

# CONSULTATION

## Response Document



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### **A Network for Net Zero: Our Approach to Implementing Biodiversity Net Gain (Scottish and Southern Electricity Networks)**

6 September 2019

## **Introduction to CIEEM**

The Chartered Institute of Ecology and Environmental Management (CIEEM), as the leading membership organisation supporting professional ecologists and environmental managers in the United Kingdom and Ireland, welcomes the opportunity to comment on this consultation.

CIEEM was established in 1991 and has over 5,000 members drawn from local authorities, government agencies, industry, environmental consultancy, teaching/research, and voluntary environmental organisations. The Chartered Institute leads the way in defining and raising the standards of ecological and environmental management practice with regard to biodiversity protection and enhancement. It promotes knowledge sharing through events and publications, skills development through its comprehensive training and development programme, and best practice through the dissemination of technical guidance for the profession and related disciplines.

CIEEM is a member of:

- Environmental Policy Forum
- IUCN – The World Conservation Union
- Professional Associations Research Network
- Society for the Environment
- United Nations Decade on Biodiversity 2011-2020 Network

# Comments from CIEEM

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## Introduction

We welcome the opportunity to participate in the consultation on biodiversity net gain. We would be happy to provide further information on this topic. Please contact Jason Reeves (CIEEM Head of Policy and Communications) at [JasonReeves@cieem.net](mailto:JasonReeves@cieem.net) with any queries.

### Question 1:

#### **Can you identify any opportunities for stakeholder engagement to help achieve the above targets?**

Ongoing external engagement is key through all stages of the development of new infrastructure projects, and asset replacement and upgrades, as well as in the longer term for maintenance of these assets.

For new infrastructure projects identification of the value of the site by consulting with the relevant statutory agencies, Local Biodiversity Partnerships, Local Records Centres and NGOs will enable adverse biodiversity impacts to be avoided and/or minimised. Local community engagement will inform on if and how the area is utilised by the community, highlight any issues of concern, and help determine how to avoid and/or minimise adverse impacts to ensure no net loss for people as well as biodiversity <https://portals.iucn.org/library/node/48350>.

Wherever possible, SSEN must support appropriate resourcing (including provision of expertise and support for relevant biodiversity projects) of local authorities to enable them to discharge their biodiversity duties. An efficient and properly functioning local authority network has obvious benefits to SSEN and others, through timely discharge of its duties (e.g. granting planning permission) and through reduced potential for delays (e.g. due to legal challenges).

### Question 2.

#### **Do you have any comments on our proposed staged approach for the inclusion of Biodiversity into our project development process?**

In the strategic option assessment, it is great to see recognition of the fact that not all areas of biodiversity can be replaced and hence should be avoided. We would like to see local knowledge feeding into this assessment through the Local Record Centres, Local Biodiversity Partnerships and local expert naturalists. This will help to inform on migration pathways and wildlife corridors at a greater spatial scale. Engagement with bodies such as the Central Scotland Green Network will be of use in identifying these types of biodiversity networks.

As well as environmental constraints data, environmental opportunities data should be looked at, so that the mitigation measures can enhance existing or planned environmental improvement schemes being undertaken either locally or at a national scale.

Often, habitat restoration can be effectively carried out during the construction phase when the plant is on site, which can minimise damage and aid long-term recovery. In terms of peat depth, information exchange between the SEFARI Institutes (a consortium of six globally renowned

research institutes known as the Scottish Environment, Food and Agriculture Research Institutes) and SNH Peatland Action will help to maximise potential restoration options.

**Question 3:**

**Do you believe the level of assessment is appropriate at each stage?**

Yes, detailed consideration is outlined at each stage.

**Question 4:**

**Do you have any comments on a proposed adaptive management approach?**

This is a sensible approach as monitoring the success of Biodiversity Net Gain (BNG) is so dependent on habitat type. It should also be flexible so if climatic conditions change and affect the hydrology or ecology of the site, this can form part of the monitoring strategy.

Any adaptive management changes through the life of the site must be informed by competent ecologists and be in line with wider national or regional biodiversity strategies.

**Question 5:**

**Do you have comments on our use of the newly drafted DEFRA tool?**

Trialling the 2012 DEFRA metric has identified several issues and adopting the 2019 DEFRA tool with modifications as outlined seems sensible. See comments under question 6 for further detail.

**Question 6:**

**Do you have any comments on the proposed modification of the tool to make it more applicable to Scottish habitats?**

As outlined, it is important to differentiate at a finer level than the DEFRA metric such as distinguishing between Caledonian pinewoods of conservation concern and re-planted commercial plantations.

Site condition is an important factor, for example, with an estimated 80% of Scotland's peatlands classified as damaged<sup>1</sup> there is huge potential for peatland restoration as part of development projects, building on and enhancing Peatland Action restoration projects.

Although a waterbody metric is being developed, as noted in the consultation document, it is not yet available. When it does become available, it must include the ability to measure the contribution of peatlands to water resource management and greenhouse gas sequestration.

Peatland waterbodies are very important for breeding birds, invertebrates and amphibians; and environmental drivers of change such as climate, pollution, land use and management affect these species, particularly through their impacts on peatland hydrology.

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<sup>1</sup> Scottish Natural Heritage (Undated) *Peatland ACTION: Restoring Scotland's Peatlands*, Scottish Natural Heritage. Available at: <https://www.nature.scot/sites/default/files/2019-04/Peatland%20Action%20-%20Project%20information%20leaflet.pdf>

Where protected species occur, relevant legal protection and measures must be applied – as would be dictated by Principle 7<sup>2</sup> of the Biodiversity Net Gain Principles.

Recognition that ‘like for like’ replacement is not always the best option is valid. Distinctiveness and strategic significance judgements should be made based on both the national and local distinctiveness and significance of the site. Also, ecological connectivity and landscape-scale conservation should always be borne in mind rather than just considering sites.

We note that a site is deemed to have achieved BNG if the number of Biodiversity Units post-development is greater than 105%. We would have expected to see a much higher figure, as a 10% gain measured over time may still result in a loss of biodiversity, due to the ongoing decline and the reality that some enhancement measures will simply not succeed. It is important to factor in a level of uncertainty in the metric, along with existing risk factors such as ‘difficulty to create’ for new habitats. We would encourage consideration of 110% targets in the longer term.

**Question 7:**

**Do you have comments on our approach to reporting from portfolio to project level?**

Reporting from design to implementation will allow the assessment of, not just the mitigation measures, but also the effectiveness of the whole process including consultation with stakeholders. The ability to report based on habitat types as well as various mitigation measures will be particularly useful. This will provide wider lessons to other businesses looking to implement BNG.

Monitoring the success or otherwise of BNG should involve independent, expert quantification and verification by competent ecologists in order to standardise the process. Reporting overall net gains across the portfolio will allow for a measurement at a wider landscape scale.

**Question 8:**

**Do you have any comments on reporting frequency?**

Annually may be reasonable, however, more importantly, it is critical that ecological surveys are undertaken at the right time of year.

As an example, it may be sensible, if taking an adaptive approach, to monitor and hence to report every year for the first 5-10 years, then perhaps every other year up to 20 years, then once every five years up to 30 years.

**Question 9:**

**Do you have any comments on when we can conclude a net gain target has been met?**

Reaching a net gain target is very much habitat dependent and affected by the different successional processes. For example, restoration of bogs will require long-term monitoring as the vegetation communities will change over time due to changes in the water tables.

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<sup>2</sup> Principle 7. Be additional: Achieve nature conservation outcomes that demonstrably exceed existing obligations (i.e. do not deliver something that would occur anyway).

We suggest that the minimum management period for enhanced/restored habitats is 30 years, which is in line with another BNG policy currently being progressed.<sup>3</sup>

We recognise that 30 years is a lengthy period for management and monitoring. One option to consider is to transfer management of a site to a conservation organisation with clear ongoing maintenance costs built into any agreement and with local planning guidance.

Relevant stakeholders such as conservation organisations and land managers should have been engaged in the overall BNG process from the outset, which would include allowing them some ownership of monitoring and determining success.

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<sup>3</sup> Department for Environment, Food and Rural Affairs (2019) Net gain: Summary of responses and government response, London: Department for Environment, Food and Rural Affairs. Available at: [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/819823/net-gain-consult-sum-resp.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/819823/net-gain-consult-sum-resp.pdf) (accessed: 04/09/2019)