

24 July 2025

## **The Rivers Trust response: Consultation on improving the implementation of BNG for minor, medium and brownfield development and Consultation on BNG for NSIPs**

This response is submitted by The Rivers Trust and is supported by:

- Calder Rivers Trust
- Nene Rivers Trust
- Westcountry Rivers Trust
- Norfolk Rivers Trust
- Aire Rivers Trust
- South East Rivers Trust

### **Consultation on improving the implementation of BNG for minor, medium and brownfield development**

#### **Section 1: Improving exemptions**

**Question 5: Do you support the following statements (yes/no):**

- 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**

The Rivers Trust supports Statement II: we support some of the proposed changes to BNG to ensure that it is effective and proportionate, and is ultimately able to contribute to our national species abundance and nature recovery targets.

- Option 1 – Yes, The Rivers Trust supports the replacement of the self/custom-build development exemption with an exemption for all single dwellings
- Option 2 – No, The Rivers Trust does not support changes to de minimis
- Option 3 – No, The Rivers Trust does not support an exemption for all minor development
- Option 4 – No, The Rivers Trust does not support a partial exemption for parks, public gardens, playing fields
- Option 5 – Yes, The Rivers Trust supports an exemption for biodiversity-focused projects; we do not support the creation of an upper size limit
- Option 6 – No, The Rivers Trust does not support an exemption for temporary planning permission

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The Rivers Trust is clear that some changes need to be made to BNG policy as it is currently failing to deliver the intended scope of biodiversity outcomes, with evidence pointing to wide misuse of current exemptions. As it stands, BNG policy is also acting as a barrier to the delivery of environmental projects, for example by Rivers Trusts, despite the fact that these projects are providing biodiversity benefits. Additionally, enforcement of BNG compliance remains weak. Therefore, The Rivers Trust supports Wildlife and Countryside Link's recommendation that the Enforcement and Post-Permission Matters guidance be amended to require enforcement action when BNG conditions are not met. Currently, this is left to the discretion of local authorities and existing guidance sets an unreasonably high threshold for enforcement, requiring a breach to constitute "serious harm to a local public amenity", which is unlikely to cover most BNG violations. To address this, national guidance must clarify that failure to deliver BNG constitutes an enforceable matter and that proactive enforcement is expected. To boost BNG enforcement in practice, local planning authorities must be given significant additional resourcing to build their capacity to carry out this function. Improved enforcement is not a nice-to-have – it is fundamental to the success and integrity of BNG policy.

However, The Rivers Trust strongly opposes the exemption of all minor development, as this would significantly undermine the effectiveness and integrity of BNG policy. Small-scale developments can cause significant harm, especially when considered cumulatively, particularly in urban areas, habitat corridors, and ecologically sensitive areas; these developments must be subject to BNG requirements. Additionally, exempting these developments would undermine the BNG market, which many sectors and stakeholders have invested time and resources in.

### **Option 1: Replace self and custom build development exemption with exemption for all single dwellings**

#### **Question 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?**

Yes, The Rivers Trust agrees that the self and custom-build exemption should be removed and replaced with an exemption for a single dwelling house.

Market research from [Knight Frank](#) and the [Green Finance Institute](#) shows that the exemption for self and custom-building developments is allowing developers to sidestep planning obligations, including BNG, without delivering self-build outcomes. Additionally, the Planning Portal has [reported](#) an increase in self-build applications since the BNG exemption came into force, which raises credible concern that this exemption is being strategically used as a loophole.

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Therefore, The Rivers Trust supports a more targeted exemption for single-dwelling developments, but stresses that this must be underpinned by a clear definition and monitoring to prevent misuse.

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

Yes, The Rivers Trust agrees with the proposal for a 0.1ha threshold. as a more clear, objective, and enforceable mechanism on which to base exemptions. Combined with a clear definition of “single dwelling house”, this objective, area-based threshold should improve the ability of planning authorities to apply this exemption rigorously and consistently.

This reflects consistent advocacy from the Wildlife and Countryside Link coalition, of which The Rivers Trust is a member, in favour of area-based thresholds to guide BNG exemptions. As set out in Wildlife and Countryside Link’s BNG Implementation Briefing (November 2023) and more recent Fixing BNG paper (September 2024), area-based approaches provide a more transparent, scalable, and objective basis for applying Biodiversity Net Gain policy.

**Option 2: Higher de minimis threshold**

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

Yes/No

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

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

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

No, The Rivers Trust does not agree with the proposal to extend the de minimis area threshold, as this would enable a wider array of development types to use this exemption, which evidence shows has already been open to misuse.

That being said, this position is dependent on the fact that an exemption for habitat projects (as per Option 5 below) is put in place, so that the Rivers Trust’s Movement’s biodiversity-focused projects can go ahead without facing inappropriate barriers through the BNG process.

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### Option 3: Full exemption for all minor developments

**Question 11. Do you think the BNG requirement should be removed for minor development (for example including up to 9 residential homes)**

- Yes
- **No**
- Don't know

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

**Please provide evidence here**

No, The Rivers Trust strongly opposes Option 3 to exempt all minor development from BNG, as:

- This would undermine the ability of BNG policy to deliver for nature as intended and therefore undermine a key pillar of the Government's approach to achieving its legal targets and commitments on nature including under the 25 Year Environment Plan and the Environment Act 2021.
- This would risk collapsing the BNG market and significantly impact the many stakeholders involved in it, including eNGOs, farmers.
- This would enable nature degradation to accelerate due to the significant cumulative impact of minor development, flying in the face of rapidly approaching targets to halt and reverse species decline.

The cumulative impact of small sites on biodiversity is significant, as is recognised by the consultation document itself, which highlights that minor development contributes to habitat loss of around 500-1,500ha per year. Not only would that loss continue unabated, but exempting all minor development would also lose the biodiversity net gains that would otherwise have been delivered. According to [market analysis](#) by eftec, exempting minor development from BNG would result in an 11% drop in annual demand for biodiversity units compared to current activity (which is itself low due to widespread misuse of exemptions), amounting to thousands of hectares of nature restoration lost. Furthermore, as this would be an absolute exemption for minor development including for minor development impacting priority nature sites, this change would expose our most precious and vulnerable nature spaces, and the species living there, to the impacts of this development. This would constitute an unacceptable regression in environmental ambition, flying in the face of rapidly approaching nature targets, including the apex target to halt and reverse declines in species abundance by 2030 set out in the Environment Act 2021.

Additionally, this exemption would undermine, if not completely collapse, the BNG market; in its first year of operation, 38% of total demand for offsite BNG units came from site under 1ha in

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size, according to recent [research](#). This proposal would fundamentally undermine this new nature market, significantly reduce supply-side confidence in providing ecosystem services such as BNG, and undermine a key channel for private sector investment into nature recovery. Clearly, this move would be at-odds with the Government's commitment to raising £500million of private finance for nature per year, as set out in the Nature Markets Framework, and would create further uncertainty around nature markets, which have been beset by chopping-and-changing Government policy. Undercutting BNG in this way would send the wrong signal to potential investors in nature-positive or blended finance models.

The Rivers Trust is also concerned that this exemption would be ripe for misuse, incentivising the fragmentation of larger schemes into multiple minor developments to avoid BNG requirements. This would be hard to monitor and enforce against, especially considering the resource constraints faced by planning authorities and existing issues with enforcing BNG implementation. The Rivers Trust urges the Government not to create more easily-exploited exemptions that undermine delivery for nature.

There are more proportionate options to support minor development without fundamentally undermining BNG as a mechanism for nature recovery:

- Provide improved guidance and training to facilitate the BNG process and use of the Small Sites Metric by smaller developers;
- Update the metric tools so that they are digitised, simplified, and easier to use, to speed up the process;
- Explore the potential role of trusted partners, including eNGOs, to support minor developers through the BNG process. Any such model would need to be backed by dedicated funding, either administered centrally by Defra or distributed to LPAs to contract trusted partners fairly and sustainably.

**Question 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?**

- Yes
- **No**
- Don't know

**Question 14. Please elaborate on your answer to the previous question**

No, The Rivers Trust does not 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. We also reiterate that we are strongly opposed to exempting minor development from BNG.

The Government has repeatedly reiterated the intention for BNG to apply to “most development.” This proposed exemption directly contradicts that intention and poses a serious risk of undermining the policy’s ecological effectiveness and eroding public credibility.

Additionally, the de minimis exemption has already shown signs of misuse due to challenges associated with rigorously and consistently assessing impact, which suggests that it should not be extended further. Analysis from the *BNG in Small Developments* report by Eftec (2025) found that more than 50% of BNG exemptions are currently claimed under the de minimis provision, including an implausibly high proportion on large sites, which likely stems from poor understanding, lack of enforcement, or deliberate evasion. Based on this evidence, it would not be appropriate to extend the de minimis provision for other types of development.

Furthermore, the statement that some forms of development have “little or no impact” on biodiversity is difficult to assess objectively and in broad terms across development types. As noted in Wildlife and Countryside Link’s BNG Updated Briefing (2024), so-called low-impact developments can still result in meaningful habitat loss or degradation, particularly in already fragmented or degraded landscapes.

Extending this impact-based approach would also place an added, unmanageable enforcement burden on local planning authorities, who would be tasked with interpreting vague impact-based criteria across a growing range of exemptions.

#### **Option 4: Exemption for parks, public gardens, playing fields**

**Question 15: Do you agree that parks, gardens and playing fields development, as defined above, should be partially exempt from BNG?**

- Yes
- **No**
- Some but not all
- Don’t know

**Question 16. Please elaborate on your answer to the previous question.**

No, The Rivers Trust does not agree that parks, public gardens and playing fields should be partially exempt from BNG.

While we recognise that public access to parks, gardens and playing fields is incredibly valuable, providing significant health and wellbeing benefits, it is important to note that

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these kinds of spaces are also often critical oases and corridors for biodiversity, especially in urban and peri-urban areas where nature tends to be fragmented and degraded. Therefore, it is essential that these kinds of developments take account of their biodiversity impacts and seek to deliver net gain onsite as per the BNG metric.

Development on these sites, through formal landscaping, infrastructure, and recreational use, can result in direct habitat loss and fragmentation, soil degradation, adverse impacts on water quality, with long-term negative impacts on ecological networks. Additionally, there is concern around the increasing use of artificial grass, plastic matting, and other hard and impermeable surfacing in these kinds of developments that cause significant and irreversible biodiversity loss, impact the ability of water to move through the landscape, and introduce plastic and chemical pollution. On the other hand, given BNG as a policy driver, these spaces can be created with biodiversity in mind, so that both people and nature thrive together.

### **Option 5: Development whose primary objective is to conserve or enhance biodiversity**

**Question 17: Do you agree that development whose sole or primary objective is to conserve or enhance biodiversity should be exempt from BNG?**

- Yes**
- No**
- Don't know**

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

- Yes**
- No**
- Don't know**

**Question 19. Please provide evidence where possible, including examples of developments that you think would be exempted.**

Yes, The Rivers Trust strongly supports the creation of an exemption that can cover biodiversity-boosting habitat restoration projects. The Rivers Trust has been consistently advocating for this exemption to be put in place, due to the negative impacts BNG policy has had on our Movement's ability to deliver nature restoration projects, therefore we welcome this positive step forward. Putting in place this exemption will support BNG's intended outcome of increasing biodiversity and contributing towards our national nature targets, as more nature restoration projects will be realised.

That being said, The Rivers Trust is concerned that the exemption as currently worded in the consultation proposal is very narrow, and will unnecessarily prevent projects delivering ecosystem services, such as natural flood management, from accessing the exemption, despite the fact that these kinds of projects have significant benefits for biodiversity and are designed to improve habitat health and function. We discuss this point further below.

As it stands, certain conservation projects, which require planning permission and are not net gain sites, are required to deliver 10% biodiversity uplift and legally secure and manage the land for 30 years. Although these projects will often comfortably deliver 10% uplift, the 30-year agreements pose a risk to implementation, as any obligation placed on a landowner, where there is devaluation of the land, where they are not compensated or gaining, can result in the landowner withdrawing from the project. Even projects which are talking to landowners about 30-year BNG agreements with significant income involved, are finding that there is extreme hesitancy to commit. Furthermore, the terms and conditions set out by many funders, including Defra, specify that funding cannot be used to create saleable biodiversity units and therefore projects will not be eligible for the exemptions related to off-site gain developments.

As a result, mandatory BNG is having a negative impact on the national network of Rivers Trusts, as current and future projects are put at risk, and is therefore also impeding biodiversity outcomes. Rivers Trusts have highlighted at-risk projects in Lancashire, London, Oxfordshire, Kent, Cornwall and Devon. In just one Rivers Trust, an estimated £2+ million of investment was at risk due to mandatory BNG hurdles. Examples from across the The Rivers Trust Movement include:

- Ribble Rivers Trust's plans for wetland creation to improve flood resilience and simultaneously create new high quality habitat in Lancashire faltered when the landowner decided not to continue the project due to BNG's requirement for a 30-year legal agreement, as this would significantly devalue his land and he would not be compensated for this as part of the project.
- Ribble Rivers Trust's plans to remove a redundant weir to improve freshwater biodiversity and fish passage in Lancashire could not proceed because the company who owns the weir was not willing to take on the 30-year agreement as part of BNG. The weir posed no benefit or liability to the company, which is why they were happy to facilitate the biodiversity benefits of its removal, however this meant they could not justify taking on the liability of the 30-year BNG agreement.
- South East Rivers Trust's scheme to deliver water resources, water quality, flood resilience, and biodiversity benefits through wetland creation was put at risk due to BNG barriers impacting both the landowners' and water company's willingness to pursue the project. Landowners were hesitant to sign up to the 30-year agreement, as it would involve taking on uncertain income and devaluing their land. The additional costs

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incurred by BNG processes and funding 30-year maintenance agreements made the project financially unviable for the water company. In this case, applying mandatory BNG to this project put at risk 3 years of water company investment, flood resilience benefits to local communities, and water quality and biodiversity benefits to the SSSI downstream.

- Westcountry Rivers Trust’s plans to remove weirs and improve fish passage across their patch in the South East are at risk due to complications posed by BNG. Obstacle improvement projects like these should be low risk and relatively fast-paced, however mandatory BNG implications have raised concerns. In general, fish passage improvement projects all work to provide indirect benefits to the wider catchment and upstream benefits to fish biodiversity, rather than direct benefit to the immediate habitat. As it stands, mandatory BNG does not allow for the wider migratory benefits of fish passage projects to be accounted for.
- River Waveney Trust’s plans to implement a natural flood management and river restoration scheme has been delayed by over a year due to the substantial costs and administrative barriers of BNG. The need for a 30-year agreement is a significant barrier for many in the farming community, as it potentially affects valuations and onward sale. However, the most significant barrier has been the requirement for legal contract, which will cost an estimated £10,000+ (excluding 30-year monitoring costs) in the context of a £25-30,000 project, which is wildly disproportionate. This rendered the project unviable, so the Trust has had to reduce the scale of the works, and therefore the ultimate environmental outcomes, to get it through.

Ultimately, these habitat restoration projects are specifically designed to deliver biodiversity benefits, often above and beyond the mandatory 10% through BNG policy. Therefore, it is irrational that BNG processes should impede, or even block, such projects. A carefully worded exemption would address this issue.

The Rivers Trust is concerned that the current wording of the exemption will unnecessarily exclude projects delivering ecosystem services, such as natural flood management, from accessing this exemption, despite the fact that these kinds of projects provide significant benefits for biodiversity. These projects may be excluded by the proposed wording as they are likely to be found to not have biodiversity as their “sole or primary objective” ; these projects are likely to have a primary objective of delivering flood risk reduction or improving water quality. However, using nature-based solutions such as river rewigging, wetland creation, or riparian tree planting are all fundamentally biodiversity-boosting activities, which should qualify for exemption from the BNG process that unnecessarily trips these projects up. In the last [12 months](#), Rivers Trusts have planted 394,708 trees, created or restored 474 hectares of wetlands, and removed, eased, or bypassed 107 fish barriers, opening up 175 km of river for fish passage.

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These efforts contribute to biodiversity recovery across the country. It is therefore essential that projects like these are not hindered by additional regulatory barriers, particularly when their primary purpose is to deliver environmental benefits.

Therefore, The Rivers Trust would be keen to discuss this definition further with Defra and environmental regulators, so that we achieve an exemption that works for biodiversity-boosting projects but does not create loopholes for misuse by developers. We suggest that an exemption could include wording around requiring a primary purpose to deliver environmental outcomes - such as biodiversity enhancement, natural flood management, or water quality improvements; this should prevent developers from accessing the exemption simply by adding marginal biodiversity benefits to projects.

Finally, The Rivers Trust does not support the use of an upper size limit, as this will always create a somewhat arbitrary cut-off point, and the exemption should instead be focused on the biodiversity outcomes of the project. Many of the most ecologically beneficial conservation projects, such as catchment-scale restoration, river rewilding and flood plain re-connection, and large-scale rewilding, are necessarily large in size. Imposing a size-based cap could disincentivise these kinds of projects or introduce unnecessary barriers to their delivery, resulting in reduced biodiversity outcomes. Instead, eligibility should be determined on the basis of ecological intent. This could potentially be evidenced through project documentation such as planning documents, ecological management plans, or other legal agreements, as long as this evidence process is proportionate and does not introduce another barrier to habitat creation projects.

### **Option 6: Temporary planning permission**

**Question 20: Do you agree that temporary planning permission should be exempt from BNG?**

- Yes
- **No**
- Don't know

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

The Rivers Trust supports Wildlife and Countryside Link's response to this question.

While temporary planning permissions, by their nature, differ from permanent developments in terms of their longevity and potential long-term impacts on biodiversity, The Rivers Trust is clear that even temporary works have caused significant harm to habitats and species, especially if

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those temporary works take place close to water courses, near priority sites or are repeated/maintained over extended periods.

Temporary works can lead to habitat loss or fragmentation, soil compaction and erosion, disturbance to wildlife, and pollution of nearby waterbodies. Therefore, The Rivers Trust perceives significant risks in exempting these types of development from BNG, which could undermine the overarching objectives of BNG and the Environment Act 2021 to secure measurable biodiversity improvements.

The Rivers Trust supports Wildlife and Countryside Link's calls for a proportionate and nuanced approach to temporary planning permission rather than a blanket exemption. For example, very short-term temporary permissions, such as those lasting only a few months with limited ecological footprint, and those not impacting on priority sites, might reasonably be considered for exemption or a simplified BNG requirement. An example of this may be "meanwhile" use of buildings and sites awaiting development - there are some fantastic temporary community garden and social prescribing schemes making use of 'meanwhile' spaces that provide significant social value with minimal environmental impact that could be exempted.

**Question 22. If yes, do you agree with the 5-year time limit?**

- **Yes**
- No
- Don't know

**Question 23. Please give reasons**

**Section 2: Streamlining the BNG metric process**

**Option 1: Development which can use the SSM**

**Question 24: Do you think the SSM should be used for medium development?**

- Yes
- **No**
- Don't know

**Please elaborate on your answer here**

The Rivers Trust does not support the use of the small sites metric (SSM) for medium development. This would be ecologically unsound, undermine the integrity of BNG policy, and is a disproportionate response.

The SSM was designed to simplify the process for minor developments that have limited and localised biodiversity effects. It would be inappropriate to apply this to medium development

which carry a high risk of greater impact on biodiversity due to their larger scale and more complex operations. Medium developments are likely to have more complex ecological impacts than minor development that the SSM may not adequately account for. For example, the SSM does not require a site condition assessment, instead assumed a fixed baseline habitat condition of “poor” and assumed a target condition for enhanced habitats of “moderate”; this blanket approach does not reflect the ecological variability and complexity of larger sites, and would penalise developers who want to achieve more for biodiversity. Therefore, applying the SSM to these larger developments could lead to weaker biodiversity outcomes and thereby reduce the effectiveness of BNG policy and slow progress towards national biodiversity targets.

Wider application of the SSM could undermine the robustness and credibility of BNG policy. Applying the SSM to more types of development could reduce the robustness of BNG assessments and make outcomes harder to track and compare across schemes. Additionally, there is a risk that allowing medium development to use the SSM will incentivise developers to break up bigger sites to be able to use this simplified process. Concerningly, there is no mention in the consultation document about how this risk would be mitigated. Based on the evidence that shows significant misuse of existing BNG exemptions, this concern around the creation of new loopholes is credible.

The Rivers Trust is clear that medium developments should continue to use the Statutory Biodiversity Metric, which provides a more rigorous framework suitable for their scale and impact, and requires appropriately qualified ecological input, including detailed condition assessments. To aid their application of the metric, The Rivers Trust also sees a potential role for trusted partners, including eNGOs, in supporting the use of the metric - but this must be properly resourced. Any such model should be backed by dedicated funding, either administered centrally by Defra or distributed to LPAs to contract trusted partners fairly and sustainably.

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

- Yes
- **No**
- Don't know

**Please elaborate on your answer here**

The Rivers Trust strongly opposes the application of the SSM to sites where European protect species (EPS) are present.

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EPS, including bats, great crested newts, dormice, and reptiles, require rigorous, species-specific assessment and mitigation measures under both national and European legislation. These legal protections reflect the high conservation value and vulnerability of these species, necessitating careful and tailored ecological management.

It is an incredibly high-risk approach to apply the SSM to sites where these species are present. The SSM is a simplified tool and is not designed to capture the complexity or specific ecological sensitivities associated with EPS. The SSM deliberately streamlines assessment processes, omitting detailed habitat condition surveys and nuanced evaluation of species-specific impacts. Using the SSM could weaken safeguards for these species, through inadequate assessments of potential impact and inappropriate mitigation strategies. This approach is fundamentally incompatible with the stringent requirements and precautionary principles associated with EPS licensing and protection.

Additionally, The Rivers Trust has concerns around the competency requirements for use of the SSM. Therefore, there is a high risk that individuals who lack sufficient ecological expertise to properly evaluate the complex needs and legal protections of EPS are responsible for carrying out the SSM, potentially leading to harm to protected species and legal non-compliance.

The Rivers Trust is clear that using the SSM for EPS could risk non-compliance with statutory duties and further complicate planning policy if BNG is seen to undercut long-established protected species safeguards. As set out in Wildlife and Countryside Link's response to this question, it may also expose local planning authorities and developers to legal challenges and enforcement risks, given the duty to safeguard EPS habitats and populations.

The SSM is wholly unsuitable for managing EPS, therefore The Rivers Trust strongly opposes the proposal to allow the SSM to be used on sites with EPS present.

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

- Yes
- **No**
- Don't know

**Please elaborate on your answer here**

The Rivers Trust strongly opposes the application of the SSM to sites where protected sites are present.

These protected sites include internationally and nationally designated areas such as Sites of Special Scientific Interest (SSSIs), Special Areas of Conservation (SACs), Special Protection Areas (SPAs), and Ramsar sites. These sites represent the highest level of biodiversity

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protection and require rigorous, site-specific assessments and management to ensure their conservation.

It is an incredibly high-risk approach to apply the SSM to protected sites. The SSM is a simplified tool and is not designed to provide the higher level of scrutiny of ecological sensitivities required for protected sites. The SSM deliberately streamlines assessment processes and omits detailed habitat condition surveys, instead adopting fixed baseline habitat conditions without detailed on-site surveys, which is a wholly inappropriate approach to these ecologically critical areas. Using the SSM could weaken safeguards for these sites, through inadequate assessments of potential impact and inappropriate mitigation strategies.

Additionally, The Rivers Trust has concerns around the competency requirements for use of the SSM. Therefore, there is a high risk that individuals who lack sufficient ecological expertise to properly evaluate the ecological complexities and legal protections of protected sites are responsible for carrying out the SSM, potentially leading to harm to these precious natural spaces and risking legal non-compliance.

The Rivers Trust is clear that using the SSM for protected sites could risk non-compliance with the Habitats Regulations and the Wildlife and Countryside Act. It also threatens the effectiveness and credibility of BNG policy, while also undermining planning policy as a whole if BNG is seen to undercut long-established protected sites safeguards.

The SSM is wholly unsuitable for managing EPS, therefore The Rivers Trust strongly opposes the proposal to allow the SSM to be used on sites with EPS present.

**Question 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**
- **No**
- **Don't know**

**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**

The Rivers Trust supports Wildlife and Countryside Link's response to this question. We have included key content below:

We support renaming the SSM as a "Low Impact Metric" (LIM) to reflect its purpose more accurately. However, we strongly recommend that additional, clearly defined restrictions on the use of the SSM are essential to safeguard biodiversity outcomes and the integrity of Biodiversity Net Gain (BNG), the following additional safeguards should be introduced:

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- Clarified Habitat Condition Standards: The new LIM should incorporate more robust guidance (ideally image-based or AI-supported) to reduce variability in habitat assessment and misidentification by non-specialists.
- A Stricter Competency Framework: The role of a “competent person” must be clearly defined and standardised, with basic training or accreditation requirements to ensure reliability of assessments.
- Exclusion of complex urban habitats: Certain brownfield or urban-edge sites may support unexpected biodiversity value. A screening mechanism should be included to exclude such sites from the LIM and refer them to the full metric.
- Limitation on repeated use: Developers should not be able to segment larger developments into multiple sub-1ha sites to circumvent full BNG assessment. Aggregation rules may be needed.

Rebranding the SSM as a Low Impact Metric must be accompanied by robust restrictions limiting its use to appropriate, low-risk contexts. Critically, as set out in response to Questions 24, 25, and 26, the SSM should not be applied to medium development, sites with European protected species present, or sites with protected sites present. Without these safeguards, the SSM risks undermining the credibility and effectiveness of the BNG framework

## **Option 2: Amendments to the SSM to provide more flexibility to meet the BNG requirement onsite**

### **I. Removal of the trading rules**

**Question 28: Do you think the trading rules should be removed in the SSM (which contains only medium and low distinctiveness habitats)?**

- Yes
- **No**
- Don't know

**Please elaborate on your answer here**

The Rivers Trust does not support the removal of the trading rules from the SSM. This will undermine BNG policy's ability to deliver meaningful biodiversity outcomes that contribute towards our national nature targets.

Removing the trading rules from the SSM will incentivise creation/use of the cheapest and quickest habitat types instead of what is high-quality and ecologically appropriate. There is evidence that this is already happening to a certain extent, with the BNG offsite market showing a surplus of low-cost habitats and a lack of other, more complex options, including watercourse

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units. A recent [study](#) shows that 44% of planned habitat creation on the offsite market is 'other neutral grassland', with very limited delivery of new wetland/woodland habitats.

Critically, medium and low distinctiveness habitats have value, playing important ecological roles across different areas and landscapes, supporting different species and ecosystems. Therefore, these habitats should not be undervalued or traded too freely as a result of BNG policy.

The imbalance in habitat creation already arising poses a risk to the effectiveness of BNG policy overall to contribute towards our national species abundance target and wider nature recovery targets e.g. 30x30. These targets rely on BNG as a delivery mechanism, so it needs to be robust and meaningful for nature and should not incentivise the creation of homogenous habitat. It is critical that changes to BNG policy do not exacerbate this issue.

Trading rules are an important safeguard against perverse outcomes that could have adverse effects for nature. Removing these rules could erode trust in BNG and reduce its biodiversity impact, which is why The Rivers Trust strongly opposes the removal of trading rules from the SSM.

**Question 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
- **No**
- Don't know

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

The Rivers Trust opposes any amendments to the trading rules in the SSM, including the proposal 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). While this may appear to be a modest adjustment, it risks weakening the principle of ecological equivalence at the heart of BNG and could lead to a further erosion of biodiversity value in practice.

Medium distinctiveness habitats encompass a wide range of habitat types with varied features, supporting varied species, and providing varied ecological functions. Removing trading rules to allow compensation across any of these highly diverse medium distinctiveness habitats would disregard these differences and lead to ecologically inappropriate outcomes, which could result in a net decline in ecological function, species diversity, habitat diversity, and the resilience of

local ecosystems. This would undermine the scientific basis of BNG policy and public confidence in it.

Furthermore, any changes and further simplification of the SSM would exacerbate concerns about the competency requirements for using the SSM. Without adequate ecological expertise and robust survey requirements, both of which are already minimal under the SSM, any further weakening of trading rules could lead to poorly justified decisions and increased inconsistency in planning outcomes.

The Rivers Trust is clear that habitat replacement through BNG policy must be based on ecological function, condition, and distinctiveness, in order to achieve biodiversity outcomes, not based on administrative convenience. Allowing medium distinctiveness habitats to be interchangeable within the SSM contradicts the mitigation hierarchy, weakens the ecological rigour of BNG delivery, and risks cumulative biodiversity loss.

## II. Changing how habitat condition is fixed

**Question 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?**

- Yes
- **No**
- Don't know

**Please elaborate on your answer here**

The Rivers Trust strongly opposes the proposal to fix habitat condition assessment at “poor” for baseline habitats and “moderate” for target condition in the SSM. This approach undermines the ecological credibility of BNG policy, risks facilitating biodiversity loss, and effectively penalises best practice where developers want to go further for nature.

Accurately assessing habitat condition is fundamental to delivering genuine biodiversity improvements as is the intention of BNG policy. Fixing the condition of baseline habitats at “poor” would ignore site-specific ecological realities where sites may already be in moderate or even good condition. The consultation document states that a lot of minor development is taking place on poor habitat but includes no reference or explicit evidence for this; The Rivers Trust would need to see this evidence and assess the true extent of this claim before accepting that this is in fact the case. Furthermore, even if it is largely the case now, it is likely not to remain so, as increased development potentially pushes further into higher quality habitat. It is absolutely critical that BNG policy is sensitive to the realities of site conditions in order not to drive habitat/biodiversity loss.

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By defaulting these habitats to ‘poor’, the metric would allow developers to claim ‘gains’ where in fact there may be ecological degradation, not improvement. This falsely inflates net gain outcomes and seriously undermines the credibility of BNG reporting and enforcement.

At the same time as under-performing developers would gain from this change, high-ambition developers would be penalised for their efforts to deliver more for nature. By capping target conditions at “moderate”, developers’ actions to achieve high quality habitat would go unacknowledged within the metric. Preventing enhancement beyond ‘moderate’ sends the wrong signal, especially when the wider aim of BNG is to secure long-term, measurable improvements in biodiversity. This would be at-odds with BNG’s policy aims as well as wider Government targets in the EIP and Environment Act 2021.

For all the above reasons, The Rivers Trust strongly opposes the proposal to fix habitat condition assessment at “poor” for baseline habitats and “moderate” for target condition in the SSM.

**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?**

Yes – The Rivers Trust strongly supports Wildlife and Countryside Link’s answer to this question, which sets out recommendations to improve the SSM:

- Introduction of clearer guidance and improved governance over the use of the SSM and the definition of a competent person. The current system does not sufficiently ensure appropriately skilled persons are completing BNG assessments, which increases the risk of incorrect or inconsistent application of the metric and increases uncertainty/complexity for planning authorities. Improved training and certification should be implemented.
- Enhanced support and resources for planning authorities so that they can consistently assess and enforce SSM submissions.
- Prevent “gaming” of the system by ensuring that developers cannot inappropriately subdivide applications to qualify for the simplified SSM process. This practice has already been identified as an issue in other parts of the BNG regime (e.g. the rise in ‘self-build’ applications to avoid thresholds), and safeguards must be put in place to address this risk.
- Explore the use of digital tools and services to improve the accessibility, usability, and consistency of the Small Sites Metric process, particularly for genuinely small-scale applicants who may lack ecological expertise but still wish to comply with

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Biodiversity Net Gain requirements in good faith. For example, user-friendly online calculators, habitat mapping aids, or standardised templates, could help streamline the user experience and reduce administrative burden.

### **Option 3: Simplifying and amalgamating habitats in the SSM to reduce misidentification and support the use of image analysis**

**Question 32. Do you think some habitats of the same broad type with the same value should be amalgamated in the SSM?**

- Yes
- **No**
- Don't know

**Please elaborate on your answer here**

No, The Rivers Trust strongly opposes the proposal to amalgamate habitat types in the SSM. This would seriously undermine the accuracy and ecological integrity of BNG assessments and create added complexity in the system.

Amalgamating habitat types would be scientifically inappropriate and would effectively create an entirely new habitat classification system that is disconnected from the UK Habitat Classification (UKHab). Even habitats of the same broad type and score within the metric may have very different structure, function, or potential for biodiversity gain, making it inappropriate to bundle them together. As a result of this change, habitat creation and enhancement risks becoming overly generic and less tailored to the local context. This would create a significant risk of undermining biodiversity outcomes and in fact could result in biodiversity loss.

Additionally, this change would introduce administrative complexity and undermine public trust in the system. Creating a separate system to UKHab would reduce comparability across the SSM and main metric, which would impact transparency, accountability, and the ability to report on BNG policy.

The Rivers Trust is clear that further over-simplification of SSM, which is already a simplified tool, is inappropriate. Instead, we recommend maintaining the current level of habitat detail and better supporting users through clearer guidance, digital tools, and training opportunities to ensure the correct classification and treatment of habitats in small sites. It is vital that the SSM remains a tool for delivering real ecological outcomes.

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

- Yes
- **No**
- Don't know

**Please elaborate on your answer here**

No, The Rivers Trust does not agree with proposals to review habitats in the SSM. While we recognise that habitat identification can be challenging for non-specialists, we do not agree that the solution is to dilute ecological and scientific rigour by simplifying habitat categories. This could result in the loss of high-value habitats and particular species, or result in under-compensated impacts.

The Rivers Trust urges efforts to be focused on providing greater support for users of the SSM and ensuring that the SSM is harnessing opportunities through digitisation and use of AI. Clearer guidance, illustrations, and access to digital identification tools or decision trees, would help non-specialists use the SSM. The Rivers Trust also sees a potential role for trusted partners, including eNGOs, in supporting the use of the SSM - but this must be properly resourced. Any such model should be backed by dedicated funding, either administered centrally by Defra or distributed to LPAs to contract trusted partners fairly and sustainably.

**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
- **No**
- Don't know

**Please elaborate on your answer here**

No, The Rivers Trust does not support the creation of a watercourse module in the SSM; we strongly support the need for all developments within the riparian zone of a watercourse habitat to use the main metric tool.

This is because watercourses and riparian zones are ecologically complex, high-value environments, that often support priority habitats and protected species, enable wider habitat connectivity, and are highly vulnerable to various impacts of development including the introduction of pollutants, soil erosion and compaction, direct and indirect disturbance to habitats, changes to water levels and flow, and more. The SSM, by design, is not equipped to

capture these nuances, especially given its exclusion of detailed condition assessments and its simplified structure.

It is essential that all riparian zone developments are appropriately accounted for to ensure that all impacts on watercourses are minimised and mitigated. Therefore, The Rivers Trust opposes the use of the SSM for developments impacting watercourses and riparian zones.

The Rivers Trust would recommend strengthening the main metric for watercourses by ensuring a stronger link between the main metric and watercourse strategies in Local Plans, building on the existing recognition of LNRs through strategic significance in the Statutory Biodiversity Metric.

#### **Option 4: Additional guidance to aid identification of habitats and to clarify who is considered a competent person**

**Question 35. Do you think providing additional guidance on the identification and management of habitats in the small site metric would be helpful?**

- **Yes**
- **No**
- **Don't know**

Yes, The Rivers Trust strongly supports the provision of additional guidance on the identification and management of habitats in the SSM.

The effectiveness and credibility of the SSM depends on its users being able to correctly identify habitats and implement appropriate management to deliver biodiversity gains. A recent [study](#) of 500 BNG-compliant planning applications found that small sites - typically minor residential and rural schemes - often struggled with appropriate use of the Small Sites Metric, with non-ecologists making overly optimistic estimates of post-development habitats, which were frequently challenged by planning officers and ecological consultees. Therefore, there is a strong case for providing additional guidance.

Additional guidance should include illustrative examples and clear photographs of habitat types commonly encountered in small-scale developments, including transitional or degraded states of those habitats, which can be more difficult to classify. Step-by-step instructions should be included to support users distinguish between similar habitat types within the UK Habitat Classification system.

Furthermore, guidance on practical habitat management tailored to small sites is vital. This should include realistic, achievable actions that can be undertaken by non-specialists or small-scale developers, such as the creation of wildflower areas, hedgerow enhancement, and pond

management. Advice should also cover the importance of post-development monitoring and maintenance, helping ensure that gains are not only delivered but sustained over the long term. Integration with existing online platforms or decision-support tools, such as Natural England's BNG habitat management plans or digital mapping tools, could further streamline this process and improve user confidence.

In addition, more specific and rigorous information should be both requested and supplied in the biodiversity gain information and biodiversity gain plans to ensure that applicants follow the mitigation hierarchy in a transparent and robust manner. Likewise, Government's BNG guidance should more clearly prioritise, outline and emphasise the mitigation hierarchy.

Alongside abovementioned improvements to the guidance and toolkits provided to users, The Rivers Trust also sees a potential role for trusted partners, including eNGOs, in supporting the definition of competency, providing training, or assisting LPAs in assessment - but this must be properly resourced. Any such model should be backed by dedicated funding, either administered centrally by Defra or distributed to LPAs to contract trusted partners fairly and sustainably. This would build on recommendations from the Corry Review.

**Question 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**
- **No**
- **Don't know**

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

Yes, The Rivers Trust is clear that the definition of competency for the SSM needs urgent clarification and strengthening. Making this definition clearer would streamline the process for planning authorities, who should then be able to focus greater time and resource on enabling positive outcomes rather than checking administrative process.

While the SSM is simplified compared to the main metric, its efficacy still depends on users being able to identify habitat types, enhancement opportunities, and long-term management options. The assumption that the SSM can be completed reliably by non-specialists increases the risk of inconsistent or poor-quality assessments. This places undue pressure on Local Planning Authorities, who are already under-resourced, to review and challenge weak submissions.

The Rivers Trust supports Wildlife and Countryside Link’s recommendations for how “competency” can be defined more clearly for the SSM, namely that it aligns with professional standards already recognised in ecological assessment practice:

- For example, this could include membership of a relevant professional body, such as the Chartered Institute of Ecology and Environmental Management (CIEEM), or demonstrable qualifications and experience in habitat assessment, ecological surveying, and habitat management planning.
- At a minimum, all users of the SSM should be required to complete a short online training module or certification provided by Natural England or another accredited body, to ensure consistency and baseline understanding of the tool, and to simplify the assessment process for planning authorities.

The Rivers Trust also sees a potential role for trusted partners, including eNGOs, in supporting the definition of competency, providing training, or assisting LPAs in assessment - but this must be properly resourced. Any such model should be backed by dedicated funding, either administered centrally by Defra or distributed to LPAs to contract trusted partners fairly and sustainably.

It is critical that any training or certification must be easily accessible. Barriers to access, such as cost or resource, would create yet another barrier for eNGOs trying to deliver biodiversity-positive projects. Rivers Trusts were able to plan and prepare for BNG policy requirements ahead of implementation, ensuring that we had the right staffing to carry out BNG requirements; it is essential that any further changes to the definition of a competent person for the SSM is accessible to eNGOs.

**Option 5: (For minor developing using main BNG metric) Considering the proportionality of the river condition assessment survey for minor development and whether the watercourse metric should be engaged when there is no impact**

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

- Yes
- **No**
- Don’t know

**Please elaborate on your answer here**

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No, The Rivers Trust does not support the proposal to use a different watercourse condition survey for minor development using the watercourse metric.

We are concerned that this would undermine protections for watercourse habitats and biodiversity; our water environment is highly complex, multifunctional, and critical to supporting overall biodiversity. Therefore, we are concerned that a simplified survey approach would not adequately account for site condition, potential impacts, and mitigation measures.

Significant amounts of work went into the development and design of the RCA, so we are keen not to reinvent the wheel, particularly so early into the implementation of BNG.

Development has varied impacts on watercourses, across water quality, water quantity, and physical habitat condition. Due to this complexity, The Rivers Trust is wary of introducing a lighter-touch approach that could in fact incentivise development near watercourses.

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

- Yes
- **No**
- Don't know

**Please elaborate on your answer here**

No, The Rivers Trust does not support the proposal to use a different watercourse condition survey for minor development when there is no impact.

We are concerned that introducing an impact-based assessment will create new challenges and complexities, particularly placing extra strain on planning authorities. As set out in previous answers regarding the de minimis exemption, The Rivers Trust is concerned by evidence that shows that impact-based exemptions are being misused by developers; there is a high risk that this misuse would be replicated in this case.

Assessing development impact on watercourses is complex; impacts include run-off pollution, soil erosion, shading, disturbance during and after development, and impacts on baseflow. The Rivers Trust is concerned that the proposed approach will not be able to adequately account for the full set of impacts.

Furthermore, as set out in our response to Question 37, significant amounts of work went into the development and design of the RCA, so we are keen not to reinvent the wheel, particularly so early into the implementation of BNG.

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**Question 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?**

- Yes
- **No**
- Don't know

**Please elaborate on your answer here**

No, The Rivers Trust does not support the proposal to allow minor developments to agree with planning authorities not to complete the watercourse module where there is no impact. As set out in our response to Question 38, The Rivers Trust has serious concerns around the practicalities of accurately assessing “no impact”, particularly considering the complexities of potential development impacts on watercourses.

Furthermore, this proposal would place an added burden on already over-stretched planning authorities, that are under-resourced and lack access to appropriate ecological expertise. The Rivers Trust is highly concerned by the fact that this will place the onus on planning authorities to assess and validate “no impact” claims, as this will exacerbate existing issues in BNG policy around inconsistency of approach and the misuse of exemptions by developers.

Any loss of 10% watercourse gain requirement would undercut a key statutory mechanism for river restoration; it would reduce delivery of riparian enhancements onsite and undermine the nascent market for offsite watercourse units.

This proposal would also create a deviation within BNG policy as a whole, which currently takes a side-wide approach to impact set out in the de minimis exemption. The de minimis exemption applies where a development impacts less than 25m<sup>2</sup> of area habitat and less than 5m of linear habitat (with no priority habitat affected). The proposal to allow minor developments to skip the watercourse module based solely on “no direct impact” to the watercourse isolates habitat types and risks weakening protection for riparian zones. It undermines the principle of integrated assessment and could lead to indirect impacts being missed.

Overall, The Rivers Trust is highly concerned by the proposals set out Questions 37, 38, and 39. We perceive a high risk that these proposals will undermine BNG’s delivery for watercourse habitat and dependent biodiversity, due to enabling inaccurate site condition and impact assessments and resulting in inadequate mitigation measures.

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## **Option 6: (For all development) Improving the usability of the metric tools through digitisation**

### **Question 40. What specific features or improvements would you like to see in a digital version of the metric tools?**

The Rivers Trust strongly supports the development of an improved digital version of the metric tools to increase accuracy, usability, and transparency. Ensuring that the tools themselves are more user friendly is a key means to easing burdens on developers and enhancing BNG policy's biodiversity outcomes.

The Rivers Trust is clear that the digital tool must incorporate spatial data and mapping functionality (increased GIS functionality) to enable users to visualise habitats, ecological features and development footprints. This would enhance spatial accuracy, support better decision-making, and improve transparency.

We support Wildlife and Countryside Link's recommendations for updates to the metric tools:

- Automated data validation and quality checks to flag inconsistent or missing information, thereby improving the reliability of the data underpinning the biodiversity calculations.
- Regular updates to incorporate the latest scientific knowledge, including updated habitat condition benchmarks and priority species information, ensuring that its outputs remain relevant and robust.
- The ability to model multiple scenarios and explore different enhancement options within the tool would allow developers and planners to understand potential biodiversity outcomes better and adopt more adaptive management strategies
- Linking the metric tool with existing planning and environmental data systems
- Ensuring the tool is accessible to a wide range of users by providing clear explanations and training resources

The Rivers Trust also sees a critical need for further digital tools to support effective implementation and monitoring of BNG policy. We urge Government to develop a central mapping register for all sites, including both on- and offsite units, as this would be a significant leap forward in terms of transparency and credibility of BNG. The website and register must be regularly updated to ensure it is fit-for-purpose and user-friendly.

## **Option 7: (For all development) Changes to guidance to incentivise the inclusion of biodiverse features**

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**Question 41. Do you think we should allow biodiverse features to be counted within vegetated gardens being created as part of a development?**

- Yes
- **No**
- Don't know

No, The Rivers Trust goes not agree with proposals to allow biodiverse features to be counted within gardens created as part of a development.

While gardens can contribute meaningfully to urban biodiversity, not all gardens are equal, with many providing low or marginal biodiversity benefit. Not only is the biodiversity benefit of a garden dependent on its design, but it is also dependent on its long-term management, e.g. use of pesticides can be particularly harmful to biodiversity outcomes. However, private gardens have no protection, so BNG's 30-year management requirement would be unenforceable.

Allowing such features to count for BNG risks inflating biodiversity gains without delivering meaningful, long-term ecological benefits. Therefore, The Rivers Trust does not agree with this proposal. Biodiversity gains delivered through gardens must be enabled through other policy routes e.g. updates to NPPF and design guides.

**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?**

N/A

**Section 3: Increasing flexibility to go off-site for minor development**

**Option I: Relaxing the biodiversity gain site hierarchy for minor development**

**Question 42. Do you agree the biodiversity gain hierarchy should be updated for minor development?**

- Yes
- **No**
- Don't know

No, The Rivers Trust does not support the proposal to relax the biodiversity gain hierarchy for minor development. This would go against a principal tenet of BNG policy, that recognises the ecological importance of delivering biodiversity mitigation onsite where possible.

The Rivers Trust does recognise arguments that delivering BNG offsite could theoretically provide for larger-scale habitat sites, following the Lawton Report principles of "bigger, better, and more joined up". However, we are concerned that this would not in practice deliver

improved biodiversity outcomes long-term, and additionally it would also lose the social and climate resilience benefits of protecting natural spaces amongst our communities.

The value of offsite BNG is dependent on the types of habitat available. Current evidence suggests that offsite units are not very diverse; a recent [study](#) shows that 44% of planned habitat creation on the offsite market is ‘other neutral grassland’, with very limited delivery of new wetland/woodland habitats. Therefore, allowing minor development to automatically look offsite could result in more homogenous, and therefore less ecologically valuable, habitat creation overall. Additionally, achieving “more joined up” habitat will depend on how well offsite BNG is strategically located and linked up; the impact that LNRs will have on this factor is yet to be seen, with only a limited number of LNRs published.

The Rivers Trust is particularly concerned by how this approach would impact watercourse outcomes. Rivers and other waterways cannot be moved, their particular ecosystems and species that they host, and the diverse habitats and species that they support indirectly, are locationally-specific. The Rivers Trust is clear that BNG policy must drive developers to take all possible actions, as per BNG hierarchy rules, to secure watercourse outcomes on-site.

Finally, changes to the BNG hierarchy for minor development would introduce new complexity to the BNG system overall. It could incentivise developers to break up sites into smaller pieces to avoid needing to apply the hierarchy, and would therefore place extra burden on planning authorities to monitor and enforce against this.

The Rivers Trust is clear that the BNG hierarchy is an ecologically sound approach, that delivers positive outcomes for nature, while also supporting social benefits, such as public access to nature and well-evidenced health and wellbeing benefits. We would be highly concerned that any moves to weaken the hierarchy would result in further loss of urban and peri-urban nature spaces, which would harm overall nature connectivity.

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

- Yes
- **No**
- Don't know

The Rivers Trust supports Wildlife and Countryside Link's response to this question, which sets out key challenges that would arise from relaxing the biodiversity gain hierarchy:

- Developers and landowners offering units far from impacted sites would disproportionately benefit, while local ecosystems and communities lose out.

- Risk that the offsite market would turn into a race to the bottom, where the cheapest, most generic units are prioritised over high-quality, strategically located habitats.
- The costs of relaxing the hierarchy are likely to be marginal. [Analysis](#) has found that the average onsite BNG unit cost for small sites is modest, consistently under £2000, and often £500. Moreover, this study shows that onsite delivery of BNG is achievable in most small developments with minimal impact on viability. The “gains” from relaxing the hierarchy, in contrast, would be marginal at best and come at the expense of ecological best practice.

While it is important to support small and medium-sized developers in navigating the BNG system, the solution is not to weaken environmental standards. Instead, support should focus on streamlining assessment processes, improving guidance, and increasing access to tools that facilitate easy delivery.

The Rivers Trust is strongly opposed to relaxing the BNG hierarchy for minor development due to the concerns set out in response to Question 42.

**Question 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.**

- Yes
- **No**
- Don't know

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

No, The Rivers Trust does not think that placing off-site habitat enhancements with the same preference as onsite habitat enhancements for minor developments would deliver better outcomes for nature.

As set out in our response to Question 42 above, we are clear that the BNG hierarchy is an ecologically sound approach, that delivers positive outcomes for nature, while also supporting social benefits, such as public access to nature and well-evidenced health and wellbeing benefits. This proposal would go against a principal tenet of BNG policy, that recognises the ecological importance of delivering biodiversity mitigation onsite where possible.

The Rivers Trust does recognise arguments that delivering BNG enhancements offsite could theoretically provide for larger-scale habitat sites, following the Lawton Report principles of “bigger, better, and more joined up”. However, we are concerned that this would not in practice deliver improved biodiversity outcomes long-term, and additionally it would also lose the social

and climate resilience benefits of protecting and enhancing natural spaces amongst our communities.

The value of offsite BNG enhancement is dependent on the types of habitat available. Current evidence suggests that offsite units are not very diverse; a recent [study](#) shows that 44% of planned habitat creation is planned habitat creation on the offsite market ‘other neutral grassland’, with very limited delivery of new wetland/woodland habitats. Therefore, allowing minor development to automatically look offsite could result in more homogenous, and therefore less ecologically valuable, habitat enhancement and creation overall. Additionally, achieving “more joined up” habitat will depend on how well offsite BNG is strategically located and linked up; the impact that LNRs will have on this factor is yet to be seen, with only a limited number of LNRs published.

The Rivers Trust is clear that connectivity of habitats is vitally important for ecosystem health and function, that is another reason why encouraging onsite habitat enhancement (and creation) is critical. Continuing to deliver onsite BNG activity will increase the amount and distribution of natural spaces within our communities and thereby enhance connectivity even in urban and peri-urban areas. Incentivising offsite BNG risks creating nature deserts which further isolates remaining habitats.

The Rivers Trust is particularly concerned by how this approach would impact watercourse outcomes. Rivers and other waterways cannot be moved, their particular ecosystems and species that they host, and the diverse habitats and species that they support indirectly, are locationally-specific.

The Rivers Trust is clear that BNG policy must drive developers to take all possible actions, as per BNG hierarchy rules, to secure watercourse outcomes on-site. To further support better outcomes for nature, The Rivers Trust recommends that all onsite BNG are recorded on the national biodiversity gain register, not just off-site units.

## **Option II: Disapplying the Spatial Risk Multiplier for minor development**

**Question 45. Should the Spatial Risk Multiplier be disappplied for minor development purchasing off-site units?**

- Yes
- **No**
- Don't know

**Please elaborate on your answer here (with evidence were possible)**

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The Rivers Trust does not support the proposal to disapply the Spatial Risk Multiplier (SRM) for minor development purchasing off-site units. The SRM is a vital tool designed to reflect the ecological risks and challenges associated with delivering biodiversity gains away from the site of impact, and encourage local delivery. Removing this multiplier could undermine the integrity of BNG by incentivising displacement of local habitat creation to less suitable or less ecologically connected locations, likewise, undermining public support for development in their area.

### **Option III: Assessing spatial risk using Local Nature Recovery Strategy areas**

**Question 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**
- No
- Don't know

#### **Please elaborate on your answer here**

The Rivers Trust has concerns with this proposal as it could result in BNG units being located further away from the site – as only 48 LNRs cover larger areas than NCAs/LPAs.

With very few LNRs currently published, it is hard to assess how rigorous they will be across the board; this creates a risk that this proposal would result in poorer ecological outcomes. If LNRs work as designed, they will provide a more ecologically robust and locally grounded spatial recognition of priorities and could represent a suitable alternative to the current LPA and NCA approach. However, this is dependent on LNRs being published, consistently robust, and fit for purpose.

The Rivers Trust is particularly concerned about the implications for watercourse habitats. It remains unclear how effectively LNRs will incorporate the water environment. To mitigate this, we recommend that the SRM for watercourse units be linked to CaBA Catchment Plans or relevant watercourse strategies within Local Plans. This would help ensure spatial decisions around BNG reflect hydrological boundaries and deliver better ecological outcomes for freshwater systems.

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## Consultation on BNG for Nationally Significant Infrastructure Projects

**Question 5: Do you agree that the proposed model text provides sufficient information on the biodiversity gain objective?**

- Agree
- **Disagree (please state what additional information you think is required, and explain why)**
- Don't know
- Other (please explain)

While The Rivers Trust largely agrees that the model text is clear and provides sufficient information, we urge Government to adopt a biodiversity gain requirement of 20% for NSIPs, reflecting their greater impact on biodiversity and ensuring meaningful contribution to our national nature recovery goals.

NSIPs should be required to achieve a higher biodiversity net gain requirement of 20%. These large-scale developments have the potential to cause significant, often irreversible, environmental impacts, but also have the budgets, land access, and capacity to deliver greater biodiversity benefits than standard development. A 20% gain requirement would reflect the greater responsibility of NSIP developers to mitigate their environmental impacts, support the delivery of national targets such as 30x30, increase on-site habitat creation, and drive demand in the off-site market, helping to unlock further private investment in nature recovery.

**Question 6: Do you agree that the proposed model text provides sufficient information on irreplaceable habitat?**

- Agree
- **Disagree (please state what additional information you think is required, and explain why)**
- Don't know
- Other (please explain)

The model text does not go far enough to safeguard irreplaceable habitats and does not accurately reflect the full range of irreplaceable habitats.

The Rivers Trust has consistently called on the Government to bring forward the long-awaited consultation on the definition and list of irreplaceable habitats, following the extensive work undertaken by Natural England and its irreplaceable habitats advisory group. This work was intended to inform mandatory BNG for TCPA developments, but the promised consultation has been consistently deferred. Now, before BNG is introduced for NSIPs, the Government must review the list and ensure it is fit for purpose, to avoid the significant risk posed to these highly

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vulnerable habitats by large-scale NSIP development. Without this review and refresh of the list, the model text will not be fit-for-purpose.

Additionally, The Rivers Trust supports Wildlife and Countryside Link's position that the model text falls short of offering the strong precautionary and procedural safeguards that are essential to protecting these critical, vulnerable habitats. The model text must be revised to establish a clear presumption against the loss or deterioration of irreplaceable habitats, stating explicitly that losses to these habitats must only be permitted in the most extreme circumstances, where there is no alternative and where public benefits demonstrably and substantially outweigh the ecological harm. The model text should be aligned more closely with the NPPF's policy on irreplaceable habitats and reinforce that avoidance must always be the first step in the mitigation hierarchy.

Furthermore, the model text should provide greater detail on what constitutes a "suitable compensation plan" for irreplaceable habitat, given that these habitats cannot be recreated or replaced in any meaningful ecological sense. Any compensation strategy must focus on delivering nature recovery at landscape scale and must be subject to expert scrutiny, public transparency, and long-term legal safeguards.

Finally, the requirement to map and describe irreplaceable habitats at the time of application is a positive step, but it must be underpinned by robust ecological standards and independent verification. Given the complexity and importance of these habitats, expert ecological input should be required to determine irreplaceability, and the Secretary of State should have access to independent advice when considering applications involving such habitats.

**Question 7. Do you agree that the proposed model text, alongside the statutory metric user guide, provides sufficient detail on the process for calculating biodiversity net gain?**

- Agree
- **Disagree (please state what additional information you think is required, and explain why)**
- Don't know
- Other (please explain)

Given the scale, complexity, and often multi-phase nature of NSIPs, it is vital that BNG calculations are not just formulaic but also independently scrutinised. There is currently no requirement for external verification of metric inputs or outputs. This creates a risk of inconsistencies or errors, and places a significant burden on already-stretched planning authorities. We recommend that the process includes a requirement for independent ecological review and for watercourses, specialist input from fluvial geomorphologists or hydrologists,

alongside full disclosure of condition assessments, assumptions, and calculations to improve transparency and public confidence.

We also believe the model text should strengthen its treatment of the three biodiversity unit types (area, hedgerow, and watercourse). Each must meet the 10% requirement independently - over-delivery in one category should not be used to compensate for under-delivery in another. This is especially important for sensitive and functionally complex habitats like watercourses, where ecological condition, connectivity, and catchment context directly affect biodiversity value. Supplementary assessments should be required to address ecological function, habitat fragmentation, and geomorphological processes that are not adequately reflected in the metric.

**Question 8: Do you think any additional guidance is required in the statutory metric user guide to clarify how it should be applied for NSIPs?**

- **Yes (please state what additional guidance you think is required, and explain why)**
- **No**
- **Don't know**
- **Other (please explain)**

The Rivers Trust does not agree that the statutory metric user guide should be changed for NSIPs so that off-site biodiversity gains can be delivered in any waterbody and operational catchment that the scheme is in without the spatial risk multiplier penalty.

While NSIPs often span large areas and multiple catchments, their impacts on biodiversity and ecological function are still specific and localised. Off-site gains delivered in a different waterbody or operational catchment, even one technically within the NSIP boundary, may provide little or no ecological compensation for losses in the area affected. Removing the spatial risk multiplier across multiple catchments would disincentivise delivery of offsets where they are most needed, particularly if more cost-effective options are available elsewhere in the scheme area.

The Rivers Trust strongly recommends that NSIPs should be incentivised - via the spatial risk multiplier - to deliver offsets within the same waterbody catchment as the impacted watercourse, and, *at a minimum*, within the same operational catchment. Watercourse impacts must be assessed in the context of catchment-specific hydrological and ecological functions, which vary significantly across the country. Without this safeguard, the ecological intent of BNG is at risk - leading to fragmented or poorly located compensation that fails to support local river health, species, or connectivity.

Moreover, introducing a separate approach for NSIPs creates unnecessary policy inconsistency. The BNG policy is underpinned by the mitigation hierarchy, which rightly prioritises avoidance and minimisation of impacts, with off-site gains as a last resort. The spatial risk multiplier plays

a key role in encouraging locally relevant compensation by incentivising offset delivery close to the impact location. Removing this requirement for NSIPs, which often span large geographic areas, undermines the core principles of BNG and risks enabling perverse outcomes.

BNG should be implemented consistently across all project types. NSIPs should not be exempt from spatial proximity principles that ensure biodiversity gains are ecologically meaningful and delivered where the impacts occur.

**Question 9: Do you agree with the proposal that all habitats within the development site boundary (i.e. the order limits) must be included in the pre-development biodiversity value?**

- **Agree**
- **Disagree (please state the circumstances when habitats should be excluded from the pre-development biodiversity value and why)**
- **Don't know**
- **Other (please explain)**

The Rivers Trust agrees that all habitats within the development site boundary must be included, in order to adequately protect the species that end up affected by the development. This is critical to maintaining the effectiveness and credibility of BNG policy.

NSIP site boundaries are often extensive, and there is frequently uncertainty over the precise footprint of works during early planning stages. Including the full extent of the site in baseline assessments ensures that all habitats - whether ultimately developed or not - are properly valued and considered in design and mitigation. This is especially important for watercourses and riparian corridors, which are ecologically significant but may otherwise be overlooked or undervalued.

This principle is already applied to TCPA developments, so should also be applied to NSIPs in order to ensure consistency across the planning system. Additionally, order limits are a clearly defined and legally bounded area, making them a straightforward and enforceable spatial unit for BNG assessments.

**Question 10: Do you agree that the proposed model text provides sufficient information on: a) what the pre-development biodiversity value consists of?**

- **Agree**
- **Disagree (please state what additional information you think is required, and explain why)**
- **Don't know**
- **Other (please explain)**

**Question 11: Do you agree that the proposed model text provides sufficient information on:**  
**b) the relevant date for calculating the pre-development biodiversity value?**

- **Agree**
- **Disagree (please state what additional information you think is required, and explain why)**
- **Don't know**
- **Other (please explain)**

**Question 12: Do you agree that the proposed model text provides sufficient information on delivering biodiversity net gain on-site, off-site and using credits?**

- **Agree**
- **Disagree (please state what additional information you think is required, and explain why)**
- **Don't know**
- **Other (please explain)**

The Rivers Trust does not agree that the model text is as clear or robust as it needs to be regarding BNG delivery. There are critical issues in the model text that carry a high risk of undermining the ecological outcomes provided by and the consistency of BNG policy.

The model text must be amended to:

- Embed the established BNG hierarchy so that on-site delivery is prioritised before off-site delivery. The proposed guidance for NSIPs would put on-site and off-site delivery on a par, with the stated intention to avoid incentivising compulsory acquisition for on-site habitat creation. However, this would be a clearly disproportionate step to take; instead, the Government should provide strong guidance and oversight to ensure compulsory acquisition is used appropriately and only where clearly in the public and environmental interest. As is in fact already recognised in the consultation document, “Government guidance on compulsory acquisition sets out that applicants should be able to demonstrate that all reasonable alternatives to compulsory acquisition have been explored.” We strongly advocate for a more stringent approach to overseeing the use of compulsory acquisition, rather than undermining the BNG hierarchy.
- Clarify how the long-term value of non-significant on-site gains will be maintained and monitored in the absence of legal agreements. The model text states that “it is expected that their biodiversity value will remain at approximately the same or higher value over 30 years”; this is not a robust approach and risks over-estimating biodiversity outcomes for NSIP developments. The model text must provide further detail about how these

gains will be maintained and monitored; it is not enough to merely “expect” biodiversity outcomes.

- Provide greater detail and more robust and objective definition of the requirement for a “proportionate habitat management and monitoring plan” for significant on-site enhancements. Without a more robust requirement, ecological outcomes are uncertain and the integrity of BNG policy is critically undermined.

**Question 13: Do you agree that the proposed model text provides sufficient guidance on how to determine what counts as a significant on-site enhancement?**

- Agree
- **Disagree (please state what additional information you think is required, and explain why)**
- Don’t know
- Other (please explain)

While the model text includes examples that broadly align with what we would expect to count as significant on-site enhancements – such as the creation of medium or high distinctiveness habitats or improvements in condition - these are currently framed as illustrative only. The use of the phrase “could include but is not limited to” leaves the definition too open to interpretation and risks inconsistent application. For a requirement that determines whether long-term legal agreements and management plans are needed, there must be a clearly defined, objective threshold for what constitutes a “significant” enhancement. We recommend that this is based on robust ecological thresholds drawn from the biodiversity metric, such as clear improvements in habitat distinctiveness and condition, and should also consider whether the enhancement aligns with priorities in Local Nature Recovery Strategies.

We are highly concerned that the distinction between significant and non-significant enhancements will create a loophole that allows developers to avoid legal securing and long-term management requirements. This would significantly undermine the integrity of BNG delivery and its ability to contribute to biodiversity gain outcomes; it would risk gains being lost over time.

Additionally, the model text states that what counts as a significant enhancement will be determined on a case-by-case basis by Examining Authority and SoS. However, this process does not provide an adequately evidence-based and certain approach. It is critical that this process formally involves ecological expertise and ecological evidence, so that BNG outcomes are not put at risk.

**Question 14: Do you think there needs to be a bespoke policy on delivering BNG where land is temporarily used for construction of NSIP schemes?**

- **Yes (please explain why a different policy is required and what this should be)**
- **No**
- **Don't know**
- **Other (please explain)**

BNG policy is intended to mitigate biodiversity loss and deliver biodiversity gain for developments. Therefore, BNG policy must recognise that temporary use of land for construction of NSIPs can have significant, long-lasting, and potentially irreversible impacts on biodiversity, which must be addressed through the BNG regime. It is critical that BNG policy puts responsibility on developers to address any impacts on biodiversity as a result of temporary works. However, we recognise the practical challenges associated with securing long-term legal agreements on land used temporarily for NSIP construction, particularly where that land is not under long-term control or is expected to return to a different use.

From an ecological perspective, there is no justification for treating temporary land differently. The physical and ecological impacts on such land, often involving clearance, compaction, pollution, or hydrological disruption, can be profound and long-lasting, regardless of whether the land is ultimately returned to a prior landowner. Restoration objectives alone are not sufficient unless these are legally secured, properly monitored, and contribute demonstrably to a net improvement in biodiversity value over time. Moreover, creating a bespoke policy that would allow developers to avoid securing 30-year gains on temporary land undermines the fundamental principle that BNG must be additional, lasting, and accountable. Therefore, The Rivers Trust is clear that simply exempting temporary land use from BNG or removing 30-year management requirements would not be a proportionate solution and would undermine the effectiveness and integrity of BNG policy. We support Wildlife and Countryside Link's response, which comes out strongly against adapting BNG policy to temporary land use.

However, The Rivers Trust recognises that an alternative route may be needed to ensure BNG principles are upheld in cases where long-term agreements on temporary land are not feasible. On-site delivery must remain the priority, in line with the mitigation hierarchy, and developers should be required to demonstrate that all reasonable options to secure 30-year agreements on temporary land have been fully explored. Where such agreements are genuinely unfeasible, NSIPs should be expected to deliver equivalent biodiversity gains through the off-site market.

This approach would ensure that the impacts of temporary land use are still properly mitigated and accounted for in line with BNG principles. It would also avoid the need for compulsory acquisition, reduce administrative burden, and strengthen the developing market for off-site

biodiversity units. By supporting the delivery of long-term, legally secured habitat gains elsewhere, this route would help maintain the integrity of the BNG policy while enabling more practical implementation for complex infrastructure schemes.

**Question 15: Do you agree that the proposed model text provides sufficient information on the wider considerations for delivering biodiversity gains?**

- Agree
- **Disagree (please state what additional information you think is required, and explain why)**
- Don't know
- Other (please explain)

As set out in our response to Question 5 above, The Rivers Trust strongly disagrees with the proposal to allow off-site biodiversity gains in any waterbody and operational catchment that the scheme is in without attracting the spatial risk multiplier penalty.

We are clear that NSIPs should be incentivised - via the spatial risk multiplier - to deliver offsets within the same waterbody catchment as the impacted watercourse, and, *at a minimum*, within the same operational catchment. Watercourse impacts must be assessed in the context of catchment-specific hydrological and ecological functions, which vary significantly across the country. Without this safeguard, the ecological intent of BNG is at risk - leading to fragmented or poorly located compensation that fails to support local river health, species, or connectivity.

Additionally, the proposed guidance includes too little detail on delivery mechanisms and long-term accountability. Biodiversity gain plans must go beyond initial commitments and include provisions for robust monitoring, transparent reporting, and legally enforceable mechanisms, such as conservation covenants or planning obligations, that guarantee the security of gains over the full 30-year term. The guidance should also clarify how local authorities, statutory nature bodies, and communities will be involved in the design, oversight, and governance of BNG delivery.

**Question 16: Do you agree that the proposed model text provides sufficient information on the following: a) Evidence for submission?**

- Agree
- **Disagree (please state what additional information you think is required, and explain why)**
- Don't know
- Other (please explain)

The Rivers Trust would like to see the model text strengthened regarding the mitigation hierarchy. The model text should strengthen biodiversity gain plan information requirements on the mitigation hierarchy to ensure that applicants have to explicitly set out how they have progressed through each step of the hierarchy. Currently, the model text states that “information about the steps taken or to be taken to minimise the adverse effect of the development” must be provided. However, to strengthen and clarify this very important step, the model text should explicitly state the need for applicants to provide detail about how they have considered the mitigation hierarchy, how they have sought to avoid significant harm in the first instance, and how their proposals follow the mitigation hierarchy.

We are also concerned that the proposed decision-making framework does not mandate the use of expert ecological review or independent assessment of biodiversity metric calculations. This is a missed opportunity to ensure that decisions are based on sound science and ecological best practice. Particularly for NSIPs, which often have significant and complex biodiversity impacts, independent expert scrutiny should be an integral part of the assessment process.

**Question 17: Do you agree that the proposed model text provides sufficient information on the following: b) Decision making?**

- Agree
- **Disagree (please state what additional information you think is required, and explain why)**
- Don't know
- Other (please explain)

The Rivers Trust is concerned that the proposed decision-making framework does not mandate the use of expert ecological review or independent assessment of biodiversity metric calculations. This is a missed opportunity to ensure that decisions are based on sound science and ecological best practice. Particularly for NSIPs, which often have significant and complex biodiversity impacts, independent expert scrutiny should be an integral part of the assessment process.

We also echo Wildlife and Countryside Link's position that the model text does not sufficiently integrate BNG decision-making with other relevant regulatory regimes, including those under the Habitats Regulations, Environmental Impact Assessment, and National Policy Statements. BNG must be considered in the context of these existing obligations to ensure coherence and avoid duplication or gaps.

**Question 18: Do you agree with the proposal to allow updated biodiversity gain plans to be submitted to the relevant local planning authority for approval after consent is granted?**

- Agree
- **Disagree (please state what alternative you think would be more appropriate and why)**
- Don't know
- Other (please explain)

The Rivers Trust is concerned that the proposal to allow updates to biodiversity gain plans after initial consent is granted will undermine transparency and public scrutiny, reduce the rigour of the planning application process, and may result in poorer biodiversity outcomes. By breaking down biodiversity gain planning across multiple development phases, it will be hard to take a holistic approach that delivers more meaningfully for natural habitats and species, which function as an interconnected system.

BNG must be front-loaded in the application process, with all material aspects of the plan submitted and subject to scrutiny before consent is granted. Allowing major elements of the BNG strategy to be approved post-consent, particularly where they relate to off-site delivery or credit purchases, risks reducing BNG to a tick-box exercise rather than a meaningful commitment.

We are also concerned that post-consent changes may place a significant drain on planning authorities if they are required to oversee multiple material changes to BNG plans. This may result in inconsistent and less rigorous decisions being made.

We support Wildlife and Countryside Link's proposal for a two-stage process, whereby applicants submit a comprehensive biodiversity gain plan at application stage, including all necessary commitments and demonstrating how the biodiversity gain objective will be met, with only non-material adjustments allowable for post-consent updates. This will require clear criteria for what changes are acceptable and safeguards to ensure that these do not weaken the overall ecological outcomes.

**Question 19: Do you have any evidence for us to consider as part of our final impact assessment on implementing BNG for NSIPs?**

- **Yes (please provide the evidence you think should be considered and explain why)**
- **No**
- Don't know
- Other (please explain)

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**Question 20: Do you think the policy proposals and model text for the biodiversity gain statements outlined in this consultation need amending for any specific NSIP type?**

- **Yes (please explain how and why you think the proposals needs amending, and for which NSIP type(s))**
- **No**
- **Don't know**
- **Other (please explain)**

While The Rivers Trust strongly advocates for maximising consistency across the BNG regime, across both NSIP and TCPA development, we are clear that certain NSIP types may need to adopt a more tailored approach to BNG policy to account for their particular ecological impacts. For example, linear infrastructure such as road and rail projects tends to fragment habitats over large distances, making both avoidance and meaningful on-site compensation difficult. The model text should therefore include stronger expectations around habitat connectivity and require that biodiversity gain plans for linear schemes address cumulative impacts and long-term ecological coherence.

**Question 21: Do you think there are any NSIP types or circumstances that should have different requirements or remain in a voluntary regime (noting this would continue to exclude them from buying registered off-site biodiversity gains and statutory biodiversity credits)?**

- **Yes (please explain and provide evidence where possible)**
- **No**
- **Don't know**
- **Other (please explain)**

No NSIPs should remain in voluntary regime. Bringing all NSIPs into the statutory BNG framework is essential for ensuring a level playing field and maintaining consistency across the development sector. NSIPs often have significant land footprints and biodiversity impacts. Therefore, excluding any from the mandatory regime would undermine the ecological intent of BNG.

Allowing some NSIPs to remain voluntary could also dilute demand for registered off-site biodiversity units, weakening the emerging BNG market and reducing incentives for high-quality habitat creation and restoration. A consistent, mandatory approach is more likely to drive investment in strategic nature recovery and give certainty to habitat banks and landowners.

**Question 22: Do you have any additional comments on the draft biodiversity gain statement or on the next steps that are not covered by the previous questions?**

- **Yes (please explain)**
- **No**

The Rivers Trust recommends that the Government commits to reviewing the implementation of BNG for NSIPs within three years of the policy coming into force, including a formal evaluation of its ecological outcomes, cost-effectiveness, and stakeholder experiences. This will help identify areas for improvement and ensure the policy evolves in line with ecological best practice.

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About The Rivers Trust:

*The Rivers Trust is the umbrella organisation for our 60+ member Rivers Trusts across Britain, Northern Ireland and Ireland. We are river and catchment conservation experts with a wealth of data and expertise at our fingertips. We work with our member trusts to make our shared vision a reality: wild, healthy, natural rivers, valued by all.*

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