

Wildlife and Countryside Link key principles for a successful biodiversity net gain policy

This position is supported by the following Link members:

A Rocha	National Trust
Association of Local Environmental Records Centres	Plantlife
Bat Conservation Trust	Rewilding Britain
Butterfly Conservation	RSPB
British Ecological Society	The Rivers Trust
Campaign for National Parks	The Wildlife Trusts
Campaign to Protect Rural England	Wildfowl and Wetland Trust
Friends of the Earth England	Woodland Trust
Institute of Fisheries Management	WWF-UK

1. Broader policy context

A net gain approach could deliver positive benefits for biodiversity, people and the wider environment. However, it is **just one of a suite of tools and policies** which will need to work in concert to meet environmental objectives and obligations. It will also depend on the nature of the net gain scheme introduced. This position addresses solely biodiversity net gain.

Improvements under any system of biodiversity net gain must be **additional to any habitat compensation, green infrastructure and green space requirements that should have occurred anyway**, including any actions required to comply with existing **legal obligations**.

Success will also depend on the introduction of **statutory measures** to:

- ensure the **effective mapping, planning, protection and improvement** of the natural environment.
- ensure the effective and efficient **targeting of resources, application of regulation and investment of funds**.
- underpin **effective stakeholder engagement** and the **long-term monitoring and reporting** that is needed as a foundation to good environmental governance.

If the full value of a net gain approach is to be realised and retained, the benefits that should be delivered, where they should be delivered and for how long, and how their delivery will synergise with other initiatives, will need to be clearly set out within national and regional strategies for the restoration of nature and ecosystems. Further, at local level, this will need to be set out in detailed delivery plans underpinned by local Nature Recovery Network maps.

2. The need to respect existing protections

Net gain must operate entirely within the mitigation hierarchy and must never become a 'licence to trash'.

Application of net gain must **be consistent with the existing system of biodiversity and landscape protection for sites and species** under national and international legislation and national and local planning policies. For example, planning authorities and developers must not be permitted, in any way, to use net gain to override planning or other protections which apply to sites such as Natura 2000 sites, SSSIs, National Parks, AONBs, Local Wildlife Sites and marine protected areas. There should continue to be a strong presumption against major development in designated landscapes and for protection of historic designations and priority species.

Some habitats and environmental features are irreplaceable and should be strict no-go areas for development. Since they cannot be recreated, and neither loss nor damage could ever be properly compensated for, a net gain approach would not be appropriate. Where, in wholly exceptional circumstances, and there are no other reasonable alternatives, having followed the mitigation hierarchy, it is concluded that destructive or damaging development has to go ahead, these irreplaceable features must be subject to a separate bespoke compensation procedure which must start above the highest point of the biodiversity net gain metric.

3. Practical application of net gain

Net gain should be incorporated into improved strategic spatial planning, and implemented within the context of coherent, long-term, national, regional and local strategies for the restoration of nature, ecosystems and natural capital. This is essential to support the application of the mitigation hierarchy as well as delivery for the Government's environmental obligations and commitments, and the aspirations of the Natural Environment White Paper 2011 and the 25 Year Environment Plan 2018.

4. Where net gain should apply

Biodiversity net gain must apply to most types of residential and commercial development and must be mandatory, with a statutory basis.

5. Assessment/measurement

A development's net gain obligations must be **assessed objectively, and defined using robust, standardised metrics** to provide clarity, consistency, comparability and transparency

A metric used to measure biodiversity net gain should strive to accurately measure biodiversity and take account of up-to-date information, using independent, qualified ecological expertise.

The net gain obligations for a development must be measured against a **robust baseline assessment of the site.**

Data on existing species, habitats and landscape (including importance, status, local significance and irreversibility of harm) and land use **need to be significantly improved** and better monitored to ensure progress against net gain commitments is tracked.

Multipliers within the metric will need to be designed carefully to ensure that the overall net gain target is met in practice.

6. Delivery of net gains

Development must be required to deliver a net gain of at least 20% and local planning authorities should be empowered to ask for higher levels of gain.

Delivery of net gain should follow a **hierarchical approach that prioritises on site, provided that such biodiversity gains can be demonstrated to be sustainable over the long term, and then local delivery as close to the site as possible**. Where a limited and defined set of circumstances preclude on site delivery, local delivery must take into account the functional range of protected and priority species impacted on site and be carried out in accordance with agreed Local Nature Recovery Network maps and local strategies. This should be planned for at the outset.

Net gains **should be secured as part of the development process, with discharge through a tariff in defined circumstances where this is needed to best ensure biodiversity gain**. Where this is the case the tariff should be discharged in a timely way and in accordance with agreed Local Nature Recovery Network maps and local strategies. This should be planned for at the outset.

Success will be measured not just by the quantity but by the **ecological relevance, quality and long-term integrity** of net gains in relation to local, regional and national biodiversity objectives, and in particular the quality of development proposals.

Any net gain system must be **regulated, properly managed and adequately resourced**. Performance must be monitored, reviewed and reported on, so as to ensure accountability and timely delivery on commitments, increasing effectiveness, maintaining public confidence and conferring transparency throughout.

The permanence of net gains and the degree of uplift should be determined such that the system will be **viable ecologically and practically** (for developers, net gain administrators, and delivery bodies). The adopted net gain regime must ensure the restoration and enhancement of species, habitats and other key features, whilst taking account of climate change and other pressures, as a normal part of the development process.

Net gain should be secured in perpetuity, making use of new legal mechanisms such as conservation covenants, or another form of a robust legal agreement, that sets out clear responsibility for implementation, appropriate management and monitoring in order to secure and maintain the biodiversity value of compensatory habitats.

For more information please contact:

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