

Department for Environment, Food and Rural Affairs
Seacole Building
2 Marsham Street
London
SW1P 4DF

Page | 1

By email only: bngconsultation@defra.gov.uk

23 July 2025

Dear Sir/Madam

RE: Improving the implementation of Biodiversity Net Gain for minor, medium and brownfield development – Defra consultation

I am writing on behalf of the London Property Alliance CPA/WPA (“LPA”) to respond to the consultation on improving the implementation of Biodiversity Net Gain for minor, medium and brownfield development.

The LPA is a not-for-profit membership body and advocacy group representing more than 300 of the leading owners, investors, professional advisors and developers of real estate operating in the Cities of London and Westminster, via our respective associations City Property Association (“CPA”) and Westminster Property Association (“WPA”). The LPA provides a unified voice for the real estate sector across London’s Central Activities Zone (“CAZ”). You can see a full list of our members for our respective bodies [here](#) and [here](#).

Our comments in response to the consultation questions have been included at Appendix 1 – please note that we have not responded to all questions. We set out below our overarching comments, which should be read alongside our responses in Appendix 1:

1. **We support the Government’s aspirations to improve the implementation of BNG on small and medium sites, and brownfield sites.** Improving biodiversity in our built environment is incredibly important, not only to increase biodiversity but also to help tackle climate change and deliver well-designed, healthy places which support the wellbeing of communities.

However, as with all planning considerations, the benefits of delivering biodiversity, and the scale to which this is done needs to be weighed up in the planning balance on a case-by-case basis. Because BNG is enshrined in regulations, its application is binary, unlike planning policy where officers can take a balanced, professional view. There are instances where schemes have to be amended, at the detriment of other planning considerations, in order to meet BNG requirements.

In dense urban environments like London it can sometimes be challenging for schemes to deliver BNG improvements in line with regulations. BNG requirements can also disincentivise developers from providing new green spaces (e.g. green roofs) due to the risk of BNG penalties in the future. For example, if a green roof is installed but in due course a small part has to be removed to make space for necessary roof plant.

Development should be encouraged, wherever feasible, to maximise biodiversity on site but this must be balanced against the need for the development to also provide for a range of, equally important, other planning considerations – for example, energy efficiency measures, heritage preservation/enhancement, flooding considerations, public realm improvements etc.

We welcome the opportunity to respond to this consultation on behalf of our members and would welcome any further opportunity to engage with the Government this topic. Page | 2

If you would like to discuss any aspect of this letter and our representations further, please do not hesitate to contact me.

Yours faithfully,



Charles Begley
Chief Executive, London Property Alliance

Enc. Appendix 1 – London Property Alliance – Representations on improving the implementation of Biodiversity Net Gain for minor, medium and brownfield development – Response to consultation questions

APPENDIX 1: Representations on improving the implementation of Biodiversity Net Gain for minor, medium and brownfield development – Response to consultation questions

Question: Do you support the following statements (yes/no):

Page | 3

- I. **No changes should be made to exemptions**
- II. **Some changes should be made (please state which options you support with thresholds were applicable)**
- III. **All minor development should be exempt**

We support Statement III – all minor development should be exempt.

Question: Do you agree the area de minimis threshold should be extended? If yes, which of the following thresholds do you think is most appropriate:

- **50 square metres**
- **100 square metres**
- **250 square metres**
- **Other threshold**

The de minimis threshold is relevant for both minor and major development, particularly in a central London context where relatively large urban sites can come forward which have limited existing habitat. We support the extension of the de minimis threshold. We also urge the Government to consider the type and quality of habitat which can be captured within the BNG requirement definition and consider opportunities to exclude further areas of habitat. Roof spaces within central London, for example, can provide low quality existing 'habitat' as per the regulations and this space can be quite large spatially. However, when the quality of habitat is low, it does not provide benefit to the wider area and such space could be much better utilised.

Within Westminster and the City of London, roof spaces can provide attractive and useful private and public amenity spaces. BNG requirements can limit opportunities. This appears strange particularly where existing habitat is low quality and does not provide benefit.

Question: Do you think the BNG requirement should be removed for minor development (for example including up to 9 residential homes) please provide evidence for your response where possible.

Yes, we would strongly support the removal of the BNG requirement for minor development. Due to the binary nature of BNG, this planning requirement can take precedence over equally important other planning considerations (which are sought under planning policy). Particularly on complex sites in constrained urban environments, the opportunities for increasing biodiversity are limited and achieving BNG can sometimes be challenging.

National planning policy and guidance could still of course require development to maximise biodiversity opportunities, but this could be in the context of achieving other planning objectives.

Question: 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?

Yes, we would support extending the de minimis threshold to cover other types of development that have little or no impact on biodiversity.

Question: Do you agree that temporary planning permission should be exempt from BNG? Please provide evidence where possible, including examples of developments that you think would be exempted. If yes, do you agree with the 5-year time limit?

Yes, we would strongly support exempting temporary planning permissions from BNG requirements. Enabling temporary or meanwhile uses, particularly on construction sites, is a useful way to activate spaces for local communities and often provide effective incubator space for start ups and SMEs. Placing onerous BNG requirements on temporary planning permissions could inhibit such development coming forward.

Question: Do you agree the biodiversity gain hierarchy should be updated for minor development?

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

Page | 4

Question: 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.

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

We believe minor development should be exempt from BNG requirements, and therefore the biodiversity gain hierarchy would not be applicable to this type of development. Notwithstanding this, should minor development continue to generate a requirement, we would support measures to make it easier and cheaper for these to be delivered off-site.

Question: Should we review the metric habitat definition, condition assessment criteria and guidance to assist with the correct identification and classification of OMH?

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

Question: 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?

Question: 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?

We would strongly support measures to increase flexibility for brownfield sites in respect of the BNG requirements stemming from Open Mosaic Habitat. Rightly, national planning policy adopts the brownfield first approach and seeks to prioritise it. The scoring given to the Open Mosaic Habitat is making achieving that objective significantly more challenging. We strongly agree that development on brownfield sites should be optimised to deliver the homes and jobs which the country needs. Whilst such sites should be delivering wider planning benefit, including biodiversity, such benefit needs to be balanced against a range of other important considerations. We suggest the weighting giving to this form of habitat in the metrics is adjusted to ensure that that less sustainable locations for development are not, inadvertently, prioritised by brownfield sites being made more challenging.