



Colchester Preferred Options Local Plan - Regulation 18 Representation

Policy EN2: Biodiversity Net Gain (BNG) and Environmental Net Gain

The policy as drafted introduces a number of requirements that risk undermining flexibility, creating unnecessary barriers to development, and conflicting with the national BNG framework.

Onsite BNG and Flexibility

The requirement that “*all opportunities must be taken to maximise the delivery of onsite BNG*”, with offsite delivery only considered where onsite provision cannot be achieved, is overly onerous and risks running contrary to the intent of the national BNG regime.

The statutory framework deliberately provides flexibility, allowing BNG to be delivered through a hierarchy of:

- Onsite provision;
- Offsite provision; and
- Statutory biodiversity credits,

without requiring applicants to exhaust all onsite options where this would be impractical, inefficient, or prejudicial to the delivery of development.

A policy approach that effectively prioritises onsite delivery in all circumstances risks adding unnecessary complexity, increasing costs, and discouraging development, particularly on constrained or smaller sites.

Offsite BNG Sites and Strategic Significance

While the identification of locally preferred offsite BNG sites may be helpful as guidance, the policy should not imply exclusivity or limit the availability of alternative offsite solutions that meet national requirements.

The statement that *only* the LNRS strategic opportunities and the sites listed in the policy may be assigned a “high” strategic significance score in the Biodiversity Metric risks fettering the operation of the nationally prescribed metric and limiting the use of legally compliant offsite BNG solutions elsewhere.

Any local preference for particular sites should therefore remain advisory rather than prescriptive, ensuring consistency with national legislation and guidance.

Overall, refinement of Policy EN2 is required to:

- Remove generic elements that merely repeat national legislation;

- Avoid prescriptive requirements that reduce flexibility or conflict with the national BNG framework;
- Retain only those elements that are genuinely local in nature, as guidance rather than constraints.

A streamlined policy focused on local priorities, while fully aligning with national BNG legislation, would provide greater clarity, certainty and effectiveness in decision-making.