

## Defra Consultation on Metric 3.1

**BAA RESPONSE 23<sup>rd</sup> September 2022**

**Q1. Do you think that the spatial risk multiplier values need reconsidering to better incentivise high value off-site delivery?**

**Yes. The problem remains that minerals development is unique and totally different to other developments. We have repeatedly explained to Natural England, and to DEFRA, for several years that we should ideally have been totally excluded from BNG - or been subject to a very specific minerals related metric.**

For non-minerals, off-site gain is likely to be commonly employed, and deliver better biodiversity outcomes in many cases than on-site gain (enabling habitat creation and enhancement at larger scale in areas providing connectivity, and distant from effects that may adversely affect long-term gain eg disturbance.)

Restoration of mineral sites may provide off-site biodiversity gain for other developments. Experience and evidence from the industry demonstrates that high value and quality habitats can be delivered relatively easily and quickly on such sites.

**Q2. Do you think that providing guidance on considerations for what habitats can be typically achieved on-site would be helpful?**

**No.** Potential depends on the characteristics of each individual site. For minerals this will reflect the soils, topography, hydrology, and context (including reference to Local Nature Recovery Strategies and priorities), with restoration schemes informed by and already agreed with mineral planning authorities as part of the normal planning process.

**Q3. Do you have any suggestions for additional case studies that we should produce?**

**No.** Mineral extraction case studies were provided over a year ago for Defra but have not yet been published. They illustrate how the Metric may be

applied to properly reflect the unique characteristics of mineral extraction and the progressive changes in biodiversity value over the long lifetime of a quarry. These provide evidence that should inform any guidance being prepared on application of the Metric to mineral extraction.

**Q4. Do you agree with the described measures and proposals to help with applying the metric to minerals developments?**

**No.** The consultation document notes '*difficulties faced by minerals projects in accurately measuring biodiversity net gain. This is due to the nature of their phased approaches, unusual substrates, and long timescales*'. This underplays industry wider concerns with using BNG. The Metric, and the whole biodiversity gain approach, was not introduced to tackle any shortcomings in biodiversity delivery through minerals development. The mineral planning process and system has worked well over more than 50 years and continues to work well in delivering substantial and world-recognised biodiversity gain through pre-extraction works, site management, and restoration.

The way the Metric is already being applied dogmatically by some planning authorities is a concern, as the focus is on process rather than outcomes (in the absence of any guidance) and there is a very real danger that worse outcomes will be achieved than through the normal pre-Metric mineral planning process.

'Rule 6' of the User Guide that deviations from the Metric can be made based on professional judgement must be given more weight for mineral extraction developments to help address these concerns - the Metric outcomes are only intended to inform the process and decisions. We have consistently highlighted that several of the values in the Metric do not appear appropriate for, or based on evidence from, experience and practice over many years of habitat creation and enhancement achieved on mineral extraction sites, particularly through their restoration.

The proposal for specific guidance and flexibility in deciding and agreeing appropriate multipliers is welcomed although the reference to 'allow for multiple stages of metric submissions' really refers to the need to measure and account to be taken of progressive gain over long lifetime of mineral extraction development and restoration.

We recommend that the 'Principles' that have been prepared by the MPA, BAA and CBI Minerals Group and shared with Defra, NE and DLUHC, should inform any such guidance. However, we maintain that the Metric tool itself needs to include values that are appropriate for mineral extraction, as 'guidance' may be ignored or not given weight in decision-making. This could be achieved by incorporating a separate worksheet with specific values for mineral extraction in the Metric tool, or through providing flexibility for adjustment/moderation of outcome results to reflect the relative ease and speed of creation and/or enhancement on mineral extraction sites.

**Q5. Are there any improvements you would make to the following components of biodiversity metric 3.1 in the short-term, regarding in terms of user-friendliness, simplicity or function?**

- a) The metric calculation and tool (the spreadsheet, values, and calculations)

We recommend that several of the '*Time to Target*' and '*Difficulty of creation/enhancement*' values are reduced to reflect real-world experience of habitat creation on mineral extraction sites. Creation and enhancement of a number of habitats is demonstrably quicker and simpler on mineral extraction sites due to the specific conditions and characteristic ie soils, hydrology, topography and practical measures such as experience, availability of machinery, and long-standing partnerships with environmental NGOs.

- b) user guide (including the rules and principles for using the metric)

Should include guidance on application of the Metric for mineral extraction sites (as Q4 above).

(e) case studies

While Natural England has attempted to produce these in a standard format, this has resulted in long delays in publishing the minerals case studies provided by the industry, perhaps again emphasising the differences

between mineral extraction and other types of development. There will be a trade-off between simplicity and capturing enough detail to be of most value.

**Q6. Do you think there are other biodiversity metrics that should be considered alongside biodiversity metric 3.1 for measuring mandatory biodiversity net gain?**

**Yes.** A specific metric for mineral extraction development incorporating values and multipliers that properly reflect the unique characteristics and opportunities of mineral extraction & site restoration (T&CPA 1990). This is required in order that planning authorities do not apply the Metric in an unreasonable and disproportionate way to minerals development by not properly reflecting the long lifetime and progressive gain achieved by mineral extraction and restoration, the relatively low risk of delivering >10% gain, and a focus on outcomes (already achieved prior to BNG requirements)

**Q8. Do you think that metric users should be required to attend a verified training course or be accredited before completing the calculation? Explain why and what these should cover**

**No.** Professional ecologists, with CIEEM membership, should be deemed to be appropriately qualified to use the Metric and importantly to apply their professional judgement. Accreditation would create a *closed-shop* of trainers and consultants and would undoubtedly result in additional cost to applicants as well as the consultants themselves. We understand that accreditation is already being required for application of the rivers and streams with availability on the course (being provided only by the consultants that developed this part of the Metric) being limited and expensive. These additional costs are particularly unwelcome to SME companies like BAA members - and also during these difficult times of high inflation and cost pressures on the industry.