

# Biodiversity net gain

Useful addition to tools for protecting and enhancing biodiversity?

Or

Greenwash?

# Structure of the presentation

- The nuts and bolts of Biodiversity Net Gain.
- Some examples from my experience in Sheffield
- An example from Norfolk
- Discussion

# History

- Introduced in Chancellor's 2019 Spring Budget
- Details filled out later in year, July 2019
- Consultation, published in August 2020, highlighting quite a few problems, including definition of terms, consistency of use of terms, weighting etc
- Now in operation, as a “bedding-in period” prior to becoming law in 2021.

# What is it trying to achieve?

- Ostensibly, it's trying to ensure development not only doesn't destroy biodiversity, but seeks to enhance it
- There's supposed to be an enhancement of 10%, evidenced by post-development metrics, and the developer must ensure it lasts for 30 years.

# Measuring biodiversity

- Developers must first create a “baseline” metric, using a method laid down by DEFRA (Biodiversity Metric 2.0)
- They must then explain how they will protect and enhance biodiversity, creating a new metric which includes all the proposed enhancements.
- This must show a minimum 10% increase for the development to get through Planning.

# Baseline measurement

- There are four components;
- Distinctiveness, measured from 0 to 8
- Condition, measured from 1 to 3
- Strategic significance, measured from 1 to 1.15
- Habitat connectivity, measured from 1 to 1.15

# Distinctiveness

- Two points to make here
- First, this depends entirely on definitions from DEFRA. To be distinctive, a habitat has to be pretty much unique in the area.
- Second, the scale is from 0 to 8. As the final calculation is a multiplication of the four scores, a 0 here brings a 0 overall score, which is easy to show a net gain against. Conversely, a score of 8 may make it very difficult to get a net gain.

# Condition

- This refers to the type of landscape as well as its general condition, again matched against DEFRA definitions.
- Cropland, grassland, heathland, lakes, woodland, urban, wetland etc



# Strategic significance

- As this refers to both national and local significance, there is some input allowed here from local Planning Authorities.
- But the weighting is limited to between 1 and 1.15, so local input is not given much importance.

# Habitat connectivity

- An acknowledgement that species don't just use one spot, but need the freedom to roam from one place to another.
- High connectivity brings a score of 1.15, so not a great deal of importance given.

# Baseline calculation

- Fairly straightforward multiplication of all the components, also multiplied by the area of the land under developed in hectares (or length in kilometres if it's long)

# Post-development biodiversity score 1

- The same exercise is carried out, but including all the things they're doing to enhance biodiversity.
- There are, of course, recognised downsides to any development, and these are listed as follows:
- Spatial risk – distance of offset from site
- Temporal risk – estimated time for measures to reach target condition
- Delivery risk – difficulty of habitat creation

# Post-development biodiversity score, 2

- I haven't been able to find the weighting given to these. My instinct is they'll all be in the category 1 – 1.15, because the final calculation would make it impossible to deliver Biodiversity Net Gain if they were any higher.
- Calculation of Biodiversity post-development is;
- $\text{Distinctiveness} \times \text{Condition} \times \text{Significance} \times \text{Connectivity} \times \text{Area in hectares (or length in km)} / \text{Spatial} \times \text{Temporal} \times \text{Delivery risks}$

# Biodiversity net gain calculation

- Biodiversity Net Gain is then a fairly simple calculation:
- Biodiversity units created = Post development biodiversity units – Baseline biodiversity units

# Caveats from DEFRA

- DEFRA emphasizes that the proposed Biodiversity Net Gain 2:0 metric is just one part of the biodiversity puzzle.
- Existing legislation protecting key species, habitats and designated sites remain.
- The metric also does not include species composition, habitat structure, ecological functionality or people's use or values associated to biodiversity.
- These all need to be assessed to gain a full picture of the biodiversity contribution in a site.

# Exemptions to requirement for biodiversity net gain

- *major infrastructure projects and marine sites*
- *certain urban brownfield sites, if they don't contain protected or priority habitats (e.g. open mosaic habitat) or 'face genuine viability difficulties'*
- *smaller 'minor' development sites (fewer than 10 residential units or an area of less than 0.5 hectares) will be offered a more simplified requirement and potentially lower than 10% gain*
- *building extension projects*



# Compensation for biodiversity loss

- The interpretation of Biodiversity Net Gain has been further tempered, as it includes the option for off-site 'compensation' as an option of last resort or purchasing of biodiversity credits, if biodiversity losses are unavoidable in accordance with DEFRA's mitigation hierarchy. Some conservation groups remain concerned that the concept of compensation might actually enable developments that would not have been permitted otherwise, as it opens the way to developers to opt for investments to off-site wildlife areas rather than adding to the site in question.

# Hierarchy of compensation

- 1 Avoid; Where possible, habitat damage should be avoided
- 2 Minimise; where possible, habitat damage and loss should be minimised
- 3 Remediate; Where possible, any damaged or lost habitat should be restored
- 4 Compensate; As a last resort, damaged or lost habitat should be compensated for

# Administration, monitoring and management

- The government response has given **Natural England** responsibility for rolling out the Biodiversity Net Gain requirement. It calls for the creation of **Local Nature Recovery Strategies** to map out current biodiversity levels and identify opportunities for enhancement. These recovery strategies are likely to be produced by **Local Nature Partnerships** and should work hand-in-hand with [Local Environment Record Centres](#) who retain historical and current biodiversity data. This means that any developers who might consider illegal clearing of a site of biodiversity before seeking planning permission will be subject to evidence of the biodiversity known to exist onsite before the developer engaged with it, and would face the consequent penalties of such activities.

# Administration, monitoring and management

- Developers will be expected to deliver habitat creation or enhancement as part of delivering mandatory biodiversity net gain, to be maintained *for at least 30 years*, with local planning authorities allowed to require longer term protection as a planning condition, obligation or conservation covenant. The new Environment Bill will legislate for **Conservation Covenants** which are private, voluntary agreements between a landowner and a “responsible body”, such as a conservation charity or government body. The covenant binds the initial landowner and subsequent landowners to ensure long-term conservation and environmental benefits on net gain sites.

# Owlthorpe

- This was due to be a large development just off Donetsk Way.
- For some reason, they divided it into three separate applications.
- The land had been farmland, but some time ago ( in the 80s) had been listed as housing land by the council.
- There had been no development there, other than a doctor's surgery.
- I visited it On 31<sup>st</sup> May 2020, two days prior to the Planning Meeting.
- It was a beautiful, wild place, humming with insects, twittering with birds. The vegetation was dense, thoroughly established.

# Owlthorpe

- It was my first encounter with Biodiversity net gain.
- I was thoroughly baffled when the ecologist listed bird and bat boxes and a small area of wetland (also to be used as flood mitigation) were all that was needed to produce Biodiversity Net Gain.
- I asked about the established trees and undergrowth, the insects, the soil life, the birds who fed off the insects.
- They didn't carry much weight, as there was nothing rare or endangered there, either nationally, or locally.
- If I'd done my homework, I'd have challenged on connectivity.

# Owlthorpe

- I decided to try and do that homework as a result.
- Luckily, the scheme was voted down;
- REFUSED on the grounds of the failure to deliver development across the wider site in a comprehensive manner, the insufficient density of housing proposed on the site and consequential loss of amenity for existing residents and the location of affordable housing on the site.
- From my point of view, all the wrong reasons.
- It happened only because the site is in Beighton Ward, hotly contested between Labour and Libdems, and the public outcry was great, so councillors sought to ingratiate themselves with voters.

# Owlthorpe

- The decision by the Planning Committee has been appealed by the developers.
- NOTE; the developers may appeal a refusal, but there is no appeal against a plan being passed allowed, on any grounds.
- The very large and well-organised group of residents are now putting together a pack to present to the inspector who will decide the appeal, based largely on the faulty (as they see it) ruling about biodiversity net gain.
- I understand some rare species have been identified, so they might have a chance.



# Loxley Valley

- A large development of more than 300 homes applied for, covering an area occupied by dilapidated factory buildings and established woodland.
- Council officers recommended we refuse this application, mainly on the grounds of its negative impact on the openness of the Green Belt, but also, significantly, because of insufficient information from the developers about the environmental impact.
- We refused.
- Again, a huge community outcry had gone up against the development.

# Loxley Valley

- Again, the developer has appealed.
- The community, I believe, have put together a large document to present to the inspector, and one of the grounds is that there is no Biodiversity Net Gain shown.

# Twentywell Lane

- This was an application to put a four-storey 80 bed care home on a piece of land close to the top of Twentywell Lane.
- The land is pretty much scrubland, but with some interesting features.
- Not least is the presence of badgers sets nearby, and badgers use the land to forage and commute to other areas.
- The building and service roads will obliterate the badger commuting paths.
- Nevertheless, the ecology officer had calculated that, with bat and bird boxes, a Biodiversity Net Gain had been demonstrated.

# Twentywell Lane.

- Frankly, that flabbergasted me.
- In that ward, there is no desperate battle between Labour and Libdems. Libdems voted against it, Labour for. There were many more reasons to vote against it than my disbelief in the result of the Ecology officer's report, but to no avail.
- It was passed.
- Remember, there is NO appeal mechanism for the large and well-organised community organisation that sprang up to oppose the development.

# The Wensum Link

- This is a planned large link road from the A47, joining the northern ringroad around Norwich.
- There's a huge campaign to stop it.
- One of the reasons is a large colony of barbastelle bats, a threatened species living in woodland.
- The road will drive straight through that woodland.
- The chances are about even; a threatened species versus a strategic piece of infrastructure.
- Decision due next year