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Submitted to Consultation on Biodiversity Net Gain Regulations and Implementation
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Confidentiality and your response

1 Would you like your response to be confidential?

No

If you answered 'Yes' to this question, please state clearly what information you would like to be kept as confidential and explain your reasons for confidentiality:

2 What is your name?

Name:
Peter Rogers

3 What is your email address?

Email:
progers@sustainableacoustics.co.uk

4 What is your organisation?

Organisation:
Institute of Acoustics

5 Which option best describes the sector you work in or otherwise represent?

Professional body or association

If you answered 'Other', please specify:

Introduction

Background

Why are we consulting?

The context for biodiversity net gain

Overview of the proposed biodiversity net gain processes

Part 1: Defining the scope of the BNG requirement for Town and Country Planning Act 1990

Part 1.1: Exemptions

1.1.1: Developments impacting habitat below a minimum size 'de minimis' threshold for biodiversity net gain

6 Do you agree with our proposal to exempt development which falls below a de minimis threshold from the biodiversity net gain requirement?

Yes, and the minimum threshold should be 5 meters squared

Please provide any explanation for your answer here:

Minimal impact likely in such a small area. Please note that this is not with the Institute area of professional knowledge and this is offered as a common sense response only.

Yes, and the minimum threshold should be 5 meters

Please provide any explanation for your answer here:

Same as above

1.1.2: Householder applications

7 Do you agree with our proposal to exempt householder applications from the biodiversity net gain requirement?

No (please explain why not)

Please provide any explanation for your answer here:

Gardens offer rich diversity for urban wildlife particularly. It would seem to be common sense that encouragement of biodiversity in gardens of re-wilding of lawns for instance is a good opportunity where people can do their part even as part of any small schemes to a small degree. This is not within the expertise of the Institute however members involved in the vision for the "Habitats" project (including Salford University Acoustics Research Centre) suggests that involving local communities is important, when measuring and managing ecological impacts and social benefits.

1.1.3: Change of use applications

8 Do you agree with our proposal to exempt change of use applications from the biodiversity net gain requirement?

No (please explain why not)

Please provide any explanation for your answer here:

Same view as answer to question 7.

1.1.4: Creation of biodiversity gain sites

9 Do you think developments which are undertaken exclusively for mandatory biodiversity gains should be exempt from the mandatory net gain requirement?

Yes, also for some other environmental mitigation purposes (please explain why)

Please provide any explanation for your answer here:

This seems a sensible approach.

1.1.5: Self-builds and custom housebuilding

10 Do you think self-builds and custom housebuilding developments should be exempt from the mandatory net gain requirement?

No (please explain why not)

Please provide any explanation for your answer here:

For same reason as stated in answer to question 7.

1.1.6: Brownfield sites

11 Do you agree with our proposal not to exempt brownfield sites, based on the rationale set out above?

Yes

Please provide any explanation for your answer here:

1.1.7: Temporary permissions

12 Do you agree with our proposal not to exempt temporary applications from the biodiversity net gain requirement?

Yes

Please provide any explanation for your answer here:

1.1.8: Developments for which permitted development rights are not applicable due to their location in conservation areas, areas of outstanding natural beauty or national parks

13 Do you agree with our proposal not to exempt developments which would be permitted development but are not on account of their location in conservation areas, such as in areas of outstanding natural beauty or national parks?

Yes

Please provide any explanation for your answer here:

1.1.9: General question on exemptions

14 Are there any further development types which have not been considered above or in the previous net gain consultation, but which should be exempt from the biodiversity net gain requirement or be subject to a modified requirement?

No

Please provide any explanation for your answer here:

Part 1.2: Development within statutory designated sites for nature

15 Do you agree with our proposal not to exempt development within statutory designated sites for nature conservation from the biodiversity net gain requirement?

Yes

Please provide any explanation for your answer here:

We need to protect these areas which has survived and avoid further damage to them, and use the natural capital they provide to recover more widely. The green belts were essential to provide to lungs of UK cities and now they are critical to help recover the biodiversity. It is the Institutes view that also social and health benefits can also be gained by doing this, identifying areas where soundscapes are relatively undisturbed by manmade noise. Efforts to improve soundscapes to support thriving biodiversity (improved breading success) and also human wellbeing (respite and restorative places) all support this being part of the approach being suggested by answering yes to this question. Sound environments and the link with air pollution is part of this debate.

Part 1.3: Irreplaceable habitat

16 Do you agree with the stated proposals for development (or component parts of a development on irreplaceable habitats), specifically:

Yes

Please provide any explanation for your answer here:

To protect remaining pockets of what "good" looks like.

Yes

Please provide any explanation for your answer here:

Transparency.

Yes

Please provide any explanation for your answer here:

It is common sense that these should be protected as our most highly prized examples of what we are aiming for, and so where they can be enhanced (provided there is a robust evidence base that would be the effect) then that is a good thing. Again this is a common sense view and not part of the professional expertise of formal opinion of the Institute.

Yes

Please provide any explanation for your answer here:

Helps it to be measurable and evidence based.

Yes

Please provide any explanation for your answer here:

Avoid grey areas.

Part 2: Applying the biodiversity gain objective to different types of development

Part 2.1: Phased development and development subject to subsequent applications

17 Do you agree with our proposed approach that applications for outline planning permission or permissions which have the effect of permitting development in phases should be subject to a condition which requires approval of a biodiversity gain plan prior to commencement of each phase?

Yes

Please provide any explanation for your answer here:

It sets the correct course for a large scheme.
The institute would encourage soundscape quality to be included within the important considerations when considering biodiversity gain, to provide the right environmental conditions for success and ultimately that the biodiversity achieves also provides natural capital and so benefits human well-being in environments they can connect to nature with ease. This creates a virtuous cycle.

18 Do you agree with the proposals for how phased development, variation applications and minerals permissions would be treated?

Yes

Please provide any explanation for your answer here:

It sets the correct course for a large scheme.
The institute would encourage soundscape quality to be included within the important considerations when considering biodiversity gain, to provide the right environmental conditions for success and ultimately that the biodiversity achieves also provides natural capital and so benefits human well-being in environments they can connect to nature with ease. This creates a virtuous cycle.

Part 2.2: Small sites

19 Do you agree that a small sites metric might help to reduce any time and cost burdens introduced by the biodiversity gain condition?

Do not know

Please provide any explanation for your answer here:

20 Do you think a slightly extended transition period for small sites beyond the general 2-year period would be appropriate and helpful?

No (please explain why not)

Please provide any explanation for your answer here:

Time is against our actions as a species. Every effort should be made to get things done without delays. This is a common sense response, and not one within the expertise of the Institute.

21 Are there any additional process simplifications (beyond a small sites metric and a slightly extended transition period) that you feel would be helpful in reducing the burden for developers of small sites?

Do not know

Please provide any explanation for your answer here:

Part 2.3: Nationally significant infrastructure projects

2.3.1: Proposal 1 - Scope, percentage, and targeted exemptions

22 Are any targeted exemptions (other than that for irreplaceable habitat), reduced biodiversity net gain objectives, or other modified requirements necessary for the application of the biodiversity net gain requirement to NSIPs?

No

Please provide any explanation for your answer here:

2.3.2: Proposal 2 - Setting the requirement and transition arrangements through ‘biodiversity gain statements’

23 Do you agree that the above approach is appropriate for setting out the biodiversity net gain requirement for NSIPs?

Yes (please explain why)

Please provide any explanation for your answer here:

It seems reasonable and measured.

24 Do you consider that the November 2025 is an appropriate date from which NSIPs accepted for examination will be subject to the biodiversity net gain requirement?

Yes (please, provide any supporting evidence or justification)

Please provide any explanation for your answer here:

Although there is pressure to shore up declines there is also the recognition that some time is needed. 3 years seems like a reasonable period. No evidence available to support however, but based on common sense.

25 Do you agree that a project's acceptance for examination is a suitable threshold upon which to set transition arrangements?

Do not know

Please provide any explanation for your answer here:

2.3.3: Proposal 3 - NSIP off-site gains and a 'portfolio approach'

26 Would you be supportive of an approach which facilitates delivery of biodiversity net gain using existing landholdings by requiring a lighter-touch registration process, whilst maintaining transparency?

Yes (please explain why)

Please provide any explanation for your answer here:

There would merit in assisting engagement in the approach at the earliest opportunity, and if this means it could be done sooner this would be welcomed.

2.3.4: Proposal 4 - Process and demonstrating biodiversity net gains

27 Do you consider that this broad 'biodiversity gain plan' approach would work in relation to NSIPs?

Yes

Please provide any explanation for your answer here:

This is not an expert view, but an opinion held by the responder having read the above.

28 Should there be a distinction made for NSIPs between on-site habitats (which are subject to the biodiversity net gain percentage) and those habitats within the development boundary which are included solely for environmental mitigation (which could be treated as off-site enhancement areas without their own gain objective)?

Yes (please explain why)

Please provide any explanation for your answer here:

They may have different functions in terms of natural capital.

29 Is there any NSIP-specific information that the Examining Authority, or the relevant Secretary of State, would need to see in a biodiversity gain plan to determine the adequacy of an applicant's plans to deliver net gain (beyond that sought in the draft biodiversity gain plan template at Annex B)?

Yes (please state what information)

Please provide any explanation for your answer here:

Soundscape Assessment as a special consideration - benchmarking the baseline and explaining what the predictions for improving the quality may be over time.

2.3.5: Proposal 5 - Maintenance period for Nationally Significant Infrastructure Project developments

30 Do you think that 30 years is an appropriate minimum duration for securing off-site biodiversity gains allocated to NSIPs?

Yes, but it should be reviewed after practice and biodiversity gain markets are evaluated

2.3.6: Proposal 6 - Compulsory acquisition

31 Are further powers or other measures needed to enable, or manage the impacts of, compulsory acquisition for net gain?

Yes, to enable compulsory acquisition (please explain what is needed)

Please provide any explanation for your answer here:

This is the personal opinion of the responder only and not that of the Institute, which holds no opinion in this regard. Where wildlife corridors need to be linked between pockets of biodiversity to enable a measurable overall enhancement of the natural capital through would result it may be justifiable to enable compulsory acquisitions of the smallest areas needed to achieve this, where it is determined to be in the national interest to do so.

2.3.7: Proposal 7 - Marine infrastructure

32 Is any guidance or other support required to ensure that schemes which straddle onshore and offshore regimes are able to deliver biodiversity net gain effectively?

Yes (please explain what is needed)

Please provide any explanation for your answer here:

The example of gulls migration into urban centres from the coast is an indicator the marine management is not working, an illustrates why the thinking should be joined up.

Part 3: How the mandatory BNG requirement will work for Town and Country Planning Act 1990 development

Part 3.1: Biodiversity gain plan

33 Do you agree with the proposed:

Yes

Please provide any explanation for your answer here:

It seems a sensible proposal.

Yes

Please provide any explanation for your answer here:

It seems a sensible proposal.

34 We will continue to work with external stakeholders and industry on the form and content of the template. Do you agree with the proposed information to be included in a biodiversity gain plan as shown in the draft template?

No (If not, is there anything in particular that ought to be removed, added, or changed to make the biodiversity gain plan fit for purpose?)

Please provide any explanation for your answer here:

We would propose that soundscape is added as a special consideration.

Part 3.2: Off-site biodiversity gains

35 Do you agree that further guidance is needed to support decision-making about what constitutes appropriate off-site biodiversity gains for a given development?

Yes (please state what in particular would help most)

Please provide any explanation for your answer here:

To achieve the widest benefits for sustainability that under pins the decisions it is important to define clearly what is the aim. Whilst local context will always be relevant there are some key areas where guidance would be helpful to identify what is tangibly being aimed for. For instance an improvement in biodiversity may have immediate benefits to the health of the immediate environment, but much wider secondary social or environmental benefits as in the case of soundscape quality that enable connection to nature and restorative environments for humans to be. It would be helpful to identify this sort of example.

36 How should the UK Government encourage or enable developers and landowners to secure biodiversity gain sites for longer than the minimum 30-year period?

How should the UK Government encourage or enable developers and landowners to secure biodiversity gain sites for longer than the minimum 30-year period?:

Require a legacy plan once they reach that stage, and provide incentives to benefit from the natural capital that will have been created as custodians and investors in a sustainable future.

Part 3.3: The market for biodiversity units

37 Do you agree with our proposals for who can supply biodiversity units and the circumstances in which they may do so?

Yes

Please provide any explanation for your answer here:

Sensible suggestions

38 Do you agree that developers which are able to exceed the biodiversity gain objective for a given development should be allowed to use or sell the excess biodiversity units as off-site gains for another development, provided there is genuine additionality?

Yes

Please provide any explanation for your answer here:

I do have concerns that this could be abused.

39 Do you agree with the proposed scope of the UK Government's role in facilitating the market, as set out above?

Yes

Please provide any explanation for your answer here:

The structure would require support as proposed to succeed.

Part 3.4: Habitat banking

40 Are the proposals outlined here sufficient to enable and encourage habitat banking?

Yes

Please provide any explanation for your answer here:

41 Do you agree with our proposal that to be eligible to supply biodiversity units for mandatory biodiversity net gain, habitat must be created or enhanced on or after a specified date, proposed to be 30 January 2020?

Yes

Please provide any explanation for your answer here:

Seems sensible.

42 Should there be a time limit on how long biodiversity units can be banked before they are allocated to a development? What would you consider to be an appropriate time limit?

Yes (please specify what this time limit should be)

Please provide any explanation for your answer here:

3 years as a suggestion - to avoid land grabs preventing progress in the time frames required.

Part 3.5: The biodiversity gain site register

3.5.1: Proposal 1 - The criteria and process for registration

43 Do you agree that the eligibility criteria for adding sites to the biodiversity gain site register are sufficient?

Do not know

Please provide any explanation for your answer here:

44 Do you agree that the register operator should determine an application within a maximum of 28 days unless otherwise agreed between both parties?

Yes

Please provide any explanation for your answer here:

3.5.2: Proposal 2 - Information that will be required by and recorded in the register

45 Do you agree that this list of information requirements will be sufficient to demonstrate that a biodiversity gain site is legitimate and meets the eligibility criteria?

Do not know

Please provide any explanation for your answer here:

46 Do you agree that the UK Government should require a habitat management plan, or outline plan, for habitat enhancement to be included on the register?

Yes

Please provide any explanation for your answer here:

To set a clear direction that is transparent.

3.5.3: Proposal 3 - Application fees and penalties for false and misleading information

47 Do you agree that the UK Government should allow the register operator to:

Yes

Please provide any explanation for your answer here:

Yes

Please provide any explanation for your answer here:

A disincentive for false information is sensible, but perhaps there could also be a biodiversity asset forfeit considered for those found to be attempting to cause serious harm to existing natural assets as a result of thier actions. This is a suggestion of the responder and not associated with the Institute.

3.5.4: Proposal 4 - Appeals against rejection of a biodiversity gain site application or non-determination of an application by the register operator

48 Do you agree with our proposal to allow applicants to appeal a decision by the register operator where the applicant believes that the registration criteria have not been appropriately applied?

Yes

Please provide any explanation for your answer here:

It is central to our legal system.

Part 3.6: Additionality

3.6.1: Proposal 1 - Additionality with respect to wider environmental planning policy and legislation

49 Do you agree with our proposals for additionality with respect to:

Yes

Please provide any explanation for your answer here:

Yes

Please provide any explanation for your answer here:

Yes

Please provide any explanation for your answer here:

Yes

Please provide any explanation for your answer here:

Yes

Please provide any explanation for your answer here:

3.6.2: Proposal 2 - Enhancements in statutory protected sites for nature conservation

50 Do you think that A) the non-designated features or areas of statutory protected sites and/or B) local wildlife sites and local nature reserves, should be eligible for enhancement through biodiversity net gain?

Yes, both A and B should be eligible

Please provide any explanation for your answer here:

51 Do you agree that the enhancement of habitats, including designated features, within statutory protected sites should be allowed in the coastal, intertidal and marine environment as defined above?

Yes

Please provide any explanation for your answer here:

There is the need to join up the approach in the marine environment and protect more areas , which currently are not sufficiently linked up. The Herin Guls example shows what can occur as failure begins to occur.

3.6.3: Proposal 3 - Stacking of payments for environmental services

52 Do you agree with our proposed approach to combining payments for biodiversity units with other payments for environmental services from the same parcel of land?

Yes

Please provide any explanation for your answer here:

It keeps the principle consistent.

Part 3.7: Statutory biodiversity credits

3.7.1: Proposal 1 - Use of statutory biodiversity credits

3.7.2: Proposal 2 - Credit price and sales

53 Are these proposals for statutory biodiversity credits sufficient to:

Do not know

Please provide any explanation for your answer here:

Do not know

Please provide any explanation for your answer here:

54 Do you think there are any alternatives to our preferred approach to credit sales, such as those outlined above, which could be more effective at supporting the market while also providing a last resort option for developers?

Do not know

Please provide any explanation for your answer here:

55 Do the principles for how we will set, and review credit price cover the relevant considerations?

Do not know

Please provide any explanation for your answer here:

3.7.3: Proposal 3 - Credit investment

56 Do you agree with the proposed principles for credit investment?

Do not know

Please provide any explanation for your answer here:

Part 3.8: Reporting, evaluation, and monitoring

3.8.1: At a project level

57 Do the above project-level management, monitoring, enforcement, and reporting proposals seem sufficient, achievable, and not overly burdensome on practitioners, developers, or planning authorities?

Yes

Please provide any explanation for your answer here:

58 Do you think earned recognition has potential to help focus enforcement and scrutiny of biodiversity net gain assessments, reporting and monitoring?

Yes (please explain why this would help)

Please provide any explanation for your answer here:

3.8.2: At a policy level

59 Do the above proposals for policy-level reporting, evaluation and enforcement seem sufficient and achievable?

Yes

Please provide any explanation for your answer here:

60 Considering the data requirements set out above and in greater detail in Annex C:

Yes (please describe the data and explain the reasons for your view)

Please provide any explanation for your answer here:

Soundscape quality and potential for improvement and cross-over with air pollution improvements.

No

Please provide any explanation for your answer here:

Annex A: Other policies and objectives which interact with biodiversity net gain

Annex B: Biodiversity gain plan template (working draft)

Annex C: Reporting requirements

Glossary

Consultee feedback on the online survey

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

Satisfied

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

It was ok to use , but long.