

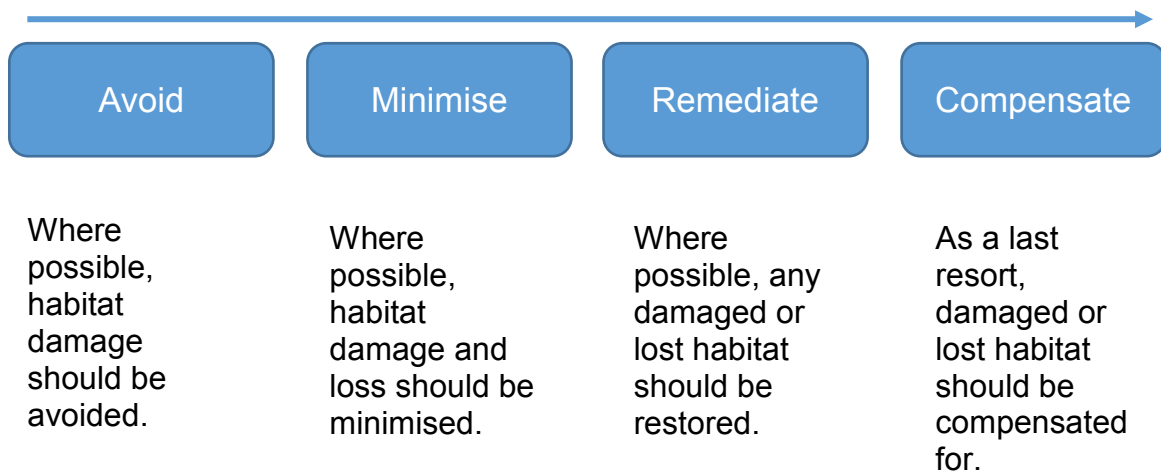
Policy proposals and questions

Approaches to delivering a net gain for biodiversity

We propose that net gain for biodiversity should:

- Complement and reinforce national planning policy.
- Support the mitigation hierarchy (see Figure 3), which avoids, minimises, remediates and as a last resort compensates for adverse impacts on biodiversity.
- Secure measurable benefits for biodiversity, so that we contribute to national and international environmental priorities and provide benefits for the local communities where development takes place.
- Not weaken the strong protections for designated wildlife habitats or irreplaceable habitats set out in national planning policy. This means that where projects result in damage to irreplaceable habitats, or designated features of internationally or nationally protected sites, these should be appropriately mitigated or compensated for, even if net gain in other (non-protected or 'replaceable') habitats is achieved.

Figure 3: The mitigation hierarchy



Net gain for biodiversity could be delivered by:

- Applying sensitive design that avoids the loss of high-quality habitats, minimises the impact of a development on site, enhances habitats in poor condition and delivers desirable places to live by creating new habitats on site.
- Using off-site local and strategic compensatory habitat creation and enhancement only where net gain cannot be reasonably achieved on site, for example on land provided by habitat banks, land-owners or brokers as part of a flexible market which supports identified biodiversity priorities and contributes to local and accessible nature.
- Where opportunities for on-site and locally-sourced compensation are not available, achieving gains through payment of a tariff. A tariff would be designed to incentivise habitat protection and strategic compensation (in line with the mitigation hierarchy),

raise revenue to invest in strategically important habitats that benefit local communities, support nature recovery and reliably achieve net gain overall at a national scale.

Teignbridge District Council, RSPB, EAD Ecology, Hallbaron Ltd

This example shows how a cash payment can be used to invest in habitat improvement when opportunities are not available at the planning application stage.

A 9.5 hectare site on the edge of Teignmouth coastal market town in Devon was granted planning permission for up to 255 dwellings. The Defra biodiversity metric was used to calculate losses of biodiversity on site and the levels of biodiversity compensation that would be built into the scheme design. This was insufficient to achieve a biodiversity net gain outcome and so the shortfall of biodiversity units was translated into a cash sum paid by the developer via a Section 106 agreement to the planning authority to be used to deliver biodiversity enhancements elsewhere in the county. These monies were used to purchase nearby land to create grassland and hedgerow habitats to achieve an overall biodiversity net gain outcome.

Net gain for biodiversity should be simple and certain to understand and implement. Our proposed approach would achieve this by:

- Working with national planning policy, including updated detailed guidance, which could be underpinned by a clear duty in legislation.
- Using the Defra biodiversity metric (see section “The Defra metric”) so that the approach to measuring biodiversity and any residual tariff obligation is transparent and consistent.
- Developing monitoring and quality assurance processes that provide confidence in the conservation and development outcomes secured.
- Providing a workable approach that can be adapted and updated to include components of environmental net gain such as natural resource use efficiency, water quality, flood risk management and air quality.