Delivering biodiversity outcomes

How should biodiversity priorities be identified?

It is likely that mandatory biodiversity net gain would provide the greatest benefit where it improves, extends or connects existing wildlife habitat and contributes to wider ecological networks, helping to meet the 25 Year Environment Plan ambition to deliver Professor Sir John Lawton's vision for more, bigger, better, and more joined-up wildlife habitat[26]. In some local areas, where biodiversity net gain is applied on a voluntary basis, local 'opportunity maps' are used to identify areas where habitat restoration and creation would be of greatest benefit. There is an existing requirement under paragraph 174 of the NPPF to map components of local wildlife-rich habitats and ecological networks, identifying designated sites, connecting habitat corridors and stepping stones, and areas identified by partnerships for habitat restoration or creation.

We propose that the delivery of compensation habitats be aligned with national and local scale strategic habitat objectives, and that government explores how local habitat opportunity mapping might be coordinated and supported through a national habitat mapping framework. In line with government's 25 Year Environment Plan ambitions, these spatial strategies could prioritise wildlife conservation, but also take account of natural capital opportunities and demand for benefits from nature. These maps could also form a useful planning tool for LPAs and developers in identifying the most suitable areas for development (as they do where such maps are already in place locally), and help to align development sector improvements with other types of environmental investment.

20. **The provision of compensatory habitats would 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**
21. **What other measures should be considered to identify biodiversity and natural capital priorities?**

Provision of compensatory habitats

Where net gain for biodiversity cannot be delivered on site, it is possible to create or enhance other sites to achieve biodiversity net gain. An adequate supply of high-quality local compensatory habitat sites would be needed to ensure that developments can proceed without difficulty or delay. Delivering biodiversity outcomes through habitat creation or enhancement is not easy or certain; so it would be essential that providers have the knowledge and expertise to ensure that compensatory habitats are delivered in

[26] Lawton, Professor Sir John (2010), *Making Space for Nature: A review of England's Wildlife Sites and Ecological Network*, http://webarchive.nationalarchives.gov.uk/20130402170324/http://archive.defra.gov.uk/environment/biodiversity/documents/201009space-for-nature.pdf.

the timeframes, and to the quality standards, agreed so that environmental outcomes would be secured.

It would need to be clear that compensatory habitat would be additional to efforts that would have been undertaken without the development's contributions; there should be no 'double counting' of improvements, for example, such as a created biodiversity unit being claimed twice by two different developments. There could, however, be circumstances in which biodiversity units generated through other planning requirements could be counted towards biodiversity net gain. Industry guidance and principles that have been developed for net gain set out a range of principles for compensation habitat, including additionality and recommendations against 'trading down' in habitat distinctiveness terms.

There are a number of different ways in which a developer could source the required biodiversity units – including on another site the developer owns, directly from a landowner, via a land broker or from a habitat bank.

Habitat creation could be secured or delivered in advance of development through the use of **habitat banks**. Habitat banks provide a market-based environmental solution to address loss of biodiversity or ecosystem services. Habitat banking can provide an effective and efficient way to combine many small developer contributions towards larger scale green infrastructure, provide a simple process for developers and a commercial opportunity for landowners and brokers in conservation activity.

Mandating net gain for biodiversity may stimulate the establishment and growth of local habitat creation markets which will trade biodiversity units. If mandatory biodiversity net gain is introduced, we propose that the level of the tariff is set above the cost of local biodiversity units. The intention of this would be to ensure that the market for compensation habitat creation is able to meet anticipated demand and delivers value for money but is not undercut by the tariff (see "Tariff rate" section). We propose that this market could also allow developers who have delivered biodiversity units beyond what is mandatory at a site, to accrue these surplus biodiversity units as credits and / or trade them with other developers.

We also want to consider which mechanisms could assure the delivery of quality compensation sites, both within developments and off site. We are interested in whether a system of accreditation for compensation habitat providers would support this, and how such a scheme could provide certainty without delaying habitat creation and development's access to compensation sites.

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?**

Legacy

Biodiversity net gain should make sure that development delivers improvements in biodiversity; developed sites are rarely reverted to nature and the aim should be that any compensation or mitigation for habitat loss should last for the duration of a development or be established on a permanent basis. Currently, industry principles and common practice of biodiversity net gain suggest that compensatory habitat should be actively managed for 25-30 years. After this period, habitat could in theory be changed to an alternative land use. We are therefore seeking to identify what mechanisms would enable the practical delivery of biodiversity net gain whilst also securing lasting environmental benefits.

In the unlikely scenario that a created or enhanced compensation site was selected for new development, the target condition of the habitat would be used as the baseline for the new development. Records of compensation sites (which could simply be a completed metric) would need to be held by the LPA, local records centre or a national delivery body to facilitate this approach. For example, Green Space Information for Greater London (GiGL) provides a central repository of data to support Transport for London to deliver biodiversity net gain.

There would be some risk of compensation habitat loss to wider land use change decisions, such as reversion to arable or pasture land. There may be potential through new agricultural schemes to prevent this. Other risks, such as clearance by the landowner for various purposes or damage during necessary infrastructure maintenance are also being considered. One model to secure the long-term stewardship of habitats is to transfer the land to a trust with an endowment to fund maintenance, as has been done for some public open spaces with the Milton Keynes Parks Trust and the Land Trust.

In line with our commitment in the 25 Year Environment Plan, we are assessing the potential role of conservation covenants to enable landowners to create a legally-binding obligation with respect to their land that delivers lasting conservation benefits for future generations. This would provide long-term assurance that compensatory habitat will be maintained to the standard required. Covenants would apply to compensatory habitats and not to development sites generally. Working with landowners, conservation groups and other stakeholders we will review and take forward the Law Commission's proposals for a statutory scheme of conservation covenants in England.

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