

Rt Hon. Emma Reynolds MP
Secretary of State for the Environment, Farming and Rural Affairs
Department for the Environment, Farming and Rural Affairs
Seacole Building
2 Marsham Street
London
SW1P 4DF
United Kingdom

12 February 2026

Subject: Biodiversity Net Gain Exemptions

Dear Secretary of State

We are writing to express serious concern about the misuse of the de minimis exemption within the Biodiversity Net Gain (BNG) framework, and about proposals to introduce further exemptions before this non-compliance has been comprehensively addressed.

There is now clear and unambiguous evidence that the current de minimis exemption has enabled widespread evasion of BNG requirements. Analysis, including the recent [eftec report](#), demonstrates that the exemption is being used at scale in a manner that was neither intended nor anticipated by Parliament. Evidence further suggests that, if the existing de minimis exemption is not removed, the proposed new 0.2 hectare exemption would result in over 90% of planning applications avoiding BNG altogether. This would fundamentally undermine the policy, destroy confidence in the off-site market, and render BNG ineffective as a mechanism for nature recovery.

The central flaw in the current system is legal and procedural. Applicants are able to claim an exemption at the point of submission based solely on a statement that they “believe” they are exempt, without providing any supporting evidence. This approach is indefensible. It creates a system that actively rewards non-compliance, places local planning authorities in an impossible position, and removes any meaningful incentive for applicants to engage honestly with BNG requirements.

The de minimis exemption must therefore be removed. Furthermore, no new exemptions should be introduced until the issue of widespread non-compliance has been fully explored and resolved.

If exemptions are to exist, they must be subject to robust safeguards. In particular, any claim for exemption must be supported by mandatory evidence submitted at the point of application. Reliance on an applicant’s “belief” at the point of submission is not an acceptable basis for exemption from a statutory environmental requirement. There must be a clear legal obligation to provide evidence, and planning authorities must be empowered to reject unsupported claims.

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We also wish to be clear that any future consultation on the operation or reform of BNG must explicitly address the de minimis exemption and its impacts. This issue cannot be treated as out of scope or deferred. A consultation that does not grapple directly with the evidence of misuse, non-compliance, and market distortion associated with de minimis would be fundamentally incomplete and incapable of delivering a credible or lawful policy outcome.

Any approach to the future of BNG that fails to make substantive proposals to address these issues - and that continues to allow exemptions to be claimed without evidence - will be deficient. Such an approach would also place the Government in breach of its commitments under the Environment Act to halt the decline of nature and to deliver meaningful biodiversity recovery.

We urge the Government to act decisively to close the de minimis loophole, restore the integrity of BNG, and ensure that the policy delivers the outcomes Parliament and the public were promised.

On behalf of the below individuals,

Henry Rossiter, Belmont Estate

Phil McCluskey, Policy Manager, British Ecological Society

Jason Reeves, Head of Policy, Chartered Institute of Ecology and Environmental Management

Alastair Chisholm, Director of Policy, Chartered Institution of Water and Environmental Management

William Pope, Chair, Environmental Policy Forum

David Hill, Foundation for Nature

William Butler, CEO and Founder, Gaia Sicura, and Chair, Nature and Sustainability Committee for the Insurance Institute of London

Marcus McAuley, Policy Lead, Institute of Fisheries Management

Adam Donnan, CEO, Institution of Environmental Sciences

Peter Egan, Sustainability and Innovation Lead, Institution of Royal Engineers

Andrew Rylah, Policy and Public Affairs Manager, Landscape Institute

Alexa Culver, Legal Counsel, RSK Wilding

Sarah Ridgeon, Policy and Communities of Practice Officer, Society for the Environment

Matthew Brown and Rafi Cohen, Co-CEOs, and Helen Nyul, Director of Ecology, Verna Earth Solutions

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