

In February 2019, ALERC responded to a series of questions from DEFRA on proposals for a biodiversity net gain requirement for new developments.

**1. Should biodiversity net gain be mandated for all housing, commercial and other development within the scope of the Town and County Planning Act?**

Yes.

A number of policies in the UK aim to reverse the decline in biodiversity. As outlined in *A Green Future: Our 25 Year Plan to Improve the Environment*, development has a significant negative effect on biodiversity and pursuing biodiversity net gain is necessary to reverse this. Making it a mandatory requirement is the only way to ensure that developments are completed to high biodiversity standards across the whole of England, whilst also realising a set of other benefits that make the planning system more efficient and effective.

Under the current planning system, there is no requirement for developers, landowners or local planning authorities to collectively take stock of biodiversity. Whilst biodiversity information is being collected and used by, or on behalf of, all three of these actors, it is seldom done so routinely. Consequently, the opportunity to create a complete set of data for local biodiversity is not being realised across the country. Data input is very piecemeal, with only a few ecological reports being digitally stored for posterity. Data output is similarly piecemeal. In London, an estimated average of 18.2% of planning applications have an effect on biodiversity, whilst only 1.2% actually receive biodiversity data services from London's Local Environmental Records Centre (LERC), Greenspace Information for Greater London (Greater London Authority, 2016, *Planning for Biodiversity?* <http://downloads.gigl.org.uk/website/PlanningForBiodiversity.pdf>). Nationally, the Association of Local Environmental Records Centres (ALERC) estimates that, based on figures up to 2015-16, 2.7% of planning applications are informed by local biodiversity data services (ALERC, (2019), "The Reach of LERC Data services into the English Planning System" [http://www.alerc.org.uk/uploads/7/6/3/3/7633190/the\\_reach\\_of\\_lerc\\_data\\_into\\_the\\_english\\_planning\\_system.pdf](http://www.alerc.org.uk/uploads/7/6/3/3/7633190/the_reach_of_lerc_data_into_the_english_planning_system.pdf)). The data that is used in the planning system is overwhelmingly sourced from volunteers. Only 3.5% of the data made available to the planning system through LERCs is sourced from professional ecological consultancies (Smith et al. (2016), "Sharing Ecological Data Using GIS Files", In Practice 91 pp 51-53 [https://www.cieem.net/data/files/InPractice\\_back\\_issues/InPractice91\\_March2016\\_FINAL\\_DiscUpdate.pdf](https://www.cieem.net/data/files/InPractice_back_issues/InPractice91_March2016_FINAL_DiscUpdate.pdf)). This is not a picture of efficiency, with useful data being lost from the system. Where it is retained, it is too often going unused.

Although the current planning system allows for some effective and efficient use of data services to make better decisions, the piecemeal and unstandardised approach makes it impossible to reliably assess the overall impact of development on biodiversity at either the local, regional or national level. It also makes it impossible to build a reliable baseline for biodiversity, which is necessary to set future targets, develop future policies and to inform future generations. A mandatory approach to net gain, which in turn ensures the routine submission, management and use of standardised biodiversity data, will mean that the effect of planning on biodiversity can be reliability measured. It will enable annual profit and loss accounts for biodiversity at every level. What's more, this information can be used and reused to support a large range of conservation activities, especially those at the landscape scale and support important principles such as those contained within the Lawton review (Lawton, Et al. (2010) Making Space for Nature: a review of England's wildlife sites and ecological network. Report to Defra).

To realise the benefits described above for all of England, net gain should be made mandatory not only for terrestrial developments covered by the Town and Country Planning Act, but also for marine developments and national infrastructure developments.

Throughout this consultation response, ALERC sets out how better and increased use of ecological data services should inform a mandatory net gain approach to ensure positive outcomes for the environment, local communities and developers across England. Critical to this is to develop the role of LERCs within the planning system. This means moving them from their current position as a useful tool to have where ecological data is deemed to be relevant, to a fundamental keystone in the planning system supporting and providing the high resolution, high quality data services needed to underpin good decision making. The decades of experience LERCs have had providing ecological data services, their ability to coalesce on common standards and their ability to work together through ALERC mean that they are well placed to take on this developed role.

We are working with LERCs and practitioners in the field of planning and biodiversity to define a set of services to support net gain delivery. Some of these services involve developing what LERCs already do in order to provide metric calculations, potential offset site inventories, offset site registries, sites at risk registries and new forms of reporting. Expanding current services will enable data to be used for context setting, green infrastructure mapping, habitat and species data management and ecological network mapping.

## **2. What other actions could government take to support the delivery of biodiversity net gain?**

Net gain has the potential to switch development from being a gradual eroder of biodiversity, which mitigates some of its impacts on an individual and piecemeal basis, to a systematic and routine enhancer of the natural environment. In order to do this however, it needs to work for all developments where biodiversity is impacted, including national infrastructure projects and in the marine environment. Therefore, we recommend that the Government consider taking all the appropriate measures (including legislation where

necessary) to ensure the effective delivery of net gain.

We recommend that local baselines, which could be integrated together to produce a national baseline, are created. This should be based on the Nature Recovery Network, as outlined in the 25 Year Environment Plan, which we recommend should be produced at the local level using the highest resolution, quality assured local data services. Once produced, the use of baseline data should be made mandatory to maximise its impact. As reported in question one, uptake of biodiversity data services is currently low and setting the expectation that they are used at the earliest possible stage in a planning application will result in better outcomes for biodiversity and a faster more efficient planning system for developers and local residents.

Capacity to interpret ecological data and reports within local authorities has diminished and is diminishing (Association of Local Government Ecologists (2012) "Implications of the Comprehensive Spending Review on biodiversity work within local government" <https://www.alge.org.uk/publications-and-reports>). This is a false economy, potentially causing delays in the planning system (Oxford, M. 2013, Ecological Capacity and Competence in Local Planning Authorities: What is needed to deliver statutory obligations for biodiversity? Report published by the Association of Local Government Ecologists <https://www.alge.org.uk/publications-and-reports/>) and reducing the effectiveness of biodiversity data and information where there is no person competent to interpret it. We recommend that the Government seek to arrest this decline by making local authorities report on how they are meeting their current biodiversity duties (that exist through the planning system and other existing legislation such as the Natural Environment and Rural Communities Act 2006) and therefore proving they have enough ecologically competent staff. The government also needs to make sure local authorities are resourced to do this and that biodiversity duties are not seen as the poor relation of other local authority obligations.

Local Environmental Records Centres are best placed to provide the data products and services to support the recommendations above. We believe that consulting them should be mandatory for planning permission applicants, as is the case with Historic Environment Records.

**3. Should there be any specific exemptions to any mandatory biodiversity net gain requirement (planning policies on net gain would still apply) for the following types of development? And why?**

- a. House extensions**
- b. Small sites**
- c. All brownfield sites**
- d. Some brownfield sites (e.g. those listed on brownfield, or other, land registers)**

No.

To realise the benefits of Net Gain it has to be mandatory across all developments which affect biodiversity, regardless of landuse classification. Many brownfield sites, for example, are important areas for invertebrates. Also, the definition of "brownfield" is not strict enough.

A very high proportion of London for example would actually be classified as brownfield and if developments in these areas were not required to go through a net gain process not only would environmental degradation occur, but also a large number of people would lose their access to biodiversity.

**4. Are there any other sites that should be granted exemptions, and why? For example, commercial and industrial sites.**

No.

**5. As an alternative to an exemption, should any sites instead be subject to a simplified biodiversity assessment process?**

No.

There is no need for say a loft conversion to be subjected to exactly the same process as a dual carriageway. However for the full benefits of the net gain process to be realised, small developments should at least enter the system to be assessed for their biodiversity value, with data from this assessment being stored and reused for a large number of purposes such as updating and verifying the Nature Recovery Network, verifying other existing biodiversity data, contributing to ecological network mapping and natural capital assessments and other conservation work as well.

Use of existing data in initial assessments can help determine whether a proposed development needs to proceed to a metric calculation and consideration for net gain. There are existing services that can achieve this, such as automated screening of planning applications against local data (as currently happens in Gloucestershire <https://www.gcer.co.uk/statutory.html>) or the recently developed Wildlife Assessment Check (<https://www.biodiversityinplanning.org/wildlife-assessment-check/>), a project led by the Bat Conservation Trust but involving developers, planners and NGOs coming together to produce a web based system that allows small and medium developers to highlight biodiversity issues at an early stage. Data services and systems such as these are not only a cost effective way determining which developments require further assessments for biodiversity, but they also inform which assessments and surveys are required - a further efficiency.

**6. Do you agree that the Defra metric should allow for adjustments to reflect important local features such as local sites? Should the Defra metric consider local designations in a different way?**

Yes.

The Local Wildlife Sites (LWS) system is set up to protect biodiversity through the planning system. Whilst LWSs are not legally protected per se, the fact that they represent England's most important habitats means that they must have full consideration in planning decisions with a presumption for no development. In addition to this, they are selected and

designated by a panel of local stakeholders which seek to engage landowners with management advice, giving them extra local significance. They comprise a network of habitats that is locally very important and should be incorporated into any ecological network mapping or the forthcoming Nature Recovery Network. LWS are designated in accordance with criteria that recognises national guidance, but is interpreted locally.

LWS are representative of nationally important habitat, in the same way as legally protected SSSIs. In fact they can be of high local significance even if they do not contain priority habitat as the habitat they contain can be locally rare. They are also designated for other important features such as connectivity, or their position as isolated green patches in urban environments.

For these reasons LWS require special status within the net gain system and we recommend that they receive additional weight in the form of a large multiplier within the DEFRA metric. If current planning policy is being applied correctly, the likelihood is that development on or around LWSs would be refused. However, in cases where development has an 'over-riding need' (as originally described in the Habitat Regulations (regulations 64 and 107) but now transcribed into local planning policies across England) and LWSs are threatened as a result, their presence should be reflected in the Defra metric. This is not just for those LWSs where a development is to take place on the site itself, but also where nearby development might have an adverse effect.

## **7. Should local authorities be required to adopt a robust district level licensing approach for great crested newts, where relevant, by 2020?**

No.

District level licensing is at an early stage in its development and needs to be evaluated before it can be rolled out in all the appropriate districts. ALERC, and particularly its members in the early rollout areas for DLL, are concerned that some data is missing from the modelling and that a review of the models is required, as well as much ground truthing as possible to highlight strengths and weaknesses in the models. They feel that the rush to adopt the system is resulting in significant and important data being missed. There is concern that openness of data is placed as a higher priority than its usefulness. We believe that in Wokingham for example, important pond records have not been used to parametrise the model.

Therefore, we recommend that a detailed evaluation of DLL be carried out before any decisions on its future are made.

## **8. For what species is it plausible to use district level or strategic approaches to improve conservation outcomes and streamline planning processes? Please provide evidence.**

We believe that all planning decisions, whatever policies they are made under, should be supported by the best possible evidence and data services. Therefore, whichever species

are chosen for future district level approaches, the data has to be available, accessible and used to support this approach.

A mandatory net gain approach yielding more and standardised data, that is stored for local use and reuse, should make this easier. In this way planning policies can support each other.

We would recommend completing a “state of data” check on individual protected species as part of the decision making process on which species to use a district approach for, with species being assessed based on what presence (and absence where appropriate) records are available, alongside records of their habitat. Species with insufficient data should be targeted for greater recording before a district level approach can be further considered.

**9. Are there wider elements of environmental net gain that could be better incentivised? If so, please specify which, and any benefits that such incentives could provide.**

This question should be answered based on what data for wider environmental elements exists and is available. LERCs are gearing themselves towards natural capital, which means collecting data on a wider set of environmental variables. Good, high resolution land use data does exist in many localities. There are also some citizen science projects that have collected data such as pollution or water quality data (e.g. the Freshwater Habitats Trust Clean Water for Wildlife project created data that some LERCs are interested in incorporating into natural capital assessments <https://freshwaterhabitats.org.uk/projects/clean-water>). We would recommend that a “state of data” check is completed as part of the process for selecting wider elements for environmental net gain. This would mean looking at what data is already held and by which organisations, as well as which data could easily be obtained and linked to existing data sets.

**10. Is the Defra biodiversity metric an appropriate practical tool for measuring changes to biodiversity as a result of development?**

No.

Monitoring change requires detailed information on species presence, habitat extent and habitat condition. To realise its full potential, the net gain approach needs to go beyond simply calculating biodiversity units and relocating them where necessary. It should also generate species and habitat records that contribute to England’s biodiversity stock take which can in turn be used in support of the country’s biodiversity duties through a number of policies.

We recommend that the approach taken is one of “it’s better to have the detail than not”, meaning that biodiversity information can always be made less precise and less detailed if that’s what its application requires, but it’s precision and detail can never be increased

beyond what was originally captured. With this in mind, the information collected should meet a set of minimum standards, which can be discussed in more detail at a later date, but would be expected to include compatibility with UKHAB (for habitat and land use data) and precise spatial referencing (e.g. to 10 or fewer meters) for species records. Data should could contain the necessary level of detail to allow it to be verified by expert verifiers.

This level of data quality will allow for assessments above and beyond simple use of the DEFRA Metric, where necessary, and will mean that features such as habitat fragmentation, isolation, edge effects, recreational pressures and so on can be taken into account. It will also mean more widespread recording of protected species at a level of detail that could be incorporated into district licencing modelling work.

### **11. What improvements, if any, could we most usefully make to the Defra metric?**

Further guidance on the use of the metric from start to finish is needed, as well as guidance on the generation of appropriate data, and use of data services. A data standard could be included as an appendix.

The metric should allow for calculations and data to be produced in an easily shareable format that are standardised and ready for incorporation in local databases. Local Environmental Record Centre (LERC) staff are best placed to deliver training on this, indeed the 130 or so LERC staff in England are dedicated to and experienced in environmental data delivery and many organise and conduct training courses for the public and ecology practitioners.

### **12. Would a mandatory 10% increase in biodiversity units be the right level of gain to be required?**

No.

This is probably one of the most problematic parts of the net gain approach as described in this consultation. The consultation document itself effectively admits that 10% is an arbitrary figure based on what may provide a degree of certainty and confidence rather than being based on any scientific rationale.

It is better to allow for local variation and for local authorities to set an appropriate percentage in collaboration with developers and local interest groups. Local authorities should be required to report on the net gain level for their area and it is perhaps here that a national minimum standard level should be set. So for example, an LPA using its own knowledge of local context and accessing high resolution local data services, could demand that some developments have a gain percentage of 5%, whilst others have 15%, but allowing for an overall gain of say 10% for the district as a whole. These decisions would be based on environmental factors, such as how easy it is to create new units of habitat, economic factors and also local contextual factors such as the amount of greenspace local residents already have access to. It would also enable LPAs, particularly those in urban areas, the flexibility to avoid the conundrum of “10% of nothing

is nothing”.

**13. In clearly defined circumstances, should developers be allowed to pay through the tariff mechanism without fully exhausting on-site and local compensation opportunities?**

This should only happen in very clearly defined (exceptional) circumstances and in line with locally produced biodiversity maps. Nature Recovery Networks are crucial to this and highlight the need for LPAs to consider not only the numbers of units involved for individual developments, but also how habitat degradation and creation fits in with existing and planned networks. This should be done with in conjunction with local expertise.

**14. Would this be an appropriate approach to directing the location of new habitat?**

No.

Where on-site delivery is not possible or is exhausted, delivery of any outstanding biodiversity units should be local according to a local strategy. The definition of local could include district or countywide, or possibly within locally relevant areas such as AONBs or other landscape areas. The key point is that habitat location should be in support of landscape scale conservation, so habitat could be created in an alternative location, but within the same landscape, as defined by local advisors such as Local Nature Partnerships.

**15. How could biodiversity assessments be made more robust without adding to burdens for developers or planning authorities?**

Technology is ever evolving and creating new opportunities to generate more environmental data more efficiently, and to access this data through new and more sophisticated services. Market forces are determining which of these are becoming widespread. The key to their successful implementation, and the successful implementation of any biodiversity assessment approach, is standardisation.

British Standard 42020 “Biodiversity – Code of practice for planning and development” goes some way to setting a standard for biodiversity assessment by stipulating the requirements for ecological surveys and that the data generated from these surveys “should ordinarily be made available to local biological records centres [Local Environmental Records Centres]”. However, it does little to stipulate actual definitions for data itself and the data is still rarely submitted to Local Environmental Records Centres, or anywhere else, to allow for its reuse and contribution to wider planning and biodiversity strategies.

We feel that, by working with industry partners, a universally accepted data definition should be easily achievable and would include as a minimum:

- Standard nomenclature for habitat and landuse data (for example compatibility with UKHAB).
- Standard reporting on habitat condition.
- Minimum attributes for species records, including a minimum spatial resolution, to ensure is verifiability.
- Recognised digital formats for data.
- A requirement to use available data services.

The purpose of this definition is to ensure that data generated from assessments is as easily submissible and reusable as possible (for uses such as the development and review of the Nature Recovery Network). This is an opportunity for developers and sets a level playing field by removing the competitive advantage that currently exists for ecological consultants who don't adhere to the existing standards regarding ecological assessment and data submission (e.g. BS42020 and CIEEM's *UK Guidelines for Accessing and Using Biodiversity Data* [https://www.cieem.net/data/files/Publications/Guidelines\\_for\\_Accessing\\_and\\_Using\\_Biodiversity\\_Data.pdf](https://www.cieem.net/data/files/Publications/Guidelines_for_Accessing_and_Using_Biodiversity_Data.pdf)). It also creates a much more enriched and useful database for use by developers and their consultants – a positive feedback loop that the developers themselves recognise is a good thing for their industry (Smith et al. (2016), "Sharing Ecological Data Using GIS Files", In Practice 91 pp 51-53 [https://www.cieem.net/data/files/InPractice\\_back\\_issues/InPractice91\\_March2016\\_FINAL\\_DiscUpdate.pdf](https://www.cieem.net/data/files/InPractice_back_issues/InPractice91_March2016_FINAL_DiscUpdate.pdf)).

Professional competency is an important aspect to producing and using robust assessments. Where accreditation schemes exist, they need greater promotion. ALERC accredits its members (ALERC (2013) *Accreditation System Standard Criteria* [http://www.alerc.org.uk/uploads/7/6/3/3/7633190/alerc\\_accreditation\\_v2.1.pdf](http://www.alerc.org.uk/uploads/7/6/3/3/7633190/alerc_accreditation_v2.1.pdf)) on an ongoing basis, ensuring that they are able to manage data to industry standards and can demonstrate other requirements such as impartiality. We recommend that all professionals working in net gain assessments are accredited by their professional body. Furthermore, it is imperative that all LPAs have access to the necessary ecological expertise that they need to make swift and effect planning decisions. It is well known that removing these expertise is a false economy as it creates uncertainty and delays.

The recommendations set out above will help achieve a more robust assessment system that not only minimises burdens on developers, actually takes the opportunity to make better planning decisions faster, more reliable and based on evidence and free from conflicts and delays.

## **16. Should a baseline map of broad habitats be developed?**

No.

ALERC has a number of concerns regarding *national* baseline mapping.

The first is whether this can be produced at a high enough resolution. In order for accurate and precise decisions to be made, especially for smaller sites, information has to be at the highest possible resolution.

The second is regarding the reliability and veracity of a baseline produced at the national level. A stark example of this is work conducted in Oxfordshire and Berkshire on the Natural England Priority Habitats Inventory (PHI) where it was found that eleven types of habitat were missed altogether from the PHI. The extent of a further three types of habitat was under estimated, whilst that of seven was over estimated. Further information can be found here <http://www.tverc.org/cms/content/habitats>. The reasons for this have been traced to methodology in collecting the data, specifically where two or more habitats appear in the same mapping polygon. The concern from an ALERC point of view is that while this type of mapping can very useful for national trend analysis, it is not of the precision or accuracy needed for local planning decision making. We would therefore not want to see this type of approach used for a national baseline.

Instead we recommend that local baselines are produced. This can be done using local data services, and could take a collaborative approach where different sources of data - local, national and international - are combined, as with Norfolk and Cumbria Living Maps (<https://spaceforsmartergovernment.uk/case-study/eo-dip-living-maps-for-biodiversity-and-natural-capital/>). The key here was that once the map had been brought together, a sample was produced for ground truthing and quality assurance, so the map is of known quality. Should maps like this be produced locally, to standardised methodology, they can then be combined at a regional or national level to produce larger maps that will have applications beyond assurance for net gain (e.g. to inform of the Nature Recovery Network). In fact local baseline maps themselves will also have a stronger influence than a national one, especially if they incorporate existing surveillance and monitoring schemes, such as Local Wildlife Sites systems which aim to highlight important habitat areas and make contact with land owners in a positive manner. It is as important for land owners to be aware that their current landuse and habitats are being recorded, as it is for them to actually be mapped. We want to deter land owners from damaging habitats, not simply record it when it happens.

**17. Should this be applied, as a minimum baseline, to:**

- a. net gain calculations for all development?**
- b. net gain calculations in cases of suspected intentional habitat degradation?**

The local high resolution data products that we recommend producing in the answer to question 16 should be applied in all calculations. Even in cases where further specific surveys are definitely required, these products should be and even updated where new evidence is brought to light.

**18. What other measures might reduce the risk of incentivising intentional habitat degradation?**

ALERC recommends that local authorities are required to report on their habitats and overall net gain percentage. All habitat data created through net gain calculations, or any other purposes, should contribute to this report. Standardisation of data collection and submission through LERCs should make this process an efficient and effective one. Its publication will alert land owners to the fact that habitat and land use is monitored. It will

also act as incentive for local conservation organisations and local interest groups to make sure that their knowledge of local habitats is recoded and published.

Further publication of information regarding which offsite biodiversity units have been created maximises transparency and builds the level of trust that is required to dissuade people from intentionally degrading habitat. A central repository of this information for individual localities should be held with LERCs.

**19. How can the risks of penalising landowners making legitimate land use change decisions before deciding to sell their land for development be mitigated?**

Landowners should be encouraged to engage with local authorities as much as possible. The Local Wildlife Sites system attempts to do this in some ways already, by notifying landowners when their land has been designated for holding certain habitats. This can be developed by encouraging landowners in turn to provide notice of prospective landuse change. As more land is surveyed and designated for the creation of the nature recovery network, there will be greater opportunity to engage and inform landowners, and to turn this into a two-way process whereby landowners seek consultation before making landuse changes.

**20. The provision of compensatory habitats will need to be guided by habitat opportunity maps. At what scale should these maps be developed?**

- a. **Locally (e.g. local authority or National Character Area)**
- b. **Nationally (i.e. England) as a national framework to be refined, updated and amended locally**

a. Locally

These maps need local expertise to be reliable and to contain enough detail. They must be created to include local data services, possibly in combination with national data, as shown by the successful production of the Biodiversity Opportunity Mapping Study for Central Lincolnshire <https://glnp.org.uk/lincolnshire-landscapes/central-lincolnshire-biodiversity-opportunity-mapping.php>. The best examples of this kind of exercise have local buy-in from residents, LPAs and councillors. This in turn can create a positive feedback loop, as vigilance from local citizens provides the opportunity to ground truth the maps, as well as monitoring and highlighting change.

This form of mapping also gains importance and credibility as it is incorporated into a number of planning and landuse activities, including agri-environment schemes, as shown by the East Staffordshire Biodiversity Opportunity Mapping project <http://www.eaststaffsbc.gov.uk/sites/default/files/docs/planning/planningpolicy/lpevidence/environment/EastStaffsBiodiversityOpportunityMapping.pdf>.

Considering the benefits of performing this kind of mapping at the local level, we believe it is more efficient than national mapping. This is because the higher error rate and lower resolution of national maps mean they are harder to use, as shown by an investigation into

the difference between local and national datasets conducted in Oxfordshire and Berkshire <http://www.tverc.org/cms/content/habitats>. That's not to say that national maps are not useful, especially for national metrics and measurement against national targets, but we feel that these maps should be created from assimilation of more reliable local maps.

**21. What other measures should be considered to identify biodiversity and natural capital priorities?**

Natural Capital investment plans. Some LERCs are at the early stages of creating Natural Capital assessments, sourcing other forms of environmental data to use alongside the biodiversity data they currently report on as standard. LPAs should be obliged to go through this process, both to assess the existing natural capital data for their area and to highlight areas that are data deficient. Plans should be drawn up to address data gaps.

Local Nature Recovery Networks should be drawn up, and where local biodiversity action plans still exist, they should incorporate the priorities from these.

**22. Would mandating net gain through the planning system be enough to stimulate the growth of a market for biodiversity units?**

**23. What further measures would help to ensure that the market provides:**

- a. Sufficient biodiversity units for development?
- b. Cost-effective biodiversity units?

**24. Should there be a minimum duration for the maintenance of created or enhanced habitats?**

Yes.

**25. If so, what should the minimum duration be?**

- a. Less than 25 years
- b. 25 to 30 years
- c. Longer than 25-30 years
- d. Permanent

Possibly any of these, based on science-based figures for habitat 'time to condition'. The point is that this needs to be measurable and certain in order to assess performance and accredit net gain delivery.

**26. Would conservation covenants be useful for securing long term benefits from biodiversity net gain or reducing process and legal costs?**

**27. What safeguards might be needed in the implementation of conservation covenants?**

**28. Does this proposed range for tariff costs fit with the principles set out in this**

## section?

Tariffs must be set to include all the costs associated with the provision of biodiversity units, which include:

- Site assessment for delivery sites, conducted to standards and run until habitat reaches agreed extent and condition.
- Monitoring, including submission of data going through agreed verification and quality assurance protocols. This is to be completed by agents independent of biodiversity unit deliverers and should be for duration of net gain projects.
- Creation of local strategies.
- Office administration.
- Reporting of monitoring and against strategies.

They must apply for the duration of any net gain project, along with its term of monitoring.

### **29. Would this proposed range for tariff costs provide opportunities for cost-effective habitat banks and compensation providers to compete?**

Possibly, so long as above costs are accounted for.

### **30. Do you agree with the proposed principles for setting the tariff rate, as set out in this section? Please suggest any other factors that should be taken in to account.**

Yes, so long as costs additional to the purchase of units are accounted for, as per the answer to question 28, which in summary are:

- Site assessment for delivery sites, conducted to standards and run until habitat reaches agreed extent and condition.
- Monitoring, including submission of data going through agreed verification and quality assurance protocols. This is to be completed by agents independent biodiversity unit delivers. This should be for duration of project.
- Creation of local strategies.
- Office administration.
- Reporting of monitoring and against strategies.

### **31. How should the tariff revenue be collected?**

- a. Locally (e.g. through a local authority)**
- b. Nationally (e.g. through Natural England or another national body)**
- c. Other, please specify**

#### a. Locally

Tariffs should be collected as part of the planning system and there is no need for new system to be collected.

Money should be spent locally as it is closer to the people affected by development, and

many of the costs are incurred locally.

ALERC believes that this role is outside of the role of any national organisation and therefore a system should not be created that uses local planning to drive money to national organisations. This is a particularly worry with reference to statutory agencies, whose role is to carry out the national statutory duties for which they were created. They should be funded to do this by national government and should not be withdrawing money from the planning system.

**32. How should the tariff revenue be spent?**

- a. Locally (e.g. through a local authority)**
- b. Nationally (e.g. through Natural England or another national body)**
- c. Through a blended model, allowing spending at both levels**
- d. Other, please specify**

a. Locally.

As we have set out in the answer to question 31, this money is derived from local activities that incur local costs. It should be spent in pursuit of local goals and targets, guided by local Nature Recovery Networks and other local policies. Introducing a national element to the spending risks creating inefficiencies and decisions that are not sensitive to local priorities.

**33. If tariff revenue is collected and spent nationally, should spending prioritise areas which have contributed the most through biodiversity net gain tariff payments?**

Yes.

Money should be collected and spent locally, but if it can't be, then the national spender must spend where the tariff revenues are collected. This should be along two key principles; local authorities must still be able to report against their own net gain targets without compromise and urban areas should not subsidise rural ones where the creation of biodiversity units may be easier.

**34. What further measures will help to prevent burdens on local authorities increasing?**

Accessing available data services, which allows for:

- Highlighting protected species issues before they occur.
- Directs appropriate surveys.
- Assists in verification of survey results.

Local Authorities must also have access to ecological expertise. Losing access to both expertise and data services is a false economy, creating uncertainty and delays for developers as reported earlier in the response to this consultation.

LPA's are not routinely reporting against compliance to existing duties. Anecdotal evidence

shows that some local authorities, such as Warwickshire and Norfolk County Councils can access a large amounts of professional expertise, and offer these to district councils, whilst other local authorities do none of this. The lack of Key Performance Indicators in this field mean that it is hard to judge what is and isn't burdensome and what is and isn't more efficient. If those LPAs with little access to data services and professional expertise are providing a more cost effective service to developers and local residents, then they should be required to show this through KPIs.

**35. How could the proposals be refined to manage any negative impacts on the scale and delivery of other developer contributions (e.g. through Section 106 or Community Infrastructure Levy payments)?**

**36. Would you, as a planning authority stakeholder, prefer any net gain tariff revenue to be paid through:**

- a. local authority administration?
- b. a nationally managed funding scheme (which could then reinvest in local habitat schemes best aligned with national strategic environmental priorities)?

a. Local authority

Essentially there is no need to replace local authorities as the administrator and delivery for local planning and environmental needs. Local authorities are accountable to local stakeholders in a number of ways.

**37. How could the proposed net gain process be improved for developers?**

Whilst we acknowledge that is a question aimed more at the developers themselves, our experience of working with developers leads ALERC to believe that three key principles should guide the net gain process:

- Transparency of process.
  - This means that it is clear all the way through the planning process how the outcomes will benefit biodiversity as well as all stakeholders including local residents and developers themselves. Key to this is use of data services, and for conclusions to be backed up with evidence.
- Standardisation of process across different localities.
  - This means that developers entering the planning system in any part of the country should know what evidence they need to provide or access and in what format. Data standards ensure data can be collected and shared in same way for all projects.
- Transparency and standardisation from the outset.
  - It is important that the above principles are adopted at the outset of any project. Too often ecological considerations are made late on in the process causing costs and delays when information is required at very short notice.

**38. What other steps, considerations or processes in environmental planning could be integrated within a net gain approach?**

**39. Would any particular types of development (e.g. commercial, industrial, public sector, local infrastructure) be disproportionately affected by a mandatory biodiversity net gain requirement?**

**40. Do you agree that the proposal for staggered transitional arrangements would help to ensure smooth implementation of biodiversity net gain policy?**

**41. Would the existing dispute resolution process provide the best way to overcome any disagreement over whether net gain is achieved?**

**42. Would an additional arbitration or approval process be necessary? If so, please specify why.**

**43. Are there any issues or measures, other than those outlined, that we should take into account when considering how to monitor biodiversity net gain?**

One important measure is whether monitoring data itself is being generated and submitted. There is always a tendency for projects to be forgotten when they are complete, but as net gain is trying to achieve outputs for a very long time, we feel it is important that monitoring data is collected, retained and reported on. Therefore, one very important measure is whether or not this data itself is coming in. LERCs should be mandated to receive this data, and as they are also well placed to hold an inventory of gain sites, they should therefore be able to provide the necessary reports to answer monitoring questions – i.e. is data coming in for net gain sites? This process should follow agreed data standards to ensure data precision and accuracy, and its ease of submission.

There should be a simple measure of whether or not the creation of new biodiversity units has been successful. This is important not only because it simply reports on whether a developer has achieved the gains they set out to achieve, but also because information on what activity is or isn't successful can be important for informing future land management techniques.

Data management organisations should be accredited. ALERC is administering a system to do this for LERCs, which was originally drawn up to a Natural England specification. We believe this is the only system available to accredit biodiversity data management organisations.

**44. Should local authorities be required to provide information about habitat losses and gains?**

Yes.

Baseline and monitoring data should be held by accredited competent organisations and reported on for local authorities by these organisations. ALERC has an accreditation system to ensure that its members can do this to a set standard.

This reporting will be particularly important as there is currently very few ways to check local authority performance as regards biodiversity in planning. In many areas, this would manifest itself as a development of the existing relationship between LERCs and local authorities. In other areas, local authorities would be forced to take more notice of their biodiversity duty, and this can only be a good thing.

**45. What technological or other innovative mechanisms could facilitate the delivery and monitoring of biodiversity net gain?**

Local databases and software etc. are currently undergoing review to ensure that they are able to meet the challenges of net gain and other developments within environmental policy. Further investment in this would be welcome.

Some organisations, LERCs amongst them, are coupling unmanned aerial vehicle use with innovative data manipulation software in order to provide cost effect solutions to landuse and habitat categorisation and assessment. Investment to allow further investigation of how this support the net gain system would also be welcome.