluding developments near sensitive ecological features from exemption.
• Requiring basic arboricultural and ecological screening (e.g. in line with BS 5837).

This considered method aims to support community projects while upholding biodiversity objectives and ensuring parks and gardens contribute to wider ecological and green infrastructure networks.

It also addresses broader issues such as reconciling BNG implementation and climate change adaptation and resilience with historical restoration in Historic Parks and Gardens where non-native, or a mix of plant species is more appropriate.

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?

Yes

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

No

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

Please provide evidence here:

The Landscape Institute generally supports an exemption from BNG requirements for projects whose sole or primary objective is nature restoration or biodiversity enhancement. However, this support is conditional and comes with important caveats.

We believe that such an exemption would:
• Remove Unnecessary Barriers: It would alleviate unnecessary legal and financial burdens faced by landowners, conservation charities and catchment partnerships delivering public-good projects.
• Acknowledge Existing Benefits: Many initiatives, such as wetland creation, meadow restoration, or river re-meandering, already significantly exceed the 10% uplift expected under BNG but are currently burdened with additional requirements not designed for non-commercial schemes.
• Align with National Goals: Exempting these projects would align with objectives in the Environmental Improvement Plan and the Government's "30 by 30" biodiversity target, and reflect findings from Local Nature Recovery Strategy test-and-trials emphasising locally led, low-barrier ecological delivery.
• Avoid Perverse Outcomes: For sectors like mineral extraction, where large-scale restoration schemes are inherently aimed at nature conservation enhancement, applying additional BNG requirements for minor changes within a quarry boundary seems counterproductive. These sites are already designed to provide long-term, valuable sustainable habitats.

Concerns and Conditions for Exemption
Despite general support, we have some key concerns and propose strict conditions for any such exemption:
• Evidence of Ecological Benefit: Any exempted project must deliver clear ecological benefits and demonstrate a genuine intent for nature conservation. The BNG metric, even if not for calculating a "gain," can serve as an important record to prove no net loss or indeed, enhancement.
• No Loss of Priority Habitats: Crucially, there should be no loss of priority habitats resulting from the development.
• Compatibility with Designated Sites: Projects must be compatible with existing designated site protections.
• Transparency and Monitoring: There needs to be transparency regarding the temporal nature of such schemes. Voluntary monitoring or recognised stewardship (e.g. Environmental Land Management Schemes, Peatland Code) should be in place to ensure long-term habitat quality and prevent schemes from falling short of their stated conservation goals.
• Prevention of Loopholes: Care must be taken to prevent the BNG mechanism from being exploited by developers maximizing saleable units without genuine follow-through on long-term habitat quality, connectivity, or public benefit. The pursuit of "maximising units" should not compromise true biodiversity benefits within a development's green spaces.

Examples of Potentially Exempted Developments provided they meet the stringent criteria:
• Large-scale wetland creation projects.
• Extensive meadow restoration schemes.
• River re-meandering projects.
• Major rewilding initiatives.
• Mineral extraction sites where the final restoration scheme is entirely aimed at nature conservation enhancement.

These projects, often large-scale, landscape-led, and publicly beneficial (e.g. Honeygar Farm by Somerset Wildlife Trust, River Don wetland restoration by Sheffield & Rotherham Wildlife Trust), are currently at risk of being caught in planning regulations primarily designed for commercial development.

This position aims to balance supporting legitimate, large-scale conservation projects with preventing the BNG mechanism from being exploited or leading to fragmented, lower-quality greening within new developments.

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?

No

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

Please provide evidence here:

The Landscape Institute does not consider that temporary planning permission should be exempt without further detailed review and clarifications. There are arguments in favour of exemption for very short-term projects to reduce administrative burdens. However, our prevailing view is one of caution, arguing against a blanket exemption. The Institute emphasises the need for a nuanced approach that ensures ecological considerations are maintained, even for temporary developments.

Concerns with Blanket Exemptions:
• Potential as a Loophole: A key concern is that temporary permissions could become a major loophole, allowing developments to avoid BNG obligations even for substantial periods (e.g. 3-5 years or more), during which significant ecological impacts can occur.
• Undermining BNG Principles: BNG aims to ensure no net loss and ideally a gain in biodiversity. Exempting temporary developments risks undermining this principle, especially if "temporary" schemes are extended or become permanent without proper ecological assessment.
• Missed Opportunities for Green Gains: Even interim spaces can be designed to provide significant social and ecological benefits, such as short-term wildlife gains or greening urban sites. Exempting them would mean missing valuable opportunities to provide useful habitats, even if they are ultimately replaced.
• Difficulty in Enforcement and Restoration: Evidence suggests that off-site mitigation and restoration measures for temporary impacts are not always effective or easily enforced, and successful nature restoration to pre-interference conditions can be challenging.
• Inadequate Habitat Establishment Time: For temporary developments replaced in less than 3-5 years, proposed habitats may not have enough time to establish, leading to wasted investment and limited ecological benefit.

Instead of a blanket exemption, we suggest:
• Baseline Recording: It is logical and reasonable to require temporary developments to record the baseline using the BNG metric. This creates an important ecological record.
• Timeframe and Review: The planning application should clearly specify a timeframe for the temporary development and include a review timeframe for revisiting biodiversity delivery once the final development completion is known.
• On-site Mitigation and Short-Term Gains: Encourage short-term wildlife gains and greening of urban sites in the interim period. Developers should not be discouraged from doing this by concerns about creating future ecological constraints.
• Maintain and Champion BNG: Temporary planning permissions should still aim to maintain and champion BNG, ensuring that lasting damage isn't done to biodiversity. This could include measures like raised platforms for laydown areas to preserve soil and vegetation.
• Contextual, Case-by-Case Basis: A "case-by-case basis" is often needed, or exemption should only apply if other robust policies ensure ecological and biodiversity benefits are still delivered on-site. The BNG metric should foster a contextual, design-led integration of biodiversity rather than a "tick box" approach.

This approach aims to ensure that even temporary developments contribute positively to biodiversity where feasible, or at least avoid significant unmitigated harm, aligning with the broader goals of nature recovery and climate-responsive design.

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

Yes

23 Please give reasons

Please add text:

Overall, we support a conditional exemption from BNG for temporary developments of up to 5 years, provided that any habitat loss is fully reversible and restorable within two years.

The Landscape Institute supports this because it:

• Reflects BNG Statutory Metric: This aligns with the BNG Statutory Metric, which allows temporary habitat loss to be recorded as "retained" if timely restoration is achieved.
• Reduces disproportionate costs: Short-term uses (e.g. temporary play areas, community gardens) often have minimal long-term ecological impact but can incur disproportionately high BNG costs, which this exemption would alleviate.
• Enables feasible restoration: Restoration for these short-term impacts is often feasible and is already recognised within existing policy.
• Encourages Interim Biodiversity Gains: Allowing this exemption could encourage the creation of interim land uses, such as rain gardens or meadow seeding, which can enhance biodiversity and community value during the temporary period.

For the 5-year (or less) temporary development to be exempt, the following conditions are crucial:
• Restorability: Any habitat loss must be reversible and fully restorable within two years.
• No Impact on Sensitive Habitats: There must be no impact on priority habitats, ancient woodland, or designated sites.
• Non-Permanent Use: The BNG exemption would be void if the temporary use becomes permanent.
• Restoration Commitment: A restoration commitment or bond should be in place to secure the ecological outcomes.

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?

No

Please elaborate on your answer here:

The Landscape Institute supports the Government's aim to improve proportionality and reduce administrative burden. However, in its current form, the SSM is not suitable for extension to medium developments. Despite its name, the SSM is not simply a scaled-down version of the BNG metric; it is a separate tool with limited applicability. It excludes sites with protected species, watercourses, or priority habitats, and cannot accommodate site-specific habitat condition data. Its structure limits accuracy and reduces compatibility with most off-site providers. For this reason, many ecologists and consultants default to using the main statutory metric (Metric 4.0) even on small sites, creating duplication and inconsistency.

We propose two possible pathways:

1. Refinement of the SSM to include medium development
If Government wishes to retain the SSM, we propose the following improvements:
• More accurate and flexible habitat classification
• Allowance for site-specific condition assessments
• Revised scoring for urban habitats
• Direct integration with Local Nature Recovery Strategies and off-site unit markets
• Clearer guidance on where and how the SSM is to be applied

2. Transition to a single, scalable statutory metric
An alternative long-term solution would be to replace the SSM with a single, scalable metric applied proportionately across all site sizes. This would:
• Remove unnecessary complexity from the system
• Avoid confusion between tools
• Enable proportionate levels of assessment according to the development scale and impact
• Ensure consistency in data quality and ecological rigour
• Support better integration with policy targets at local and national levels

A unified approach would need revised scoring for urban habitats, and better integration with Local Nature Recovery Strategies. Applying a designed approach which includes stronger enforcement of the Mitigation Hierarchy would also enhance alignment with off-site markets and ensure that even minor developments make meaningful contributions to ecological networks, particularly in urban or fragmented landscapes.

A shift to a single metric or significant changes to the SSM would require careful consideration of competency levels within relevant professions. In either scenario, we recommend that the Government defines and enforce clear professional standards. The Landscape Institute could work with other institutions such as the Construction Industry Research and Information Association (CIRIA) and Chartered Institute of Ecology and Environmental Management (CIEEM) in creating a Competency Hierarchy system that would satisfy those requirements, and compose training and accreditation to support individuals in achieving and recording it.

This would set out:
• Appropriate qualifications and skills for different scales and contexts
• Training and accreditation routes for practitioners
• Mechanisms to reduce inconsistent or poor-quality applications
• Improved delivery outcomes, with less time wasted at validation or compliance stages
• Similar system to CSCS competency tests and schemes

We'd welcome the opportunity to work with the Government and professional bodies to design and assess these options, ensuring that any future metric system is both deliverable and effective in achieving biodiversity uplift across all types of development.

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

No

Please elaborate on your answer here:

The Landscape Institute strongly opposes using the SSM for BNG on sites with EPS or designated protected sites (like SSSIs, SACs, SPAs). This opposition stems from the SSM's simplified nature, which is deemed inadequate for the detailed ecological and legal rigour required for such sensitive areas. Applying the SSM in these contexts risks misclassification, undermining legal compliance (e.g. Habitats Regulations, NPPF), and underestimating impacts on critical biodiversity.

For any site involving EPS, designated or irreplaceable habitats, or requiring an Ecological Impact Assessment (EcIA) or Habitats Regulations Assessment (HRA), we recommend making the full Statutory Biodiversity Metric mandatory, supported by qualified ecological expertise. This ensures accurate assessment, legal adherence, and alignment with broader nature recovery objectives. While acknowledging potential for nuanced application on lower-category local sites, the principle is that higher protection demands more rigorous assessment.

Currently, the SSM's inapplicability to priority habitats without a clear hierarchical relationship causes inconsistency, often forcing the use of the full BNG metric. There is a desire for landscape professionals, even those not fully ecologically qualified, to be recognised as competent for certain less sensitive SSM assessments. However, more complex projects still require ecologists. The aim is to define clear competency scopes and formally recognise landscape architects for SSM delivery, possibly through joint interdisciplinary frameworks, enabling broader professional involvement without compromising ecological integrity.

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

No

Please elaborate on your answer here:

The Landscape Institute generally opposes the use of the SSM on sites with protected sites present.

A key point of contention is the vague terminology surrounding "protected sites." While there's broad agreement that nationally or internationally designated sites (such as SSSIs, SACs, SPAs) should mandate the use of the full BNG metric due to their ecological sensitivity, it is less clear whether locally designated sites (e.g. Sites of Importance for Nature Conservation - SINCs, or Sites of Nature Conservation Interest - SNCIs) should also be excluded from SSM use.

It is suggested that a clearer hierarchy of protected sites should be defined within BNG terminology to avoid confusion. Currently, Local Nature Recovery Networks (LNRSs) often incorporate local nature reserves and apply BNG multipliers, but their focus is primarily on priority habitats, not all protected site designations. Sites with European Protected Species (EPS) or nationally/internationally designated sites should definitely not use the SSM. The applicability of the SSM to locally designated protected sites remains an area requiring further clarification.

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?

Yes

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:

Our overarching thought is that while the initial intention behind the SSM was to simplify the process for small sites, its practical application has revealed complexities and inconsistencies. Any future iteration or replacement needs a clearer hierarchy to ensure consistency across all metrics and categories, clarity in definitions, and appropriate professional competency for all BNG assessments.

SSM is to do with site size as opposed to the level of impact. As such, we oppose re-badging and recommend that the descriptions of each metric are kept relevant to the category names ie minor, medium and major.

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)?

No

Please elaborate on your answer here:

We believe that the trading rules in the SSM should not be removed entirely. Our consensus leans towards amending and improving these rules rather than outright removal.

Removing trading rules (which currently only apply to medium and low distinctiveness habitats in the SSM) would carry significant risks which should be fully evaluated before a change is made:
• Incentivising Inappropriate Choices: Removing trading rules risks incentivising inappropriate habitat choices based purely on ease or cost for developers, rather than on ecological relevance. This could lead to a preference for low-value grassland over more ecologically beneficial medium distinctiveness habitats like scrub or trees, thereby reducing overall ecological outcomes.
• Limited On-site Options: For small and urban sites, habitat options are often limited, meaning every biodiversity unit counts. Trading rules provide a safeguard to ensure that replacements offer comparable ecological value.

• Undervalued Urban Habitats: Urban habitats, such as introduced shrubs, play crucial roles in pollinator networks and provide structural diversity. Without like-for-like safeguards from trading rules, these valuable habitats could be undervalued or lost – including the green and blue infrastructure benefits that these provide.
• Weakening Planning Consistency: The SSM already excludes priority habitats; removing trading rules would further limit meaningful on-site delivery and could weaken planning consistency across different sites.
• Crucial for Guiding Outcomes: For some sites, trading rules are considered "quite crucial" and their removal could have "huge consequences" for guiding biodiversity outcomes, particularly in site-specific contexts.

We recommend improving the trading rules rather than removing them, specifically by:
• Requiring Same or Higher Distinctiveness Replacements: Trading down to low distinctiveness should be avoided. Replacements should, at minimum, be of the same distinctiveness as the habitat lost, or ideally, higher.
• Retaining Broad Habitat-Type Matching: This is essential to protect ecological function and ensure alignment with biodiversity policies.
• Considering Local Nature Reserves (LNRs): LNRs, often small and locally registered, could potentially benefit from BNG investment if carefully managed trading rules facilitate this, rather than causing them to 'fall between the cracks' of policy.

We view trading rules as a necessary mechanism to prevent a decline in ecological quality and ensure appropriate habitat choices, even within the limitations of the SSM. While acknowledging complexity, we advocate robust and comprehensive trading rules to be maintained and enhanced.

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)?

Yes

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

We agree that the trading rules within the SSM should be amended. We support allowing the loss of any medium distinctiveness habitat to be compensated for with any other medium distinctiveness habitat, but strictly not with low distinctiveness habitats.

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?

No

Please elaborate on your answer here:

The Landscape Institute opposes this proposal.

From a landscape architecture perspective, fixing habitat condition across all small sites:
• Oversimplifies Ecological Realities: It prevents the recognition of genuinely valuable baseline habitats that may already exist on a site (e.g. mature scrub, flowering lawns). This is seen as an arbitrary and inaccurate assumption.
• Undermines Professional Judgement: It removes the need for skilled assessment by qualified professionals (chartered ecologists or appropriately trained landscape architects), devaluing their expertise and the nuanced understanding required for site-specific ecological features. A rapid site assessment can quickly and more accurately determine actual baseline conditions.
• Discourages High-Quality Design: It discourages ambitious, design-led habitat creation aligned with Local Nature Recovery Strategies, as there's no incentive to aim for conditions better than a 'moderate' target.
• Risks Perverse Outcomes: Automatically rating a baseline as 'poor' could implicitly incentivise deliberate habitat degradation pre-application, as there would be no recognition of any existing good practice or value.
• Weakens Credibility of BNG: This approach undermines the credibility of the entire Biodiversity Net Gain (BNG) process within planning, reducing it to a simplistic tick-box exercise rather than a genuine ecological assessment.
• Discourages Site Visits: It promotes "desk-based decisions" over essential on-site surveys, which are crucial for understanding a site's specific ecological features, including seasonal variations, and its full potential.

We recommend a tiered approach instead:
• Default Values with Professional Override: While default values could potentially apply if no survey is submitted, there must be a mechanism to allow for professionally justified variation. This means allowing skilled professionals to accurately assess and record the actual baseline condition.
• Clearer Guidance for Higher Quality: Provide clearer guidance for assessing and committing to higher habitat quality where feasible, encouraging more ambitious and ecologically beneficial outcomes.
• Proportionality and Evidence-Based Assessment: The core principle should be proportionality and evidence-based assessment, ensuring that the baseline reflects the actual condition of the habitat, avoiding assumptions that could lead to inappropriate or insufficient BNG delivery.
• Cross-Professional Training: While acknowledging the years of specialist training required for certain habitats, relevant training could enable landscape architects to conduct adequate habitat assessments for BNG, complementing the expertise of dedicated ecologists.

This approach ensures that the BNG framework remains robust, encourages genuine ecological enhancement, and properly values professional expertise in landscape and ecology.

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:

A comprehensive approach to refining the BNG process for minor and medium developments centres on enhancing professional competency, pragmatism, ensuring proportionality and streamlining metric application.

The Landscape Institute supports a more proportionate, expert-driven BNG framework. This includes the potential for a refined SSM within a dual-metric system or a Single Scalable Metric, provided it addresses current shortcomings. Key recommendations for improvement are:

Establish Clear Competency Frameworks
Government regulations must explicitly define what constitutes a “competent person” for BNG assessments to ensure both professional robustness and accountability. This should enable professionals—including landscape architects—to demonstrate competency through accredited training and qualifications, rather than be assumed competent by default. A tiered approach is recommended, where Landscape Architects undertake assessments for low-risk or small-scale sites, and Ecologists lead on complex or ecologically sensitive projects. This ensures the right level of expertise is applied to each project context. It is also important to note that not all ecologists have practical knowledge of vegetation, planting, or soils, which are foundational to understanding a site’s habitat potential. Since BNG fundamentally concerns habitats, plants, and soil function, both ecological and landscape expertise should be recognised and clearly defined within the framework.

Enhanced Metric Recognition of Urban Habitats
The BNG metrics must better recognise and value multifunctional, design-led urban habitats, which are well-researched in terms of adding value for invertebrates, the cornerstone of a healthy ecosystem (e.g. introduced shrub, rain gardens, non-native street trees). These are crucial for BNG delivery in spatially constrained urban sites but are currently undervalued. Clearer guidance and improved urban habitat scoring are essential to support high-quality outcomes.

Empowering Landscape Architects
Landscape Architects should play a more central role in assessing and designing for BNG, especially on low-risk or minor sites. This is supported by:
• Their grounding in plant science, habitat design, and long-term maintenance
• Accredited professional education with emphasis on vegetation, soils, and ecology
• Experience producing habitat creation plans, specifications, management schedules and maintenance techniques.

Landscape Architects are well-positioned to guide developers and LPAs in determining proportionate levels of assessment and identifying site-responsive BNG strategies that are deliverable.

Integrated Ecological Expertise in Local Authorities
Every council and local authority should integrate an ecologist into their BNG process to provide essential in-house expertise, support developers, and streamline assessments. There is an urgent need to streamline processes and provide proportionate professional judgment. Minor spatial technicalities should not override ecological sense. A more flexible, expert-led and risk-based approach would overcome inconsistencies in BNG metric outcomes, and ensure efficient delivery of BNG across all development scales.

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?

No

Please elaborate on your answer here:

The Landscape Institute generally does not agree with this proposal. Instead, we strongly advocate retaining meaningful habitat distinctions and improving the scoring for urban habitats to ensure ecological accuracy and effective design outcomes.

Rationale for Retaining Habitat Distinctions
• Ecological Accuracy and Design Outcomes: Biodiversity-led planning requires distinguishing between habitats rather than simplifying them. Merging urban habitats in the SSM, while potentially streamlining calculations, risks ecological inaccuracy, weaker design outcomes, and missed opportunities for targeted biodiversity gains. Every site is different, and habitats should be recorded as they are surveyed to make the baseline metric more robust.
• Undervaluation of Urban Habitats: Current BNG and UKHab classifications tend to favour rural typologies, leading to an undervaluation of critical urban features such as biodiverse lawns, rain gardens, introduced shrubs, and swales. These "compact yet ecologically rich systems" play a vital role in urban ecosystems, supporting pollinator networks and invertebrate biodiversity, as evidenced by projects like the Urban Pollinators Project and Urban Green Up.
• Risk to Monitoring and Data Quality: Oversimplification through amalgamation also risks undermining post-development monitoring and the quality of data crucial for LNRS.
• Discouraging Site Visits and Professional Judgment: Fixing habitat conditions (e.g. automatically "poor" baseline) discourages essential on-site surveys and undermines the need for skilled professional assessment by ecologists or landscape architects, reducing BNG to a tick-box exercise.

Rather than merging habitats, the Landscape Institute recommends the following:
• Improve Scoring for Urban Habitats: The BNG metric should more appropriately value urban features based on their ecological function, structure, and flowering diversity. Models like London's Urban Greening Factor (UGF) could inform revisions to the SSM to better recognise these habitats.
• Retain Meaningful Distinctions: Continue to record habitats as they are surveyed to ensure a robust baseline metric.
• Better Habitat Identification Tools: Provide enhanced tools to support design-led, ecologically responsive BNG delivery.
• Proportionate and Evidence-Based Assessment: While acknowledging the desire for efficiency, any assessment should prioritise accuracy. Rapid site assessments, potentially aided by technology, can be used for initial evaluations to more accurately determine current conditions for certain broad

habitat types, but this should not replace detailed surveys where appropriate, especially for complex or valuable habitats.

The overarching aim is to balance efficiency with the need for accurate, site-specific understanding and meaningful biodiversity outcomes, ensuring that BNG effectively supports nature recovery in all contexts, including urban environments.

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

Yes

Please elaborate on your answer here:

The Landscape Institute agrees, to ensure habitats are more easily identified by non-ecologists, such as landscape architects. However, this is supported only with critical safeguards to protect ecological integrity.

• Expanding Professional Capacity: There's a recognised need to widen the pool of professionals capable of undertaking BNG assessments, particularly given the skills gap within local authorities. Landscape architects are considered well placed to undertake this role due to their holistic thinking and understanding of site context.
• Streamlining the Process: Making habitat identification more accessible could streamline the BNG calculation process, especially for low-impact or urban projects, and could allow the SSM to be more effectively utilised, potentially for a broader range of developments (e.g. medium development).

Any simplification must not replace sound ecological judgement or lead to generic, ecologically inappropriate design responses. To ensure robust BNG outcomes, the following are recommended:
• Improved Clarity and Consistency: Enhance clarity and consistency in habitat guidance and provide better visual tools (e.g. annotated photos, GIS overlays, Urban Greening Factor examples) to support assessors.
• Professional Ecological Oversight: While non-ecologists can contribute, ecological oversight must be retained in all but the simplest scenarios. Sites with protected species or sensitive designations must always involve a qualified ecologist to ensure robust, site-appropriate BNG outcomes.
• Minimum Training and Competency: Introduce minimum training or competency requirements for assessors, similar to the CSCS model in construction, ensuring that professionals (including landscape architects) develop the necessary skills for BNG assessment. Relevant training courses already exist, and the Landscape Institute is actively addressing this through competency reviews and collaboration with educational teams.
• Integration with Design Guides: Link habitat types to urban design guides to promote integrated, design-led solutions.
• Supporting Evidence: Require supporting evidence, such as photos or brief design notes, to ensure accuracy and accountability.
• Leveraging Landscape Architects' Skills: Recognise and leverage landscape architects' strong skills in habitat-based planting strategies, design, and specification for enhancement.

Ultimately, the goal is to balance efficiency and accessibility with the imperative for accurate, high-quality, and ecologically sound BNG delivery.

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?

Yes

Please elaborate on your answer here:

We believe that all such developments should use the main metric tool, rather than having a separate watercourse module within the SSM.

Our strong stance is driven by the critical importance of water ecosystems and the current crisis facing the UK's water environment:
• Crisis in Water Ecosystems: The UK's water ecosystems, along with adaptation and resilience strategies, are at a critical juncture due to challenges like floods, droughts, agricultural impacts, water supply issues, and the overall health of rivers and water habitats and wildlife. All stakeholders, including developers, share a joint responsibility for stringent scrutiny and stewardship to significantly improve this situation.
• Preventing Avoidance of Responsibility: There's an observed issue where developers are being permitted to relocate site boundaries (the "red line boundary") to specifically avoid responsibility for watercourses adjacent to their land, thereby sidestepping watercourse baseline assessment and biodiversity gain obligations. In the process, they are also side-stepping improvements to sustainable water management, water quality, and enhanced public access to blue networks. This practice should not be implicitly supported by consultants, the metric, or planning decisions.
• Integrating Crucial Blue-Green Assets: Landscape Architects view watercourses as vital opportunities to connect across natural systems. Applying the main BNG metric ensures these crucial blue-green assets are not overlooked or sidestepped.
• Leveraging Existing Legislation: The Water and Flood Management Act 2010 and the Environment Act 2021 underscore the critical need for enacting Schedule 3 of the Sustainable Drainage Systems (SuDS) regulations. These measures have been developed by a range of experts informed by baseline data and modelling on water systems and adaptation and resilience. They should be fully embraced as the only sustainable way forward for managing water in development.
• Addressing Poor Management and Pollution: Many riparian corridors are currently poorly managed and suffer from issues like nitrate and phosphate pollution, a decline in species populations as well as climate change impacts (e.g. lack of shade affecting chalk streams). Applying the main BNG metric would provide additional tools for their management and protection.
• Comprehensive Assessment for Complex Habitats: While the applicability of a watercourse module might depend on complexity, the inherent complexity and critical ecological role of watercourses necessitate the rigour of the main BNG metric tool. This ensures a comprehensive assessment that actively promotes their enhancement, leveraging the expertise of landscape architects in designing for these vital features.

Our position underscores the view that robust assessment of watercourses and their riparian zones is essential for genuine nature recovery and climate resilience.

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?

Yes

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?

Yes

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

We strongly agree that providing additional guidance on the identification and management of habitats within the SSM would be highly beneficial. This guidance is seen as crucial for improving the effectiveness and practical application of BNG.

The need for enhanced guidance stems from several key areas:
• Improved Habitat Identification: Clearer guidance and tools would assist non-ecologists, such as landscape architects, in accurately identifying habitats within the SSM and would help bridge the green skills gap in local authorities.
• Effective Long-Term Management: There's a recognised need for more practical advice on the ongoing stewardship and long-term management plans for created or enhanced habitats. The Landscape Institute has a vested interest in developing such guidance, as Landscape Architects' expertise is vital for ensuring the sustained ecological benefits promised by BNG and they are uniquely placed able to have a holistic approach working with multiple stakeholders.
• Contextual Management Needs: The guidance needs to recognise that management requirements for urban and rural sites often differ significantly. A "one-size-fits-all" approach to management is not appropriate, and current metrics may inadvertently favour certain habitat types (e.g. neutral grassland) that are not always suitable for every location.
• Achievable Management Regimes: There must be an acknowledgement that achieving an optimum management regime is not always possible in real-world scenarios. Guidance should offer practical, adaptable solutions that still deliver ecological value.

Re clarity: Yes, there are numerous excellent qualifications and training courses available and it would be good to establish clarity on competency. We strongly advocate for a formal and consistent definition of a 'competent person' for BNG assessments, especially concerning the SSM. The current broad definition, particularly the unqualified inclusion of "gardener," is seen as problematic and could compromise the quality and effectiveness of BNG outcomes.

We suggest a definition of competency that moves beyond generic titles to focus on verifiable and relevant expertise. This should include:
• Qualified Professionals: A competent person should be a qualified Landscape Architect, Ecologist, or Landscape Manager. The definition should be based on specific skills and qualifications rather than broad job titles.
• Multidisciplinary Approach: For more complex BNG assessments, competence may involve an industry professional or a team that brings together various disciplines and their specific expertise.
• Demonstrable Specialist Knowledge: Individuals undertaking assessments must be able to demonstrate an element of specialist knowledge and proof of that, often through specific training and qualifications (e.g. post-nominals). This mirrors established professional standards, such as BS5837 for arboriculturists.

Formal, Tiered Competency Framework: Implement a formal, tiered competency framework that includes training in habitat classification and condition assessment. This framework should lead to accreditation by cross-body organisations, as previously described. A Competency Hierarchy system would ensure that assessments are conducted in the most appropriate way creating improved outcomes for nature, speeding up the process and increasing understanding of the metric.

Improved consistency would raise professional standards and deliver genuine biodiversity gains.

2. Streamlining the BNG metric process - Watercourse metric

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

Don't know

Please elaborate on your answer here:

A single, blanket approach to watercourses is challenging due to their diversity. Watercourses are recognised as a type of habitat typically assessed with a dedicated "linear" watercourse metric. However, their distinctiveness (ranging from low-value ditches to very high-value rivers/priority habitats) varies significantly. There is also ambiguity as minor development could potentially encompass sites adjacent to more significant water bodies.

We suggest that DEFRA introduce a clear hierarchy for watercourse distinctiveness and corresponding assessment requirements. This would help clarify which level of survey or metric is appropriate based on the ecological value and protection status of the watercourse, ensuring proportionality and avoiding the current inconsistencies in application.

38 Should a different watercourse condition survey be employed for minor development using the watercourse metric when there is no impact?

No

Please elaborate on your answer here:

The Landscape Institute believes that a different watercourse condition survey should not necessarily be employed for minor development even when there's seemingly no impact. We lean towards a more restrictive and holistic approach for all developments within watercourse riparian zones, regardless of scale, to address the critical issue of water quality and diffuse pollution.

Our position is informed by several key concerns:
• Diffuse Pollution Crisis: There's a significant challenge with diffuse pollution, particularly phosphates from non-agricultural sources like old or overflowing septic tanks. These household sources often have a greater impact on river catchments than previously assumed.
• Policy Loophole and Lack of Influence: A major problem is the current lack of influence or mechanisms to engage householders and developers in addressing these non-agricultural pollution sources. Existing policy loopholes, such as no requirement to upgrade leaking septic tanks, highlight a systemic issue that extends beyond individual development sites.
• Missed Opportunities: Exempting minor developments from BNG or using a less rigorous watercourse survey misses crucial opportunities to initiate discussions and require interventions to address such pollution at a smaller scale. These seemingly minor contributions cumulatively impact larger catchment areas.
• Holistic Water Management: Water management must be viewed holistically. Small, individual sites contribute to larger catchment issues, and every opportunity should be taken to promote scrutiny and stewardship that supports significant improvement in water quality.
• Complexity and Area-Specificity: While individual circumstances might vary, the complexity and area-specific nature of water pollution mean that "one-size-fits-all" exemptions are not effective, especially in water-pressured regions.

We advocate that the main BNG metric tool should apply to all developments within the riparian zone of watercourse habitats, rather than a simplified survey or an exemption for minor development. This ensures that watercourse habitats, despite their complexity, are not overlooked or sidestepped in BNG assessments and that the metric actively promotes their enhancement and management.

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?

No

Please elaborate on your answer here:

The Landscape Institute does not support this idea. We affirm a catchment-based approach to water management and the recognition of the cumulative impacts of even small-scale developments:
• Cumulative Impacts on Water Quality: Even minor developments contribute to broader water-related issues such as water stress, increased flood risk, and nutrient pollution, particularly phosphates from household sources. These diffuse sources are often a significant, yet unaddressed, problem in river catchments.
• Missing Crucial Opportunities: Allowing minor developments to avoid watercourse BNG creates a loophole where vital opportunities for ecological connections and broader water management improvements are missed.
• Need for Holistic Management: We emphasise that water management requires a holistic perspective.
• Lack of Effective Mechanisms for Diffuse Pollution: While efforts in areas like nitrate neutrality have seen some success, effective mechanisms for addressing phosphate pollution, often from household sources, are still largely lacking. BNG presents an opportunity to introduce requirements that help tackle these issues.

Watercourses are a vital component of the natural environment. Minor developments, like all other forms, play a role in contributing to overall water quality and catchment health. The BNG metric provides a necessary tool to ensure this consideration.

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:
We support the digitisation of BNG metric tools, seeing it as an opportunity to improve accuracy and planning integration. However, any digital solution must go beyond simple ecological assessment and actively support design-led workflows and interdisciplinary collaboration. Key Features and Improvements Required 1. User-Friendliness and Guidance: o Prompts and Guidance: The tool needs to be intuitive, offering clear prompts and guidance for users, similar to well-designed web-based platforms. o Real-Life Examples: Access to real-life examples of good practice for all scales of development would be highly beneficial, along with links to Biodiversity Action Plans (BAPs) and relevant character studies. o Incentivisation: The digital tool should incentivise the inclusion of biodiverse features and potentially recognise good practice. 2. Integration of Design and Manual Data Entry: o Design-Led Workflow: Crucially, the digital tool must incorporate and reflect the impact of design in the process, moving beyond mere assessment and measurement. This means facilitating and reflecting good design principles for biodiversity. o Visual and Design-Aligned Inputs: As habitat creation is typically specified by landscape professionals, the tool should enable input that aligns with common landscape documents like planting plans, Sustainable Drainage Systems (SuDS), and construction details (e.g. specifying tree types, scrub blocks, biodiverse lawns). Visual inputs that reflect real design processes are preferred over purely spatial ones. 3. Clear Definitions and Interdisciplinary Collaboration: o Clear Definitions: The digital platform must provide clear definitions for terms and roles to avoid confusion among users from different professions. o Support for Collaboration: The platform should be designed to support interdisciplinary use, allowing planners, architects, and ecologists to collaborate seamlessly and input habitat data according to their respective roles. Flexibility is paramount to ensuring practical, accurate, and inclusive BNG delivery. 4. Geospatial Mapping and Data Integration (Optional but Valuable): o National Biodiversity Picture: If implemented, linking the digital tools to mapped, location-related data (GIS) would be very valuable. This would allow for the visualisation of baseline surveys and proposals, contributing to a national picture of biodiversity and linkages that supports strategic planning and monitoring. o Integrated Data: The platform should facilitate the integration of both desktop and on-site survey information. The Landscape Institute is keen to assist in developing these design-led elements within the digital BNG tools, ensuring they are user-friendly, accurate, and truly supportive of robust nature recovery efforts.

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?

No

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?:

We hold a nuanced view on whether biodiverse features in vegetated gardens should count towards BNG. While acknowledging the significant potential for gardens to contribute to biodiversity, there are major concerns regarding enforceability, long-term management, and the potential for exploitation.

Arguments for Counting Vegetated Gardens
• Recognised Ecological Value: Gardens, if managed for biodiversity, can make a major contribution to local ecological networks, especially when replacing ecologically degraded land. Research into the ecological value of average gardens is lacking but needed.
• Broader Interpretation of "Garden": The term "vegetated gardens" should not be limited to private rear gardens. It could encompass communal gardens managed by social landlords, roof gardens, or publicly accessible green spaces designed as part of developments (e.g. Walthamstow Wetlands). These offer significant opportunities for biodiversity.
• Connectivity: Even small measures within gardens, like hedgehog tunnels, can provide crucial connectivity for wildlife across a wider network.
• Community Engagement: There's evidence of residents' willingness to contribute to local nature recovery through coordinated initiatives in private gardens.

Arguments Against Counting Private Gardens Without Robust Controls
Our primary concerns preventing full endorsement of counting private gardens are:
• Lack of Control and Enforceability: The most significant hurdle is the difficulty in enforcing long-term management plans for millions of independently managed private plots. Planning authorities often lack the resources for such widespread enforcement, potentially leading to developers submitting ambitious plans that are never realised on the ground.
• Risk of Exploitation: There's a strong concern that allowing private gardens to count towards BNG could become an excuse for developers to remove valuable habitats elsewhere on-site, replacing them with small, potentially poorly maintained gardens. This could enable developers to avoid creating robust communal or public open spaces with guaranteed biodiversity outcomes.
• Long-Term Maintenance Issues: Experience shows that even planted trees in private gardens may not survive due to a lack of long-term care, undermining biodiversity gains.
• Definitional Clarity: A clear definition of "garden" within the guidance is critically needed to distinguish between truly private, uncontrollable spaces and communal or publicly accessible areas that could be subject to robust management plans and enforcement.

While there's an appetite to recognise the potential biodiversity contribution of vegetated gardens, particularly those that are communally managed or part of coordinated initiatives, the overwhelming concern is the enforceability and long-term maintenance in private hands.

If private gardens were to count towards BNG, the Landscape Institute would recommend strict management plans and enforceable mechanisms to be in place. Alternatively, the definition of "garden" should be clarified to primarily refer to collectively managed spaces where long-term biodiversity outcomes can be genuinely secured and monitored. This would ensure that BNG truly delivers on its promise of net gain rather than becoming a loophole for ecological degradation.

We don't support the inclusion of private residential gardens in BNG calculations. This stance is due to the fundamental difficulty in enforcing the crucial 30-year maintenance and monitoring requirements, as features within private gardens can be altered or removed once a property is sold, undermining BNG credibility.

However, the Institute does support counting biodiversity features in communal or shared gardens. For these spaces to contribute to BNG, strict criteria must be met:
• Legal Security: Features must be secured by a Section 106 agreement, covenant, or a robust management contract.
• Long-Term Management: Enforceable long-term management plans must be in place.
• Professional Design: Spaces must be professionally designed and formally integrated into the development's landscape masterplan.

This approach for communal areas ensures a more attractive and ecologically robust urban development outcome, reflecting successful historical precedents.

Clear definitions of "garden" versus larger "estate" or "soft open space" within planning is required. For very large private gardens (e.g. extensive estates), where a long-term management plan could realistically be enforced through planning conditions or Section 106 agreements, their inclusion might be considered, but this necessitates a refined glossary of terms to guide consistent application by authorities and professionals.

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?

No

Please elaborate on your answer here:

We do not support relaxing or updating the Biodiversity Gain Hierarchy for minor development. There is a clear consensus that maintaining the existing hierarchy is crucial for the effective delivery of BNG across all development scales.

Our stance is based on the following:
• Essential for Ecological Integrity and Design: The hierarchy is fundamental for embedding biodiversity directly into site design. Relaxing it would risk undermining ecological integrity and the crucial principle that nature recovery should be design-led, not treated as an afterthought.
• Preventing Fragmentation: While there's an acknowledgement that off-site contributions to larger, connected areas of nature might seem beneficial, there's a risk of concentrating nature away from urban areas and creating fragmented pockets. Relaxing the hierarchy for minor developments could lead to significant long-term negatives, including widespread habitat fragmentation.
• Cumulative Impacts: Minor developments, despite their individual scale, have significant cumulative impacts on biodiversity.
• Undermining Urban Greening: Small, cumulative interventions like street trees, swales, and green roofs are already delivering significant biodiversity value in constrained urban areas. Relaxing the hierarchy would risk undermining these efforts and reducing innovation in urban greening.
• Risk of Routine Off-site Compensation: Weakening the hierarchy could lead to developers routinely opting for off-site compensation, thereby weakening biodiversity outcomes in the very places where people live and work, and potentially eroding public trust in BNG.

Instead of weakening the hierarchy, we recommend supporting small sites through proportionate support, not policy dilution. This includes:
• Clearer Urban Guidance: Providing more specific guidance tailored to urban contexts.
• Increased Scoring for Viable Urban Habitats: Better valuing the biodiversity contribution of urban habitats within the metric.
• Investment in Local Habitat Banks: Encouraging and facilitating local, strategically located habitat banks for off-site contributions when on-site delivery is genuinely not feasible.
• Clarifying Responsibilities: Ensuring clear responsibilities for the maintenance of communal green spaces.

Retaining the biodiversity gain hierarchy is critical to maintaining public trust, enhancing placemaking, and ensuring meaningful BNG delivery across all development scales.

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

Don't know

Please elaborate on your answer here:

Relaxing the Biodiversity Gain Hierarchy for minor development might offer some short-term relief. However, the Institute strongly believes that this comes at a significant cost to long-term ecological outcomes, and therefore, does not support such a relaxation.

There are several key concerns with weakening the hierarchy for minor developments:
• Undermining Long-Term Ecological Outcomes: While site constraints and costs for small developers are real, bypassing on-site delivery through a relaxed hierarchy often leads to fragmented, lower-quality biodiversity outcomes.
• Over-reliance on Rural Offset Sites: A relaxed hierarchy could encourage an excessive reliance on rural offset sites for BNG, potentially neglecting crucial opportunities for nature recovery in urban and near-urban environments where people live and work.
• Detriment to Place and Townscape: Permitting off-site BNG as a default could come at the detriment of local place, townscape, and landscape, leading to developments that lack integrated green infrastructure and fail to contribute to local environmental quality.
• Compromising BNG's Integrity: BNG must remain a genuine strategy for ecological improvement, not simply a "tick-box exercise." Diluting the hierarchy risks compromising the policy's ambition, integrity, and long-term stewardship.

Instead of weakening the hierarchy, we propose the following solutions focused on improving how BNG is delivered on minor sites while maintaining the hierarchy's integrity:
• Recognise Urban Habitat Value: Better acknowledge and value urban habitats within the BNG metric, such as introduced shrub, native hedges, and biodiverse lawns. These features are vital for ecological gains in constrained urban settings.
• Include Communal Garden Features: Allow biodiversity features within communal or shared gardens to count towards BNG, provided their long-term management is legally secured through covenants or management contracts.
• Invest in Local Off-site Options: Promote investment in local off-site biodiversity options and ensure these align with broader strategic green infrastructure and Local Nature Recovery Strategies.
• Align with Urban Greening Factor (UGF) Principles: Integrate BNG delivery with UGF principles to encourage high-quality, multifunctional green infrastructure within developments.

In this way we believe that BNG delivery can be made more viable for small developers without sacrificing the long-term ecological benefits and integrated design outcomes that the biodiversity gain hierarchy aims to achieve.

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.

No

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

The Landscape Institute does not agree this would deliver better outcomes for nature. While off-site delivery has a necessary role as a compensation mechanism in highly constrained scenarios (e.g. high-rise apartments), we are concerned that its current implementation often undermines the fundamental intent of BNG. We maintain a strong preference for on-site biodiversity enhancements, particularly for developments in urban and edge-of-town locations.

Our position is based on several key arguments:
• Mismatch with Urban Needs: Most off-site BNG units are located in rural areas, which are often mismatched with the urban and edge-of-town locations where the majority of minor developments occur. These rural offset sites typically do not address the critical issues of urban ecological fragmentation or support community access to nature where people live and work.
• Effectiveness of Urban Interventions: Small, on-site interventions, such as native shrubs, rain gardens, and biodiverse lawns, significantly enhance urban biodiversity, contribute to climate resilience, and directly support Local Nature Recovery Strategies. Research, like that by Baldock et al. (2019), demonstrates that well-designed urban habitats effectively support pollinators and overall ecological function.
• Erosion of Public Connection to Nature: Over-reliance on off-site delivery erodes the public's connection to nature in their immediate environment, which contradicts core goals outlined in the 25 Year Environment Plan and the Levelling Up agenda.
• Risk of Poor Design and Fragmentation: Prioritising off-site gains can lead to poorly designed, less "liveable" new developments, as developers might neglect integrated, on-site biodiversity in favour of more economically convenient, but often less impactful, remote solutions. This can result in fragmented, lower-quality outcomes.
• Developer-Driven Pressure: The very existence of off-site provision as a primary option is seen, by some, as a result of pressure from developers, rather than an optimal ecological strategy.
• Hierarchy Preference: The strong consensus is that the biodiversity gain hierarchy, which prioritises on-site mitigation, should always be adhered to. Off-site provision should strictly be the last resort, available only if it is supplied effectively and genuinely compensates for unavoidable on-site impacts.

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

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

No

Please elaborate on your answer here:

We are concerned that such a change would undermine the core principles of the Environment Act and have significant negative cumulative impacts on local nature recovery. We acknowledge the link between the application of BNG and the supply side. Further review of the market in terms of the availability of units will be needed, rather than a blanket change at this point.

Our decision is based on several key arguments:
• Upholding Environmental Act Principles: A fundamental principle of the Environment Act is to ensure that biodiversity benefits are delivered near to the people affected. Disapplying the multiplier would directly weaken this principle, potentially encouraging off-site gains to be located further away, primarily for the financial convenience of developers, rather than for optimal ecological benefit or local community access.
• Mitigating Cumulative Impact: Minor developments, while small individually, represent a large volume of development collectively. Disapplying the spatial risk multiplier for these numerous projects could have a major impact by significantly reducing the overall local biodiversity gain and the associated funding available for local nature recovery initiatives.
• Supporting Local Nature Recovery Strategies (LNRS): The multiplier incentivises spatially relevant gains, ensuring that BNG contributions align with local priorities and contribute to the connectivity and resilience outlined in Local Nature Recovery Strategies. Disapplying it would lead to less scope for achieving the LNRS as it would reduce the incentive for gains to be delivered where they are most ecologically and socially beneficial.
• Prioritising Effective Outcomes Over Administrative Relief: While acknowledging that developers might seek disapplication to reduce administrative burden or save costs, the Landscape Institute believes that such considerations should not come at the cost of effective, spatially relevant biodiversity outcomes that genuinely support nature recovery.

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?

Yes

Please elaborate on your answer here:

We advocate this for the following reasons:
• Ecological Relevance: LNRSs and NCAs are inherently more ecologically relevant for guiding BNG. They are defined by natural character and existing environmental evidence, making them a more logical and effective basis for biodiversity planning compared to the arbitrary political boundaries of LPAs.
• Robust Evidence Base: NCAs offer a wealth of information that is regularly updated, providing a valuable and comprehensive evidence base for steering what interventions might look like. Similarly, LNRSs typically have very detailed baseline evidence, often building upon previous Biodiversity Opportunity Areas, which offers a strong foundation for assessment.
• Consistency and Collaboration: Basing the multiplier on LNRSs encourages collaboration at Pan Local Authority level leading to shared knowledge, experience, and sometimes resources across broader ecological regions (e.g. across entire counties). This contributes to greater consistency and a more joined-up approach to BNG delivery.
• Incentivising Local Delivery: Once fully implemented and functioning seamlessly, aligning the multiplier with LNRSs could significantly incentivise habitat banks to set up in locations which favour local delivery, ensuring that biodiversity gains are spatially relevant and benefit the communities affected by development.
• Skilled Resource Alignment: The presence of LNRS officers, often from conservation or land management backgrounds, further supports the practical application of LNRS-based BNG, even if their individual skill sets may vary.

While the Landscape Institute supports this amendment in principle, we caution that this change should not take place until the LNRS framework as a whole is functioning seamlessly and adopted throughout the UK. This hugely important project needs to be fully established and cohesive before the BNG

methodology can effectively align with it.

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?

Yes

Please elaborate on your answer here:

We believe such a review is needed. An OMH is particularly important in urban and brownfield areas. These habitats, often created accidentally over time or through industrial processes, can be ecologically unique and difficult to recreate. Concerns exist that current ecological assessments may overly simplify OMH, categorising diverse areas as merely "nettles and brambles," which overlooks their actual biodiversity value, such as supporting specific insect species.

A clearer definition and understanding of OMH's ecological value and its varied forms is crucial. This would allow landscape professionals to better integrate OMH into their designs and support alternative habitat delivery that genuinely enhances ecological value, rather than simply replacing existing (and potentially valuable) habitats. The aim is to balance ecological value with practical constraints and design-led solutions.

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

Yes

Please elaborate on your answer here:

We support this, particularly in cases where like-for-like OMH creation is demonstrably unviable. This approach prioritises retaining ecological value while acknowledging practical constraints.

Our position is based on several considerations:
• Practical Constraints of OMH Creation: Creating OMH on brownfield or urban infill sites is often impractical due to limitations in space, suitable substrate, and ongoing disturbance. Furthermore, off-site OMH units are rare and expensive, often making them unviable for affordable housing or regeneration schemes. There's also limited commercial availability of the specific stress-tolerant, pioneer species that OMH typically relies upon.
• Ecological Equivalence of Alternatives: Well-designed alternative habitats can effectively replicate the ecological function of OMH, supporting comparable invertebrate biodiversity. Examples include rubble mosaics, brown roofs, ephemeral scrapes, or urban wildflower-rich meadows. These alternatives can align with OMH's key principles of disturbance, diversity, and heterogeneity. Research from organisations like Buglife and studies such as Baldock et al. (2019) provide evidence that such urban mosaics can deliver similar ecological benefits.
• Supporting Brownfield Regeneration: A pragmatic, evidence-based approach that allows for OMH substitution supports vital brownfield regeneration projects, aligning with national BNG policy while maintaining ecological integrity in constrained urban settings.

Conditions for Allowing Alternatives
If alternative habitat delivery for OMH is permitted, we stress that certain conditions must be met:
• Demonstrable Unfeasibility: OMH substitution should only be allowed where like-for-like OMH delivery is demonstrably unfeasible.
• Ecological Equivalence: The alternative habitats must be ecologically equivalent to the OMH being lost.
• Bespoke, Long-Term Management Plans: Any alternative habitat must be supported by bespoke, long-term management plans to ensure its sustained ecological value.
• Guidance and Collaboration: New guidance should include illustrative urban habitat types that serve as suitable OMH alternatives and encourage close collaboration between ecologists and landscape professionals in their design and implementation.

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:

Alternative habitat mosaics can replicate the ecological benefits of OMH, particularly in supporting invertebrate-rich communities, when designed with key considerations in mind. The core principle is to understand and recreate the biodiversity value of OMH, which lies in its bare ground, successional vegetation, and structural diversity.

We suggest several design-led alternatives that can achieve comparable ecological function to OMH:
• Brown and Biodiverse Roofs: These can mimic early successional OMH by using crushed brick and low-nutrient substrates. They are effective in encouraging thermophilic species like solitary bees and beetles, and are recommended by organisations such as RSPB and Buglife, with successful applications by practitioners like John Little.
• Disturbed Bare Ground with Sparse Vegetation: This approach creates environments that support sun-loving and burrowing invertebrates, requiring periodic disturbance to maintain their ecological benefits. Pilots in Liverpool and Valladolid (Urban GreenUP) have demonstrated strong outcomes with this method.
• Dry Grassland with Rubble or Aggregates: By combining nutrient-poor soils with concrete or brick fragments, these habitats provide crucial thermal and nesting niches for invertebrates. Research, including that by Baldock et al. (2019) and observations from John Little's community sites, shows their effectiveness in boosting pollinator populations.
• Ephemeral Pools and Wet Scrapes: These features support diverse aquatic invertebrates like midges and beetles and are relatively easy to maintain on brownfield sites, adding a valuable hydrological element to the mosaic.

• Microtopography and Structural Features: Incorporating elements such as rubble piles, banks, logs, and woody debris offers vital refuges and microhabitats for a wide range of invertebrates, including ants, hoverflies, and carabids.

To ensure these alternative mosaics provide equivalent ecological benefits, the following design considerations are crucial:
• Substrate Choice: Avoid using topsoil. Instead, opt for low-nutrient substrates that mimic the natural conditions found in OMH.
• Varied Conditions: Create structural and moisture variations across the site to support a wider range of species.
• Planned Disturbance: Implement a management plan that includes periodic disturbance. This is essential for sustaining the early successional niches that many OMH-associated species rely on.
• Community Integration: Where feasible, integrate these habitats with community use to enhance both ecological and social value.

This pragmatic, evidence-based approach enables the delivery of viable, community-integrated BNG outcomes on urban and brownfield sites, ensuring that ecological function invertebrates, is maintained even when direct OMH creation is impractical.

If you are happy to be contacted to discuss, please provide your email:
andrew.rylah@landscapeinstitute.org

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:

We support the conservation of OMH on brownfield sites but acknowledge that current BNG requirements can significantly hinder their viability for development. This is due to issues such as the scarcity and high cost of OMH units, difficulties in recreating OMH on-site, confusion in mapping, and high credit costs.

To maintain ecological value while improving the viability of developing brownfield sites with OMH, we suggest the following:
1. Broaden Acceptable Habitat Substitutes: Allow for functionally equivalent mosaics that can provide similar ecological benefits to OMH. Such as:
o Brown and biodiverse roofs
o Rubble grasslands
o Areas of disturbed ground
o Seasonal wetlands
2. Enable Design-Led OMH Integration: Support the integration of OMH-style features within mixed-use and community landscapes.
3. Offer Transitional Credit Support: Introduce reduced OMH credit rates or permit partial contributions for small sites where full OMH recreation is not feasible but where equivalent ecological function can still be delivered through alternative means.
4. Improve OMH Identification Guidance: Publish clear, image-based guidance for identifying OMH. This would help reduce misclassification and avoid confusion with other ruderal habitats, ensuring more accurate baseline assessments.
5. Fund Urban OMH Trials: Support and invest in trials for OMH creation specifically within brownfield contexts. This would help expand the evidence base and develop more effective tools and techniques for delivering OMH or its functional equivalents in challenging urban environments.
6. Apply Tiered Requirements: Introduce scaled expectations for sites under 0.5 hectares where full OMH recreation is impractical. This acknowledges the unique constraints of smaller sites while still aiming for meaningful biodiversity gains.

Implementing measures such as these demonstrates it is possible to support brownfield regeneration and ensure ecological value is maintained through OMH alternatives, adjusting credit expectations realistically, improving guidance for practitioners, and aligning outcomes with the National Planning Policy Framework (NPPF), and Local Nature Recovery Strategies.

5. Next steps

Consultee Feedback on the Online Survey

51 Overall, how satisfied are you with our online consultation tool?

Satisfied

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