CONSULTATION

Response Document

A Biodiversity Metric for Scotland's Planning System - Key Issues consultation

10th May 2024

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 7,000 members drawn from local authorities, government agencies, industry, environmental consultancy, teaching/research, and voluntary environmental organisations. The Chartered Institute has led 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:

- Scottish Environment Link
- Wildlife and Countryside Link
- Northern Ireland Environment Link
- Wales Environment Link
- Environmental Policy Forum
- IUCN – The World Conservation Union
- Professional Associations Research Network
- Society for the Environment
- United Nations Decade on Biodiversity 2011-2020 Network
- Greener UK
- Irish Forum on Natural Capital (working group member)
- National Biodiversity Forum (Ireland)
- The Environmental Science Association of Ireland

CIEEM has approximately 750 members in Scotland who are drawn from across the private consultancy sector, NGOs, government and SNCOs, local authorities, academia and industry. They are practising ecologists and environmental managers, many of whom regularly provide input to and advice on land management for the benefit of protected species and biodiversity in general.

This response was coordinated by Members of our Scotland Policy Group.

Please contact Jason Reeves (CIEEM Head of Policy) at JasonReeves@cieem.net with any queries.

For each of the nine components and issues identified in section 2 we are seeking views on:

2. The principles and rules underpinning the metric's approach

a) Do you agree with the issues identified?

Yes, it is agreed that the principles, rules and working practices that underpin the metric's use will all be reviewed for their applicability in Scotland, and ensure they enable the most appropriate biodiversity enhancement to be delivered.

b) Are there any other issues relating to this aspect of England's metric that we need to consider?

It is recognised that this consultation focuses on the development of the metric itself. However, we would like to highlight that other aspects also require careful consideration and development in order that a metric be successfully implemented:

- Approach to offsetting: This should look at establishing a legal framework for this, approach to delivery partners for this, setting parameters, for example acceptable distance from the site, setting a register of offsets. There are challenges around land ownership and availability of land. This is an especially important issue given all the wind farms we have in Scotland.
- Approach to additionality: setting a standard with respect to net gains and mitigation / compensation measures required through the EIA process and ensuring this remains proportional and does not deter development, particularly wind farms, for example, where compensation for peatland loss would be required separately to significant biodiversity enhancements.
- Approach to equivalency: the English metric has certain 'trading rules' but it is acknowledged that these do not work so well / there are more exceptions to these when used for the river environment / river restoration. There is an opportunity to better integrate approaches to the terrestrial and freshwater environments in the Scottish metric.
- Approach to integration with existing regimes such as Ecological/Environmental Impact Assessment. There is an opportunity to provide clarity on how far the metric will be aligned with and is expected to inform this kind of assessment. For Habitats Regulations Appraisal, BNG activities including any habitat creation should be treated as part of the development and subject to HRA accordingly.
- Explore options for alternative platforms beyond the use of Excel to allow a more integrated approach with mapping technology and a data management system for tracking delivery of offsite

habitat creation / enhancements, for example a web-based platform. For ease of data collection and management, options for integration with survey apps could also be explored.

c) If you have ideas or solutions for addressing the issues identified, please outline your approach.

As highlighted the rules and principles are complemented by working practices set out in the guidance and supporting information on the UK Government website. In England the metric is accompanied by a user guide, but further guidance is provided by the Planning Advisory Service to set out how the process through planning works. This is a useful resource and helps to provide consistency across LPAs and it is recommended a similar approach is taken. Likewise, CIEEM and others have compiled lists of BNG related resources, so they are easily accessible for all[1].

3. The habitat classification system

a) Do you agree with the issues identified?

When looking at identifying the habitat classification systems, we need to consider the conservation status of habitats and the distinctive values for these. In particular, consideration should be given to how well priority habitats (e.g. Annex 1) are identified through different classification systems and use this to inform which habitat system is taken forward.

With respect to habitat classification, it is noted that National Vegetation Classification (NVC) is discussed; whilst this level of survey is required for some developments, typically where consideration of GroundWater Dependent Terrestrial Ecosystems (GWDTEs) is required, there are many developments in Scotland that do not require survey data to this level of detail.

It is recognised that while there are concerns raised with respect to the limited capacity of trained UKHab surveyors in Scotland, this concern is even more applicable to NVC. As a more detailed botanical survey approach, should NVC be adopted as the habitat classification for a Scottish Metric, this would likely present further capacity concerns. It is noted that, within England, upskilling to UKHab has occurred over a relatively short timescale and, while some training is needed to understand the differing habitat classifications between Phase 1 and UKHab, it is a more straightforward learning curve.

b) Are there any other issues relating to this aspect of England's metric that we need to consider?

In considering habitat classification systems, the approach with respect to habitat mosaics should also be considered. This is particularly relevant for large scale projects on upland sites, where it is unlikely to be

[1] https://cieem.net/i-am/influencing-policy/biodiversity-enhancement-approaches/biodiversity-net-gain-resources/

feasible to map each individual habitat type. How mosaics are entered into the metric will require consideration.

Some issues around simplicity have been raised around the correspondence between Phase 1 Classification and UKHab, therefore these should be reviewed to ensure they reflect Scottish habitats correctly.

c) If you have ideas or solutions for addressing the issues identified, please outline your approach.

CIEEM provides a number of online UKHab courses including, 'Introduction to UK Habitat Classification'[2] and. 'Using UKHab for Biodiversity Net Gain'[3] with UKHab trainers. UKHab also provide an extensive range of training courses, some of which are habitat specific[4]. Likewise, CIEEM delivers courses annually on Phase 1[5] and NVC,[6] including habitat specific NVC training[7].

Therefore, as long as plans are in place and provision is made, upskilling — in whichever habitat surveying platform is decided on — does not need to be a barrier.

CIEEM's Competencies for Species and Habitat Survey set out the knowledge, understanding and skills required to adequately undertake surveys for a range of terrestrial and freshwater species[8]. The CIEEM Good Practice Guidance for Habitats and Species provides a list of key references for species and habitat survey, mitigation, management and monitoring in the UK and Ireland[9], and there is also the Good Practice Guidance for Ecological Restoration[10]. A key issue that underpins the success of embedding the metric in the planning system is long term input into management plans, with ongoing monitoring and adaptive management required.

We would encourage early dialogue with the UKHab team to address any potential issues in relation to Scottish habitats, for example some wetland habitats that are not covered comprehensively at present.

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2 http://events.cieem.net/Events/EventPages/09112023000000IntroductiontoUKHabitatClassification.aspx
3 https://cieem.net/i-am/upcoming-training-and-events/bng-training-courses
4 https://ukhab.org/training/
5 http://events.cieem.net/Events/EventPages/25042024000000Phase1HabitatSurvey.aspx
6 http://events.cieem.net/Events/EventPages/01052024000000IntroductiontoNationalVegetationClassification.aspx
7 http://events.cieem.net/Events/EventPages/14092023000000NationalVegetationClassificationWoodlands.aspx
8 https://cieem.net/i-am/current-projects/raising-standards/
9 https://cieem.net/resource/good-practice-guidance-for-habitats-and-species/
10 https://cieem.net/resource/good-practice-guidance-for-ecological-restoration/

4. Irreplaceable Habitats

a) Do you agree with the issues identified?

With respect to irreplaceable habitats, it is agreed that these should be recognised within a Scottish metric. This will be of particular importance for blanket bog to ensure that restoration of blanket bog is appropriately considered, and the achieved benefits recognised.

b) Are there any other issues relating to this aspect of England's metric that we need to consider?

There is the opportunity to learn from the challenges faced by Natural England in defining and identifying irreplaceable habitats. We strongly encourage dialogue with Nick White and the team at Natural England.

c) If you have ideas or solutions for addressing the issues identified, please outline your approach.

Whilst national inventories of irreplaceable habitats e.g. the Ancient Woodland Inventory are valuable, they may never be 100% comprehensive. To support guidance on irreplaceable habitats a review of existing inventories of irreplaceable habitats to determine completeness and how up to date they are will be needed. In addition, full and independent ecological assessments will always be needed to establish the existing biodiversity value of sites.

5. Habitat Distinctiveness

a) Do you agree with the issues identified?

With respect to habitat distinctiveness, it is agreed that this should be reviewed to apply appropriate Scottish values. This may need to be regionally specific.

b) Are there any other issues relating to this aspect of England's metric that we need to consider?

c) If you have ideas or solutions for addressing the issues identified, please outline your approach.

In the event that the UKHab classification system is adopted, it may be more appropriate to enter into the Metric level 5, and assign different distinctiveness values, for example, to consider blanket bog and degraded blanket bog separately, which should help to promote restoration of degraded blanket bog. Other UKHab types have very high distinctiveness values in the metric and require consideration. These include Purple moor grass and rush pasture which, following the classification guidance, would mean including locations dominated by purple moor grass with little other floristic species, even though this is relatively common and widespread habitat.

6. **Habitat Condition**

a) Do you agree with the issues identified?

It is agreed that the condition assessment criteria should be reviewed in a Scottish context. This may also need to consider regional variations. With respect to Modular River Physical Survey (MoRPH), it is recommended that current methods for assessing watercourses in terms of their habitats and conditions are considered to determine if alternative existing survey methods may be more appropriate; this could prevent the requirement for upskilling in MoRPH assessment.

Consideration of species is mentioned but then no detail given. In the Scottish Biodiversity Strategy to 2045 there is an action - Revise the Scottish Biodiversity List of species and habitats that Scottish Ministers consider to be of principal importance for biodiversity conservation in Scotland. We strongly agree with the need to incorporate species to ensure that interventions are targeted and make ecological sense. However, the initial phases of metric development should be on ensuring peatland and ancient woodland etc. are properly covered in the metric with species elements being incorporated next.

b) Are there any other issues relating to this aspect of England's metric that we need to consider?

English Metric habitat condition criteria require a range of expertise levels, with some criteria requiring more specialist knowledge or input. For example, the woodland criteria may require input from arboricultural experts to comprehensively answer. Others would require multiple visits during different seasons to accurately assess, such as for wetland habitats, where criteria relates to water table depth which can vary depending on season and weather. For wind farms and upland peatland a link should be made to Peatland Action targets. So, an 'uplift in biodiversity' is actually improvement in peatland condition following best practice.

As mentioned in terms of survey approaches, habitat mosaics should also be considered in relation to condition.

Approach to protected species: the English metric requires protected species mitigation to count up to no net loss only. There is an opportunity to review this in more detail for Scotland's metric.

The English metric can consider degradation of habitat, but the method to do this is clunky, and not well known currently. This is likely because England originally wanted to disincentive this scenario, but by allowing degradation to be entered, this acknowledges the reality that this can occur. Consideration should then be given to allow entry of habitats post-construction which may be retained but habitat condition is degraded.

c) If you have ideas or solutions for addressing the issues identified, please outline your approach.

A review of the condition criteria to ensure they are appropriate for Scotland for example in relation to deer management and peatland condition.

It would be useful to look at case studies and conduct an analysis of the effectiveness of the distinctiveness scoring system.

7. Strategic Significance

a) Do you agree with the issues identified?

It is agreed that the approach to defining strategic significance in a Scottish context should be defined and ideally linked to emerging nature networks. Nature Networks are a vital tool to restore and connect key habitats, allowing nature recovery across the landscape. Connectivity is crucial in reversing nature loss. The SRUC report recommended a consideration of connectivity and ecosystem function. The Scottish Government has committed to delivering Nature Networks in every local authority. However, it is critical that nature networks are considered at a landscape scale that makes ecological sense rather than thinking being restricted by Local Authority boundaries.

b) Are there any other issues relating to this aspect of England's metric that we need to consider?

Greater clarity on the strategic significance approach is needed, particularly with respect to baseline values. Where habitats are currently within or linked to areas of high strategic significance, but are not currently providing ecological functionality, how should the strategic significance be determined.

c) If you have ideas or solutions for addressing the issues identified, please outline your approach.

Timescales may mean that nature networks are not fully defined in line with the release of a metric tool. In that case, an interim approach may be required, whereby ecological consultants consider the extent of connecting habitats and local biodiversity priorities, but a clearly worded methodology should accompany the tool to avoid ambiguity.

8. Technical Difficulty Risk Factor

a) Do you agree with the issues identified?

It is agreed that technical difficulty risk factors should be reviewed and should take account of Scottish examples of habitat creation and enhancement to assign appropriate difficulties. It is also recommended that once set, a timescale for regular review of this multiplier should be set so as to ensure that advances in habitat restoration and creation approaches are captured.

b) Are there any other issues relating to this aspect of England's metric that we need to consider?

As highlighted in the SRUC report, average risk parameters are not applicable in Scotland.

c) If you have ideas or solutions for addressing the issues identified, please outline your approach.

For transparency, it would be beneficial if the rationale behind the assigned difficulty values is published. This would allow professional judgement to be applied when assigning the difficulty and, if considered appropriate based on site-based circumstances or creation/ restoration techniques, values adjusted accordingly.

9. Temporal Risk Factor

a) Do you agree with the issues identified?

It is agreed that the temporal risk factor should be reviewed in a Scottish context, and may also need to take account of regional variations. It is agreed that, similar to the technical difficulty factor, the ability in the Scottish metric to vary the multiplier, based on site-specific conditions, proposed techniques and professional advice, could be considered. If the metric is set to allow adjustments to this risk multiplier, then it is recommended that it is set up to raise an alert when adjustments are made, requiring an evidence log to be completed to provide the justification for the change.

It is necessary to consider climate factors and changing distribution ranges of species and habitat changes with climate change; we need adaptive management built in. Climate resilience needs to be factored into the design, implementation and long-term management of BNG habitats. For example, assessing individual climate risks (e.g. prolonged flooding during winter) and the combination of climate risks throughout a year e.g. flooding, summer droughts, warmer winters and identifying resilience measures that buffer the severity of climate change, integrating these into long-term management. This will vary both temporally and spatially.

b) Are there any other issues relating to this aspect of England's metric that we need to consider?

Consideration needs to be given to interim successional habitats. Slow-maturing or complex habitats e.g. woodlands are at present difficult to create under the English metric.

c) If you have ideas or solutions for addressing the issues identified, please outline your approach.

10. Spatial Risk Factor

a) Do you agree with the issues identified?

It is agreed that the approach to spatial risk will need to be considered at a different level to LPA, to take account of the scale of some of the LPAs.

b) Are there any other issues relating to this aspect of England's metric that we need to consider?

c) If you have ideas or solutions for addressing the issues identified, please outline your approach.

Could consider a simple distance from the site, with bands set on the distance, to ensure that offsetting closest to the point of impact achieves the highest multiplier.

11. Our Approach to Developing a Scottish Metric

a) Do you have any comments on the phased approach set out, and priorities indicated?

The phased approach needs to take a broader view than the metric mechanics themselves. While developing the metric, the wider issues identified above should be taken into account so as to ensure its adoption and integration within the wider planning system is smooth and works well.

Noting the future opportunities list; as well as testing the application of the metric across a range of development types, it should also be tested across different scales of development and different habitat types.

The capacity of Local Authority staff needs to be considered. We know from a survey of Local Planning Authority (LPA) staff that current ecological resource or expertise is a concern with regards the delivery of NPF and Positive Effects for Biodiversity, with 22% of respondents stating that they have no current ecological resource or expertise available[11]. Lack of enforcement staff to ensure compliance was also identified as a high or very high risk to the ability of LPAs to implement NPF and Positive Effects for Biodiversity.

Training requirements need to be factored into the phased approach in order to allow timely course development and provision. As highlighted in the first question, there are existing botanical and surveying courses that could be adapted as required. In addition, the approach needs to consider what upskilling planners, environment planners, and other Local Authority staff, will need in terms of ecological knowledge and toolkit training. Looking forward, we also need to consider what is required to train the next generation, for example, provision of and support for vocational botanical qualifications.

[11] https://cieem.net/survey-of-scottish-local-planning-authority-capacity-highlights-risk-to-delivery-of-npf4/

Thought should be given to how communities can be involved as these can be the best placed to identify the enhancements that are needed. A report on BNG and peoples' wellbeing highlights many key considerations, including how wellbeing is currently used in local planning policies[12].

Consideration should be given to the role of Regional Land Use Partnerships in this phased approach.

Many of the points addressed above are reviewed in two briefing papers that the CIEEM Scotland Policy Group produced on Biodiversity Net Gain in Scotland[13], and on Biodiversity Net Gain in Scotland: Briefing Note for Local Planning Authorities[14].

b) If you have any further comments on the development of a biodiversity metric for Scotland's planning system, please provide them here.

- CIEEM sees the main barriers to successfully delivering this in Scotland as lack of resources (primarily appropriately skilled biodiversity professionals in the sector and ecological capacity and expertise in local authorities) and lack of enforcement (legislation and capacity to do so). A key issue that underpins the success of BNG is long term input into management plans, with ongoing monitoring and adaptive management required. The mechanism for enforcement should be explored, taking into account resources and skills within LPAs to undertake this. Developing a metric for Scotland is a significant undertaking and will require significant resourcing within NatureScot.

- Approach to training and upskilling: how will this be delivered, and who will provide this training.

- Approach to % gain requirement: A minimum requirement of 10% gain ensures that gains are not within the margin of error for the valuation of habitats. Given the simplifying nature of the metric and set against the continuing decline in biodiversity, developments should be seeking to go above the 10% minimum requirement wherever possible. Originally in England the goal was for 20% and we're now seeing developers trying to push back on 10%. Some LPAs in England are trying to achieve 20% anyway, and this approach should be supported in Scotland too. If a higher % gain is implemented, we suggest this should be a standard requirement across Scotland rather than LPAs determining their own levels as otherwise it would lead to confusion and developers 'playing one LPA off another'.

- Approach to scale: England also has a small sites metric. Guidance will need to define at what scale the requirement for a Metric is needed, to ensure that this is applied across LPAs. Should there be

[12] https://cieem.net/i-am/current-projects/biodiversity-net-gain/biodiversity-net-gain-and-peoples-wellbeing/
[13] https://cieem.net/resource/biodiversity-net-gain-in-scotland-briefing/
[14] https://cieem.net/biodiversity-net-gain-in-scotland-briefing-note-for-local-planning-authorities-published/

one metric for all scales or a small sites metric too? In England the small sites legislation allows assessment to be carried out by those who are "familiar with the site" - This sets a poor precedent and devalues the role of ecologists. The need for qualified professionals to properly assess sites must be at the forefront.

- It is important to consider how existing national policies, frameworks and regulatory tools will all fit together to secure biodiversity net gain and secure positive effects for biodiversity. The SRUC review identifies Local Biodiversity Action Plans, Local Climate Change Strategies, Catchment Management Plans, Land use strategy pilots, spatial targeting of Agri-Environment and Climate Measures and opportunity mapping, as potentially applicable areas. Other aspects to consider are RLUPs and RLUFs. 30 x 30 and Nature networks (Biodiversity Framework), OECMs, Agriculture and Forestry policies, Water Framework Directive and River Basin Management Planning (RBMP). There needs to be clarity on the links and relationship between BNG and nature-based solutions and green infrastructure. Need to quantify measures such as green roofs and rain garden benefits.