Contact: Conservation Team
E-mail: swtconservation@sussexwt.org.uk
Date: 2 November 26

By email only
planningpolicy@wealden.gov.uk

Dear Planning Policy Team

Wealden Local Plan Submission Draft (Regulation 19) Consultation

The Sussex Wildlife Trust (SWT) recognises the importance of a plan-led system as opposed to a developer-led process and supports Wealden District Council's (WDC) desire to produce a cohesive Local Plan. SWT hopes that our comments are used constructively to make certain that this submission plan properly plans for the natural capital needed within the district and ensures that any development is truly sustainable and supports nature's recovery as per paragraphs 187 and 188 of the December 2024 NPPF and plan making policy CC1 of the current NPPF.

Where we are proposing a change to policy or the supporting text, recommended additions are highlighted in **bold** and deletions are ~~struck through~~.

SWT wishes to submit comments on the following policies. An absence of comment on an individual policy should not be considered a reflection of our support or objection to a policy. We reserve the right to amend our comments in the light of new evidence.

3 Vision and Objectives

SWT supports the vision and objectives set out in the submission plan, which clearly recognise the need to protect, restore and enhance the natural environment; and respond to the climate crisis, including through nature-based solutions.

However, the wording for "Protecting our natural environment and increasing biodiversity" Objective (a) is unclear and combines multiple policy aims within a single point. To be effective, it needs to be amended to improve clarity and ensure it accurately reflects Policies NE1, NE2, SS9 and SS10.

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4 Spatial Strategy

The spatial strategy recognises the need to conserve and enhance the district's natural environment but does not reference the East Sussex Local Nature Recovery Strategy (LNRS).

The East Sussex LNRS sets out local priorities for nature recovery and maps the most valuable existing areas for nature, as well as specific proposals for creating or improving habitats. As such, it is a fundamental element of the ecological evidence base and should inform decisions about the location of development.

Section 40 of the Natural Environment and Rural Communities Act (as amended by the Environment Act 2021) places a duty on all public authorities who operate in England to consider how they can conserve and enhance biodiversity. In complying with this duty all public authorities must "have regard" to any relevant LNRS to safeguard key areas for nature recovery and encourage development that supports action for nature.

In order to justify the spatial strategy and the nature recovery requirements in the plan, the East Sussex LNRS should be referenced and used to inform decisions.

Policy SS8
SWT supports this policy and particularly the references to supporting nature recovery and ecological resilience through multi-functional, connected green infrastructure, habitat restoration and improved land management practices; and protecting, enhancing and connecting habitats to support species adaptation and ecological resilience. This is consistent with the requirements of chapter 15 of the December 2024 NPPF and current National Plan Making Policies CC1 and N1.

Policy SS9
SWT supports this policy and particularly the reference to incorporating multifunctional green and blue infrastructure and providing access to nature to support health, wellbeing and climate resilience. This is consistent with the requirements of chapter 15 of the December 2024 NPPF and current National Plan Making Policies CC1 and N1.

Policy SS10
SWT supports this policy and particularly the reference to maximising opportunities to enhance and deliver ecosystem services. This is consistent with the requirements of paragraph 187 of the December 2024 NPPF and current National Plan Making Policy N1.

5 Climate Change

Policy CC8 Sustainable Drainage (SuDS)
SWT supports this policy, particularly the section relating to protection of Pevensey Levels SAC and Ramsar Site, and reference to opportunities to SuDS that enhance climate resilience, nature recovery and green and blue infrastructure. This is consistent with the requirements of paragraph 188 of the December 2024 NPPF and current National Plan Making Policies CC1 and N1.

6 Natural Environment

Policy NE1 Biodiversity, Geodiversity and Nature Recovery
SWT supports this policy, which recognises the importance of the mitigation hierarchy, the East Sussex LNRS and the need to go beyond seeking to protect habitats to ensure they are restored, enhanced and created.

We welcome the specific reference to Local Wildlife Sites (LWS) in paragraphs (3) and (4) but the policy wording here should be strengthened to emphasise the need to safeguard these locally designated sites, in line with paragraph 192a of the NPPF (December 2024). It is also relevant to consider Policy N6 of the new NPPF (2026), given that this is the version against which planning decisions will be made once the Wealden Local Plan is adopted. Policy N6 states that development on a LWS should only be supported if there would not be a significant adverse effect on the integrity of the site; or the benefits of development in the location proposed clearly outweigh the likely impact on the features which make the site valuable for nature conservation.

Therefore, in order to be consistent with national policy, paragraph (4) of Policy NE1 should be amended as follows:

4. Where planning permission can be granted, having followed the mitigation hierarchy of avoidance and mitigation first, the remaining area of the site will be protected by a planning condition or planning obligation and ***appropriate compensation should be provided*** ~~*opportunities should be taken as appropriate to provide satisfactory compensatory measures in this area for any harm caused. Where compensatory measures are required, these should be provided*~~ *onsite wherever feasible and ecologically appropriate. Where this is not possible, or where greater ecological benefits can be achieved elsewhere, offsite compensation will be required.*

Since all LWS are identified within the East Sussex LNRS as Areas of Particular Importance for Biodiversity (APIBs), development within a LWS will result in the loss of APIB and compensation for this loss should also consider the adjacent Areas that Could become of Importance for Biodiversity (ACIBs).

Policy NE2 Biodiversity Net Gain (BNG)
SWT strongly supports this policy and the requirement for delivery of a minimum 20% BNG above the ecological baseline. Please see the attached Topic Paper (Appendix 1) which further sets out our rationale for >10% BNG in Sussex.

Within the evidence presented by DEFRA consulting on the introduction of BNG into the planning system it was made clear that an increase of 10% would be the absolute minimum necessary to ensure confidence that a net loss in biodiversity would be avoided. The statutory minimum only takes us to a place of ensuring no net loss, which is why many local planning authorities have adopted policies requiring higher levels of BNG e.g. Worthing Borough Council, Guildford Borough Council and Lichfield District Council.

WDC has evidenced in the Wealden District Biodiversity Net Gain Feasibility Study (September 2026) that 20% BNG is viable and deliverable across the District for strategic allocations of 100 dwellings or more, and that an enhanced BNG target provides a mechanism for securing measurable nature recovery through the development process, provided that delivery is aligned with LNRS priorities and supported by robust long-term management.

For the policy to be deliverable under national decision-making policy N2, it is essential that this requirement is carried through to all relevant site allocation policies. SWT strongly supports the requirement for a minimum 20% BNG in each of the eligible site allocations in the submission plan.

Policy NE3 Woodland, Trees and Hedgerows
SWT supports this policy.

Policy NE4 Ancient Woodland and Veteran Trees
SWT supports this policy, particularly the requirement for a minimum buffer zone of 25m.

We have noted an error in paragraph 6.66 of the supporting text, which should be amended to reference irreplaceable habitat as specified by NPPF (December 2024) paragraph 193(c):
6.66 Ancient woodland takes hundreds of years to establish, has complex ecological networks and is ~~an irreplicable~~ ***irreplaceable*** *habitat.*

The supporting text rightly identifies that ancient woodland is an essential part of the district's natural capital and a significant biodiversity resource; that ancient woodland and veteran trees are irreplaceable; and that WDC's priority is to ensure no net loss of ancient woodland. To reflect this stance, the policy wording and supporting text should clearly state that development resulting in the loss or deterioration of ancient woodland and ancient or veteran trees will be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists, in line with NPPF (December 2024) paragraph 193(c). We therefore recommend the following amendment to Policy NE4 Point 3:

3. *Development resulting in the direct or indirect loss or deterioration of ancient woodland or veteran trees will ~~only be permitted where~~ be refused,* ***unless there are*** *wholly exceptional reasons ~~are demonstrated~~* ***and a suitable compensation strategy exists****, in accordance with national policy.*

Point (3) above should be moved to be the first point of Policy NE4 so that this position is clearly prioritised.

Policy NE5 Ashdown Forest SPA and SAC
SWT supports this policy, particularly the requirement that provision of SANG should not include ancient woodland.

Policy NE10 Light pollution and Dark Skies
SWT supports this policy.

Policy NE13 Water Environment and Water Infrastructure
SWT supports this policy.

9 Infrastructure

Policy INF5
SWT remains opposed to the inclusion of point (3) of this policy, which is incompatible with WDC's ambitions for climate change and net zero.

13 Site allocations

SWT is not currently able to provide detailed commentary on the full list of allocations proposed in this submission document. We ask WDC to consider whether the proposed allocations meet the test of soundness to be consistent with Chapter 15 of the NPPF (2024) and current National Plan Making Policy N1. It will be imperative that sites coming forward do not lead to the deterioration or direct loss of biodiversity, especially designated sites, irreplaceable habitats, priority habitats and priority species. SWT strongly supports the requirement for a minimum 20% BNG in each of the eligible site allocations in the submission plan.

STW7 (FR) Land at Benhall Mill Road, Tunbridge Wells
SWT maintains an objection to this allocation, which is sited entirely within the boundary of Hawkenbury Farm Meadow LWS. We understand that the presence of a LWS has not been considered an 'absolute constraint' to development, however the site selection conclusions make clear that the development of these sites would have a detrimental ecological impact. This is contrary to paragraph 192 of the NPPF (December 2024) which is clear that local plans should 'identify, map and safeguard

components of local wildlife rich habitats and wider ecological networks, including… locally designated sites.'

Further to this, Planning Practice Guidance (Ref ID: 8-013-20190721) makes clear that 'National planning policy expects plans to identify and map these sites, and to include policies that not only secure their protection from harm or loss, but also help to enhance them and their connection to wider ecological networks.' Whilst Policy NE1 attempts to secure the protection of LWS from harm or loss in line with national guidance, policy SA1 directly contradicts this.

Any application for this site will be decided against national decision-making policy N6, which states that development within a LWS should only be supported if there would not be a significant adverse effect on the integrity of the site or the benefits of the development in the location clearly outweigh the likely impact on the features which make the site valuable for nature conservation. SWT does not believe this test has been demonstrated.

NIN1 (NIN) Land adjacent to Ninfield Reservoir, High Street, Ninfield
SWT maintains an objection to this allocation, which is sited within the boundary of Ninfield Reservoir LWS. We understand that the presence of a LWS has not been considered an 'absolute constraint' to development, however the site selection conclusions make clear that the development of these sites would have a detrimental ecological impact. This is contrary to paragraph 192 of the NPPF (December 2024) which is clear that local plans should 'identify, map and safeguard components of local wildlife rich habitats and wider ecological networks, including… locally designated sites.'

Further to this, Planning Practice Guidance (Ref ID: 8-013-20190721) makes clear that 'National planning policy expects plans to identify and map these sites, and to include policies that not only secure their protection from harm or loss, but also help to enhance them and their connection to wider ecological networks.' Whilst Policy NE1 attempts to secure the protection of LWS from harm or loss in line with national guidance, policy SA1 directly contradicts this.

Any application for this site will be decided against national decision-making policy N6 which states that development within a LWS should only be supported if there would not be a significant adverse effect on the integrity of the site or the benefits of the development in the location clearly outweigh the likely impact on the features which make the site valuable for nature conservation. SWT does not believe this test has been demonstrated.

HA9 (HEL) Land at Park Farm, New Road, Hellingly
SWT objects to this allocation, which includes part of Park Wood Complex LWS. This is contrary to paragraph 192 of the NPPF (December 2024) which is clear that local plans should 'identify, map and safeguard components of local wildlife rich habitats and wider ecological networks, including… locally designated sites.'

Further to this, Planning Practice Guidance (Ref ID: 8-013-20190721) makes clear that 'National planning policy expects plans to identify and map these sites, and to include policies that not only secure their protection from harm or loss, but also help to enhance them and their connection to wider ecological networks.' Whilst Policy NE1 attempts to secure the protection of LWS from harm or loss in line with national guidance, policy SA1 directly contradicts this.
Any application for this site will be decided against national decision-making policy N6 which states that development within a LWS should only be supported if there would not be a significant adverse effect on the integrity of the site or the benefits of the development in the location clearly outweigh the likely impact on the features which make the site valuable for nature conservation. SWT does not believe this test has been demonstrated.

We hope that WDC can use our comments constructively for the submission version of the local plan to drive ambition for nature recovery across the district and truly give equal weight to the environmental, economic and social objectives of sustainable development (NPPF December 2024, paragraph 8).

SWT has submitted this response directly by email. We may wish to attend the hearings and would like to be kept informed.

Yours sincerely

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Date: 2 November 26

Appendix 1
Local Plan Review Topic Paper: Delivering 20% Biodiversity Net Gain

Summary and recommendations

The 23% uplift in annual housebuilding targets for Sussex, introduced in 2024, puts increased pressure on the county's natural environment and biodiversity. A higher than 10% Biodiversity Net Gain (BNG) local plan policy is justified for local authority areas in Sussex to address the exceptional pressures on biodiversity and failing condition of 50% of the county's nationally designated wildlife sites, by ensuring future growth and development deliver significant gains for biodiversity and contribute to strategic nature recovery.

Many local planning authorities in England have adopted or emerging policies requiring 20% BNG, including Worthing Borough Council, South Downs National Park Authority, Guildford Borough Council, Lichfield District Council, Great Yarmouth Borough Council, The Broads Authority, and Greater Cambridge. However, changes to national planning policy mean new local plans submitted after 31st December 2026 will only be able to adopt higher than 10% BNG requirements on a site-by-site basis.

In Sussex, two Local Nature Recovery Strategies (LNRS)[1] provide further statutory basis for site-specific BNG policy requirements above 10% for eligible development proposed on land identified as having the potential to become important for biodiversity and which would result in the permanent loss of opportunities to create or enhance habitats for nature recovery in line with the LNRS.

We urge Sussex local authorities to adopt policies for BNG above 10% (aiming for a minimum of 20%) for all allocated sites and for eligible development in LNRS-mapped nature recovery areas (Areas that Could become Important for Biodiversity, or 'ACIB') to meet their duties to conserve and enhance

[1] https://www.sussexnaturerecovery.org.uk/publications

biodiversity under the Environment Act 2021 and play their part in implementing the Convention on Biological Diversity (CBD) by translating global biodiversity goals into local and regional action.

Recommendations for local authorities reviewing Local Plans in Sussex:

1. Undertake to adopt site-specific policies requiring a minimum 20% BNG for all allocated sites, subject to site-level viability assessments.

2. Carry out site-level desktop BNG baseline and viability assessments for all sites being considered for allocation, to demonstrate the deliverability of 20% BNG.

3. Explore the potential for a higher BNG policy requirement (20% minimum increasing to 30% for allocated sites) for eligible development proposed on land prioritised for strategic nature recovery in the LNRS (identified in the LNRS Local Habitats Map as ACIB).

Detailed Information and Rationale

In the following sections of this topic paper, we discuss the justification for, and deliverability of, higher than 10% BNG requirements for development in Sussex.

What is Biodiversity Net Gain?

Biodiversity Net Gain (BNG) is an approach that sets out to ensure development leaves biodiversity in a measurably better state. Where development impacts on wildlife habitats it must create or enhance the condition of suitable habitats to increase net biodiversity value.[2]

In February 2024, BNG became mandatory for development in England under the Town and Country Planning Act 1990 (as amended by the Environment Act 2021)[3], marking a step change in how planning and development deliver biodiversity outcomes.

BNG is in addition to, not instead of, protections for designated wildlife sites and irreplaceable habitats and the requirement for proposals to follow the mitigation hierarchy. BNG is only concerned with impacts to habitats; existing protections and consideration for species such as bats and nesting birds remain in place.[4]

Current regulations require at least a 10% gain in biodiversity value (110% of the baseline value) to be secured as part of planning permission for all development subject to the BNG requirement, with the "value" calculated using a nationally applied biodiversity metric.

Why is Biodiversity Net Gain required at all?

Nature is remarkable and is essential to our lives. It is the source of the air we breathe, the water we drink, the soil we live on (and off) and the food we eat. It provides us with clothes to wear, materials to build with and medicines to cure. It gives us places for leisure, recreation and reflection, as well as great joy and interest; as such it is important for our mental health and wellbeing as well as our physical sustenance.

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[2] Government Guidance: Understanding BNG: https://www.gov.uk/guidance/understanding-biodiversity-net-gain

[3] Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021): https://www.legislation.gov.uk/ukpga/2021/30/schedule/14/enacted

[4] Planning practice guidance on biodiversity net gain: https://www.gov.uk/guidance/biodiversity-net-gain

Despite its importance to our very existence, nature is facing a crisis. The Living Planet Report[5] shows that wildlife populations have declined by more than half in less than 50 years and that the variety of life on earth is disappearing fast. The Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services (IPBES) has reported that globally one million animal and plant species are now threatened with extinction[6]. The 2023 State of Nature Report[7] found that one in six species in England is under threat of extinction, with wildlife on average declining by 19% since monitoring began in 1970.

The planning system is a critical place where the natural world regularly meets with the actions of government. With the need to build more homes for growing populations, BNG offers a framework to promote sustainable growth. However, to be successful, BNG must be applied ambitiously, with care, and be effectively monitored and enforced. The Wildlife Trusts have a policy position, shared by many eNGOs, that in the context of the ecological crisis, developments should be required to go beyond 10% BNG and strive to deliver at least 20% BNG to protect and enhance nature and support its recovery[8].

Why do we need >20% BNG in Sussex?

With more than 58% of Sussex included within a protected landscape designation, it could be expected that Sussex biodiversity is flourishing, but a landscape designation does not automatically indicate a thriving environment. The South Downs National Park Authority estimates that we have lost 80% of the country's chalk grassland, with this habitat now covering only 4% of the National Park Area[9]. Chichester Harbour has lost 58% of this biodiversity-rich habitat since 1946[10].

When it comes to sites specifically designated for biodiversity, there is also concern. Nature needs to thrive outside these areas to recover, but worryingly, current pressures mean that nature is struggling to thrive even on designated sites. For SSSIs, Sussex is below the national average for sites in favourable or recovering condition (approximately 62%) with about 49% of SSSIs in East Sussex and Brighton & Hove meeting these criteria, and about 51% of SSSIs in West Sussex[11].

The condition of Local Wildlife Sites in Sussex is less certain but available data suggests just 41% of East Sussex and Brighton & Hove LWS and 55% of West Sussex LWS are being managed positively for biodiversity[12].

We also know which habitats in Sussex have been most severely impacted by past actions. In 2019, the Sussex Nature Partnership identified Sussex's 'natural capital at risk', habitats that are:

- Not adequately protected under existing mechanisms
- Fragile or vulnerable and/or already highly fragmented
- Of particular significance in a Sussex context
- Irreplaceable or not easily re-created if destroyed (either on-site or elsewhere)

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[5] WWF Living Planet Report (2018): https://www.wwf.org.uk/sites/default/files/2018-10/wwfintl_livingplanet_full.pdf
[6] IPBES press release: Nature's Dangerous Decline 'Unprecedented' Species Extinction Rates 'Accelerating' https://www.ipbes.net/news/Media-Release-Global-Assessment#_By_the_Numbers
[7] 2023 State of Nature Report: https://stateofnature.org.uk

[8] The Wildlife Trusts (2024) Biodiversity Net Gain Briefing: https://www.wildlifetrusts.org/sites/default/files/2024 02/February_2024_Biodiversity_Net_Gain_Briefing.pdf
[9] https://www.southdowns.gov.uk/wildlife-habitats/habitats/chalk-grassland/
[10] https://www.conservancy.co.uk/the-state-of-nature-and-chichester-harbour/
[11] Sussex's two Local Nature Recovery Strategies set out this information: https://sussexnaturerecovery.org.uk/publications
[12] Sussex's two Local Nature Recovery Strategies set out this information: https://sussexnaturerecovery.org.uk/publications

The habitat types identified are lowland heathland, mudflats and saltmarsh, coastal vegetated shingle, reedbed, fen and grazing marsh, floodplain woodlands and species-rich grassland[13]. For

example, virtually the whole of the Crumbles – a 160ha shingle foreland at Eastbourne, and one of only six sites over 100ha in the UK – has been lost to development[14].

Sadly, there is a similar story for species. Corn Bunting has suffered an 82% decline since the 1960s and is considered lost in neighbouring Surrey[15]. Spiked Rampion, an endangered and legally protected plant, is only found at eight sites in the UK, all of which are in East Sussex, and 85% of its population is found on a single site[16]. Greater Mouse-eared Bat was declared extinct in the UK in 1992 when the last known maternity roost was lost. Since then, just two separate individuals have been found hibernating in West Sussex[17].

In Sussex, space for development is one of the biggest demands on land-use and therefore one of the biggest pressures on nature. We acknowledge that new housing is needed to accommodate a growing population, with the population of East Sussex projected to increase around 8% in the next 15 years, from 560,900 in 2024 to 609,300 in 2039[18].

However, under the revised methodology for calculating local housebuilding targets, mandatory housebuilding targets across Sussex local authorities have increased on average by 23% from 11,539 new homes a year to 14,232. This average hides great variability, with some local planning authorities having their targets increased by 58% (Chichester) or even 168% (Worthing)[19]. Alongside the need for new homes comes the requirement for new infrastructure needed to support growth including transport, education, health and social care, utilities and community facilities. This all requires space (land) and resources, putting increased pressure on habitats and species, including some of the most iconic wildlife in Sussex: Turtle Dove, Swift, Water Vole, Hedgehog and Adder. This is in addition to the pressures they are already facing due to climate change, sea-level rise, coastal erosion, drought, water scarcity, habitat fragmentation, and pollution.

The continuous growth in development and urbanisation means Sussex now has a highly fragmented landscape, particularly in the low weald, the 'unprotected landscape' where most development is focused. The Lawton Report *Making Space for Nature*[20] has emphasised the importance of networks and connectivity for biodiversity; fragmentation impairs species movement and migration, meaning these isolated populations are less able to survive or adapt to changing landscapes and are put at further risk.

With these exceptional pressures facing nature in Sussex and the scale of biodiversity losses already occurring, >20% Biodiversity Net Gain policies are desperately needed to ensure that future growth and development contribute positively to nature recovery and that councils are meeting their Biodiversity Duty[21].

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[13] Sussex's two Local Nature Recovery Strategies set out this information: https://sussexnaturerecovery.org.uk/publications

[14] https://www.buglife.org.uk/resources/habitat-management/coastal-vegetated-shingle/

[15] https://www.birdguides.com/news/sussex-ornithological-society-launches-corn-bunting-survey/

[16] https://www.speciesrecoverytrust.org.uk/spiked-rampion

[17] https://www.bats.org.uk/news/2023/01/greater-mouse-eared-bat-population-doubles-to-2-this-is-a-hugely-important-discovery

[18] https://www.eastsussexinfigures.org.uk/new-population-projections-briefing-2/

[19] https://www.cpresussex.org.uk/wp-content/uploads/sites/16/2024/08/New-Standard-Method-New-Assessed-Housing-Needs-for-Sussex-Local-Planning-Authorities.pdf

[20] Lawton *et al*. (2010) Making Space for Nature: A review of England's Wildlife Sites and Ecological Network. Report to DEFRA

[21] Guidance for public authorities on complying with the biodiversity duty: https://www.gov.uk/guidance/complying-with-the-biodiversity-duty

A 10% minimum gain has been set by the Environment Act, as this is the lowest level that Defra consider would deliver genuine biodiversity gains. Defra's 2018 BNG Impact Assessment report[22] states (our emphasis):

"... in simple terms, [10%] is the lowest level of net gain that [Defra] could confidently expect to deliver genuine net gain, or at least no net loss, of biodiversity and thereby meet its policy objectives."

We consider the mounting pressures facing the county's biodiversity, including those resulting from significantly increased mandatory annual housebuilding targets, justify a greater ambition of >20% BNG to provide confidence that development will deliver meaningful biodiversity gains.

How will Biodiversity Net Gain affect development and is >20% achievable?
There is sometimes a misconception that increasing BNG from 10% to 20% is doubling the required delivery. This is not the case. The increase is from 110% to 120% of pre-development biodiversity levels. Most of the cost of BNG is incurred in getting to 100% of pre-development levels, or 'no-net-loss'. A 20% gain can be achieved at a small extra cost compared with a 10% gain, while doubling the biodiversity uplift and increasing development's contribution to nature recovery.

Several studies have considered the impacts of BNG on the economics and viability of development and concluded that a 20% BNG requirement would not affect the financial viability of housing developments.

One widely cited study by Natural England (Vivid Economics, June 2018)[23] found that for biodiversity net gain scenarios up to 20%:

- With careful design and early consideration, on site biodiversity net gain can be delivered at no or little cost
- If it can be delivered on site, biodiversity net gain is usually cost-neutral – biodiversity onsite can attract customers, speed up sales and even increase values
- If biodiversity net gain costs are significant, it is the landowner that will bear them rather than the developer through reduced land prices; however, according to the study, most developers considered it unlikely to have a significant impact on land values
- After a transition period, incidence of a biodiversity net gain requirement on developers was expected to be minimal or positive.
- Biodiversity net gain is not expected to reduce the number of affordable housing units
- An increase in the biodiversity net gain requirement does not need to impact the number of dwellings, as some of net gain can be delivered off-site
- Where there are higher costs associated with off-site delivery, these will be passed through to the landowner but represent less than a 1.5% uplift

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[22] Defra (2018) Biodiversity Net Gain Consultation Impact Assessment https://consult.defra.gov.uk/land-use/net gain/supporting_documents/181121%20%20Biodiversity%20Net%20Gain%20Consultation%20IA%20FINAL%20for%20p u blication.pdf

[23] Reported in Kent Local Nature Partnership's 2020 publication: Justification for a Biodiversity Net Gain target of 20% in Kent https://kentnature.org.uk/wp-content/uploads/2022/07/Justification-for-biodiversity-net-gain-in-Kent-Sept 2020.pdf

The Defra BNG Impact Assessment[24] similarly concluded that the additional costs are likely to be passed on to landowner through the prices paid for development land. Their assessment states that when mandatory requirements that are transparent and clearly defined are imposed across all developers, developable land prices should fall to absorb the policy cost as developers 'pass through' the cost.

We are encouraged by evidence from other local authorities in England that 20% is a realistic and deliverable policy goal. Six local authorities have adopted area-wide 20% BNG policies, and 23 others have emerging BNG policies at 20% or higher[25]. Worthing Borough Council's adopted local plan includes a 20% BNG requirement for developments on previously developed land and strongly encourages a 20% net gain wherever achievable. The emerging South Downs Local Plan proposes a minimum 20% net gain, rising to 33% BNG on Strategic Greenfield Sites.

The impact of changes to national planning policy

The new National Planning Policy Framework (NPPF) published in August 2026 introduces changes that prevent local authorities from adopting area-wide BNG policies above 10% for new local plans submitted after 31st December 2026. It is still possible, however, for local plans to include higher than 10% BNG requirements for sites allocated for development in the local plan on a site-by-site basis, as laid out in Plan-making Policy N1 of the NPPF[26]:

"Development plans should only set local standards for biodiversity net gain which are in excess of the statutory net gain requirement where this is for specific site allocations, and is fully justified and deliverable."

We have set out the justification for a higher than 10% BNG requirement for new development in Sussex. The deliverability of this policy for specific site allocations can be determined by site-level BNG baseline and viability assessments like those carried out by Great Yarmouth Borough Council in the development of their adopted 20% BNG policy[27].

Example wording of a 20% policy is provided below, taken from the Uttlesford Local Plan[28]:

"With the exception of development which is exempt from statutory Biodiversity Net Gain requirements, all development proposals will be required to demonstrate a minimum of 20% Biodiversity Net Gain calculated using the most recent Statutory Metric, unless it can be clearly demonstrated that provision in excess of the statutory minimum 10% would make development unviable."

Changes to this wording would be necessary for a policy specific to a given allocated site. For example:

"Development proposals within this allocation will be required to demonstrate a minimum of 20% Biodiversity Net Gain calculated using the most recent Statutory Metric, unless it can be clearly

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[24] Defra (2018) Biodiversity Net Gain Consultation Impact Assessment https://consult.defra.gov.uk/land-use/net gain/supporting_documents/181121%20%20Biodiversity%20Net%20Gain%20Consultation%20IA%20FINAL%20for%20p u blication.pdf

[25] Reported by The Lifescape Project in their pre-action protocol letter to Government on NPPF changes limiting local authorities' ability to adopt policies for BNG above 10%, 15 September 2026, Annex 1: https://lifescapeproject.org/uploads/lifescape-pre-action-letter-nppf.pdf

[26] National Planning Policy Framework 2026, Policy N1: https://assets.publishing.service.gov.uk/media/6aabe97844ec1aa417346c0b/National_Planning_Policy_Framework.pdf

[27] Great Yarmouth Biodiversity Net Gain Topic Paper (December 2024) Local Plan evidence base Document B31& GYBC Local Plan Viability Assessment (December 2023) Local Plan evidence base Document B15. Available in the GYBC Local Plan Examination library: https://localplan.great-yarmouth.gov.uk/examination-library

[28] Uttlesford Local Plan 2021-2041https://www.uttlesford.gov.uk/article/10132/Local-Plan-2021-2041

demonstrated that provision in excess of the statutory minimum 10% would make development unviable."

The Local Plan (Regulation 19 draft) for the Broads includes within a Biodiversity Net Gain policy a minimum of 20% net gain[29], and considers how this policy interacts with the new NPPF within a Topic Paper[30] which states that the Authority Members propose to retain the 20% requirement.

Acknowledgements
This paper builds upon work originated by colleagues at Suffolk Wildlife Trust.

Sussex Wildlife Trust
November 2026

[29] https://www.broads-authority.gov.uk/__data/assets/pdf_file/0027/236763/Regulation-19-Local-Plan-FINAL November-2025-with-para-numbers.pdf
[30] Local Plan for the Broads Examination (2026) Topic paper relating to the New 2026 NPPF and potential emerging Local Plan issues https://www.broads-authority.gov.uk/__data/assets/pdf_file/0028/239833/New-NPPF-and Potential-emerging-Local-Plan-issues-formatted.pdf