

Surrey Nature Partnership's Biodiversity & Planning Conference Feb 18 & 19, 2021 Briefing Notes by Kirsten Ellis

- New legislation in the Environment Bill intends to promote a new emphasis on nature and biodiversity in the national planning system, to require systematic compliance and implementation by Local Planning Authorities (LPAs) and Local Bodies (LBs) with the introduction of 5yr review plans and active future planning with each 5yr cycle. It will roll-out a new British standard of Biodiversity Net Gain (BNG), with a minimum requirement of 10% BNG for each development, with the potential for a higher 'best practise' recommendation. Surrey Wildlife Trust (SWT) recommend as a policy principle **20% minimum biodiversity net gain.**
- Expected to come into legal effect by mid-2023, the BNG system is intended to remove uncertainty and provide clear guidance for LPAs and developers alike in both assessing likely sites for development and in the delivery of BNG. Net Gain is calculated using a standardised Defra Metric 2.0 (to be replaced by 3.0) and should not be misinterpreted as a passport to destroy irreplaceable biodiversity.
- Specific guidelines will encourage LPAs and LBs to anticipate the ways they will need to adapt/upskill and to take action to create strategies for identifying, protecting and enhancing their biodiversity and nature.
- Overall, the Bill is intended to introduce more transparency and consistency into the planning system.

The Importance of Taking Action to Protect our Biodiversity

- We are officially acknowledged to be in a global climate and biodiversity extinction crisis and both legislation and policy and their regulation are rapidly trying to play catch-up. We now need to switch from the emphasis on the relatively simple 'safeguarding' approach to our nature to the need for proactivity to protect and promote nature recovery. "A concern to unerringly avoid compromising the environment must now be absolutely front and centre for every human enterprise if there's to be a future for our species."
- Surrey is the most wooded county in Great Britain with 22% of woodland, compared to a national average of 12%. Geologically we are highly complex, providing a rich diversity of habitats which supports an extraordinary wealth of species.
- Yet when compared with the national State of Nature 2016 and subsequent report, **Surrey's extinction rate (12%) was revealed to be six times that of the national extinction rate (2%). Surrey's state of nature is the canary in the gold mine for the rest of the county.** At present, 30% of 'ecosystem services' in Surrey are in decline.
- To answer those who have the really difficult planning decisions to make, and ask "Surely all that biodiversity won't be absolutely essential?" Critically, we still know comparatively little about ecological interdependence, the myriad inter-relatedness of biodiversity relationships, ecosystems and biomes for eg. in decomposition, nutrient cycling, disease regulation, crop pollination. We should go with the 'precautionary principle' which quite sensibly insures us against the effects ruining what we do not yet fully comprehend on the quite reasonable premise that biodiversity complexity offers both relative stability and future resilience.
- "There is a clear need for Surrey to take action to reduce its ecological footprint and take advantage from all the benefits associated with the green economy. It is vital that the county takes advantage of government incentives to roll out renewables, values its

natural capital assets properly and encourage local and sustainable consumption and production.”

- Current zeitgeist for thinking is “biodiversity monetization, valuation of natural capital and derived ecosystem services” and the aspirations for a circular economy most recently brought to our attention by the Dasgupta Review.
- In Surrey we can still enjoy, and indeed are envied for, our beautiful signature countryside environment, which helps to attract significant business, start-ups and relocations, is fundamental to our domestic and foreign tourism market and features strongly in local product branding and endorsement.

The Environment Bill and how this will impact on our Local Planning Authorities.

- The Bill seeks to enhance wider quality of natural environment, urgently address nature decline and reverse biodiversity loss through a variety of measures/mechanisms, notably BNG, and sets out a key role for LPAs.
- The Bill sets up an ‘Office of Environmental Protection’ to monitor environmental improvement plans, also makes changes to UK law now we’ve left the EU. This office will set in place new measures for enforcement action where there is a failure of public authorities to comply with the law, and to investigate complaints.
- It will set out wider measures, broad in scope, tackling conservation, air quality, water issues, nature and biodiversity. It will introduce BNG measures, local nature recovery strategies, with particular regard to protected species and sites, mitigation measures and new requirements around tree-felling and related legislation.
- The Bill revises the duty for all LBs with regard to biodiversity. **It requires all public bodies (ie. HTC) to report every 5 years on their actions to conserve and enhance biodiversity. LPAs will be required to report on their actions to fulfil their BNG requirements, to summarise the BNG they have set out and achieved within that 5yr plan and outline their next 5yr plan.**
- As part of achieving planning permission, all developments will be required to achieve 10% BNG as calculated using the standardised BNG metric plan, with specific on-site delivery or site mitigation requirements where off-site mitigation measures to offset BNG are found to be acceptable, or through the purchase of statutory BD credits.
- Although the Bill is aiming to achieve Royal Assent in autumn, there is a 2yr transition period for the BNG component and these measures are not likely to become legislation until second half 2023.
- It doesn’t change existing legal protections
- A lot of detail to be set out in secondary legislation, particularly in relation to BNG component of the Bill, regarding details of the NG register, any exemptions to this legal requirement and the nature of the BNG that developers need to submit to LPA’s. Consultation on the secondary legislation continues this year.

In a nutshell, the Bill has 3 main delivery mechanisms:

- To encourage developers and public bodies to look at opportunities to deliver BNG on site as part of wider ‘place-making’ and create opportunities for wider ‘green’ infrastructure and bringing nature to people’s doorsteps
- Where that’s not possible, then the Bill offers opportunities to purchase any shortfall of NG requirements from third-party landowners, which could be wildlife trusts, or

other environment NGOs, farmers or LPAs themselves, and the option of purchasing credits from the government itself.

- The introduction of the BNG standardised metric
- Part of the roll-out of the Bill includes the establishment of Local Nature Recovery Strategies, intended as locally developed spatial strategies for nature that will work within the national framework, there to identify local opportunities to enhance and reverse biodiversity and species loss. *[KE: This is exactly the work already being undertaken proactively by CPRE's Philippa Guest and her team for the Haslemere Vision-Haslemere Council's funded Haslemere Nature Recovery Network and Mapping program written into Haslemere's NP. Haslemere's proactivity on this offers opportunities for further funding and evidence-gathering, as well opportunities for WBC should it recognise them, to as part of its post-consultation Local Plan revision?]* There will be a whole series of these nature recovery strategies across England which collectively deliver this nature recovery network. They will be evidenced by written statements and maps, which are really important because they provide a mechanism for targeting and influencing where local bodies would like to see biodiversity and species reversal and the type of BNG delivery that is most appropriate to each area. There will be statutory guidance on these NRS and support from DEFRA influencing how this statutory legislation is drafted. (Currently five pilot projects around the country, none in Surrey).
- The Bill sets out conservation species and site strategies. LPAs will need to co-operate in preparing and implementing these strategies and have regard to their duties to biodiversity in all aspects of planning.
- New enforcement measures and powers
- New duties regarding tree-felling as a requirement for Local Highways Authorities, to consult before felling street trees, with some exceptions, but overall highlighting value of nature where trees can be conserved.
- Lastly (used internationally but new to English law), the Bill establishes concept of 'Conservation Covenants': legally binding private voluntary agreements between land-owners and responsible bodies which allow for agreements to be signed to commit undertaking management ultimately for perpetuity or shorter-term as required.
- **Deadline imminent, but Natural England says there is an opportunity for LPAs to pilot national model design codes for bringing in nature and biodiversity, with money from government; something for WBC to consider?** *[See note above, given that so few other towns¹ in Waverley have included Biodiversity Nature Recovery Networks and Mapping in their NPs, might Haslemere provide WBC with an opportunity to secure credit and govt-funds to be pilot to demonstrate best practise?]*
- A set of standards for natural green spaces and greening of urban planning areas is being developed as part of the government's 25yr Environment Plan for green infrastructure, with design guidance provided to LPAs and developers to apply these principles and approaches and should be available next spring (2022).
- Potentially massively creative opportunities ahead for planners, developers, landowners and communities alike, to seek benefits in plan-led, 'place-making' approach for Surrey.

¹ Farnham Town Council has been pursuing a similar approach to Haslemere. The Biodiversity Partnership is the driving force behind their approach, which the Farnham Town Council sits on – surely HTC should be on this Partnership also? <https://www.biodiversityinplanning.org>