BNG Brownfield Exemption[1]

Community Planning Alliance Response

Question 1

Would you like your response to be confidential?

No

Question 2

What is your name?

Marj Powner (Vice Chair)

Question 3

What is your email address?

Marj.powner@gmail.com

Question 4

Are you responding as part of an organisation?

Yes

Question 5

What is the name of the organisation? Please provide a short description of the organisation.

Community Planning Alliance The Community Planning Alliance[2] is a national umbrella group for over 700 communities[3], all are campaigning against inappropriate development in their areas, and all disagree that decisions are being made in the 'public interest'. We have extensive knowledge and experience of the planning system, and our aims include seeking increased community participation, better environmental protections and the right homes and infrastructure in the right places.

[1] https://consult.defra.gov.uk/defra-biodiversity-net-gain/biodiversity-net-gain-considering-a-targeted-exemp/
[2] https://communityplanningalliance.org/
[3] https://www.google.com/maps/d/viewer?ll=52.97433203327261%2C-1.0471043976708527&z=7&mid=1nFg3i1Ft5-K4LadaEMCb0wr17-I33Kk

Question 6

Do you support the proposed regulatory definition of residential brownfield development? o Options: Yes / No / I don't know / I'm not sure o Free text (optional): If you do not support the proposed definition, what specific changes would you make and why?

Yes

Question 7

Do you agree that the proportion of the land within the planning application boundary should be ≥75% Previously Developed Land (PDL) to qualify? o Options: Yes / No / I don't know / I'm not sure o If no, which % PDL do you support? ≥70% PDL/ ≥80% PDL / Other PDL% (please specify) o Free text: Please provide the rationale and any evidence supporting your response (for example case studies, data, or experience).

No

Other

100% PDL

Your recent blog[4] suggests the government remains committed to BNG. If this is the case, why is the government repeatedly seeking ways to enable developers to avoid BNG. We wholeheartedly support the aim of prioritising brownfield sites for development but believe there are other options (see our response to question 17 below) to minimise viability constraints. Nature should not, once again, be asked to pay the price!

The recent joint report from the Wildlife Trusts and the Wildlife and Countryside Link[5] states that "*The new 0.2-hectare area-based exemption already handles the genuinely smallest developments. It is precisely the kind of clean, objective, size-based threshold that can work in practice without creating perverse incentives".*

So, there is no requirement for this exemption based on site size.

The same report suggests that "*Rather than acting as a convenience for genuinely struggling developments, the de minimis exemption has become a vehicle for widespread non-compliance with BNG*". Continuing, "*Of the 101,728 planning applications submitted between March 2024 and February 2025, an extraordinary 86% claimed some form of BNG exemption*".

Confirming that there is already a lot of avoidance in the system! We should not be expanding that through this initiative.

We note your own analysis in Section 3, including the estimated £ Cost to Nature. The report mentioned above suggests the current arrangements are causing a real, measurable loss of nature equating annually to approximately "*an area the size of the city of Manchester, (< 14 000 ha)"* being lost to development with no obligation to measure impacts or restore or offset a single biodiversity unit through the de minimis loophole.

The report continues that keeping the de minimis get-out clause, along with the new 0.2 hectares area based example, "*could push total exemption rates above 90%, meaning that an area roughly twice the size of Bristol, around 22,000 hectares, could be built on each year with no requirement to create or enhance a single habitat through BNG".*

[4] https://defraenvironment.blog.gov.uk/2026/04/20/biodiversity-net-gain-whats-changing-and-what-it-means-for-you/

[5] https://www.wildlifetrusts.org/sites/default/files/2026-05/BNG_Myth_Busters_Briefing.pdf

For clarity, whichever % PDL is taken forward, it should be on the understanding that the residual land MUST remain undeveloped (in addition to any on-site BNG provided). For example, if the 75% developed definition is taken forward, it should be on the understanding that 25% of the site remains undeveloped (in addition to any on-site BNG provided).

Question 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? o 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 o 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.

Neither agree nor disagree

Question 9

Overall, do you consider the proposed definition and evidential requirements to be proportionate and workable for applicants and local planning authorities? o Options: Strongly agree / Agree / Neither agree nor disagree / Disagree / Strongly disagree / I don't know / I'm not sure o 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.

Neither agree nor disagree

Question 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? o Options: No impact / Negative impact / Positive impact / Mixed impact / I don't know / I'm not sure o Please specify specific impacts (drop down) o Free text (optional): Please provide evidence if possible.

No impact

Question 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. o Options: Yes / No / I don't know / I'm not sure o Free text: Please explain your reason.

No

As set out in our response to question 7 above.

Question 12

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

Do not support

Question 13

Do you think there is a case for an area-based exemption for residential brownfield development that is greater than 2.5 hectares? o Options: Yes / No / I don't know / I'm not sure o Free text (optional): Please explain why or why not.

No Please refer to our response to question 7 above.

Question 14

Do you foresee any unintended consequences arising from a targeted exemption for brownfield residential development? o Yes / No / I don't know / I'm not sure o 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).

Yes More developers avoiding BNG, leading to even greater unnecessary loss of natural capital without compensation.

Question 15

How easy or difficult do you think it would be for applicants and LPAs to apply this exemption in practice? o Options: Very easy / Easy / Neither / Difficult / Very Difficult / I don't know / I'm not sure o Free text (optional): Please indicate any specific areas where clarity or further guidance would be required.

Very easy

Question 16

Do you think any additional measures are needed to ensure that the exemption is appropriately targeted in relation to potential ecological impacts? o Options: Yes / No / I don't know / I'm not sure o Free text (optional): If yes, please outline what additional measures you consider necessary.

Yes

Given that BNG is an approach to development designed to leave the natural environment in a measurably better state than before development takes place and the government is, supposedly, committed "*to halting and reversing the decline of nature",* any intended use of the exemption should be subject to a detailed environmental and ecological assessment.

Question 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. o Free text (optional): Please summarise further evidence.

We do not believe introducing a series of exemptions is the way to simplify the planning system, address complexities or reduce administrative costs. As that report from the Wildlife Trusts and the Wildlife and Countryside Link[6], mentioned above, suggests "*A system that promises 'net gain' should deliver 'net gain', not the systematic unmeasured loss of habitats through dodgy exemptions*".

We note your analysis in Section 3, includes the estimated £ Compliance Cost Savings to Developers.

Has any analysis been undertaken that compares these benefits to a simpler tax reduction option (such as removing VAT completely from brownfield developments).

If the government genuinely wants to promote and prioritise brownfield development, any such tax change should be compensated by increasing taxes on greenfield developments by a similar amount.

What analysis has been done to understand how many retrospective applications have avoided BNG? This loophole MUST be closed. All planning applications should be required to deliver mandatory BNG. If it costs more for those who apply retrospectively, it will encourage more compliance with the regulations.

Finally, there should be some consideration of alternative options for those who are in urban areas, particularly where it is challenging to achieve on-site BNG. Identifying initiatives to increase biodiversity through, for example, the inclusion of living roofs and walls should become a mandatory requirement.

Kind regards

Marj Powner

Vice Chair

Community Planning Alliance

07801917375

[6] https://www.wildlifetrusts.org/sites/default/files/2026-05/BNG_Myth_Busters_Briefing.pdf

About the Community Planning Alliance

The Community Planning Alliance[7] is a national umbrella group for over 700 communities[8], all are campaigning against inappropriate development in their areas, and all disagree that decisions are being made in the 'public interest'. We have extensive knowledge and experience of the planning system, and our aims include seeking increased community participation, better environmental protections and the right homes and infrastructure in the right places.

[7] https://communityplanningalliance.org/
[8] https://www.google.com/maps/d/viewer?ll=52.97433203327261%2C-1.0471043976708527&z=7&mid=1nFg3i1Ft5-K4LadaEMCb0wr17-I33Kk