

Friends of Farthing Downs & Happy Valley

AGM 8th November 2023: Guest Speaker, Mike Waite MCIEEM, Chair of Surrey Nature Partnership Biodiversity Working Group, gave a presentation on Biodiversity Net Gain.

The Chair welcomed and introduced our guest speaker, Mike Waite. Mike has worked for the Surrey Wildlife Trust for the last fourteen years and is currently Director of Research and Planning and Chair of Surrey Nature Partnership Biodiversity Working Group. The Chair said that there were two reasons for inviting Mike this evening. Firstly, Mike is an expert on Biodiversity Net Gain (BNG) which will become new legislation in 2024 and covers both sustainability and biodiversity. Once law BNG will become a requirement for all developments. The second reason is that it had been twenty years almost to the day since the Coulsdon Green Belt Association raised funds which enabled the City to buy Woodplace Farm Fields (to the west of Farthing Downs). He recalled that he had just moved to Woodplace Lane and within a few days had taken on leadership of the fundraising group, with only four days to act until the Council was to auction the land. Local fundraising also contributed to the City's purchase of New Hill.

Mike began with a brief resumé of his involvement with environmental management. He had lived in London for twenty years and had been both Senior Environment Adviser on Biodiversity for the GLA and Senior Ecologist for the London Ecology Unit. Mike had found Croydon Council very much a contributor to the Ecology Unit. Mike has been with the Surrey Wildlife Trust (LWT) for fourteen years having been the Officer for the Surrey Living Landscapes, which promotes a landscape scale approach to nature conservation with benefits to biodiversity high on the agenda. Mike outlined the program for the introduction of the BNG legislation: January 2024 – major developments, April 2024 – minor developments, 2025 – major national infrastructure projects, but it is taken that BNG will not be a legal instrument for these. Mike explained that introduction of the law has been delayed to January 2024 due to Local Authorities waiting for procedure and guidelines from DEFRA.

Mike gave some background to conservation since WWII which had worked on the principal of site selection focusing on the creation of Sites of Special Scientific Interest (as per Access to the Countryside Act 1949). The 1981 Wildlife and Countryside Act gave greater protection to wildlife (prohibitions include: taking, injuring, killing, disturbing and disturbing places used for shelter). The London Biodiversity Partnership plan (originally set up in 1996) was produced to complement national guidance on how London Local Authorities could fulfil their duties to ensure due regard to the conservation of biodiversity. In 2009 Professor John Lawton was commissioned to investigate the effectiveness of the Partnership which was found to be lacking in ecological coherence and resulted in no opportunity for recolonisation (the Partnership was disbanded in 2013). John Lawton's report 'Making Space for Nature' was produced in 2010 with recommendations regarding the connection of sites (Landscape Scale Approach). The National Planning System Policy Framework 2012 set in place the first policy for biodiversity enhancement, removing 'no net loss where possible' (following development) in favour of biodiversity net gain, nature recovery, restoration and conservation. In 2019 the UK produced an overarching National Action Plan for Climate Change and net zero emissions by 2050. It was agreed at the Rio Convention on Biological Diversity (1992 Earth summit) that development must be sustainable. At the United Nations' Biodiversity Conference (COP 15) in December 2009, 190 countries agreed to reversing biodiversity loss by 30% by 2030 (the 30x30 agreement). The UK is committed to the 30x30 agreement through management for nature

recovery with BNG being very much part of this process. Mike spoke briefly about the effects of loss of rare species specific to a particular site which then effects other localised species which then become rare.

Mike reminded us about the importance of clean air and clean water ‘which makes the world go round’. In January 2023 the Environmental Improvement Plan was published which underpins the both the 25 year Environment Plan 2018, which sets out government action to help the natural world regain and retain good health, and the Environment Act 2021. In the Plan the Government introduced Local Nature Recovery Strategies (LNRS) which amends Biodiversity duty on Planning Authorities from April 2022 and where by all regions should work together to restore, create, and connect habitat. Surrey County Council will be the supporting authority on LNRA for Surrey and the GLA for London. Local authorities will sign-up to the supporting authorities in their region.

BNG is now seen as the primary mechanism for implementing Planning Applications. Before any development takes place, applicants need to measure the existing and proposed biodiversity values of the site. (The National Planning Policy Framework encourages net gains for biodiversity to be sought through planning.) BNG delivers measurable improvements for biodiversity by requiring the creation or enhancement of habitats in association with development. The Surrey Nature Partnership has produced a user friendly document for planners: 'Biodiversity Planning in Surrey' available on the Surrey Nature Partnership website. Biodiversity Net Gain will be measured using the Biodiversity Metric (Defra Version 4) which assesses a site in terms of: Habitat type (in hectares for terrestrial habitats, in metres for hedgerows and watercourses, to two decimal places) × Habitat condition (on a scale of 1-5) × a value (scale of 1-3) for the ‘Strategic significance’ of the site’s geographical location. The metric is best applied by an ecologist and is calculated on three habitat units: Habitat, Hedgerows and Watercourse, though not all will be found on every site. The metric is then used to value the extent and quality of habitats comparing those found on a site before and after development. There is a basic requirement of 10% increase and the site will need to be monitored for 30 years, by a means yet to be decided. Local Authorities can set their own basic requirement, e.g. the Mole Valley requires a 20% basic BNG and other Surrey Planning Authorities are following their lead. [*details at: [BNG Recommended Introductory Practice in Surrey](#)*]

Mike illustrated a possible development scenario where a site including chalk grassland, arable land, pasture, ancient woodland and area of natural woodland. The site also included a brownfield site with potential for housing. BNG could be achieved by restoring the chalk grassland and the management of the ancient woodland. However, if this did not reach the base 10% net gain requirement, the developer could negotiate with a neighbouring land owner to buy part of his natural woodland adjoining the site and increase the total net gain – so that the development will get the go-ahead from the planners. Off-site land can also be used by developers, so allowing the creation of a wildlife habitat elsewhere and reach BNG within their proposal. Failing that they can even buy banked land credits from registered providers (or statutory biodiversity credits) which can be put towards one or more national nature recovery projects administered by Natural England. Surrey County Council is currently compiling a land bank of suitable sites including those of the boroughs and districts noting the potential BNG of each site. The SWL is also compiling its own land bank programme. The amended Town and Country Planning Act allows that change between uses within the same class does not constitute development and often does not require planning permission. Mike advised that all

planning applications will be conditional on BNG and developers need to consider the environmental impact of their proposals. However, BNG, in itself, it does not bypass current planning legislation.

Mike briefly outlined green/blue infrastructure and mitigation policy. Blue green infrastructure can contribute to BNG metric calculations by reducing the amount of surface water, reducing flooding risk and improving the amenity of an area (providing attractive, usable space for communities). Mitigation Hierarchy is applied to all aspects of ecology and potential for avoidance, minimisation, mitigation and offsetting impacts on species will also need to be considered outside of a BNG approach. Development often results in impacts on and losses of nature. By reinforcing and complementing the Mitigation Hierarchy, mandatory BNG requires development to deliver more for nature; setting a requirement to increase biodiversity by a minimum of 10% compared to the baseline. Mike believes that BNG can best be met by preserving the biodiversity on site, rather than electing to off-set the net gain outside the development site. Any submitted Ecological Impact Assessment (EcIA) or Environmental Impact Assessment (EIA) will need to show the application of the Mitigation Hierarchy.

The main problem, Mike believes, is that Local Authorities don't have the skilled staff to implement BNG. Surrey County Council has an Ecologist and Ecology Team. However eleven districts and nine boroughs in Surrey do not. The SWL has an ecology unit which can advise and usually look at Planning Applications. While the current baseline BNG for validating a Planning Application is 10%, but Mike believes this should be higher and the target may be revisited.