

Submitted to Improving the implementation of Biodiversity Net Gain for minor, medium and brownfield development
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Introduction

1 What is your name?

Name:
Rebecca Charley

2 What is your email address?

Email:
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3 What is your organisation?

Organisation:
Stroud District Council

Purpose of the consultation

Background

Options to improve the implementation of Biodiversity Net Gain

Consultation Structure

Using and sharing your information

4 Would you like your response to be confidential?

No

If you answered Yes to this question, please give your reason(s) :

1. Improving exemptions

5 Question: Which of the following statements do you most support:

Some changes should be made (please state which options you support with thresholds where applicable)

Please state which options you support with thresholds were applicable :

Support opt 1. but thresholds should be based on value and impact of habitats involved rather than a blanket area threshold.

DO NOT SUPPORT opt 2 because this currently catches high distinctiveness habitats such as wildlife ponds and trees.

DO NOT SUPPORT opt 3. This would be a retrograde step and undermine the BNG concept and purpose.

1. Improving exemptions: a) Self and custom build development

6 Do you agree that the self and custom-building exemption should be removed and that it should be replaced with an exemption for a single dwelling house?

Yes (please explain why)

Please elaborate on your answer here:

Support a change to this exemption, with it being replaced with single dwelling. BUT the exemption should only apply where the habitat is lower than medium significance.

7 Do you agree with the proposal for a 0.1 hectare threshold?

Yes (please explain why)

Please elaborate on your answer here:

This exemption should only apply where the habitat is lower than medium, ie NOT medium or high value habitat.

1. Improving exemptions: b) Development below the 'de minimis' threshold

8 Do you agree the area de minimis threshold should be extended?

No

9 If you answered yes to the previous question, which of the following thresholds do you think is the most appropriate?

Other threshold

10 Please use this space to elaborate on your answer to the previous question

Please elaborate on your answer here:

Remain at 25m2 because this currently catches high distinctiveness habitats such as wildlife ponds and trees

1. Improving exemptions: c) Full exemption for all minor development

11 Do you think the BNG requirement should be removed for minor development (for example including up to 9 residential homes)

No

12 Please provide evidence for your response to the previous question here

Please provide evidence here:

The majority of planning applications within SDC are within the minor development category and exempting these developments would significantly impact the biodiversity within the district and would significantly undermine the principles of BNG. It would have a significant cumulative impact on nature recovery and biodiversity within Stroud District, and wider.

Changes to this threshold would undermine the important and significant market that is developing in nature recovery.

13 If minor development were to be exempted from BNG, do you agree that the de minimis threshold should be extended to cover other types of development outside of the minor development category having little or no impact on biodiversity?

No

14 Please elaborate on your answer to the previous question

Please elaborate here:

Changes such as these would undermine the principles of BNG.

1. Creating new exemptions for certain types of development

1. Creating new exemptions for certain types of development: a) Parks, public gardens and playing fields development

15 Do you agree that parks, gardens and playing fields development, as defined above, should be partially exempt from BNG?

Yes

16 Please elaborate on your answer to the previous question

Please elaborate on your answer here:

This additional exemption recognises the importance of high distinctive habitats but enables public use of spaces to be enhanced for recreational activities.

1. Creating new exemptions for certain types of development: b) Development whose sole or primary objective is to conserve or enhance biodiversity

17 Do you agree that development whose sole or primary objective is to conserve or enhance biodiversity should be exempt from BNG?

Yes

18 If yes, do you think there should be an upper size limit?

No

19 Please provide evidence to your answer where possible, including examples of developments that you think would be exempted.

Please provide evidence here:

If a project has a primary aim to enhance biodiversity and nature recovery it needs to be supported and is probably already including the involvement of ecologists and environmentalists.

The Eelscapes Project in the Severn Vale is an excellent example of a Landscape Recovery Project where such exemption would aid the project and continue to enhance the area for nature recovery and biodiversity gain. Such exemption would allow resources to be used to develop the project more quickly, thus aiding nature recovery.

1. Creating new exemptions for certain types of development: c) Temporary development

20 Do you agree that temporary planning permission should be exempt from BNG?

No

21 Please provide evidence where possible, including examples of developments that you think would be exempted.

Please provide evidence here:

Temporary developments still have significant impact upon the environment and the time taken to reverse (if actually possibly) these impacts could take considerably longer.

22 If yes, do you agree with the 5 year time limit?

No

23 Please give reasons

Please add text:

Temporary developments still have significant impact upon the environment and the time taken to reverse (if actually possibly) these impacts could take considerably longer.

2. Streamlining the BNG metric process

2. Streamlining the BNG metric process - Development which can use the Small Sites Metric

24 Do you think the SSM should be used for medium development?

No

Please elaborate on your answer here:

due to the size of the development the impact on nature recovery and biodiversity would require the knowledge and understanding of a professional ecologist.

25 Do you think the SSM should be able to be used on sites with European protected species present?

No

Please elaborate on your answer here:

due to the nature of such sites the impact on nature recovery and biodiversity would require the knowledge and understanding of a professional ecologist, who fully understands the importance of the species concerned and the habitat that supports such species.

26 Do you think the SSM should be able to be used on sites with protected sites present?

No

Please elaborate on your answer here:

due to the nature of such sites the impact on nature recovery and biodiversity would require the knowledge and understanding of a professional ecologist, who fully understands the importance of the habitat involved and the species it supports.

27 If these changes are taken forward, and the SSM is re-badged as a low impact metric. Do you think there should be any other restrictions on use of the SSM?

No

Please state what further restrictions you think there should be on the use of the SSM, or why you believe no further restrictions are required:

to identify a site as low biodiversity value requires a competent ecologist to make the initial assessment.

2. Streamlining the BNG metric process - SSM removal of the trading rules)

28 Do you think the trading rules should be removed in the SSM (which contains only medium and low distinctiveness habitats)?

Yes

Please elaborate on your answer here:

Relaxation of the trading rules could apply to SSM for low or very low distinctive habitats, but shouldn't apply for medium distinctive habitats.

29 If you answered no, do you think the trading rules should be amended in the SSM to allow the losses of any medium distinctiveness habitat to be compensated for with any other medium distinctiveness habitat (but not with low distinctiveness habitats)?

Not Answered

Please state why you think the trading rules should or shouldn't be amended in the SSM:

2. Streamlining the BNG metric process - SSM changing how habitat condition is fixed

30 Do you think habitat condition should be fixed at 'poor' for baseline habitats, and 'moderate' for the target condition of enhanced habitat in the SSM?

No

Please elaborate on your answer here:

This would miss habitats that are in good condition and would undervalue these. Additionally, would miss the opportunity to enhance the habitat to its optimum biodiversity condition.

31 Are there any other changes to the SSM or metric process for minor and medium development that should be considered to overcome challenges or streamline the process?

Add answer here:

2. Streamlining the BNG metric process - Simplifying and amalgamating SSM habitats

32 Do you think some habitats of the same broad type with the same value should be amalgamated in the SSM?

No

Please elaborate on your answer here:

This could be adopted if using the current small site threshold, but not if applied to the suggested medium site threshold of up to 1ha. It could compromise the ecological integrity of an area if a complex site was deemed as one broad habitat type.

33 Do you think the habitats in the SSM should be reviewed, to ensure they are easily identified by non-ecologists?

No

Please elaborate on your answer here:

Clear photographic imagery could be used to enable non-ecologists to make an accurate assessment, including submitting photographic evidence as part of their submission.

34 Do you think there should be a watercourse module in the SSM, or should all developments within the riparian zone of watercourse habitats use the main metric tool?

Don't know

Please elaborate on your answer here:

There are two separate questions within the above statement.

The issue is more how are minor developments that come within the riparian zone, to deal with the BNG resulting from such development, particularly when the developer has no legal control of that riparian zone. Additionally, if the development is likely to have a major impact on a water course, then the biodiversity hierarchy should be followed and mitigation maybe required.

2. Streamlining the BNG metric process - Competency, habitat identification and guidance

35 Do you think providing additional guidance on the identification and management of habitats in the small site metric would be helpful?

Yes

36 Do you think more clarity is required within the definition of a competent person undertaking a BNG assessment using the SSM, and reviewing the completed SSM?

Yes

If yes, do you have any suggestions as to how competency could be defined for the SSM?:

A certain level of experience, and or training, should be able to be evidenced to demonstrate their level of competence and to justify any decisions taken.

2. Streamlining the BNG metric process - Watercourse metric

37 Should a different watercourse condition survey be employed for minor development using the watercourse metric?

No

Please elaborate on your answer here:

To bring in an additional metric would over complicate the process. The key issue is the value of the watercourse involved and the impact thereon, not the size of the development.

38 Should a different watercourse condition survey be employed for minor development using the watercourse metric when there is no impact?

No

Please elaborate on your answer here:

If the developer can demonstrate that no impact on the watercourse will occur as a result of the development then the need for RCA can be removed at the LPAs discretion.

39 Do you think that minor developments should be able to agree with the relevant planning authority that they do not need to complete the watercourse module of the metric when there is no impact?

Yes

Please elaborate on your answer here:

If the developer can demonstrate that no impact on the watercourse will occur as a result of the development then the need for RCA can be removed at the LPAs discretion.

2. Streamlining the BNG metric process - all development (improving the tool)

40 What specific features or improvements would you like to see in a digital version of the metric tools?

Please add text here:

2. Streamlining the BNG metric process - all development (incentivising the inclusion of biodiverse features)

41 Do you think we should allow biodiverse features to be counted within vegetated gardens being created as part of a development?

No

If yes, do you have any suggestions of how we should account for biodiverse features in vegetated gardens being created as part of a development?:

There is no way to secure any features for any defined period, so any biodiversity gains can just as easily be lost as enhanced.

3. Increasing flexibility to go off-site for minor development

3. Increasing flexibility to go off-site for minor development - relaxing the biodiversity gain hierarchy

42 Do you agree the biodiversity gain hierarchy should be updated for minor development?

Yes

Please elaborate on your answer here:

The biodiversity gain hierarchy should not be undermined with such changes, in terms of starting with principles of avoidance of adverse effects to medium or high significant habitats.

However, if the SSM remains with the same area constraints then the requirements to priorities onsite over offsite for habitat creation this could be reviewed and updated to reflect the difficulty of meeting these needs onsite within a small site.

The ability to go off site can also add to a larger biodiversity recovery site, rather than creating many small isolated biodiversity sites.

43 Would relaxing the biodiversity gain hierarchy for minor development support small developers to deliver BNG more easily?

Yes

Please elaborate on your answer here:

Relaxation of the hierarchy could support the delivery of BNG on designated sites already set up as recipient locations.

44 Do you think placing off-site habitat enhancements with the same preference as onsite habitat enhancements for minor development would deliver better outcomes for nature? Please provide evidence to support your answer where possible.

Yes

Please elaborate on your answer here (with evidence where possible):

This could add up to a greater gain project, rather than numerous small sites being developed. This should be developed for local nature recovery projects, and working with the local nature recovery strategy to enhance projects within the district of the development.

3. Increasing flexibility to go off-site for minor development - disapplying spatial risk multiplier

45 Should the Spatial Risk Multiplier be disappplied for minor development purchasing off-site units?

No

Please elaborate on your answer here:

It is the local environment that should be enhanced from BNG and likewise the development of the local nature market place.

3. Increasing flexibility to go off-site for minor development - spatial risk multiplier amendment

46 Should the Spatial Risk Multiplier assessment methodology be amended, so that it is based on Local Nature Recovery Strategy and National Character areas rather than Local Planning Authority and National Character areas?

Yes

Please elaborate on your answer here:

Definitely should be looking at the bigger picture and how best to enhance the local nature recovery strategy and enhance the local area. This also gives strength to the LNRS.

4. Brownfield developments with Open Mosaic Habitat

47 Should we review the metric habitat definition, condition assessment criteria and guidance to assist with the correct identification and classification of OMH?

Yes

Please elaborate on your answer here:

There is a lack of clarity about this habitat, but if an equivalent habitat can be created then it should be an acceptable alternative.

48 Should we allow alternative habitat delivery for the loss of Open Mosaic Habitat?

Yes

Please elaborate on your answer here:

It is a transitional habitat, that needs to be recognised but can be developed as part of a bigger landscape.

49 Do you have any suggestions as to the habitat mosaic which may provide the same ecological benefits as OMH or the key considerations we should be incorporating?

Please state suggestions and considerations:

Any mosaic habitat development should be bespoke and dependant upon the species found in the development site and the location of the recipient site.

If you are happy to be contacted to discuss, please provide your email:
rebecca.charley@stroud.gov.uk

50 Do you have any further suggestions of how we could improve the viability of brownfield sites with Open Mosaic Habitat present, in relation to their BNG requirement?

Please provide suggestions:

5. Next steps

Consultee Feedback on the Online Survey

51 Overall, how satisfied are you with our online consultation tool?

Neither satisfied nor dissatisfied

Please give us any comments you have on the tool, including suggestions on how we could improve it. :

Some of the questions don't provide appropriate options as an answer.