



BNG AND HABITAT RESTORATION:
Using Planning + EIA process to reverse biodiversity loss whilst maximising other environmental gains
Jon Davies – Director RSK Wilding



Who are we?



Enhancement of biodiversity through:

- BNG reports for developers as part of EIA process (demand side)
- Feasibility studies and BNG Delivery Plans for landowners (supply side)
- Brokering between the two
- Large-scale biodiversity offsetting strategies (Network Rail, electricity companies, etc.)
- Creation of Habitat Banks



Addressing biodiversity loss has long been part of the legislation in Scotland...

Nature Conservation (Scotland) Act 2004:

“It is the duty of every public body and office-holder, in exercising any functions, to further the conservation of biodiversity so far as is consistent with the proper exercise of those functions”

Wildlife and Natural Environment (Scotland) Act 2011:

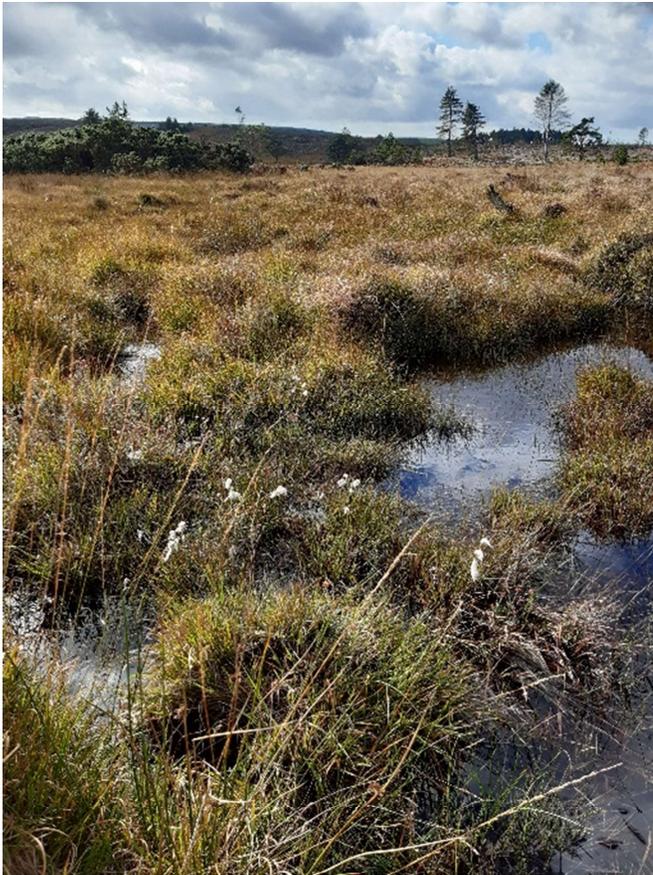
Slightly strengthened the reporting requirements for the above duty, describing it as *“a report on the actions taken by the body in pursuance of its duty”* and requiring a report to be published every 3 years

..but it was focussed on conserving and mitigating, not necessarily enhancing..

4 October 2022

The image displays two screenshots of the UK Legislation website (legislation.gov.uk). The top screenshot shows the 'Nature Conservation (Scotland) Act 2004' page, with a red box highlighting the title. Below the title, there is a 'Table of Contents' and a 'What Version' section. A timeline titled 'Changes over time for Section 1' is visible, showing dates 29/11/2004 and 31/10/2009. The bottom screenshot shows the 'Wildlife and Natural Environment (Scotland) Act 2011' page, also with a red box highlighting the title. This page includes a 'Table of Contents' and a 'What Version' section. The 'Table of Contents' lists sections such as 'Part 1 Defined expressions', 'Part 2 Wildlife under the 1981 Act', and 'Part 3 Snare'. The 'What Version' section indicates that the status is 'Original (As enacted)'. The website header includes the logo for 'THE NATIONAL ARCHIVES' and 'Cymreig'.

The National Planning Framework for Scotland (currently draft NPF4) changes that...



- NPF sets out procedures for Strategic Development Plans, LDPs, etc., plus policies relating to wildlife, biodiversity, designated areas, etc. → Important for EIA
- It details plan for what Scotland could be in 2045. Five parts:
 - **Part 1** - National Spatial Strategy – to create ‘Sustainable, Liveable, Productive and Distinctive places’.
 - **Part 2** - National Developments – ‘significant developments of national importance’
 - **Part 3** - National Planning Policy – ‘detailed national policy on a number of planning topics’, incl. biodiversity enhancement
 - **Part 4** – Delivery – ‘Actions will range across different scales and include a mix of strategic and project investments’ ‘standalone, live delivery programme’.
 - **Part 5** – Annexes – ‘info on how statutory outcomes are being met’.

NPF4 - Part 3: National Planning Policy – Policy 3: Nature crisis

- ‘Development plans should facilitate biodiversity enhancement, nature recovery and nature restoration across the plan area’
- ‘Development proposals should contribute to the enhancement of biodiversity, including restoring degraded habitats & nature networks’
- ‘Any potential impacts of development proposals on biodiversity [*i.e. through EIA*], nature networks and the natural environment should be minimised’
- ‘Development proposals.. should conserve and enhance biodiversity, including nature networks’
- ‘Proposals for local development should only be supported if they include appropriate measures to enhance biodiversity’

Is this enough? It's not exactly BNG...





The role of EIA in achieving biodiversity enhancement

- Ecological Impact Assessment (EcIA) has long been a part of EIA – generally emphasis has been on mitigation not enhancement
- But processes are in place through EIA to deliver enhancement and reverse biodiversity loss – sensitive design, assessment of impact/loss, determination of mitigation and/or ‘compensation’ requirements, long-term monitoring, enforcement
- So EIA can help deliver the required biodiversity enhancements through development...
- Needs to ensure that *enough* enhancement is undertaken, that it is *secured* and that it is functionally *viable* (i.e. large-scale?)

Biodiversity is all about variety (of habitats, plants and animals, genes, etc), and through variety and diversity comes ecological strength and resilience -

..but need to embrace variety in other ways as well, if the ambition implicit in this new legislation and policy (i.e. reversing biodiversity loss) is to be realised..

Variety of additional environmental benefits we should seek to achieve

Variety of people and organisations who can make this work

Variety of ways in which we can use BNG/nature restoration, alongside other initiatives, to leave a better legacy for future generations

⇒ We need to embrace all this variety, and to ensure the EIA process encourages it

Variety of additional environmental benefits we should seek to achieve



Biodiversity might be primary driver here, but what else can hitch a ride?

- carbon, WQ, flood mitigation, public access, etc.

Should always seek to get more Natural Capital bang for our biodiversity buck, and to design habitat banks/offsets accordingly (optimise, optimise, optimise!)

Various NC tools (e.g. EBN) helpful – encourage us to consider other ecosystem services in our designs

Routes to Market – how realistic is it to get revenue beyond biodiversity and carbon offsetting?

To stack or not to stack? Later...

Variety of people and organisations who can make this work



We all want the same thing - need to work together!

Variety of ways in which we can use biodiversity enhancement, alongside other initiatives, to leave a better environmental legacy

Net Zero/water quality improvement/natural solutions to climate change

ELMS – can public and private work together?

Regenerative agriculture

NatureScot's 4-year Corporate Plan/Nature Network

Scotland's Nature Recovery Plan (RSPB Scotland/WWF Scotland/SWT)

Rewilding

...important to make sure these issues complement each other rather than conflict with each other...



Some key issues for making this work...

Will the EIA process in Scotland encourage onsite or offsite habitat creation to achieve biodiversity enhancement? Surely contributing to landscape-scale projects within strategically important areas or wildlife corridors (i.e. Scotland's Nature Network) will be better?

Will it do enough? Or will it be too easy to demonstrate 'enhancement'? Scottish Government is still consulting on proposals for how "positive effects for biodiversity" will be delivered

Will an offsetting market develop (i.e. habitat banks to facilitate development-related habitat creation)?

Will there be an offsetting market in Scotland, and if so, how will it work?



[Without a Metric how do you know how much biodiversity is being created ?]

Creating biodiversity will create income - market will need regulating!

Quality, accountability, enforcement and transparency are key – need assurances that this will deliver for biodiversity! Not a licence to print money!

Must have accreditation for practitioners – otherwise it's the Wild West

To stack or not to stack?

Will stacking of additional natural capital be allowed?
– Defra consultation suggests yes in England



What will be the implications of this for our landowner clients? Farm businesses more viable? (no guarantee you'll get other funding, obviously)

Will it mean that less good environmental work is done?

Additionality - where will habitat work required as part of EPS licensing fit in to this? Presumably that will be part of the biodiversity enhancement, but it's already required by law..



Case Study

From small-scale housing developments to large-scale infrastructure, how can we ensure that the ambition of NPF4 is fulfilled?

Ultimately, it has to bring about the effective reversal of biodiversity loss



Case Study: large mixed-use development in rural setting

Largely arable landholding - 2000 acres

Masterplan indicates loss of >900 habitat area units and >100 terrestrial linear units

Plenty of space to minimise loss of key habitat *and* achieve >10% on the Estate

Keen to tie design to LNRS (not progressed) and to involve others (WT, etc.)

Scale means much greater scope for other natural capital benefits – blank canvas

Regenerative agriculture – does Defra Metric account for this appropriately?

Keen to monitor not just habitat change but also species diversity and abundance - is technology (acoustic monitoring, meta-barcoding, etc.) the answer?

Any questions?



RSK
biocensus
EXPERTS IN ECOLOGY