

Report of the Chief Executive

Briefing Note: Biodiversity Net Gain (BNG) Reform
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1. Purpose of Report

This report provides a summary of the proposed reforms to Biodiversity Net Gain.

2. Recommendation

The Committee is asked to NOTE the contents of this report.

3. Detail

The government has published regulations The Biodiversity Gain (Town and Country Planning) (Amendments and Transitional Provisions) (England) Regulations 2026, that have taken effect from 6th August 2026.

For planning applications submitted on or after 6 August 2026, the rules for exemptions change and BNG hierarchy for minor developments change.

- New exemption for developments of 0.2 hectares or below.
- New exemption where developments are temporary, i.e. where the whole development is temporary; or planning permission is granted for 5 years or less.
- Exemption removed for self-build and custom build applications.
- For non-major developments, the onsite-first hierarchy preference is removed i.e. onsite habitat enhancement / creation and registered offsite biodiversity gains are given the same level of legal priority. The purchase of biodiversity credits remaining a last-resort option.

4. Financial Implications

The comments from the Head of Finance Services were as follows:

There are no additional financial implications for the Council with the costs/income being within the normal course of business and contained within existing budgets. Any separate financial issues associated with S106s (or similar legal documents) are covered elsewhere in the report.

5. Legal Implications

The comments from the Head of Legal Services were as follows:

The Legal implications are set out in the report where relevant, a Legal advisor will also be present at the meeting should legal considerations arise.

6. Data Protection Compliance Implications

Due consideration has been given to keeping the planning process as transparent as possible, whilst ensuring that data protection legislation is complied with.

7. Climate Change Implications

Climate Change implications are considered within the report

8. Background Papers

Nil.

New Exemptions from 6th August 2026

Developments of 0.2 hectares or below:

BNG does not apply to planning applications for developments where the site area within the red line boundary is 0.2 hectares or below.

Temporary developments:

From 6 August 2026, BNG does not apply to short-term developments if:

- the whole development is temporary
- planning permission is granted for 5 years or less

* If there is an impact on priority habitat on-site (if it decreases its biodiversity value), the exemptions for the above developments do not apply and BNG must be met.

** The self-build and custom build exemption is removed.

Existing Exemptions from 12th February 2024

Planning applications submitted before mandatory BNG:

Any planning applications for developments made before 12 February 2024 are exempt from BNG.

Small developments:

Any planning applications for small ('minor') developments made before 2 April 2024 are exempt from BNG.

Variations of planning permission:

Transitional arrangements also apply for variations to existing planning permissions. For example, where the original planning permission was not in scope of BNG, BNG will not apply to future variations in most cases.

Householder applications

These are small projects householders carry out in their own homes.

Sites created for off-site BNG gains

Developments creating or enhancing habitats solely or mainly for the purpose of fulfilling the BNG planning condition for another development are exempt.

High speed rail transport network

An exemption applies to developments that are part of, or ancillary to, the high-speed railway transport network.

Other exemptions:

The following are exempt by the Environment Act 2021:

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

For more information, it is advisable to consult the Local Planning Authority.