

# ADEPT Natural Capital and Heritage Working Group

## Meeting

20<sup>th</sup> March 2023, 10.00am-12.00pm

## AGENDA

### 1. Attending and apologies

Attending:	Apologies:
Elizabeth Milne, Kent (Chair)	Sylvie Allan, Environment Agency
Don Baker, West Sussex	Bronwen Chinien, Surrey
Quinton Carroll, Cambridgeshire	Jonathan Doyle, Somerset
Peter Chamberlain, Devon	Dave Lyon, Wigan
Hugh Clear Hill, North Yorks	Jeremy Pickles, East Riding
Simon Cridland, Bracknell Forest	Liz Small, North Yorkshire
Jim Davies, Environment Agency	Lynn Trigwell, Wiltshire
Catherine Duggan, Defra	
Tom French, Derbyshire	
Hannah Girvan, Cumbria	
Chris Hill, Southampton Uni	
Allison Jean, Environment Agency	
Timothy Johns, North Yorks	
Natasha Markham, North Yorks	
Mark Minkley, Bath & Northeast Somerset	
Rebecca Moberly, PAS	
Peter Moore, Reading	
Mike Oxford, Plymouth	
David Payne, Cissbury Consulting	
Karen Renshaw, Bath & Northeast Somerset	
Tim Simpson, Essex	
Heather Stokes, Notts	
Adam Stewart Defra	
David Sutherland, Buckinghamshire	
Lynn Trigwell, Wiltshire	
Sarah Varley, Bath & Northeast Somerset	
Clare Warburton, Natural England	

### 2. Green Infrastructure Framework – Clare Warburton, Natural England

Claire Warburton from Natural England presented the recently launched (February 2023) GI Framework, noting:

- Updates GI principles and mapping and launches new headline standards, planning and design guide and process journeys.
- Principles – benefits (why) descriptive (what) and process (how)
- Standards:
  1. Strategic planning of green infrastructure

2. Accessible greenspace, good quality within 15 mins walk from home
  3. Urban nature recovery through GI and increasing LWS and nature reserves and using BNG as a mechanisms for uplifting biodiversity value of existing greenspace (number of urban GI types included in BNG metric).
  4. Urban greening factor (UGF) of at least 40% green cover and not net loss (London and Southampton have already applied UGF in their planning policy)
  5. Urban tree canopy cover.
- GI standard are voluntary but do work alongside BNG.
  - Mapping highlights areas of need.
  - Guidelines – how GI can be designed to deliver multiple benefits plus guidance on designing GI in areas types (10 different area types). Also provides case studies, which will be updated.
  - Process journeys – step by step guides.
  - Training videos on using the standards to come later this month.
  - Working with 20 LAs to embed GI into their policy.

<https://designatedsites.naturalengland.org.uk/GreenInfrastructure/Home.aspx>

The following was discussed following the presentation:

- Have 20 pilot LAs been selected? Not yet but local teams are putting forward suggestions. If members have suggestions for LAs, contact Clare Warburton [clare.warburton@naturalengland.org.uk](mailto:clare.warburton@naturalengland.org.uk)
- What is the status of GI plans and how do they fit with LNRS? Regs and guidance should make it clearer how the two work together. LNRS is at a strategic level, whereas GI is at the more local level. GI strategy could feed into/inform LNRS. Or could LNRS be more detailed on GI front to build in access to nature.
- GI strategy is not a statutory required plan. NE are working with DLUHC to identify how these are embedded in planning policy.
- How does urban greening factor link with BNG metric. Again, use of this is not statutory.
- Developing monitoring and evaluation, to identify what is the trend in GI – losing or gaining and to determine who is using standards etc. There is potential for it to be included in the Biodiversity Duty reporting requirement.
- How to prioritise BNG funding between smaller, local GI against bigger strategic priorities. Is there the potential for LNRS to assist with this?

### **3. Biodiversity Net Gain – government’s consultation response**

<https://www.gov.uk/government/consultations/consultation-on-biodiversity-net-gain-regulations-and-implementation/outcome/government-response-and-summary-of-responses>

#### **a) What we know – presentation from Beccy Moberly, PAS BNG Project**

Key points (see presentation for further detail):

- Some guidance now available with more to come, available from new Defra BNG webpage <https://www.gov.uk/government/collections/biodiversity-net-gain>
- BNG will definitely be required from November 2023, but small sites will be delayed to April 2024.
- Confirmed exemptions and different applications for certain development types.
- BNG process for TCPA development – BNG statement needed and BNG plan to be approved before commencement and there will be national template for this. More guidance to come on this.

- Guidance on when it's appropriate to deliver off site.
- How BNG market will be developed. LPAS can sell BNG units but cannot direct to developer to them unless there are clear ecological justifications to do so.
- No trading or brokering service to be provided.
- NE will operate BNG offsite register – public register but not a market place. Looking at how onsite gains can also be included.
- Stacking and additionality – some guidance already published. Can be stacked as long as its additional.
- NE will sell statutory biodiversity credits via digital platform – indicative credit price will be available 6 months before mandatory. No date for platform but will be ready in time.
- Local credit schemes will not be permitted but there may be a way to still provide something akin to this. PAS to seek further clarification.
- Still questions over monitoring and enforcement.
- PAS to be providing further detail and guidance via website, FAQs and topic-based workshop sessions.

#### Discussion:

- What would be approach where enhanced BNG is retained just for that site because LPA decides that extra is needed, rather than making available for credits?
- Issues with selling surplus when LPA doesn't agree there is a surplus because of disagreement with how gain has been calculated – how is that sell off prevented?
- Strong pushback in Plymouth on whether small sites metric should be used at all before April 2024. What are others doing? It is being used in BathNES but LPA has an adopted policy to underpin this.
- Who is going to resolve disputes over BNG calculations? To be dealt with in same way as ecological conflicts are currently, with planning officer deciding whether to back LPA ecologist position and risk appeal.
- Offsite vs onsite delivery.
- Bucks have released interim guidance on strategic significance to provide clarity until formally provided by LNRS.
- Potential registration and commencement condition misalignment – Catherine Duggan to check.
- Confusion over how BNG will work with new, proposed infrastructure levy approach. Will S106 still provide a mechanism?
- Bucks seeing an additional potential LPA role for regulating local habitat banks – have had to develop a suite of criteria to underpin this. Bucks need to secure through standalone S106 in order for the sites to be entered onto register (Note from Bucks on this: *role of LPA in regulating third party habitat bank providers – to get site onto national register you will need either S106 with LPA or a conservation covenant with responsible body. Clearly no responsible bodies as yet hence placing increased emphasis on LPA to enter into standalone S106s agreements so that local habitat banks can get up and running, get onto national register and being able to sell units to developers. It raises all sorts of issues i.e. what criteria are we using to assess, what fees are we charging for this etc?*).
- There will be a process for appointment of responsible body for conservation covenants. Pressing need for better guidance on this so LPAs can better understand benefits and challenges of becoming a responsible authority. And also understand difference between S106 and conservation covenant, which appear to have more flexibility. Can a responsible authority turn down covenants?
- Bucks have been in discussion IDOX who run Uniform software (used by most LPAs) regarding their BNG tab. It needs a lot of work to make it fit for purpose – would a more collective input help, in terms of feedback on their product?

- Clarification over flexibility for higher requirements for BNG – previous consultations referenced 10% being a minimum requirement with flexibility for local authorities to set their own requirements, however this seems to have changed and there is little reference to this flexibility in the most recent consultation. It would be useful to understand what the reason for this change to wording is – it is likely to disincentivise LPAs to push for more than 10%. Defra looking at the process for going above minimum 10% – more information and consultation to come.
- Monitoring and enforcement – confirmation that LPAs will be key enforcement body, however an area where we have least guidance at present and therefore understanding on resourcing requirements.
- Likewise off-site delivery management – how will it be recorded and monitored? How will future enhancement, and therefore ‘added credits’, be ensured (particularly when land managers are looking to stack these with other payments/income streams). How is it going to be policed? Need to know this in terms of capacity building which might be happening now. Guidance should be released in spring.

#### **4. Natural England Habitat Creation Spatial Audit – David Payne, Cissbury Consulting Limited and Chris Hill, University of Southampton**

- Looking to understand what data is held by LPAs, whether it is available to Natural England and any copyright/data issues that may related to that.
- NE not tracking habitat creation since 2013/14.
- Have trialled recording of habitat creation via planning portal.

See slides for questions and survey link by end of April.

David Sutherland noted that one of the issues discussed with IDOX was the ability in the BNG module in Uniform to be able to specifically spatially map both on site and offsite i.e. so we know as a LPA how much habitat has been created on site and where. In terms of IDOX, recording and reporting BNG delivery and other habitat delivery, etc, it feels like a significant gap and links into DLUHC's digital planning agenda. Is this something that ADEPT might want to link up with DLUHC's digital team on?

#### **5. LNRS update**

Adam Stewart provided an update on LNRS, noting that the secondary legislation is coming soon, still working towards an April rollout, with significant stakeholder engagement plans over the next few weeks including:

- Responsible Authority network - webinar for all responsible authorities- you should have received invites already.
- ADEPT regional webinars for responsible authorities - invites to come out this week (likely to be held after Easter holidays).
- Webinar for non-responsible authorities working with LGA team and PAS to arrange this and will get invites out asap.
- LNRS Stakeholder Engagement Group - which is aimed at eNGOs and other bodies, ADEPT are represented on it.

Adam also noted that Defra are working hard to be able to talk to responsible authorities about funding levels as soon as possible.

#### **6. Next meeting**

Next meeting 15<sup>th</sup> May 2023 to focus on LNRS and regs and guidance.

Forward meetings:

- Green finance and funding mechanisms – Sophie Tyldesley
- “Areas of multiple environmental sensitivity” – Adam Lathbury
- BNG (as required)