

Friends of Carrington Moss

Biodiversity Net Gain Consultation Response



Dear DEFRA team

FOCM BNG Consultation Response

We fully support the Community Planning Alliance response and their ABC approach to BNG.

AN 'ABC' FOR GOVERNMENT TO IMPROVE BIODIVERSITY NET GAIN

Avoidance & Additionality	BNG must not become a 'get out of jail free' card for developers. Avoidance, the mitigation hierarchy and other biodiversity regulations take precedence over BNG. Irreplaceable is irreplaceable. Additionality checks needed at every level. Create like-for-like habitats e.g off-site open-space for farmland birds.
Boost funding	BNG will fail unless funding is boosted. Government and/or developers will need to commit significant funding to local authorities and the Office for Environmental Protection (OEP). Funding is needed for training, recruitment, delivery, monitoring & enforcement*. Developers must pay for projects up-front, into an escrow account.
Community involvement & trust	<ul style="list-style-type: none">• Independent ecologists and independent enforcement & audit are essential. Give OEP this responsibility, with 'teeth' & funding;• A community right of second opinion (paid for by developer);• Right of veto for Wildlife Trusts or Natural England;• Rights for communities to request call-in by Natural England.

*The £4m promised so far will not scratch the surface, equating to only £13k per local authority



For clarity, we believe the biggest issue with BNG is the lack of resourcing for monitoring and enforcement of the promised biodiversity gains at the local authority level. Leaving developer gains unmonitored could result in a worst-case scenario of legitimising further biodiversity loss. It is imperative that significant funding is allocated, from developers or government, to pay for BNG training, recruitment of specialists and, most importantly, enforcement and monitoring.

Robust governance must be put in place to ensure developers genuinely meet their BNG obligations. There must also be measures in place to prevent landowners from neglecting their land, damaging it, or reducing its quality to enable perceived BNG to be achieved.

In addition, there must be maximum transparency and effective management of any off-site or offset BNG processes to ensure that there are no inappropriate transactions between organisations and that on-site BNG is considered to be the priority to enable maximum BNG outcomes on the development site itself.

On no account should developers be allowed to choose their own ecological consultants – such consultants should be allocated from a central body to break the potential conflicts of interest between developers and the consultants reporting on the ecological value of specific sites.

The two principles of avoiding harm and additionality must be absolutely central to the roll-out of BNG and must be given greater emphasis.

There is, and should continue to be, a presumption against development affecting irreplaceable habitat, whether directly or indirectly. Such habitats represent critical natural capital that cannot be replaced or substituted.

Very clear guidance is required about how such habitats should be treated, including extending the definition within the National Planning Policy Framework to include all such habitats (making it clear, for example, that lowland raised bog/peat moss are considered to be irreplaceable habitats).

Once irreplaceable habitat has been identified in an area, it is important that rigorous protection is established and formalised. Land that is considered to be part of the “buffer” for an irreplaceable habitat should be treated in the same way as that irreplaceable habitat, as such land is needed to maintain the integrity of the environment.

Where an irreplaceable habitat is considered to be “degraded”, development should not be approved on such land without a full analysis of the potential for recovery. There should be a presumption against development on any such land that could be restored to support nature’s recovery.

Kind regards

Marj Powner (Chair, Friends of Carrington Moss)