

## Response ID ANON-G3D7-BSG2-3

Submitted to Biodiversity Net Gain - considering a targeted exemption for residential brownfield development  
Submitted on 2026-06-10 09:39:46

### Introduction

### Purpose of the consultation

### Consultation structure

### Who should respond

### Background

### Using and sharing your information

1 Would you like your response to be confidential?

No

If you answered yes to this question, please provide a reasoning::

2 What is your name?

Full name:

Nicole Burnett

3 What is your email address?

Email address:

nicoleb@lpdf.co.uk

4 Are you responding as part of an organisation?

Yes, other (please specify)

Other:

Land, Planning and Development Federation (LPDF)

5 If you are responding as part of an organisation, what is the name of the organisation? Please also provide a short description of the organisation

Organisation name:

Land, Planning and Development Federation

Organisation description :

The LPDF seeks to represent the UK's leading land promoters, home builders and commercial developers. LPDF members support the housebuilding and commercial development sectors by promoting sites through the planning system, providing "shovel ready" land with a planning permission which can facilitate the delivery of infrastructure and serviced land parcels.

The LPDF seeks to actively engage with government on planning, housing and commercial development policy and to educate the wider public on the social, environmental and economic benefits of development through an evidenced based approach.

The LPDF encourages its members to deliver well designed, high quality, sustainable places which deliver a mix of housing types and tenures, commercial spaces and community uses that have a positive social, environmental, and economic impact.

### Section 1: Definition of brownfield residential development

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

Yes

If you do not support the proposed definition, what specific changes would you make and why? (please limit your response to 5000 characters or less):

Yes, the LPDF believe the definition will help delivery and simplify applications for new homes on qualifying sites.

However, as outlined later in this response, the LPDF recommends that the targeted exemption should not just apply to residential development, but should apply to commercial schemes. The BNG challenges faced by small sized developments are similar for commercial/ employment-led schemes, having an affect on viability, administrative processes and the optimisation of brownfield land.

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

No

Other PDL % (please specify)

If other, please specify::

$\geq 50\%$

Please provide any evidence or rationale supporting your preferred threshold, for example case studies, data, or experience (please limit your response to 5000 characters or less). :

Whilst it is recognised that consistency with the Building Safety Regulator has been sought, the LPDF consider that that proportion of the land within the planning application boundary should be  $\geq 50\%$  Previously Developed Land (PDL) to qualify.

If you would like to attach supporting evidence such as case studies or data, you can upload a file here. Please upload: PDF files (e.g. case studies, supporting documents) or Excel (.xlsx) files (e.g. datasets, calculations):

No file uploaded

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?

Agree

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 (please limit your response to 5000 characters or less). :

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

Agree

Applicant (please limit your response to 5000 characters or less) ::

The LPDF considers the proposed evidential requirements to be proportionate and practical for both applicants and Local Planning Authorities. The extent of green space and previously developed land within a site, together with the proposed floorspace and dwelling numbers, would ordinarily be established and submitted as part of a planning application. As such, the LPDF does not consider that the proposed requirements would impose any significant additional burden on applicants or decision-makers.

However, as noted above, the LPDF considers that there is a strong policy imperative to support the delivery of new homes alongside employment development. In this context, the LPDF recommends that the proposed exemptions are simplified to apply to all development proposals on brownfield or previously developed land. This approach would provide greater clarity, avoid potential ambiguity in the interpretation of the exemptions, and create a more straightforward and efficient process for applicants and Local Planning Authorities alike.

Local planning authority (please limit your response to 5000 characters or less)::

## Section 2: Considering a targeted BNG exemption

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?

Negative impact

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

If other, please specify (please limit your response to 5000 characters or less): :

Please provide evidence if possible (please limit your response to 5000 characters or less):.

If you would like to attach supporting evidence such as case studies or data, you can upload a file here. Please upload: PDF files (for example case studies, supporting documents) or Excel (.xlsx) files (for example datasets, calculations):

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11 Do you support a targeted area-based exemption for residential brownfield development?

Yes

Please explain your reason (please limit your response to 5000 characters or less):

The LPDF supports the introduction of a targeted exemption for development on brownfield land. Brownfield sites play a vital role in delivering new homes, supporting employment growth, regenerating previously developed land and contributing to wider economic development objectives. However, such sites are often subject to significant viability challenges, including remediation costs, infrastructure requirements and other abnormal development expenses. In these circumstances, Biodiversity Net Gain (BNG) requirements can add further cost and complexity, potentially affecting the deliverability of much-needed development.

The LPDF supports the principle of exempting smaller developments while maintaining BNG requirements for larger schemes that are better able to accommodate on-site biodiversity provision. This represents a proportionate and balanced approach, recognising that smaller sites typically have a more limited capacity to absorb the costs associated with BNG. A targeted exemption is therefore likely to improve the viability and delivery of smaller brownfield developments, while ensuring that larger schemes continue to make an appropriate contribution towards biodiversity objectives.

However, the LPDF considers that the exemption should be aligned with the existing threshold for minor development and Permission in Principle (PiP) schemes, namely developments of up to 1 hectare or 9 dwellings. This would provide a clear, consistent and well-understood threshold within the planning system, reducing uncertainty for applicants and Local Planning Authorities and simplifying implementation.

Targeting the exemption in this way would be particularly beneficial for small and regional housebuilders, who are more likely to bring forward smaller brownfield sites and who can be disproportionately affected by the costs and administrative requirements associated with BNG. Supporting these developers is essential to increasing housing delivery, diversifying the housebuilding sector and bringing forward sites that may otherwise remain undeveloped.

The LPDF also considers that any exemption should not be limited solely to residential development. Given the Government's strong emphasis on supporting both housing delivery and economic growth, there is a clear rationale for extending the exemption to employment-led and mixed-use developments on brownfield land. Employment schemes can face many of the same viability and site-specific challenges as residential developments, particularly where significant remediation or infrastructure investment is required. Applying the exemption consistently across brownfield development would provide greater clarity, avoid unnecessary complexity and support the delivery of a broader range of sustainable development opportunities.

In addition, the LPDF encourages Government to consider whether a similar exemption should apply to wholly affordable housing schemes. Affordable housing providers operate within tightly constrained viability and funding parameters, and additional BNG costs can directly reduce the number of affordable homes delivered. Given the acute need for affordable housing, there is a strong policy rationale for ensuring that environmental requirements do not inadvertently constrain its provision.

Overall, the LPDF supports a targeted brownfield exemption but recommends that its scope is refined to align with the established minor development threshold of up to 1 hectare or 9 dwellings and that it applies to both residential and employment-led development on previously developed land. Consideration should also be given to exempting wholly affordable housing schemes. This approach would better support housing delivery, economic growth and brownfield regeneration, while maintaining the wider objectives of the BNG regime.

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

1 hectare

If other, please specify::

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

No

Please explain why or why not (Please limit your response to 5000 characters or less):

Please see our response to question 11, which outlines our reasoning for why we believe that the most appropriate threshold is 1ha.

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

Yes

If yes, please outline the types of risks or unintended consequences you consider most likely e.g., ecological, administrative, market based or behavioural (please limit your response to 5000 characters or less):

Yes. The LPDF considers that unintended consequences could arise if the proposed exemptions for brownfield residential development are applied on a case-by-case basis rather than through a clear, overarching definition of qualifying sites or development types.

A discretionary or site-by-site approach could introduce ambiguity into the decision-making process, leading to inconsistent interpretations between applicants and Local Planning Authorities. This may, in turn, result in uncertainty, delay, and increased negotiation during the determination of planning applications.

The LPDF therefore recommends that any exemption is defined in a clear and consistent manner at the outset, applying uniformly to qualifying

development proposals. This would help to avoid subjective interpretation, reduce the scope for dispute, and support a more efficient and transparent planning process.

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

Easy

Please indicate any specific areas where clarity or further guidance would be required (please limit your response to 5000 characters or less):

The LPDF considers that the proposed exemption would be relatively straightforward for applicants and Local Planning Authorities (LPAs) to apply in practice, provided that the eligibility criteria are clear, unambiguous and based on objective measures.

The ease of implementation will, however, depend on the scope and complexity of the exemption. The more simple and clearly defined the qualifying criteria are, the greater the consistency of decision-making and the lower the administrative burden on both applicants and LPAs.

In this regard, the LPDF considers that aligning the exemption with existing planning thresholds, such as those used for minor development and Permission in Principle (PIP), namely up to 1 hectare or 9 dwellings, would further enhance clarity and ease of application. These thresholds are already well understood within the planning system, which would help to reduce the risk of inconsistent interpretation, minimise disputes, and support a more efficient application process.

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

No

If yes, please outline what additional measures you consider necessary (please limit your response to 5000 characters or less):

### Section 3: The potential impact of a targeted BNG exemption for residential brownfield development

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.

Please summarise further evidence (please limit your response to 5000 characters or less):

If you would like to attach supporting evidence such as case studies or data, you can upload a file here. Please upload: PDF files (e.g. case studies, supporting documents) or Excel (.xlsx) files (e.g. datasets, calculations):

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### Section 4: Next steps

#### Consultee Feedback on the Online Survey

18 Overall, how satisfied are you with our online consultation tool?

Satisfied

Please give us any comments you have on the tool, including suggestions on how we could improve it.: