



## **Response to Technical Consultation on Biodiversity Metric**

Wildlife and Countryside Link, Land Use Planning Group, September 2022

### **Covering letter** – submitted via email

Thank you for the opportunity to respond to this technical consultation on the biodiversity metric.

Wildlife and Countryside Link is a coalition of 66 environmental organisations in England, using their strong joint voice for the protection and enhancement of nature. This Link response is supported by: Bumblebee Conservation Trust, Bat Conservation Trust, Buglife, Chartered Institute of Ecology and Environmental Management (CIEEM), Wildfowl and Wetlands Trust (WWT) and Woodland Trust.

For more information about this response, please contact Emma Clarke at Wildlife and Countryside Link ([emma.clarke@wcl.org.uk](mailto:emma.clarke@wcl.org.uk)).

Our responses to the consultation questions can be found below and were also submitted via the online consultation form.

### **Response to questions** – submitted via email and via the online consultation form

#### **Question 1: Do you think that the spatial risk multiplier values need reconsidering to better incentivise high value off-site delivery?**

Yes (provide reasons for this answer) / No (provide reasons for this answer) / **Other** / Do not know

Biodiversity net gain (BNG) should deliver genuine and long-term biodiversity uplift. It must be set within the mitigation hierarchy and must be additional to other statutory requirements. Monitoring and reporting requirements and enforcement must be in place for both onsite delivery and off-site delivery of BNG to ensure that genuine gains are being delivered over the long-term.

Where off-site habitat creation and restoration is needed to deliver biodiversity net gain, high value off-site delivery should be encouraged. High distinctiveness habitats and strategically important sites should be given a high enough weighting in the metric to discourage the destruction or degradation of these habitats (reinforcing the mitigation hierarchy) and to incentivise developers to deliver biodiversity uplift on these habitats.

The spatial risk multiplier should not be changed generally across all habitat types, as it could lead to encouraging off-site delivery on low distinctiveness habitats.

Instead, high distinctiveness and very high distinctiveness habitats could be given higher scores in the metric and the spatial risk multiplier in strategically significant areas (for example, as identified in species conservation strategies and Local Nature Recovery Strategies) could be increased.

Any change to the metric or the spatial risk multipliers to incentivise high value off-site delivery must be done in a way that reinforce the mitigation hierarchy and appropriately incentivise onsite

delivery. We understand that Natural England are still working through how this change might be made and without seeing the detailed options, we are unable to fully assess the risks and opportunities.

We also note that where BNG delivery is outside the Local Planning Authority (LPA) boundary, guidance may be needed to support the monitoring and enforcement of these projects, with cooperation between LPAs encouraged.

**Question 2: Do you think that providing guidance on considerations for what habitats can be typically achieved on-site would be helpful?**

**Yes (if you have ideas on how this should work, provide us with details) / No / Other / Do not know**

Yes, we agree that providing guidance on considerations for what habitats can be typically achieved on-site would be helpful.

There is evidence to suggest that onsite delivery of BNG in particular often consists of small parcels of habitat which may be too small to be ecologically functional and are not connected to a wider ecological network (<https://osf.io/preprints/socarxiv/tw6nr/>). In addition, currently onsite gains have no monitoring or reporting requirements, nor any enforcement mechanism. While we urge the Government to introduce a requirement for the monitoring and reporting of onsite gains by ecological experts through the local planning authority and an enforcement mechanism if onsite (or off-site) gains are not delivered, the current lack of scrutiny over onsite delivery of BNG in particular means that it will be crucial for onsite gains to be well-designed from the outset.

Habitats delivered through BNG, including onsite delivery, should be large enough, connected, and appropriate to the location (fit with the existing habitat types, surrounding habitats, and local priorities), in alignment with the Lawton Review principles of 'more, bigger, better, and joined up'. The context of a development site, including its position and role within the local ecological network, and the design of a development site are key considerations here.

This guidance should steer developers towards achievable and ecologically coherent proposals and empower LPAs to make decisions that maximise the role of BNG in the creation of a nature recovery network.

It should include guidance on the baseline information that is required in order to determine whether particular habitat interventions would be possible on a particular area of land (e.g., soil testing, hydrology) and the expertise that may be needed to make such a determination and design feasible interventions.

In addition to guidance, training and accreditation by an independent body is needed for people doing recommending and assessing habitat creation and enhancement for net gain so that they have the knowledge to recommend viable habitats and enforcement is needed to ensure minimum habitats parcel sizes to avoid habitats that are too small to be ecologically functional. For further detail on training and accreditation, please see our response to Question 8.

**Question 3: Do you have any suggestions for additional case studies that we should produce?**

**Yes (provide reasons for this answer) / No / Other / Do not know**

Yes, we suggest additional case studies for small sites, developments which go beyond a 10% gain (as the Government has been clear that 10% is a mandatory requirement but not a cap on the aspirations of developers), development which borders a river or stream, development of energy infrastructure which only impacts a small portion of the site (such as wind farms or solar panels), development in the intertidal zone, and development impacting a river close to an estuary. Case studies on a variety of minerals developments would be useful due to the complex nature of applying the biodiversity metric on long-term and phased sites. An urban example which combines the use of an urban greening factor and highlights the limits of habitat condition likely to be achieved in this setting would be valuable. It would also be useful to have case studies which show the interaction of BNG with other statutory policy requirements, such as legal obligations for sites and species, to help illustrate wider government policy and guidance on these complex areas.

As well, we suggest additional case studies with some examples of how the metric can be wrongly implemented or misused. These examples can help consultants or developers avoid pitfalls or mistakes with the metric and assist LPAs in spotting and correcting any errors or poor implementation of the metric.

**Question 4: Do you agree with the described measures and proposals to help with applying the metric to minerals developments?**

Yes (provide any further suggestions) / No (explain why not) / Other / Do not know

*No response.*

**Question 5: Are there any improvements you would make to the following components of biodiversity metric 3.1 in the short-term, regarding user-friendliness, simplicity or function?**

**Provide details, specifying which element (a to f) they relate to: a) the metric calculation and tool (the spreadsheet, values, and calculations), b) user guide (including the rules and principles for using the metric), c) habitat condition sheets (included in the technical supplement), d) GIS data import tool (currently not part of the small sites metric), e) case studies, f) small sites metric.**

With respect to (a) the metric calculation and tool, Link members have identified instances where areas of some high distinctiveness habitats for creation receive a negative score. It is important to protect good habitats by deterring their destruction, while also encouraging developers to be ambitious in their habitat enhancement or restoration.

This issue could be partly addressed by encouraging habitat banking for high distinctiveness habitats. We welcome Defra and NE's further investigation and exploring into how to better protect and incentivise enhancements of high distinctiveness habitats.

Also, with respect to (a), we would like to see further changes to the metric to support habitats of strategic importance (right habitats in the right place), for example, through alignment with Local Nature Recovery Strategies (LNRSs) and Species Conservation Strategies. This could be achieved by replacing the metric spreadsheet with a geospatial database tool or GIS plug-in which would be able

to take account of the LNRS and other spatial strategies, recent and planned development and gain delivery to help prioritise strategic delivery of BNG.

The condition sheets (c) introduce new guidance for identifying ancient and veteran trees – this should be removed. The proposed approach is not based on any existing guidance, differs from existing policy, and risks undermining the protection of ancient and veteran trees and the Ancient Tree Inventory. As well, the habitat condition sheets (c) appear not to be universally applicable, e.g., in urban situations, where patch size is small, footfall high and other negative impacts may be higher.

With respect to e) case studies, please see our suggestions for additional case studies in our response to Question 3.

**Question 6: Do you think there are other biodiversity metrics that should be considered alongside biodiversity metric 3.1 for measuring mandatory biodiversity net gain?**

Yes – for both Town and Country Planning Act 1990 and Planning Act 2008 developments (provide reasons for this answer) / Yes – for Town and Country Planning Act 1990 developments (provide reasons for this answer) / Yes – for Planning Act 2008 developments (provide reasons for this answer) / **No** / Other / Do not know

No, use of a single biodiversity metric is important for consistency and comparability.

**Question 7: Do you have any practical suggestions on how we could use species or other ecological data to improve: a) the measurement of losses and gains in the metric? b) the design of habitat interventions?**

**Yes (provide your reasons for this answer)** / No / Other / Do not know

Yes, we would like to see species data and consideration better integrated into the BNG metric.

BNG should be additional to any legal requirements, including existing legislation and policy for habitats and species. However, BNG interventions, providing biodiversity uplift through habitat enhancement or creation, should also be designed as much as possible to promote species recovery as well.

We suggest building into the metric the ability to account for the location and connectivity of habitat patches of different quality and potential, including the location of key species and their core sustenance and breeding zones. For example, the metric should encourage habitat creation or enhancement in buffer zones around nature reserves, alignment with Species Conservation Strategies and alignment with LNRSs (although, we also note that we currently have concerns with how well species are integrated into LNRSs).

The metric could also target some key species directly, by building into the metric a score recognising threatened species that may be present in a habitat and could be lost or impacted. Whether or not this threatened species is likely to colonise any compensation habitat should also have an effect on the score of possible replacement interventions. In the case that threatened species are present, we would also like the process to recognise that some time might be needed for species to migrate from the original habitat to the offset habitat so the new habitat ought to be in place before the original habitat is destroyed.

Any interventions to improve the quality of a habitat or create a habitat should be designed to not negatively affect any existing species and to benefit any target species.

**Question 8: Do you think that metric users should be required to attend a verified training course or be accredited before completing the calculation? Explain why and what these should cover.**

Yes, verified training course only / Yes, accredited only / **Yes, both (training course and accreditation)** / No / Other / Do not know

We think that metric users, whether undertaking a habitat survey or a metric assessment, designing a BNG plan, or reviewing metric assessments or BNG plans, should be required to both attend a verified training course and be accredited before completing or reviewing the calculation.

Although training is valuable, a single training course is unlikely provide the knowledge and skills required to do BNG well. People should therefore not be certified based on attendance on a training course alone. We believe that an accreditation scheme is also required. Any accreditation scheme should require further evidence of competence such as the provision of portfolios and interviews and should include a requirement for continuing professional development.

Any training and accreditation schemes should require periodical reassessment to ensure that those using the metric continue to be up-to-date on the metric, survey technologies, and any changing requirements. Ongoing monitoring of how the metric is being applied will be crucial to inform ongoing training needs, as well as changes to the metric.

External accreditation for metric users and assessors by an independent body could help build trust in the system, for example, Natural England or a relevant professional body.

It should also be recognised that local knowledge is important in putting information into context. Sites of relatively high wildlife value within an urban location will appear undistinguished in comparison to a nature reserve in surrounding counties but may contain habitats, feature or species found nowhere else in the vicinity. Experience with a particular broad habitat category or species group, e.g., woodland or its avifauna, generally won't translate into expertise elsewhere, such as a detailed knowledge of stream morphology and aquatic invertebrates.

We note that there will be a time lag between mandatory BNG and a training and accreditation scheme being put in place. Local authorities will need support and funding to ensure that BNG plans are being checked with the right ecological expertise. This expertise will be particularly important during the gap between mandatory BNG and a training and accreditation scheme being in place. Currently, only one third of planning authorities have access to in-house ecological expertise. At the same time, Local Environmental Record Centres and LPAs should be supported in relation to ensuring that their evidence base and the means to administer BNG and LNRS requirements will be in place.