

## **A Biodiversity Metric for Scotland's Planning System – Key Issues Consultation**

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

#### **a) Do you agree with the issue(s) identified?**

Yes.

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

The Institute acknowledges that there are pre-existing issues in the planning system. We recognise that Biodiversity Net Gain is being developed alongside planning reforms and related nature policies such as National Planning Policy 4. However, there are existing challenges within planning processes that will be obstacles to delivering Biodiversity Net Gain on the ground. There is already a lack of appropriate resources for delivery and enforcement, which could undermine the influence of Biodiversity Net Gain on development, while developers who are well-resourced and less scrupulous can play the system (for example by clearing a site before applying for planning permission). Related to this resourcing issue is a serious lack in many local authorities of the professional skills that will be needed to assess Biodiversity Net Gain submissions.

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

As the Royal Chartered body for tree professionals, we are all too aware of the shortage of appropriately qualified staff working with trees in local authorities and the pressures on those who are. The technical supplement of the English metric states that 'a competent person must carry out the habitat survey and condition assessment'. This does not go far enough and needs to be defined. Trees and woodland must be assessed by a qualified forester or arboriculturist. This point has been supported by many of our members who share our concerns. Professionals in one field should not carry out work which is outside their professional competencies, as our fellow professional bodies will attest.

### **3. The habitat classification system**

#### **a) Do you agree with the issue(s) identified?**

Yes.

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

There is a fundamental flaw in the inability to record species or amend its biodiversity. It should be recognised that the Condition Assessment Criteria currently used in England, means that most urban trees will be assessed as "moderate" or "poor", which is likely to go against the species diversity and resilience required for climate adaptation. For example, gardens and other areas populated with non-native species are often rich in biodiversity as well as being increasingly needed as we adapt to a future climate.

Defining the urban Tree Habitat Description (identifying ‘individual trees’, ‘perimeter blocks’ and ‘linear blocks’) risks many trees being missed, for example individual trees with touching canopies or groups of trees not part of a linear feature or perimeter. This will likely cause uncertainty about which trees to include, or trees being missed from an assessment entirely.

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

We recommend for Priority Habitat conflict either the use of a biodiversity measurement such as Simpson index and Shannon-Wiener index or the use of modified Biodiversity Net Gain 3 data as this better compares the outcome, irrespective of financial considerations or time to target. This approach would then highlight Natural Capital evaluation at a policy making level, to inform frontline decisions.

#### **4. Irreplaceable Habitats**

**a) Do you agree with the issue(s) identified?**

Yes.

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

In Scotland consideration needs to be given to the definition of irreplaceable habitats. We would like further consideration to be given to veteran and individual trees. It is important to note that ancient woodland and veteran trees are classed as irreplaceable habitats in England and therefore fall outside of the Biodiversity Net Gain calculations. If impacted, they require bespoke compensation as agreed with Local Planning Authority and statutory consultees.

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

It needs to be appreciated that the value of veteran trees cannot simply be replaced by hectares of woodland creation. This may require commitment to another form of management, such as bringing an area of neglected woodland back into management or restoring old hedgerows. There is more to Biodiversity Net Gain than just replacing one habitat with another. Improving the condition of declining habitats elsewhere might be just as - or more - important.

#### **5. Habitat Distinctiveness**

**a) Do you agree with the issue(s) identified?**

Yes. We have heard from ecologists that acid grassland for example should not be given such a high distinctiveness score in Scotland compared with scarcer woodland and scrub which would ultimately colonise these habitats in the absence of grazing pressure. There are Scottish-specific distinctive habitats not reflected in the Defra metric such as Caledonian pine forest.

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

Arguably, some difficulties with the English metric include how data is recorded on site versus what needs to be entered into the metric. The habitats which can be entered into the metric do not fully align to UK habitat types.



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

We believe that Scotland could implement a better system that accords appropriate values to the potential biodiversity of individual tree species, in addition to actualisation. This data is currently collected by recognised tree professionals for individual trees and groups under BS5837 and could be used and implemented to provide recognition for the societal benefits for trees within urban and peri-urban areas.

## **6. Habitat Condition**

**a) Do you agree with the issue(s) identified?**

No. We do not agree that cropland habitats should automatically be assigned poor condition. There is a huge difference in biodiversity value between, for example, an arable farm utilising cover crops, grazing and multi-year rotations to build soil and invertebrate diversity, or a conifer crop with high structural diversity, species mixture and deadwood, versus alternatives. Biodiversity credits could provide transformational funding to enable land managers to lead change on large areas of productive land and change the preconception that production and biodiversity are an 'either/ or' and competing for space. We agree that looking at species-based interventions such as nest sites is important.

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

There is some pessimism surrounding the onset of Biodiversity Net Gain being designed for Town and Country Planning Act planning applications, with little to no consideration for the incorporation of woodland creation projects and the 30-year discounting of the distinctiveness score, unsanctioned by Forest Services. Some forest managers are of the opinion that the Biodiversity Net Gain metric is valueless for standalone woodland creation projects, due to its inbuilt bias. Therefore, we have concerns about the quality of the tools proposed to produce and assess Biodiversity Net Gain data, notably the metric. So far this does not provide a robust approach for trees or woodland habitats that effectively assesses their value. The small sites metric does not include trees or woodlands (as an area assessment).

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

There are existing measures of good practice which can be used to easily measure condition of habitats – for example the Forest Research Woodland Ecological Condition measures apply as well to productive as to native woodland. Additionally, in the context of urban forestry and arboriculture, the crown spread formula would be a more logical and meaningful metric for key tree habitat rather than stem diameter or Root Protection Area formula. We recommend branding the initial metric as a two-part Biodiversity metric, consisting of a Habitat metric and a Wildlife metric. This would allow for complementary data to be analysed and monitored, such as eDNA sampling.

## **7. Strategic Significance**

**a) Do you agree with the issue(s) identified?**

Yes. A review of which Scottish strategies are relevant to assessing strategic significance would be useful, both to guide project development and to focus future development of those strategies.



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

We recognise that an integrated approach is needed. As in all policy development there is a need for an integrated approach to delivery. Biodiversity Net Gain proposals must be considered alongside and connected to other strategic goals and policies, including climate change mitigation, flood alleviation and ‘levelling up’. There are a huge number of interrelated policies and consultations under development currently, for example environmental targets and nature recovery, and Biodiversity Net Gain must align with them.

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

All policies relating to biodiversity need to be properly integrated. However, while the Biodiversity Net Gain policy itself focusses on habitat, real-world decisions depend on many factors; in terms of land use decisions the productivity of the land must also be considered.

## **8. Technical Difficulty Risk Factor**

**a) Do you agree with the issue(s) identified?**

Yes.

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

We note that currently, the metric provides only a small enhancement to value for strategic importance (maximum +15%), ignoring the importance of populations of individual trees and how their species mix extends adjacent habitats. Our members have commented that the temporal multipliers for proposed trees are unexplained and, although the concept is sound, the weighting towards immediate gains is unrealistic.

Overall, an important additional risk factor which is missing from the English metric is Leakage Risk Factor. Taking cropland out of production to create low-distinctiveness biodiversity habitat could have a detrimental effect on biodiversity if this were to push production onto irreplaceable habitat globally. The metric should quantify this by looking at quantity of crop produced, trends in global demand, and risk of biodiversity damage elsewhere due to displaced production.

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

We would recommend using intuitiveness with the development of this system. Native trees should be scored highly. There are only about 30 native species in Scotland, with circa. 40 species being officially recognised as naturalised. These could then be classified according to whether within native range, within wider nature, native, naturalised non-invasive, ornamental, invasive.

## **9. Temporal Risk Factor**

**a) Do you agree with the issue(s) identified?**

Yes.



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

The English metric either does not cater for habitats common in Scotland or does not allow for their local importance (‘distinctiveness’ or strategic importance’ scores) to be edited. Concern has been raised by our members around the use of spatial data sets to define and identify irreplaceable habitats.

Furthermore, our members feel that the system severely disadvantages any habitat justification for woodland creation, based on the inbuilt discounting factor of 3.5% and assumed times to target is not comparing just the habitat loss or gain. By removing the time to target, a level playing field will be produced.

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

Our members recommend a temporal multiplier for individual trees, since these change over time in size and condition and their innate, supporting and condition, leading to changes to biodiversity. They may also die naturally within the assumed 30-year period of assessment. Our members recommend that the scope spans further than just planning and encompasses other opportunities, such as assessment of Natural Capital. We recommend refining the system to make it as simple as possible – systems such as Excel are useful tools.

## **10. Spatial Risk Factor**

**a) Do you agree with the issue(s) identified?**

Yes. Our members have commented that a spatial multiplier could be detrimental as it would reallocate investment away from distinctive and high-value habitats, given the current economic climate and area of high ecological value.

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

The Defra metric is already being used, in the absence of a Scottish metric, with the market creating a framework of rules. In this context, we would see the priority to develop the tool’s components first to ensure that a metric suitable for Scotland is being used; and develop issues around trading rules and peatland subsequently as these can usefully follow emergence of the market and the work of the Peatland Expert Advisory Group.

Furthermore, the long time to target for woodlands fails to recognise all the habitat creation benefits of the developing woodland as it is undergoing its establishment phase. The penalisation of lowland mixed deciduous woodland discourages attempts at optimal woodland creation and incentivises suboptimal design and implementation. The reality is that woodlands and trees start to provide a benefit much sooner than 30 years. In addition, habitats like meadow and scrub are transient and require a commitment to ongoing annual management or their biodiversity value decreases quickly.

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

Arguably there are technical issues proving problematic to the 30-year timeframe. It should be possible for Biodiversity Net Gain to be a permanent gain, and we suggest the option of a longer commitment with a mandatory review at 30 years.



## **11. Our approach to developing a Scottish Metric**

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

As with all policy development there is a need for an integrated approach to delivery. Biodiversity Net Gain proposals must be considered alongside and connected to other strategic goals and policies, including climate change mitigation, flood alleviation and 'levelling up'. There are a huge number of interrelated policies and consultations under development currently, for example environmental targets and nature recovery, and Biodiversity Net Gain must align with them. All policies relating to biodiversity need to be properly integrated. However, while the Biodiversity Net Gain policy itself focusses on habitat, real-world decisions depend on many factors; in terms of land-use decisions, the productivity of the land must also be considered. Land availability is a huge issue for developers, foresters, farmers and their affiliate sectors. The means of securing that land is also challenging - depending on the relevant legislative framework controlling development.

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

We have outlined some of the risks above about overlooking the benefits of trees and woodland and the skills required to deliver them, which we believe will undermine Biodiversity Net Gain's implementation, its positive impact on habitats and the broader government agenda on the climate and nature crises. It is essential that government engages meaningfully with the practitioners who will be expected to deliver this so that what is developed works in practice – only this way will it be successful and accepted. It will also require a steep learning curve, and everyone involved will need to understand their part in the process. As the professional body we will support our members to engage with Biodiversity Net Gain and upskill themselves accordingly. We welcome a conversation with Defra on the points raised above and on plans to communicate with the sector.