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| **QUESTION** | **ANSWER** |
| Will there be provisions to stop landowners trashing the biodiversity of sites in advance of any development activity? (Some sites are typically cleared before being put up for sale) | Should be able to see from Google maps what the site was like previously |
| If Planning Officers and Landscape / Ecologists are asking for biodiversity net gain at present for sites such as quarries and waste site or for land improvement can they insist on them at the present or can the impact be calculated on the metric and provided as information. Can it be a reason for refusal. John | Not providing BNG can certainly be a reason for refusal. Even if the secondary legislation is not due until Nov 2023, BNG is still policy with most LPAs already. |
| My question is is the biodiversity net gain requirement not required in planning applications before November 2023 | It is required, I’m afraid. The need for BNG has been legally established in the Environment Act 2021; Nov 2023 is when the Town & Country Planning Act will be amended to include details on how BNG should be implemented. |
| Is there a minimum time for the BNG to be established at a site or is this dependent on the type/size of development? Also does a 10% increase also apply to sites which are shown to have no initial biodiversity to begin with (i.e. fomer commercial/industrial with hardstanding covering)? | The minimum time is more dependent on the type of habitat than the size of site (e.g. woodland takes longer to create than grassland). But generally any habitats created or enhanced for BNG will be retained under a 30-year Conservation Covenant.  If there is no biodiversity at all, I don’t think you’ll need to do anything. |
| How do planners balance BNG against pollution clean up on brownfield sites and the costs for developers and improvements to the local area in terms of social value, jobs, housing and dealing with contamination which might be impacting groundwater and costly to resolve? | BNG will be a legal requirement, so even if you are losing habitat for ‘good’ reasons (i.e. remediating a contaminated site) you will still need to end up with 10% more biodiversity. |
| Is there a requirement on developers for monitoring BNG over time, post development ? | Yes. I think Defra will be recommending monitoring in years 1, 2, 5, 10, 20 and 30. This will be required to demonstrate that the biodiversity committed to is being achieved. |
| How would a developer offset BNG ? E.g. Where would the BNG be realised ? | Each LPA will (eventually) have a register of ‘net gain sites’ within their area from which Biodiversity Units can be purchased. These could be on their own land or on habitat banks created by organisations such as ourselves (RSK Wilding) or the Environment Bank. If a large number of Units are required, a specific offset could be created to deliver them.  The Defra Metric penalises you if you offset in a neighbouring LPA, and penalises you even more if the offset is further away than that. So you are best off purchasing offsets in the same LPA area. |
| Just wondering how much we may see perverse outcomes: development pushed away from brownfield towards greenfield; stripping of topsoils altogether on public areas in new housing development (with amenity reduction); further reluctance to do anything to improve the wildlife/landscape of sites with hope value...? | If the brownfield site is high in biodiversity, I don’t think it’s perverse to develop away from these sites and on green field, much of which (e.g. arable, modified grassland, etc.) is very low in biodiversity.  Housing developments will likely retain topsoil, both for gardens and amenity grassland but also for woodland planting. |
| Will BNG create a market for purchase of land to be used as BU units ? or does this market already exist ? | This market is developing but is very new. Our approach at RSK Wilding is to buy land if possible, but if not to lease land from the landowner for the 30-year Conservation Covenant period (paying the landowner an annual income). |
| Does the BNG assessment include the improvement to say, a surface water condition and diversity following remediation to allow development? | No, it’s purely based on the amount and type of habitat. If water condition improves as a result of the remediation – especially if new wetland habitat is created to clean to water post development – that would be considered to be an extra ‘natural capital’ benefit, and it could be that the local water company could provide some payment for this ‘ecosystem service’. |
| Could the BNG argument overturn planning conditions on sites such as quarries and landfills, which state the specific thickness of subsoil and topsoil required to restore a site. | I think that the BNG design would be developed alongside the restoration design, so that any capping with soil is sufficient to meet the restoration requirements whilst also facilitating the development of habitats. |
| Given BNG is now a 'thing' who decides what the priority is...the preference for developing brownfield sites first, the BNG objective or the Government stated objective to build homes? These do not appear to be mutually inclusive,? | The need for BNG is unlikely to be at the exclusion of housing or other development. If the brownfield site is very biodiverse that doesn’t mean that development can’t happen, just that it will be more expensive since you will need to offset that biodiversity. So it might certainly discourage development, or at least mean that development of brownfield sites focuses more on those that have the least biodiversity (e.g. all hardstanding). |
| What is the scale of site that requires BNG? Does every site considered brownfield need to account for it? | The recent Defra Consultation asked about this, but currently there is no minimum size stated. Smaller sites will, however, have a small sites version of the Defra Metric, which will make it easier to calculate the number of Biodiversity Units |
| When linking woodland together, is the impact of edge habitat loss factored into calculations? | Good question! Probably not, as all of the woodland would be classified as whatever type of woodland it is (i.e. just the broad habitat type). |