CONSULTATION

Response Document

Biodiversity Net Gain – considering a targeted exemption for residential brownfield development

Defra

Deadline 10 June 2026

Introduction to CIEEM

The Chartered Institute of Ecology and Environmental Management (CIEEM), as the leading membership organisation supporting professional ecologists and environmental managers in the United Kingdom and Ireland, welcomes the opportunity to comment on this consultation.

CIEEM was established in 1991 and has approaching 10,000 members drawn from local authorities, government agencies, industry, environmental consultancy, teaching/research, and voluntary environmental organisations. The Chartered Institute has led the way in defining and raising the standards of ecological and environmental management practice with regard to biodiversity protection and enhancement. It promotes knowledge sharing through events and publications, skills development through its comprehensive training and development programme and best practice through the dissemination of technical guidance for the profession and related disciplines.

CIEEM is a member of:

- Wildlife and Countryside Link
- Wales Environment Link
- Scottish Environment Link
- Northern Ireland Environment Link
- Environmental Policy Forum
- Society for the Environment
- IUCN – The World Conservation Union
- United Nations Decade of Restoration 2021-2030 Network

Overall Comments

CIEEM strongly opposes any new brownfield exemption from Biodiversity Net Gain (BNG). The proposals under consultation represent a cumulative and structural regression from the core purpose of BNG and, taken together with existing and forthcoming exemptions (i.e. the *de minimis* and 0.2 ha exemptions, respectively), risk removing up to 90% of eligible development from any BNG obligation. This is precisely the outcome that existing research (https://cieem.net/new-research-shows-government-should-not-exempt-all-small-bng-sites/) and previous formal consultation responses from the environmental sector have warned against.

Brownfield First – But with Early Ecology Involvement

CIEEM does not oppose a brownfield-first approach to housing and development delivery. Directing development towards previously developed land remains an appropriate spatial strategy and one we support in principle.

However, "brownfield first" must not become "ecology last." Early ecological involvement is essential, including on brownfield sites, to correctly identify and assess biodiversity value before development decisions are made.

Many brownfield sites (even those that do not technically qualify as Open Mosaic Habitat (OMH)) support significant ecological features, with Natural England's own research showing the value of brownfield sites to biodiversity (https://publications.naturalengland.org.uk/publication/127046).

Ecology, when engaged early and meaningfully, is not a constraint on good development, it is an enabler of it, helping to identify opportunities for genuine nature enhancement that add long-term value to communities and developments alike.

BNG is encouraging developers to favour less ecologically damaging site choices. This is a key feature of the policy, not a defect.

No Evidence that Biodiversity is a Barrier to Brownfield Development

A central concern with this consultation is that it proceeds as though biodiversity requirements are a meaningful barrier to brownfield development, yet no credible evidence base has been presented to support this premise.

The consultation lacks the rigorous impact assessment that such a significant policy change demands. Where viability concerns exist on brownfield sites, we suggest that remediation costs (often substantial and highly variable) as the primary financial barrier, not ecological obligations. BNG costs, by contrast, are typically modest relative to overall development costs.

The Government's own Planning and Infrastructure Bill impact assessment acknowledged that there is *"very little evidence that nature is blocking development"*.

CIEEM calls on Government to publish robust evidence before proceeding, and to commission independent analysis of the actual cost drivers on stalled brownfield sites before asserting that nature is the problem.

Social Justice

The proposed exemptions would fall most heavily on the most deprived communities in England. Brownfield housing capacity is disproportionately concentrated in deprived neighbourhoods. The most deprived fifth of neighbourhoods contain over 30% of all brownfield housing capacity, while the least deprived fifth contain just 8%. These are also the communities with the poorest existing access to greenspace and the least capacity to absorb further biodiversity loss. The 0.2 hectare exemption alone would remove BNG obligations from approximately 82% of planning applications in the most deprived local authorities. A brownfield exemption would systematically strip nature-recovery obligations from the places where investment in green infrastructure is needed most, embedding environmental inequality into the planning system itself.

The recently published *Green Gap* report (https://www.wcl.org.uk/docs/green_gap_report.pdf) further expands on this disparity in social justice.

This approach would also appear to be in contradiction to other Defra initiatives, such as the recently published guidance on flood and coastal erosion risk management (FCERM) funding policy guidance (https://www.gov.uk/government/publications/flood-and-coastal-erosion-risk-management-funding-policy-guidance) which places a greater emphasis on increasing proportions of investment being directed to the most deprived communities.

OMH Identification

CIEEM recognises that there is a potential issue with the consistent identification of Open Mosaic Habitat (OMH).

CIEEM has a role to play in addressing this through guidance, training and professional standards. We are committed to working with practitioners, planning authorities and Government to improve the consistency and quality of OMH assessment. This should be developed alongside any policy framework, not treated as an afterthought.

The Quality of Ecological Reports and the Solutions CIEEM Offers

CIEEM acknowledges that the quality of ecological reports submitted in support of planning applications is variable, and that this is a legitimate issue that must be addressed.

Where ecological assessments are poor, they can create delays and uncertainty but this must not be allowed to become a justification for removing ecological requirements altogether. The solution is not exemption but rather improvement.

CIEEM is actively working to address this through professional training, upskilling of ecologists and ongoing discussions around BNG assurances and quality standards. This includes developing ecologists who understand not only ecology, but the planning system, commercial viability and the development process. These are practitioners who can engage constructively and confidently with developers, local authorities and communities as partners in delivering genuinely good development.

Valuing Ecologists

Results from the 2025 CIEEM State of the Profession survey revealed that ecologists feel significantly undervalued – professionally, financially and culturally. This is not

merely a workforce issue, it reflects a broader failure to recognise the critical importance of the work that ecologists do.

At a time when nature recovery is rightly described as one of the defining challenges of our time, and when statutory Environment Act targets depend on the expertise of ecologists to deliver, the signal sent by proposals that frame biodiversity requirements as bureaucratic burdens is deeply damaging to the profession and to public understanding of its value.

Government messaging must change. Ecologists are an essential part of delivering the healthy, sustainable and equitable communities that planning policy is supposed to create. CIEEM calls on Government to acknowledge and articulate this publicly, and to back it with action.

Summary Conclusion

CIEEM's position is clear that no new brownfield exemption from BNG should be introduced. The existing evidence base does not support it, the social consequences are unacceptable, and the cumulative effect of stacking further exemptions onto a system already experiencing widespread non-compliance would be to hollow out the policy entirely. A brownfield-first approach is compatible with strong biodiversity requirements, provided that ecology is engaged early, reports are of high quality, and the Government commits to treating nature recovery as a genuine priority rather than a regulatory inconvenience. CIEEM is ready to support delivery of this approach through professional leadership, training and constructive engagement.

Responses to specific questions

6. Do you support the proposed regulatory definition of residential brownfield development?

Options: Yes / No / I don't know / I'm not sure

Free text (optional): If you do not support the proposed definition, what specific changes would you make and why?

CIEEM does not support the proposed definition because it is based primarily on historic land use rather than the current ecological value of a site. While previously developed land (PDL) is often perceived as having limited environmental value, extensive evidence demonstrates that many brownfield sites support important habitats and species, particularly in urban and peri-urban areas. These sites can provide refuges for priority species, contribute to habitat connectivity and deliver valuable ecosystem services such as cooling, flood management and public access to nature.

The proposed definition risks creating a broad exemption that captures sites of genuine biodiversity importance simply because they were previously developed. This approach is inconsistent with the principles underpinning Biodiversity Net Gain (BNG), which are based on measuring biodiversity outcomes rather than making assumptions about land categories.

Systematic misuse of the existing *de minimis* exemption demonstrates the danger of exemptions that rely on self-certification without robust evidential requirements. The proposed definition replicates those structural weaknesses.

The cumulative impact of stacking brownfield, 0.2ha and *de minimis* exemptions risks removing over 90% of eligible development from any BNG obligation, directly contradicting successive government commitments that BNG would apply to "'most development".

CIEEM recommends that any exemption should be determined through ecological evidence. The Biodiversity Metric already provides an established and proportionate mechanism for assessing biodiversity value. CIEEM would therefore advocate for an approach that focuses on measured ecological condition rather than historic land use classifications.

7. Do you agree that the proportion of the land within the planning application boundary should be ≥75% Previously Developed Land (PDL) to qualify?

Options: Yes / No / I don't know / I'm not sure

If no, which % PDL do you support? ≥70% PDL/ ≥80% PDL / Other PDL% (please specify)

Free text: Please provide the rationale and any evidence supporting your response (for example case studies, data, or experience).

CIEEM does not consider a 75% threshold, or indeed any percentage threshold based on previously developed land, to be an appropriate basis for determining exemption from BNG requirements. The proportion of a site that has previously been developed provides little meaningful information about its current biodiversity value.

In practice, sites that are largely developed can still support extensive areas of open mosaic habitats, species-rich grassland, scrub communities and other habitats of recognised ecological importance. Conversely, sites with a lower proportion of previously developed land may have relatively limited biodiversity value. The threshold therefore creates a risk of both over- and under-inclusion.

CIEEM favours an evidence-led approach that assessed actual biodiversity value rather than relying on proxies. The Biodiversity Metric has been specifically designed to provide a consistent and objective assessment of habitat value and condition. CIEEM therefore recommends that decisions on eligibility are informed by metric outputs rather than arbitrary percentage thresholds that bear little relationship to ecological reality.

8. To what extent do you agree that the proposed regulatory definition aligns with current interpretations of 'Previously Developed Land' under the NPPF glossary for planning decisions?

Options: Strongly agree / Agree / Neither agree nor disagree / Disagree / Strongly disagree / I do not have experience with the current interpretation of PDL / I don't know / I'm not sure

Free text (optional): If you disagree or strongly disagree, please identify the circumstances where you consider divergence between the definitions would occur. Information on the frequency of these circumstances and the impact of using the proposed regulatory definition for a BNG exemption would be welcome.

While the proposed definition may align with existing National Planning Policy Framework definitions of previously developed land, CIEEM does not believe that this provides sufficient justification for its use within the BNG regime.

The NPPF definition was developed primarily to guide planning decisions around land use and development priorities. It was not designed as a tool for assessing biodiversity value. Using the same definition as a gateway to exempt developments from biodiversity obligations risks conflating two distinct policy objectives.

CIEEM recognises that planning policy often encourages the reuse of brownfield land, and CIEEM supports sustainable redevelopment where appropriate. However, this should not come at the expense of biodiversity. The fact that land is classified as previously developed does not mean it lacks ecological value, nor does it mean that biodiversity enhancements cannot be delivered alongside development.

CIEEM therefore argues that ecological assessments should remain central to decision-making. Alignment with existing planning definitions should not override the need for evidence-based biodiversity evaluation.

9. Overall, do you consider the proposed definition and evidential requirements to be proportionate and workable for applicants and local planning authorities?

Options: Strongly agree / Agree / Neither agree nor disagree / Disagree / Strongly disagree / I don't know / I'm not sure

Free text (optional): If you disagree or strongly disagree, please state why it would not be proportionate and workable from either an applicant or local planning authority perspective. Information on the likely costs incurred or time taken by either would be welcome.

CIEEM does not consider the proposed evidence requirements to be proportionate because they focus on establishing historic land use rather than understanding ecological value. Applicants would be required to gather evidence demonstrating that land qualifies as brownfield, which may involve historic records, aerial imagery and planning documentation, yet none of this information directly informs biodiversity outcomes.

In many cases, it would be simpler, quicker and more transparent to undertake a basic biodiversity assessment using the Biodiversity Metric. Such an approach would directly measure habitat extent and condition and provide a robust evidence base for determining whether a site has low biodiversity value.

The proposal risks creating additional administrative complexity whilst delivering less reliable environmental outcomes. It may also encourage debate around land classification rather than focusing attention on the actual biodiversity present on a site.

CIEEM favours a proportionate ecological assessment requirement over a process based primarily on proving historic land use. A proportionate and workable regime would require applicants seeking exemption on sites above the 0.2ha threshold to submit a completed biodiversity metric and a supporting habitat plan at application stage.

10. What impact do you think the introduction of a mandatory BNG requirement has had on brownfield residential schemes of less than 2.5 hectares?

Options: No impact / Negative impact / Positive impact / Mixed impact / I don't know / I'm not sure

Please specify specific impacts (drop down)

- ***Increased development costs (for example due to cost of habitat delivery or additional surveys)***
- ***Increased project timelines or delays***
- ***Reduced development viability***
- ***Lack of availability of ecologists***
- ***Administrative or evidence burden***
- ***Increased onsite habitat provision / provision of green infrastructure***
- ***Increased benefits to local communities***
- ***Increased sale value***
- ***Other impact (please specify)***

Free text (optional): Please provide evidence if possible.

CIEEM recognises that the introduction of mandatory BNG has created additional requirements for developers, including those working on smaller brownfield sites. However, evidence to date suggests that (with the noted exception of some very small sites, which will however now be exempt under the 0.2 ha exemption likely being introduced from July 2026) these requirements have generally been proportionate and manageable, particularly when considered in the context of overall development costs.

Where the requirement has added cost or effort, it has largely done so by surfacing genuine ecological value, which is the policy working as intended.

CIEEM has observed that BNG has encouraged earlier consideration of biodiversity within the design process. This has often led to better site layouts, improved green infrastructure, enhanced landscaping and more opportunities to integrate nature into developments. In many cases, these changes provide wider benefits to residents and communities as well as biodiversity.

Importantly, BNG has also helped identify ecological value on sites that might previously have been overlooked. This is particularly relevant for brownfield sites, where assumptions about low biodiversity value are often inaccurate.

CIEEM therefore considers that the benefits of retaining BNG on smaller brownfield developments outweigh the additional costs and administrative requirements associated with compliance.

11. Do you support a targeted area based exemption for residential brownfield development? We are also consulting on a proposed definition of "brownfield development", including the threshold for the proportion of previously developed land (%PDL). For this question, please answer on the basis that the proposed definition will be taken forward.

Options: Yes / No / I don't know / I'm not sure

Free text: Please explain your reason.

CIEEM does not support a targeted exemption based on site area because area alone is not a reliable indicator of biodiversity value. Small brownfield sites can support significant ecological features, whilst larger sites may have relatively limited biodiversity interest. As a result, area-based thresholds are unlikely to deliver consistent or environmentally robust outcomes.

The proposal risks creating a situation where ecologically valuable sites are exempt from biodiversity requirements solely because they fall within a particular size category. This would undermine the fundamental principle of BNG, which is to secure measurable improvements for biodiversity through development and to encourage developers to favour less ecologically damaging site choices.

CIEEM would instead favour a risk-based approach informed by ecological evidence. Existing metric tools already provide a mechanism for identifying genuinely low-value sites and ensuring that regulatory effort is focused where it is most needed.

CIEEM therefore believes that support for brownfield redevelopment should be delivered through streamlined assessment processes rather than broad exemptions from biodiversity obligations.

12. If you support a targeted area-based exemption for residential brownfield development, which exemption threshold for a residential brownfield development do you support?

Options: 0.5 hectare / 1 hectare / 1.5 hectare / 2 hectare / 2.5 hectare / No preference / Other (please specify) / Do not support / I don't know / I'm not sure

CIEEM does not support the introduction of any area-based exemption threshold because ecological value does not correlate reliably with site size. Whether a site is 0.5 hectares, 2.5 hectares or larger, the key consideration should be the biodiversity present and the likely impacts of development.

Introducing a threshold risks potentially creating perverse outcomes whereby ecologically important sites are exempt whilst less valuable sites remain subject to BNG requirements. It may also encourage site subdivision or other unintended behaviours aimed at avoiding regulatory obligations.

Professional ecologists are trained to assess biodiversity based on evidence gathered from the site itself. The Biodiversity Metric already provides a transparent and consistent framework for doing so. CIEEM considers this a more robust and defensible basis for decision-making than any arbitrary size threshold.

Accordingly, CIEEM favours retaining a biodiversity-led approach rather than introducing area-based exemptions.

13. Do you think there is a case for an area-based exemption for residential brownfield development that is greater than 2.5 hectares?

Options: Yes / No / I don't know / I'm not sure

Free text (optional): Please explain why or why not.

CIEEM strongly opposes extending any exemption to sites larger than 2.5 ha. Larger sites are often more likely to contain a variety of habitat types, support greater species diversity and contribute to landscape-scale ecological networks. As site size increases, so too does the potential for both biodiversity loss and biodiversity enhancement.

Removing BNG requirements from larger developments would significantly reduce opportunities to secure environmental improvements through the planning system. It would also undermine confidence in the principle that development should contribute positively to nature recovery.

CIEEM is particularly concerned that larger brownfield sites often contain extensive areas of naturally colonised habitat that have developed over many years. These habitats can be difficult to recreate and may provide important resources for species of conservation concern.

For these reasons, CIEEM considers that larger sites should remain fully within the scope of BNG requirements and should continue to be assessed using established biodiversity metrics.

14. Do you foresee any unintended consequences arising from a targeted exemption for brownfield residential development?

Yes / No / I don't know / I'm not sure

Free text (optional): If yes, please outline the types of risks or unintended consequences you consider most likely (for example ecological, administrative, market based or behavioural).

CIEEM believes the proposed exemption could lead to a range of unintended and potentially damaging consequences. Most importantly, it could result in the loss of biodiversity on sites that support valuable habitats and species but also happens to meet the definition of previously developed land.

The exemption may also shift attention away from biodiversity outcomes and towards disputes over land classification. Planning authorities, developers and consultants could find themselves spending considerable time determining whether a site meets the technical definition of brownfield land rather than considering ecological impacts and opportunities for enhancement.

There are also wider strategic concerns. Exemptions could reduce demand for habitat creation and enhancement measures, weakening the emerging BNG market and reducing investment in nature recovery.

Recent research (https://www.wcl.org.uk/docs/green_gap_report.pdf) also suggests that a blanket brownfield exemption may also disproportionately affect urban communities, where brownfield sites often represent important sources of accessible green space and biodiversity. The exemption concentrates its effects on the categories of development most likely to occur in deprived urban areas, where access to nature is already poorest. It risks embedding environmental inequality into the planning system, creating a two-tier model of nature recovery in which the most disadvantaged communities receive the fewest biodiversity enhancements.

This proposal risks undermining confidence in the BNG framework and reducing its effectiveness as a mechanism for delivering nature recovery alongside development.

15. How easy or difficult do you think it would be for applicants and LPAs to apply this exemption in practice?

Options: Very easy / Easy / Neither / Difficult / Very Difficult / I don't know / I'm not sure

Free text (optional): Please indicate any specific areas where clarity or further guidance would be required.

Although intended to simplify development processes, the proposed exemption may in practice create new complexities. Determining whether land qualifies as previously developed can be far from straightforward, particularly on sites with mixed land-use histories or partial redevelopment.

Questions may arise regarding the interpretation of historic records, the treatment of temporary structures, the extent of previous development and the appropriate evidence required to demonstrate eligibility. These issues could create inconsistency between planning authorities and lead to delays or disputes.

By contrast, biodiversity assessments undertaken using recognised metrics provide a standardised and transparent methodology that is already familiar to developers, local authorities and ecological consultants.

CIEEM therefore argues that retaining metric-based assessments is likely to provide greater certainty and consistency than introducing a new exemption regime based on land-use classifications.

16. Do you think any additional measures are needed to ensure that the exemption is appropriately targeted in relation to potential ecological impacts?

Options: Yes / No / I don't know / I'm not sure

Free text (optional): If yes, please outline what additional measures you consider necessary.

CIEEM supports the objective of facilitating sustainable development and recognises the important role that brownfield land can play in meeting housing needs. However, this objective should not come at the expense of biodiversity or undermine the integrity of the BNG framework.

The central concern with the proposed exemption is that it assumes previously developed land is generally of low ecological value. Ecologists know that this assumption is frequently incorrect. Brownfield sites can support important habitats, contribute to ecological connectivity and provide valuable opportunities for nature recovery in urban landscapes.

The Biodiversity Metric already offers a proportionate, evidence-based tool for assessing biodiversity value and determining appropriate mitigation and enhancement measures. Rather than introducing broad exemptions, CIEEM supports measures that improve the efficiency and consistency of these assessment processes.

Overall, CIEEM advocates for a system in which biodiversity outcomes are determined by robust ecological evidence, where all development contributes fairly to nature recovery, and where professional ecological expertise continues to play a central role in planning and environmental decision-making.

17. If you have any further evidence about the administrative, viability, biodiversity or nature market impacts for this exemption that you have not provided in previous responses, please provide it in the box below. Any evidence submitted will be reviewed by the department but will not be analysed, summarised, or included in the published government response.

***Free text (optional): Please summarise further evidence*.**