

Bat Conservation Trust



Bat Conservation Trust summary of responses to the Defra consultation on (Biodiversity) Net Gain

In considering our response, Bat Conservation Trust is mindful that:

- There is a clear and urgent need to increase housing stock and infrastructure but this needs to be done in a way that does not have an adverse impact on the environment – it is about the right quality of housing in the right place.
- Whilst the mitigation hierarchy is a form of guidance to developers when considering a development proposal, developers should be clearly reminded that developments can and may be refused for reasons of biodiversity interest. There must be no weakening of the protections of designated sites or loss of irreplaceable habitats.
- Biodiversity Net Gain done correctly will add value to developments and must not be seen as a tax on them.

However,

- The UK Government has an obligation under the Convention of Biological Diversity to halt the loss of biodiversity by 2020. This has implications for how delivery of biodiversity net gain should be implemented.
- Biodiversity is continuing to decline¹.
- Application of biodiversity net gain should only be undertaken at the on-site or local level. This would be in keeping with ensuring that there is a community benefit to local people so that people have access to natural green space, they do not lose their biodiversity and potentially would see the benefits delivered by biodiversity net gain.
- The Defra metric does not cover species and therefore we consider that it is not fit for this purpose. Biodiversity net gain should not be implemented until this has been rectified. When this is considered it is essential that the application of biodiversity net gain should only be undertaken within what is the functional range of species impacted.
- Collection of tariffs for biodiversity net gain outside the local area is a form of off-setting but there is little evidence that this works, and in many cases, it has been shown to fail ².
- Successful delivery of mandatory biodiversity net gain will depend on sufficient resources for local authorities, a detailed baseline against which to measure progress, a clear understanding of where and how this will be delivered, and transparency throughout the whole process.
- Biodiversity net gain can be used to help deliver Nature Recovery Networks, however it must not be used as a raison d'être to fund Nature Recovery Networks.

¹ <https://www.rspb.org.uk/globalassets/downloads/documents/conservation-projects/state-of-nature/state-of-nature-uk-report-2016.pdf>

² <https://friendsoftheearth.uk/nature/biodiversity-offsetting-and-net-gain-license-trash-nature>

The consultation ends on February 10.

The consultation questions were framed around a number of core themes not all of which we considered were within our scope to address.

1. Whether biodiversity net gain should be made mandatory for all housing, commercial and other development within the scope of the Town and County Planning Act.
 - BCT's view is that this should not be the case as there are some developments such as extension to dwelling houses where development has already taken place, often by a third party and often at some point back in time, which could be considered as unfair to the owner\occupier. It would also be very hard to police and enforce.
 - We do however believe that this should apply to most other development proposals including brown-field sites.
2. Whether the Defra Metric is fit for purpose and its application for biodiversity net gain.
 - Because the Defra metric currently only considers habitats as a proxy for biodiversity, this clearly does not take into account the needs of bats and other key species and it is therefore not fit for defining and measuring biodiversity. The Defra metric assessment must be based on both habitat functionality and the functionality for the species that the landscapes and habitats support, irrespective of the features of the site.
3. Whether there are strategic approaches to improve conservation outcomes and streamline planning processes.
 - This will only be possible for species that are not complex in their ecology and operate at a fine local scale and not at a wider landscape scale. The Red Tape Initiative report 2018 and the Landscape Institute share our view in stating that the approach taken with great crested newts will not work in applying it to bats.
4. The way biodiversity net gain would operate is to define the potential gain in terms of biodiversity units and tariffs with a proposal for a mandatory 10% increase in units.
 - BCT's response is that this may be too simplistic and that any gain needs to be set at a sufficient level so as to render biodiversity meaningful and to reflect the ecological and functional value of the habitat that is being affected. It also needs to link to agreed local, regional and national priorities particularly around Nature Recovery Networks.
 - Developers should not be allowed to use this to simply pay and opt out of carrying out biodiversity net gain which would render biodiversity to a commercial commodity
 - BCT's view is that biodiversity assessments can only be properly done by on-site visits, by suitably qualified ecologists, and with access to a full range of verified biodiversity records and up-to-date habitat data. This will require a high level of investment.
 - This may also be an opportunity to encourage a system of regulation and certification of ecologists to ensure that the profession is properly recognised and acknowledged.

- The classification and mapping of habitats must be undertaken at the appropriate level if the UK Government is to have any hope of understanding the impacts of measures to halt the loss of biodiversity.
5. Baseline biodiversity data.
- Meaningful baseline map needs to be developed to allow habitat extent changes to be measured against, but it will also to identify where new habitats need to be created. The classification and mapping of habitats must be undertaken at the appropriate level if the UK Government is to have any hope of understanding the impacts of measures to halt the loss of biodiversity.
 - However this carries a risk of intentional damage to habitat ahead of sale or planning application for which it may be difficult to prove how, when and by whom, the damage took place.
6. Provision of compensatory habitats
- Compensatory habitats should be guided by priorities for species' ecological and functional needs. This might be at a local, regional or national scale however deliver of net gain should only be undertaken at the on-site or local level. This would be in keeping with ensuring that there is a community benefit to local people so that people have access to natural green space, they do not lose their biodiversity and potentially would see the benefits delivered by biodiversity net gain.
 - This duration period must reflect the biodiversity priorities and should be in perpetuity. Otherwise there will be a rolling programme of losses of previously secured sites with a long term severe risk of ongoing net loss.

A full copy of BCT's response can be found at <https://www.bats.org.uk/our-work/biodiversity-policy-advocacy/advocacy-and-consultations> .