



**RTPI**

Royal Town Planning Institute

# Biodiversity Gain – applying a ‘one size fits all’ approach to minerals

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Presented by Kirsty Kirkham  
BSG Ecology

# The Environment Act – the biodiversity gain objective

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**‘The biodiversity gain objective is met in relation to development for which planning permission is granted if the biodiversity value attributable to the development exceeds the pre-development biodiversity value of the onsite habitat by at least the relevant percentage.’**

The Act legislates:

1. The delivery of biodiversity gain for all major developments under T&C Planning Act amendment for general pre-commencement (Grampian) condition.
2. Amendment to NERC Act 2006 to enhance s40 duty for public bodies
3. Use of a national biodiversity metric (V4.0) to measure biodiversity value changes before and after development.
4. At least 10% gain as a national threshold.
5. How to secure the gain using conservation covenants for a minimum period of 30 years or still use s106.
6. A new open market so that **offsite** biodiversity units or Government credits can be purchased and attached to a given development that cannot deliver their gain onsite.
7. A national Register to show **offsite** biodiversity units or Government credits accredited to a consented development.
8. Reporting requirements – submission, discharge of conditions, monitoring

# How biodiversity gain will be applied to minerals

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- ❖ ROMPs ‘should remain out of scope of BNG...use policy to support an approach based on appropriate ecological outcomes rather than % targets’
- ❖ S73 ‘...intend to only apply the [biodiversity gain] requirement to s73 applications where the original permission was granted after commencement of the mandatory BNG requirement.’
- ❖ Government will use policy and guidance for biodiversity gain, including value of habitats during operational life and engage further ‘with relevant sectors’
- ❖ Government will ‘...address concerns from the minerals industry about how BNG fits in with their sectors long development timelines...’

## The Oliver Response



Mark Lester as Oliver Twist © Starstills

# How biodiversity gain is being applied to minerals now

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- ❖ ROMPs biodiversity gain assessment requested
- ❖ S73 biodiversity gain assessment requested
- ❖ Value of habitats during operational life – temporary value is not recognised and penalties being applied to consented sites if have accidental baseline value that will be removed where a site or part of a site has re-vegetated
- ❖ How BNG fits in with their sector's long development timelines – consultees are advising that the timeline means that delay function should be applied or in principle having to wait too long for the biodiversity gain to be delivered
- ❖ Higher percentages being expected, including writing into Local Plan policy

## The Oliver Response



Mark Lester as Oliver Twist © Starstills

# Accidental baseline – low biodiversity value

## Current baseline



## Restoration outcome





# Accidental baseline – higher biodiversity value



# Extension application





# S73 applications + restoration schemes

For schemes  
consented after the  
mandate in force

10% plus 10% plus  
10%

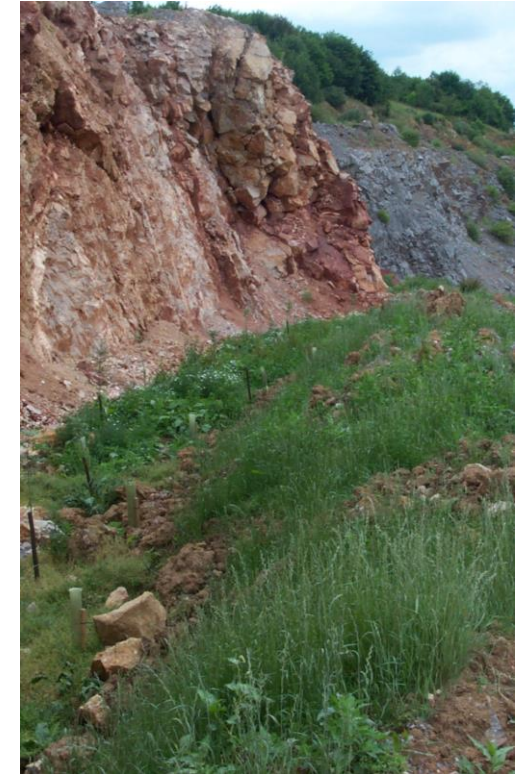
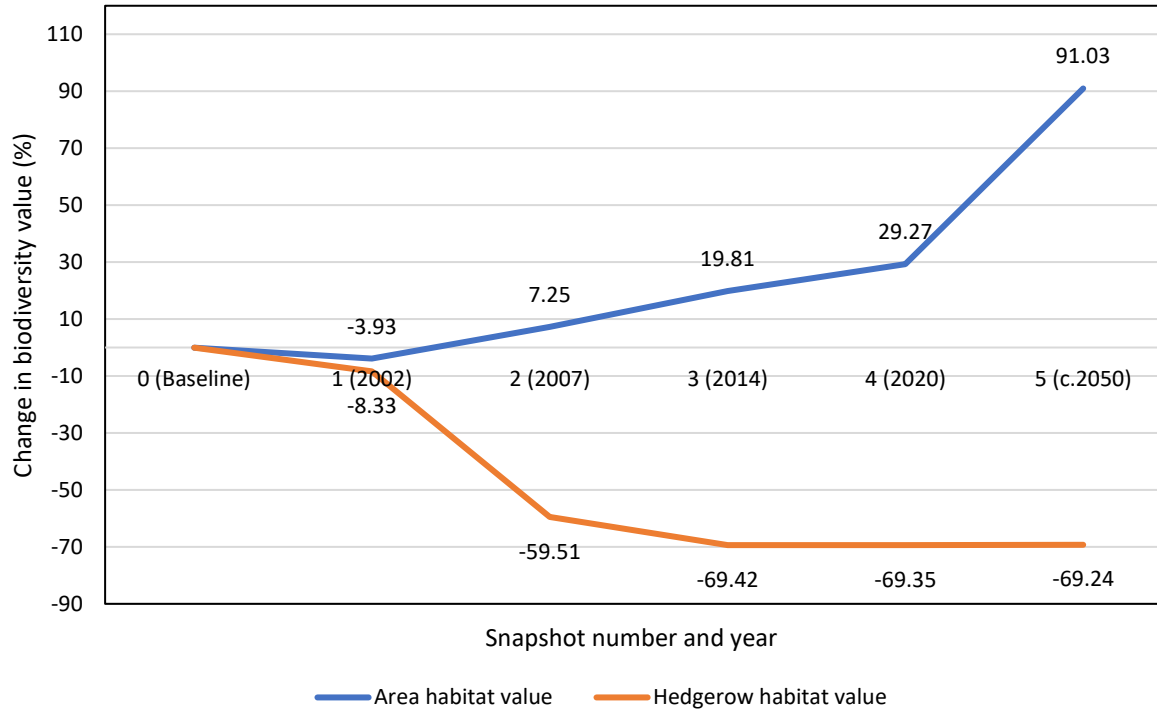
Don't delay!





# New quarry application

% Change in biodiversity units delivered per snapshot against baseline in 1996 and final restoration in 2050



- 1 It's not simple!
- 2 Communicate early and often
- 3 Collaborate not conflict based approach
- 4 Remember policy will still apply – let's not over complicate
- 5 Focus on biodiversity outcomes rather than metric muppetry

'Courage, kindness and never give up!'  
Bear Grylls



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# Thank you

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Kirsty Kirkham – BSG Ecology  
[k.kirkham@bsg-ecology.com](mailto:k.kirkham@bsg-ecology.com)