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Should we aim to exceed the 10% biodiversity net gain requirement?

The results of our Freedom of Information request to 98 local authorities reveal that the ambition to go beyond the minimum is real - but delivery is challenging.

Since February 2024, most new developments in England have been required to deliver at least 10% Biodiversity Net Gain (BNG). But the mandatory minimum is just that – a minimum.

The regulations

The current BNG guidance advises that

Plan-makers should not seek a higher percentage than the statutory objective of 10% biodiversity net gain, either on an area-wide basis or for specific allocations for development unless justified. ... Consideration will also need to be given to how the policy will be implemented ... a policy which required a gain greater than 10% on an area-wide basis or for an allocation may still be relevant as the statutory biodiversity gain objective is for at least a 10% gain.

However, if the proposed National Planning Policy Framework (NPPF) is adopted in its current form, this will further restrict councils' ability to require a net gain greater than 10%:

Development plans should only set local standards for biodiversity net gain which are in excess of the statutory net gain requirement where this is for specific site allocations, and is fully justified and deliverable. ... this should only be a requirement where it is set out in up-to-date development plan policies for specific site allocations. Decision makers should not give weight to other development plan policies which require biodiversity gains which go beyond the statutory framework, including for development proposals which are exempt.

Which councils require more BNG?

The question is: how many local authorities require developers to deliver more? To find out, we sent a Freedom of Information (FOI) request to **98 local authorities** as follows:

- 1. Since the introduction of the mandatory BNG regime on 12 February 2024, have you adopted, or are you planning to adopt, any policies requiring developers to deliver BNG greater than the minimum 10% BNG required?*
- 2. If so, please provide details of these.*

So far, 87 Councils have responded to our request - [Biodiversity Net Gain - Policies requiring developers to deliver BNG greater than 10%](#).



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Here's what they reveal.

The headline: only three out of 87 say Yes

Of the 87 councils which have so far responded, just **three** have either adopted or are actively developing policies requiring BNG above the 10% statutory minimum:

- Bath & North East Somerset Council
- Greenwich Borough Council
- Stockport Metropolitan Borough Council

That's a striking finding. Despite growing urgency around nature recovery and biodiversity loss, the overwhelming majority of councils are keeping to the legal minimum.

What are the three doing?

Bath & North East Somerset Council: Their [Local Plan 2022-2042 Options Document](#) (pages 297-298) proposes a 20% BNG requirement for major developments – either as a district-wide policy or applied to specific sites. The proposal signals a serious intent to push developers harder on nature recovery.

Greenwich Borough Council: [Greenwich's draft Local Plan](#) includes Policy EN3 (page 426), which requires developers to "maximise BNG wherever possible, going beyond the statutory minimum of 10% where feasible and appropriate." The policy is explicitly framed around the borough's commitment to nature recovery, climate adaptation, and residents' health and wellbeing.

Stockport Metropolitan Borough Council: Draft policy [ENV 2: Enhancing nature of Stockport's draft Local Plan](#) (page 48), which went through a Regulation 18 consultation in late 2025, proposes a 20% BNG requirement. The council has been clear, however, that this may change following viability assessments and a Regulation 19 consultation due before August 2026.

Given the proposed changes to the NPPF, it may be that these aspirations will not be permitted.

Why are so many councils saying No?

The responses from the 84 councils that answered No reveal a complex picture, but several themes emerge:

- **Local plans are still evolving.** Many councils - including Bradford, Ealing, Tower Hamlets and Somerset - are preparing new local plans so have not yet decided on their BNG policy. The question of going above 10% remains open.



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- **Legal enforceability is a concern.** Birmingham City Council made an interesting point: planning consent cannot be refused if a developer fails to exceed 10% BNG, even with a policy requiring this. Anything above the statutory minimum is discretionary. Birmingham has instead opted to pursue an Urban Greening Factor policy to increase green infrastructure on low-baseline sites.
- **Some councils are watching before acting.** Several responses noted that the mandatory regime is still relatively new, and councils want to see how 10% BNG beds in before legislating for more gain.
- **Higher ambitions are lurking in plans yet to be adopted.** Notably, Sutton Borough Council has drafted a local plan seeking at least 20% BNG, and councils including East Devon, City of London and Forest of Dean have emerging policies pointing in the same direction – but none are adopted yet. Again, given the proposed changes to the NPPF, it may be that such aspirations will not be possible.

What does this tell us?

The FOI responses paint a picture of a policy landscape that is evolving, but slowly. The mandatory 10% BNG requirement is less than two years old, and most councils are still finding their feet. Many are still using Local Plans that were adopted before the statutory BNG regime came into force. New Local plans take years to develop, consult on, and adopt – meaning that higher BNG ambitions included in draft plans today may not translate into enforceable policies until the late 2020s at the earliest.

There are also real structural challenges. Changing regulations which make higher BNG aspirations both politically and practically difficult, viability concerns, legal enforceability questions and. The three councils that have gone furthest are doing so carefully and conditionally, knowing that their ambitions may still be thwarted.

That said, the direction of travel is clear. Nature recovery is increasingly embedded in local planning conversations, and the number of councils with higher BNG aspirations in their emerging plans suggests the 10% minimum will gradually come to feel like what it is: a floor, not a ceiling.

Here is our spreadsheet analysis: [Biodiversity Net Gain - Policies requiring developers to deliver BNG greater than 10%](#).