

**WORSHIPFUL COMPANY OF WATER CONSERVATORS  
BRIEFING ON THE RESPONSE TO THE DEFRA CONSULTATIONS ON  
BIODIVERSITY NET GAIN  
JULY 2025**

**PROLOGUE**

1 The Worshipful Company of Water Conservators ('WCWC') is a City of London Livery Company focussed on the long-term health of our water resources and the broader environment. Our members include senior professionals from water, environmental and related industries and regulators, along with others who share our concern for water and the environment. Our experience and knowledge ranges from the complexities of environmental sciences, through the application of engineering to deliver the goals identified by those sciences, and the subsequent management of the assets created. The WCWC's purpose is *promoting a diverse and sustainable environment*.

2 As part of that purpose, the WCWC has been responding to relevant consultations particularly on matters relating to water conservation. These are archived on its website over the last three years.

<https://waterconservators.org/policies-and-practices/>

3 First what is Biodiversity Net Gain (BNG)? The BNG system has an important role to play in improving and enhancing natural habitats, and ensuring development has a measurably positive impact. The statutory BNG requirement came into force in the English planning system in February 2024, seeking to ensure that habitats for wildlife are left in a measurably better state than they were before development took place. As a result, it is now mandatory under Schedule 7a of the Town and Country Planning Act 1990 for relevant developments to deliver a 10% BNG on the value of all habitats within their redline boundary (known as the 'biodiversity baseline').

4 The WCWC is aware of a number of problems particularly with small sites.

<https://defraenvironment.blog.gov.uk/2024/11/12/reflections-on-biodiversity-net-gain-9-months-after-going-live/#:~:text=We%20have%20heard%20some%20concerns,support%20stakeholders%20with%20BNG%20compliance.>

<https://www.theguardian.com/environment/2025/may/07/uk-government-admits-almost-no-evidence-nature-protections-block-development>

5 In late May, Defra launched two consultations on this issue. A website summary produced by Lichfields has been useful in understanding the way forward.

[The Government's BNG consultations explained \(and why you should care\)](#)

6 Improving the implementation of biodiversity net gain for minor, medium and brownfield development.

<https://www.gov.uk/government/consultations/improving-the-implementation-of-biodiversity-net-gain-for-minor-medium-and-brownfield-development>

This consultation seeks views on options to improve the implementation of BNG for relevant developments including extending exemptions, simplifying the small sites metric and easing access to the off-site market.

7 Biodiversity Net Gain for Nationally Significant Infrastructure Projects ('NSIPs') which have to date been exempt.

<https://www.gov.uk/government/consultations/biodiversity-net-gain-for-nationally-significant-infrastructure-projects>

This consultation seeks views on the implementation of BNG for NSIPs.

The Government propose that NSIP schemes deliver a 10% BNG from May 2025, and the consultation provides draft model text for core 'biodiversity gains statements' that will be applied to each NSIP sector. Biodiversity gain statements will set out the biodiversity gain objectives for each NSIP type and eventually be incorporated into the relevant National Policy Statements ('NPS').

To ensure proportionality and consistency, BNG will be implemented for all onshore NSIP sectors, and will apply to any temporary, permanent and associated development included within the DCO site boundary ('order limits'). Marine NSIPs beyond the intertidal zone are not currently included within the scope of the mandatory requirements for BNG.

## **SUMMARY OF THE RESPONSE**

8 The WCWC responded to both consultations making points outside of the Citizen Space process as the points it wishes to make transcends both.

9 The WCWC suggests that within the current framework that the concept of no deterioration should be established, or biodiversity net zero, and beyond that has no immediate comment on the current proposals. However, it suggests that the time is ripe for a more fundamental look at the ways in which biodiversity is protected and enhanced.

10 It has opined several times about the fragmented nature of government strategies and the silo approaches. These consultations are good examples. Surely the time is right to consider whether BNG is the right way forward and a consultation on that would be valuable. Why have separate consultations on very specific aspects of fundamentally the same issue on the same day?

11 Perhaps the WCWC could offer a radical view. Biodiversity is a natural infrastructure asset, and it needs protection, conservation and in many places, improvement. This should be a standalone process yet the achievement of this is vested in infrastructure and housing development with cost consequences. The WCWC suggests an uncoupling of this process from the planning process and recognising that there are many other mechanisms for improving biodiversity, such as the Water Restoration Fund.

12 Requiring development to play its role would be one of several mechanisms available. So, the starting point would be a 2025 baseline. Every development project must comply with the concept of Biodiversity Net Zero. Some projects could then be designated in planning to contribute to any local needs for improvement, it would not be universal requirement. In some places other mechanisms would be used for improvement. This would require closer working between the environmental regulators and planning authorities. This would also require better liaison between the Environment Agency and Natural England and strengthens the argument that a merger should be considered.

13 So the overall response is that the WCWC has no comment on the detail of the changes proposed in the current system. The WCWC does argue that a better and more integrated system is needed in which there is less of a piecemeal approach. The changes proposed

could be included in the Planning and Infrastructure Act and they might be more palatable to the critics of the current proposals from both sides of the argument.

14 As this submission was being signed off, the Ministry of Housing, Communities and Local Government issued guidance on the proposals in the Planning and Infrastructure Bill for a Nature Restoration Fund and Environmental Delivery Plans. The WCWC notes that there is no mention of BNG in this (or catchment planning), but the Guidance suggests that Natural England could have a duty to become involved in water efficiency planning. The WCWC suggests that this provides evidence that much closer working between the two Government departments is needed, as a minimum, otherwise the regulatory streamlining which everyone wants will be undermined.

15 The full response can be found on the WCWC website .