



## London Borough of Enfield

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<b>Report Title</b>	Biodiversity Net Gain
<b>Report to</b>	Environment and Climate Action Scrutiny Panel
<b>Date of Meeting</b>	12 <sup>th</sup> March 2024
<b>Cabinet Member</b>	Councillor Susan Erbil, Cabinet Member for Licensing, Planning and Regulatory Services
<b>Executive Director / Director</b>	Brett Leahy, Director of Planning and Growth Housing, Regeneration and Development
<b>Report Author</b>	Karen Page <a href="mailto:Karen.page@enfield.gov.uk">Karen.page@enfield.gov.uk</a>  Gideon Whittingham <a href="mailto:Gideon.whittingham@enfield.gov.uk">Gideon.whittingham@enfield.gov.uk</a>
<b>Classification</b>	Part 1 Public

### **Purpose of Report**

- 1.1 For information.

### **Main Considerations for the Panel**

- 2.1 To consider how Biodiversity Net Gain will be processed by Development Management in Enfield.

### **Background**

- 3.1 Given the continuing decline in Biodiversity in the UK and globally, it is no longer enough to identify protected species and aim to conserve designated sites through the development process.

- 3.2 In seeking to drive Nature Recovery, the Government has introduced several measures including the mandating of measurable Biodiversity Net Gain in new development via the Environment Act 2021 (the Act). The Act, mandatory from 12 February 2024, includes a requirement for all future schemes including the development of land to deliver a mandatory minimum 10% Biodiversity Net Gain. This will include a requirement for the net gain to be maintained for at least 30 years.
- 3.3 The objective is that biodiversity will be in a measurably better state after new development has happened than before the development has taken place. So, if a developer wants to build some new homes on a parcel of land, the developer will have to calculate what level of biodiversity exists before development takes place, and then demonstrate how habitats will be created to increase biodiversity after the development has finished. This does not necessarily mean the same type of biodiversity or habitats are created as currently exists or created in the same place. It's about an overall increase in habitats and biodiversity, once a proposal has been adjusted for what will be lost and what will be gained. Hence the term 'net gain'.
- 3.4 Successful implementation of Biodiversity Net Gain has the potential to restore and create new habitats that can provide a home for a diverse range of species thereby positively contributing to biodiversity recovery.
- 3.5 Prior to Biodiversity Net Gain becoming mandatory from 12 February 2024, Development Management published a draft Biodiversity Net Gain guidance note on 8 December 2023, aimed at the development industry (in relation to housing and non-residential) as well as anyone considering promoting land for habitat creation and enhancement in Enfield. As such, the primary audience for the document was planning applicants, developers, planning agents, ecologists, landowners, land managers, land agents and site promoters. It may also be of interest to a wide range of conservation bodies and other technical stakeholders and the general public to better prepare for planning submissions.
- 3.6 The guidance note details:
- The methodology for calculating Biodiversity Net Gain, including the Biodiversity Gain Hierarchy and the metrics, in addition to Enfield's approach when assessing and monitoring that measurable gains are achieved
  - Development applicable and exempt to Biodiversity Net Gain
  - How Biodiversity Net Gain will be integrated in Enfield's Development Management process, including the requirements and conditions that applicants must follow to in order to achieve mandatory Biodiversity Net Gain.
- 3.7 It should be noted that this guidance note is not formal planning policy. It does not establish a new planning policy, nor does it supersede any existing formally made planning policy. Instead, it sets out how Enfield Local Planning Authority intends to apply existing policy and prepare for Biodiversity Net Gain.

- 3.8 The intention is that this guidance note will be a live document, to be updated as necessary to respond to changes in national guidance and emerging local policy development.

### Relevance to Council Plans and Strategies

- 4.1 The current Enfield Development Plan comprises:
- 4.2 The London Borough of Enfield Local Development Framework Core Strategy (CS): The Enfield Plan (10<sup>th</sup> November 2010)
- 4.3 The London Borough of Enfield Development Management Document (DMD) (on 19<sup>th</sup> November 2014)
- 4.4 The Council's policy position in respect of biodiversity builds upon existing national guidance and policy within the NPPF which makes biodiversity a material consideration. The newly proposed Biodiversity Net Gain metric and minimum target is welcome, especially to assess on a wider scale the increase in green infrastructure. Enfield's CS and DMD already include a range of policies to help protect and enhance blue green space in the borough that are beneficial for health by providing opportunities for physical activity and through known benefits of blue green space on mental health and wellbeing. Relevant policies are listed below:

Document	Policy
London Plan – Greater London Authority	G1 – Green infrastructure G2 – London's Green Belt G5 – Urban greening G6 – Biodiversity and access to Nature G7 – Trees and Woodland
The London Borough of Enfield Local Development Framework Core Strategy	CP36 – Biodiversity
The London Borough of Enfield Development Management Document	DMD78 – Nature Conservation DMD79 – Ecological Enhancements

- 4.5 It is widely acknowledged that climate change and biodiversity are interconnected. Climate change has negative impacts on biodiversity and is likely to become one of the most significant drivers of biodiversity loss, and loss of biodiversity will have significant direct and indirect impacts on human life and human well-being. However, biodiversity also makes an important contribution to climate change mitigation and adaptation, which means that conserving and promoting biodiversity is critical in the fight against climate change.

- 4.6 In recognising the wider issue of climate change and biodiversity are interconnected, Enfield Local Planning Authority has published the following supplementary planning guidance:
- Enfield Climate Action Plan (July 2020)
  - Enfield’s Blue and Green Strategy 2021-2031 (June 2021)
  - Enfield Biodiversity Action Plan (September 2011)
- 4.7 The Council is currently in the process of producing a new Local Plan, the Emerging Local Plan (ELP). The ELP is expected to be submitted to the Government for examination in 2024/25 with a target for adoption in 2025/26.
- 4.8 The ELP sets out a higher requirement of 20% net gain to address the strategic opportunities for nature recovery in the borough, which if adopted would, under current law, take precedence over the nationally mandated 10% Biodiversity Net Gain.
- 4.9 Of particular relevance is draft Policy ‘BG4: Biodiversity Net Gain, Landscape Restoration and Offsetting’.
- 4.10 This policy sets out how development proposals will be expected to enhance and increase biodiversity and mitigate or offset the harm arising from the loss of natural habitats (e.g., trees and river corridors) and ecological features, in response to the plan’s objective to create a distinct and leading part of London. Net gain is used as a proxy to measure the potential harmful effects arising from a development and calculate biodiversity net gain (e.g., habitat creation or enhancement).
- 4.11 This requirement has been tested for viability impacts. Net gain measurements should be calculated using Defra’s biodiversity metric (an online tool) to establish the nature of the harm to biodiversity and the quality of the new green benefits arising from development as well as the anticipated costs of achieving a 10% level of net gain. In line with best practice, the provision of compensation to address residual biodiversity impacts will not be permitted unless the steps of the mitigation hierarchy (enhance, avoid or minimise, restore, compensate and offset habitat loss) set out in London Plan have been followed and all opportunities to avoid and then minimise negative impacts have been pursued.

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**Report Author:** Gideon Whittingham  
Planning Decisions Manager  
[Gideon.whittingham@enfield.gov.uk](mailto:Gideon.whittingham@enfield.gov.uk)  
020 8132 1623

## **Appendices**

Draft Biodiversity Net Gain Guidance Note (8th December 2023)