Biodiversity Net Gain (BNG)

Session 2 of 2

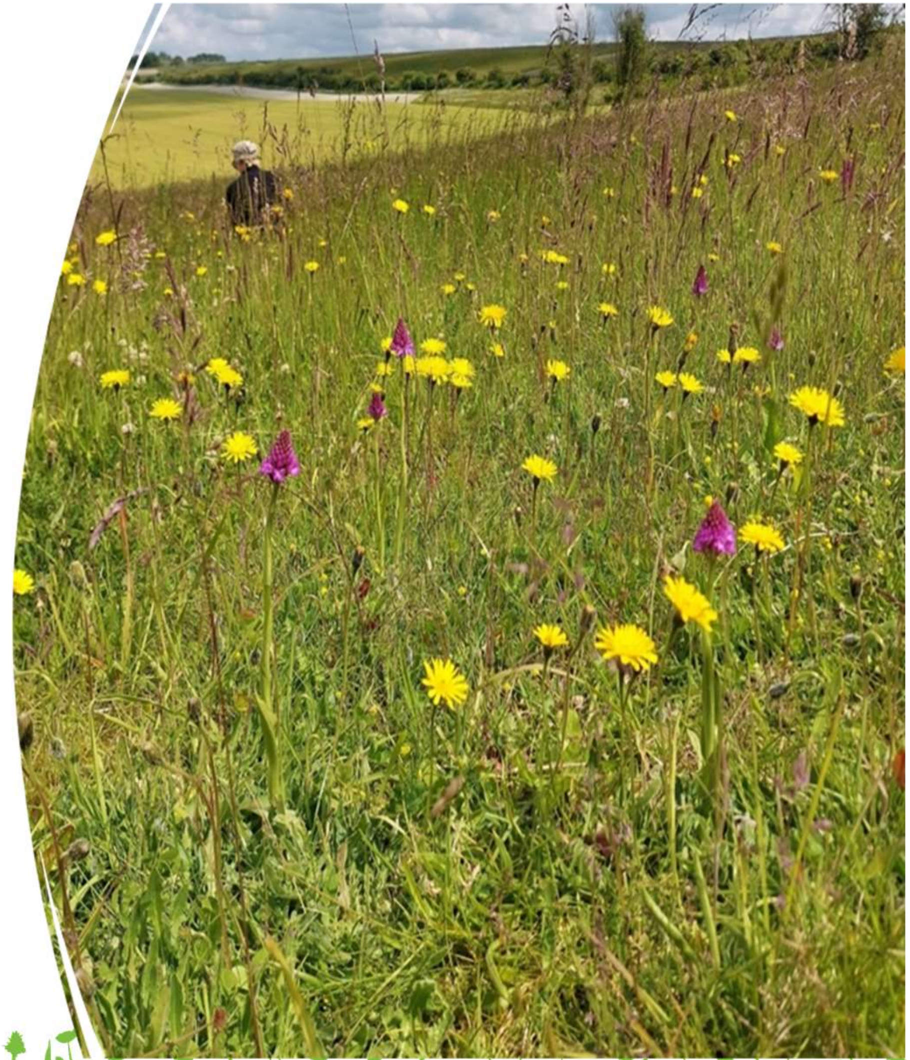
Wiltshire Wildlife Trust
Nature Recovery Team

Workshop 1: Recap

- Legislation introduced in 2024 for mandatory Biodiversity Net Gain (BNG) for development projects (with some exemptions)
- BNG = natural habitats must be left in a measurably better state (at least 10% more biodiversity) than before development + 30-years of management
- Measured using DEFRA's Statutory Biodiversity Metric
- Must follow 'Trading Rules' where high value habitats cannot be replaced by low value habitats

Workshop 2: Agenda

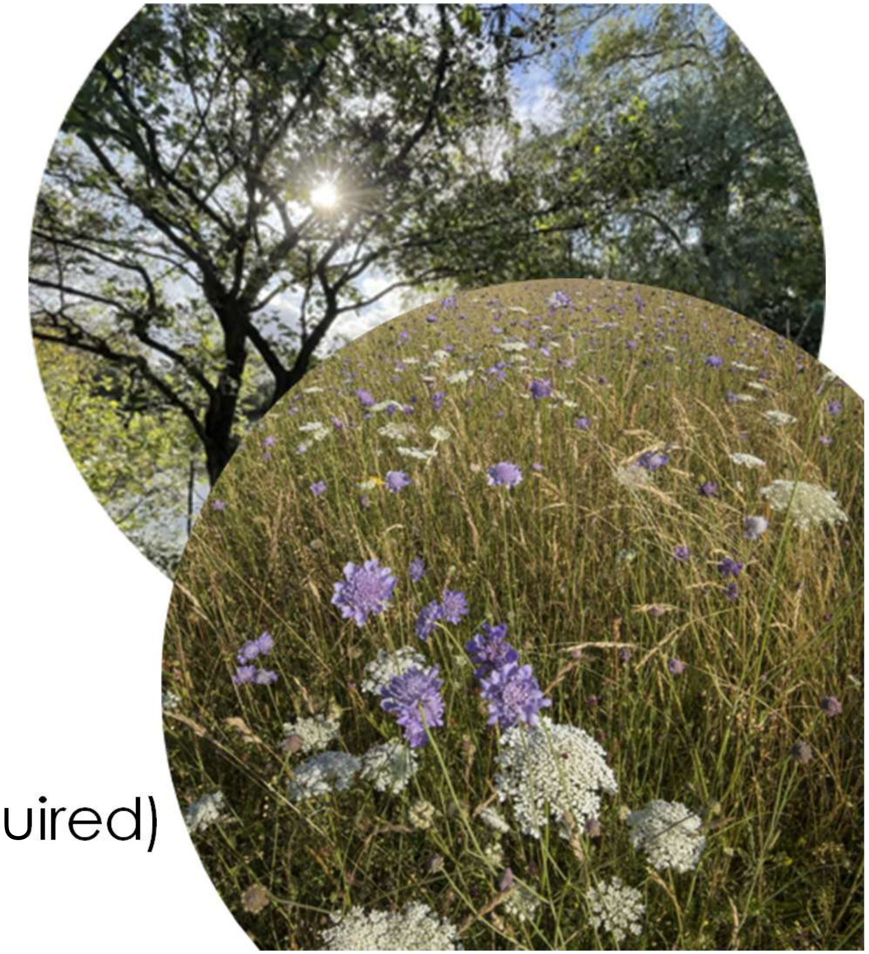
- What is considered a BNG project?
- The broad steps to register a habitat bank on the national register, and what you need to do this
- How to sell biodiversity units from your BNG project
- What makes a good BNG project
- Additional considerations
- What's next for BNG?



What is considered a 'BNG project'?

Creation or enhancement of:

- Woodlands
- Grasslands
- Scrub
- Hedgerows
- Ponds
- Orchards
- Wood-pasture and parkland
- Individual trees
- Watercourses (with a MoRPh survey required)



*Demand for different habitat units still varies as the market develops.

The steps required for BNG site registration and unit sale

1.Viability

2.Unit calculation

3.Start your legal agreement

4.Finalise completed metric and prepare 30-year HMMP

5.Gather legal documents

6.Register site and pay registration fee

7.Sell your units*

8. Commence 30-year ongoing habitat management

1. Viability

Have you thought about...

- Getting authorisation if applying on behalf of the landowner?
- Current land use and potential conflicts – public access, amenity use, dog waste, grazing, sports, local character etc.
- Legal constraints (existing leases, covenants, village green status, SSSI, flood zones, **current management agreements**)
- Are you prepared for a 30-year legal commitment as owner or agent of the site? Have you thought about legacy planning if not?
- Will the community support the changes?
- Soil type and nutrient levels

2. Unit calculation

- **Instruct suitably qualified ecologists!**
- **Surveys** - Desk based/field survey
- **Suitable project proposals**
- **Calculate unit generation**
- - Using the Statutory Metric to assess baseline and uplift potential

3. Start your legal agreement

- Very likely to be a **Conservation Covenant** with a **Responsible Body**
- Requires instructing a solicitor (by both parties)
- Can take up to 6 weeks to complete

- **In some circumstances a S106 may be used** with your Local Planning Authority, e.g. when no Responsible Body is available
- But S106's are normally specifically tied to planning proposals

4. Finalise your completed metric and prepare 30-year HMMP

- Liaise with your ecologists and agree your final unit calculation and project scope
- Agree the actions and parameters of the 30-year Habitat Management and Monitoring Plan (HMMP)
- Use your HMMP (and all activities captured within to achieve your biodiversity unit generation) to **cost up your units**
- Factor in things like: each management activities staff requirement, equipment needs, contingency plan (in case of failure), infrastructure (e.g. fencing) and frequency of management activities.

5. Gather your documents

- Conservation Covenant (or S106) finalised
- The title deeds or lease agreement to prove ownership
- Written authorisation from the landowner or leaseholder if you're applying on their behalf
- A document or image showing the land boundary – this must not include any personal information, like a landowner's name
- Completed statutory biodiversity metric tool calculations that include information about all the land secured by the legal agreement
- A habitat management and monitoring plan (this may be within your legal agreement) and Biodiversity Gain Plan (there is a template for this online)
- A local land charge search certificate (search is free, but certificate has additional charge of £1 DH0

Slide 10

DH0	I can't seem to be able to click this link? Daisy Huxter, 2026-01-23T11:51:42.451
DH0 0	The others work fine Daisy Huxter, 2026-01-23T11:52:07.702
JK0 1	I think I found the gov webpage for this - added along with charge note Jane Kinney, 2026-01-28T12:22:03.079

6. Register your site

It costs **£639** to register your project on the National Biodiversity Gains Site Register www.gov.uk/guidance/register-a-biodiversity-gain-site

Natural England registration form requires:

- Applicant or agent details
- Landowner/leaseholder details
- Documents listed in step 5
- Signed declaration

- **Approx 6 weeks later, registration accepted by Natural England**

7. Sell your units using one of the following...

Identifying potential buyers or markets

Direct trades with developers or investors - Biodiversity units can be sold directly to developers who need to meet their BNG obligations. This involves negotiating prices and terms directly with the developer;

Habitat banks - partnering with habitat bank operators to manage and sell BNG units. Habitat banks may purchase a large volume of units but may also require a lease or full management control of your land;

Online markets – these platforms allow the needs of both buyers and sellers to be aggregated, increasing your chance of trade and potentially reducing associated risks and costs;

Third-Party Brokers – working directly with brokers or agents to connect landholders with potential buyers and handle the transaction process.

Direct trade routes – finding your own buyer

Pros

- Enables you to seek out local demand
- Know your buyers' requirements upfront
- Ensure you have a deal before beginning works or investing further
- May reduce intermediary costs/fees that can be associated with brokers or other routes

Cons

- Often difficult to engage 1 on 1 with buyers as they seek larger organisations or platforms for security
- Legal agreements may not be drafted in your favour as a landowner and supplier of units
- Will often still require you to have secured your project via a legal agreement (S106 or Conservation Covenant) and registered on the national Biodiversity Gain Site Register ahead of engaging directly with potential buyers (so not avoiding the upfront costs).

Leasing land to a BNG operator or Habitat Bank Operator

Pros

- A long-term lease agreement with clear payment structure can be arranged
- You could still choose to be involved in the ongoing management of the land, including potential grazing or hay cutting rights (depending on the project types)
- Landowners don't deal directly with the complexities of selling BNG units but simply enter into a legal agreement with the operator

Cons

- Agreements can vary widely, and so independent financial and legal advice should always be sought
- Often involves leasing a large area of land to the operator, handing over control of the land for a minimum 30-year period
- Payments received may be significantly lower than the value of the BNG units sold

Work with a broker or land agent

Pro's

- Land agents may have good networking/marketing powers which could aid in sale of units
- They are often experienced in all stages of the process to get your project/s registered and ready to sell units
- Can create a bespoke package of works based on your needs and budget

Con's

- Not all land agents have brokerage arms, and not all brokers are land agents
- Some brokers may require exclusivity when trading and potentially limit or cut off other routes to market
- You will often still require your own solicitor's involvement (and associated fees) to draw up the necessary legal agreement

Online marketplaces
'Shop windows' or BNG search tools

Key considerations

- Usually only a marketing tool or platform
- Some may require your project to be fully registered and secured via a legal agreement ahead of listing, others may accept pending projects
- Various online platforms available so may need to list across several (but do check for any exclusivity clauses in the T&C's)
- May be national or international, so be sure to check locality and suitability

Invest in creating your own 'Habitat Bank'

Key considerations

- Significant upfront investment required to establish and continue to maintain the project as per your chosen legal agreement and/or HMMP
- No guarantee how nature markets will develop over coming years; could result in an increased or wider demand for the ecosystem services your habitat bank has produced, or you could be left with no clear income opportunity to repay your investment
- Does require very clear and structured baselining, creation and ongoing monitoring plans and evidencing to ensure you can always demonstrate what has been created/delivered
- Would enable you to create your chosen habitat bank without having to wait for a buyer
- In the coming years, the habitat bank you have delivered may have greater marketing potential due to its maturity

8.Commence ongoing 30-year management after unit sale

- Either with contractor or in-house staff
- Make sure all equipment available
- Prepare and provide monitoring reports to your Responsible Body or LPA as per your HMMP and legal agreement

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What makes a good BNG project?

- Local and landscape-scale connectivity – aligns with the Wiltshire and Swindon LNRS (adds 15% multiplier to unit value)
- Creates habitats that are resilient to climate change (drought, flooding etc.)
- Follow the 10 BNG Principles
- Meets developer demand
- Covers all long-term management costs
- A well-drafted legal agreement (Conservation Covenant or s106)
- A management plan that matches the legal commitments
- Clear responsibilities for monitoring and reporting
- Do not assume everything will go perfectly. Build in financial contingency and flexibility to adjust management if habitats underperform.
- Improve public access or enjoyment (where appropriate and possible)

What else to consider?

Stacking: DEFRA are working to set clear guidance on how public payments can or cannot be stacked with private finance – “we want our public payments to complement nature markets so that together, we can do more” DEFRA, 2023

Upfront investment: may involve upfront costs to cover ecological surveys, mapping, legal agreements and fees associated with the national register

Legal/financial advice: Will require a S106 or Conservation Covenant to secure the project.

Commitment: BNG projects are legally contracted for 30 years once established.

What's next for BNG?

2021

The Environment Act (2021) introduced a mandatory requirement for developments which require planning permission to achieve a minimum 10% net gain in biodiversity.

29 Nov. 2023

Draft secondary legislation was published on the 29th November 2023, providing further details for the BNG framework.

12th Feb 2024

Delivery of 10% BNG became mandatory for major projects

2nd April 2024

Delivery of 10% BNG became mandatory for minor projects

2025-2026

BNG consultation (July 2025)

- More exemptions

- sites up to 0.2ha will be exempt

- Extending the use of the Small Sites metric to developments <49 houses
- Increasing flexibility to go off-site for minor developments
- NSIPs from May 2026
- All TBC!

Links to resources

- List of responsible bodies: Conservation covenants: list of designated responsible bodies - GOV.UK
- HMMP template: Habitat Management and Monitoring Plan Template - JP058
- BNG Unit Pricing Report: Biodiversity Units UK – Signup for The BNG Pricing Report
- Registration process on gov.uk website: Register a biodiversity gain site - GOV.UK
- Link to registration website: Register a biodiversity gain site - GOV.UK
- Biodiversity-Net-Gain-Principles.pdf

Slide 23

DH0 I think we should leave this out
Daisy Huxter, 2026-01-23T10:55:24.900

JK0 0 I agree - think we could mention a few options in the workshop verbally to give an idea, but keen to minimise any perceived affiliation or recommendations between WWT and providers?
Jane Kinney, 2026-01-28T12:33:55.064

Thank you!

- Time for questions…

- We will send the recording and slides to you!