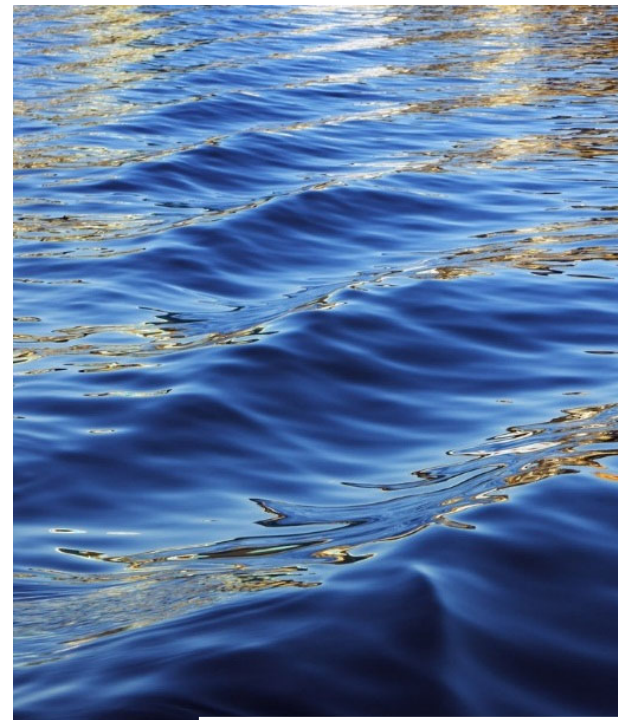




# Sharing lessons learned as an early adopter of Biodiversity Net Gain, in Cornwall

Dr. Helen Fearnley: County Ecologist



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# Why did we adopt BNG early ?

- Early adoption was incidental as timed to coincide with mandatory introduction of BNG within the Environment Act, delayed Brexit and Covid
- Enthusiasm from head of planning, policy and natural environment departments proceeded with early adoption

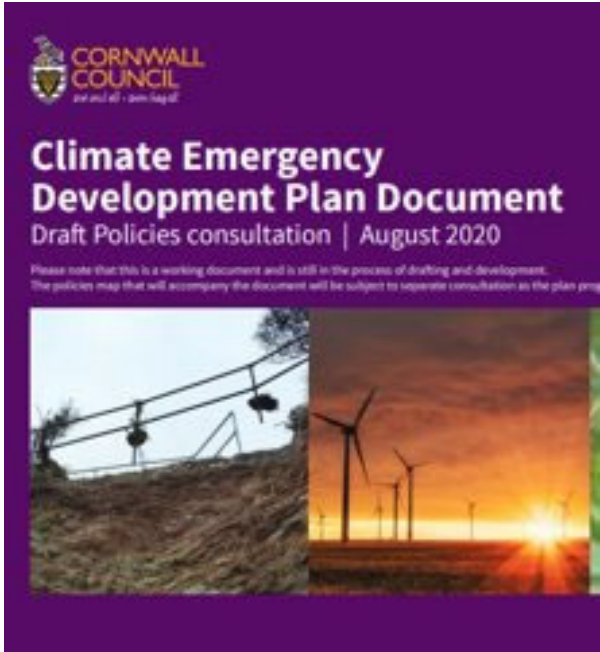
## In parallel (partly co-incidental and fortuitous)

- Climate Change DPD draft 2020 in response to the declared Climate Emergency 2019 – **natural climate solutions** Policy G2 (BNG)
- Examination of CC DPD ended last week, positive response on natural climate solutions policies from the Inspector
- Local Nature Recovery Strategy Pilot – mapping inform NRN and further work into habitat creation opportunities

Submission of the Climate Emergency DPD to the Secretary of State

Under the Town and Country Planning (Local Development) (England) Regulations 2012

On 8<sup>th</sup> November 2021 Cornwall Council submitted the Climate Emergency DPD for independent examination.



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# BNG Updates: Overview in Cornwall

- Cornwall Council is unitary and predominantly a rural county.
- BNG introduced in March 2020 for **major developments** only. Achieved with Chief Planning Officer Note, supported with emerging policy in Climate Emergency DPD. Preference was 10% gain **on-site**.
- Majority of BNG has been **delivered onsite** within red line boundary – encouraged, seek minimum no net loss on-site, perhaps focus on **mitigation hierarchy** would have been more suited
- Limited number of applications proposed provision of Biodiversity Net Gain off-site secured by s106 (5)
- Approx. £50,000 agreed in financial contributions to CC bank. £10,000 received to date ( total of 4 applications).

## DRAFT Chief Planning Officer's Advice Note: Biodiversity Net Gain in Cornwall

This is one of a series of notes issued by the Chief Planning Officer to guide greater consistency when making planning decisions. These notes may be updated from time-to-time in response to changing circumstances. It provides guidance to help reach a decision only and should not be used as a reason for refusal. The note cannot be used as a substitute for the policies of the adopted Local Plan.

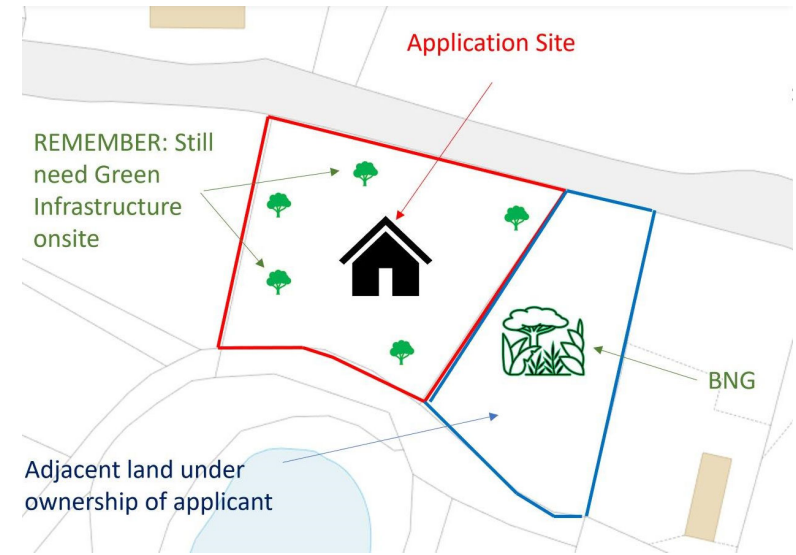
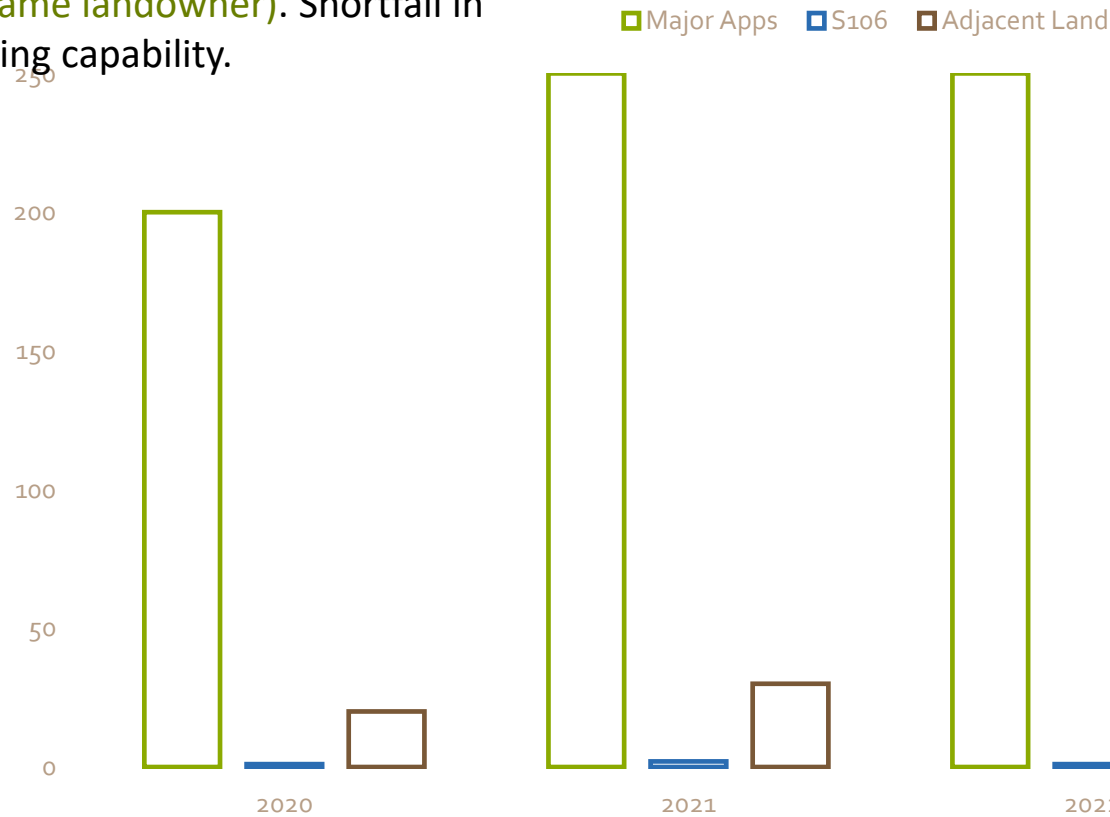
**From 1st March 2020 all major developments must demonstrate at least a 10% Net Gain in Biodiversity.**

Biodiversity Net Gain aims to make space for nature in development and leave the natural environment in a measurably better state than beforehand. As part of the national move towards achieving biodiversity enhancement through development, Cornwall Council will require all major applications to demonstrate at least a 10% Net Gain for Biodiversity as measured against the most up-to-date DEFRA Metric or a yet to be agreed local methodology.

**It is expected that a minimum 10% Biodiversity Net Gain is achieved within the application site boundary.**

# Planning applications off-site BNG

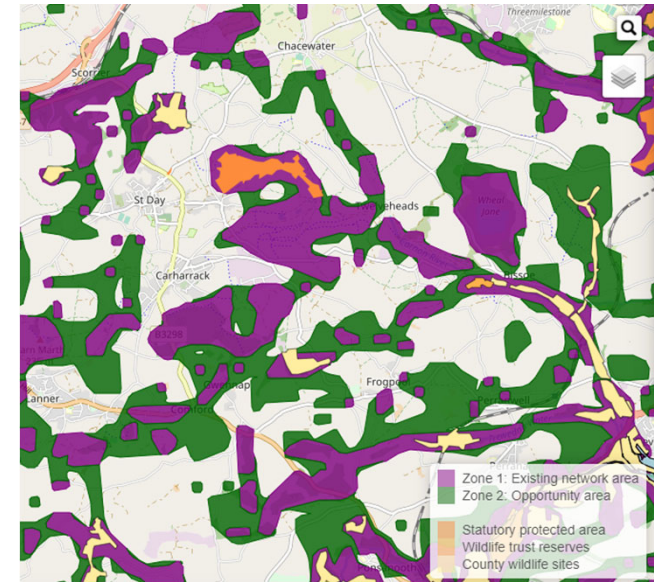
Recently identified most off-site BNG has been secured through planning condition outside red line boundary within blue boundary (same landowner). Shortfall in our monitoring capability.





# LPA's – In readiness

- Decide when off-site / on-site gain is **acceptable**? Can **parameters be established**? mitigation hierarchy? **Protected species** and **ecological sense** can trump BNG metric score, biodiversity neutral on site with higher density housing, or retain wildlife corridors? **Phased developments**
- Use **language in EA 2021** in local policies, and refer to biodiversity provision off-site (not offsetting)
- Require applications validated before BNG adoption an recently submitted as **Reserved Matters** applications to **demonstrate biodiversity neutrality** or a **net gain** (NPPF)?
- Quantify the **biodiversity gain unit potential on LPA owned assets**, push senior management to become a provider may choose to use for council led schemes. **Intertidal habitat**
- Engage with **project teams for LPA led schemes** for BNG - may need to link schemes geographically to LPA owned sites that can be enhanced for BNG units
- **Funding bids** for schemes need to budget **for BNG provision and LPA ecologist advisory time**, identify external revenue opportunities
- Identify **nature recovery network** and **habitat creation opportunities** (strategic significance multiplier in the BNG metric)
- Recruit (even at risk) and introduce BNG for majors asap, **integrate concept** within an LPA



# LPA's – In practice

- Set up **working groups** - Natural Environment, Planning and Policy to cover different aspects of BNG **operational** and **strategic**, more than you think!
- Applications must be considered on a **case by case basis** (unfortunately) for **positive precedent** setting and **consistent decision making** from the start
- Weekly **drop in session** Teams session for case officers ask questions
- Early engagement with **legal team essential for s106** agreements for off-site provision of BNG (ahead of introduction of conservation covenants)
- **PAS** website, **ALGE** platform, published literature BS 8683:2021, DEFRA consultation, CIRIA, CIEEM, ALGE. Raise areas of uncertainty to NE/DEFRA colleagues
- Training – internal and external, provide and attend cross sector workshops (identify what works for consultants and LPA's)
- Development of standing advice to assist with cumulative planning burden

**Planning & Natural Environment Catch Up** Chat Files D

✓ Accepted ✓ ⇄ Copy link → Forward Show as: Busy ▾ Cate

05 January 2022 14:00 - 15:30

Occurs every 3 weeks on Wednesday until 29/03/2023

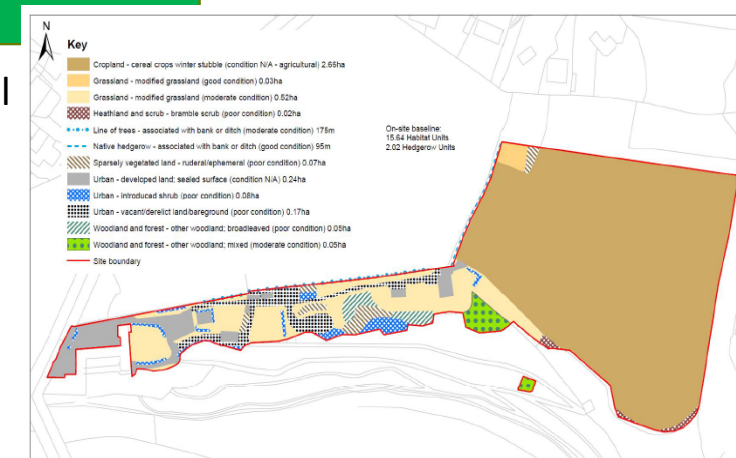
## Association of Local Government Ecologists (ALGE)

The Association of Local Government Ecologists is a not-for-profit organisation which represents professional ecologists working in local government in the UK. In partnership with others, ALGE supports and develops the nature conservation work of local authorities. This group is for the purpose of providing a discussion forum for registered members of ALGE - members of ALGE include consultants working on behalf of Local Authorities, in addition to Local Government Officers.

On-site baseline	Habitat units	8.90
	Hedgerow units	0.00
	River units	0.00
On-site post-intervention (Including habitat retention, creation & enhancement)	Habitat units	9.74
	Hedgerow units	0.33
	River units	0.00
On-site net % change (Including habitat retention, creation & enhancement)	Habitat units	9.46%
	Hedgerow units	100.00%
	River units	0.00%
Off-site baseline	Habitat units	0.00
	Hedgerow units	0.00
	River units	0.00
Off-site post-intervention (Including habitat retention, creation & enhancement)	Habitat units	0.00
	Hedgerow units	0.00
	River units	0.00
Total net unit change (including all on-site & off-site habitat retention, creation & enhancement)	Habitat units	0.84
	Hedgerow units	0.33
	River units	0.00
Total on-site net % change plus off-site surplus (including off-site & off-site habitat retention, creation & enhancement)	Habitat units	9.46%
	Hedgerow units	100.00%
	River units	0.00%
Trading rules Satisfied?		No - Check Trading Summary

# Private / 3<sup>rd</sup> sector / landowners – In practice

- Take responsibility to learn and engage with BNG and metric in local and national policy context
- Set up local consultants network and invite LPA ecologist to attend workshop – good investment of time all round
- Read and apply BS8683:2021, DEFRA consultation, CIRIA and CIEEM documents
- Sound and good quality mitigation hierarchy explanations up front
- Be practical and sensible for habitat creation and condition proposals – can set an applicant up to fail if condition or habitat type cannot be reached or created
- The Gain Plan / Biodiversity Management Plan / Management and Monitoring Plan will form the basis of a landscape contract and potential enforcement action (if management or targets are not met). It needs to be fit for purpose.
- Supply the metric spreadsheet and use comments section to explain any deviations, limitations, metric errors on inconsistencies or unusual condition categorisations
- Present clear maps with UK-Hab codes that clearly correspond to the metric



On-site baseline	Habitat units	15.64
	Hedgerow units	2.02
	River units	0.00
On-site post-intervention (including habitat retention, creation & enhancement)	Habitat units	21.48
	Hedgerow units	3.24
	River units	0.00
On-site net % change (including habitat retention, creation & enhancement)	Habitat units	37.31%
	Hedgerow units	60.03%
	River units	0.00%

BS 8683:2021



Process for designing and  
Biodiversity Net Gain. Sp



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# Nurture collaborative culture

## Crucial Elements for adoption

- Work cross sector and discipline to collaboratively in developing a workable approach, engage agents, landscape architects, consultants, landowners, ecologists, digital services, planning, policy
- There are significant cost implications (training, resourcing, time, communications and consultations) with long term accountable commitments

### CC Ecologists concerns

- Resource. A cumulative workload, there is need for additional ecological support and we're looking to recruit imminently and hope this will be supported by any additional funds that can be identified. BNG for majors only at present.
- Slow to identify a mechanism to monitoring planning applications with BNG in the Idox planning system. Mechanism for on and off-site and habitat units % gains for anticipated DEFRA reporting.
- A mechanism to trigger monitoring (holding space time lag between permissions, construction and habitat creation) for applications and storage portal for reports
- Require clarity on registers and gain reporting – LPA's and consultants can't be ready without detail of what to do

