

## Written evidence from the Institute of Environmental Management and Assessment on Department for Environment, Food and Rural Affairs Consultation on Biodiversity Net Gain Regulations and Implementation

### About IEMA

IEMA is the professional body for those people working in environmental management and in corporate sustainability roles. IEMA's growing membership of over 18,000 professionals work at the interface between organisations, the environment and society in a range of critical roles (for example from sustainability directors through to climate change leads and in consultancy and advisory roles). We also work with a range of corporate partners. Our professional members are active across all sectors in the UK, for example from construction and manufacturing through to logistics, facilities, and across financial, retail, food, consultancy and the wider service and public sector.

### Executive summary

IEMA has been actively engaged in the development of biodiversity net gain (BNG) policy and practice over a number of years and has published key principles and practical guidance jointly with CIEEM (Chartered Institute of Ecology and Environmental Management) and CIRIA (Construction Industry Research and Information Association). This response builds on our prior experience, and from two workshops with IEMA members. Workshop attendees included ecology, environmental, biodiversity, natural capital and sustainability professionals working in sectors including housebuilding, consulting, local authorities, forestry, agriculture and infrastructure.

Our response covers many but not all questions. The questions are numbered according to the consultation document.

IEMA welcomes and supports: the plans for BNG in the planning system; the use of the mitigation hierarchy; and that BNG cannot be achieved if removing irreplaceable habitats. IEMA recommends that upon implementation, Defra work with businesses/projects to 'strength test' the process and immediately 'fix' any issues to ensure support and effective implementation.

The submission recommends that:

- For the successful implementation of BNG in the planning system it will be essential to have effective monitoring and enforcement and have the relevant resources available to do this, alongside upskilling and training, especially for Local Authorities.
- The regulations and guidance for implementation avoids complexity and be kept consistent as far as possible to avoid confusion and to ensure correct implementation, and to avoid loopholes.
- There is no de minimis and to make at least 10% BNG applicable for all sizes of projects that will be undertaking BNG, and implementation times to be as similar as possible.
- On-site gains are collected on the same register as off-site gains to allow on-site compensation to be monitored to ensure BNG is achieved. Using the same register for

both will promote consistency, mean less complexity and avoid loopholes being exploited.

- The BNG plan includes: guidance for users that contains an example plan; how the plan fits with local nature recovery strategies; competency of a named individual to deliver the plan; the management and the maintenance needed to deliver of net gain; that assumptions and limitations be included in the plan as compulsory; and that habitat management plans be in the same format as the plan.
- A mandatory review for on-site and off-site compensation and credits after 30 years to stretch ambition and allow developers or credit owners to go beyond 30 years.

### Question 1a

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

**a) for area-based habitat: [Yes (which of the following thresholds do you think is most appropriate: 2m<sup>2</sup>, 5m<sup>2</sup>, 10m<sup>2</sup>, 20m<sup>2</sup>, 50m<sup>2</sup>, other threshold – please specify) / No (please explain why not) / Do not know]**

IEMA recommends that there is no de minimis. Opportunities for small areas to create gain will be missed because they are not included. The accumulation of missed opportunities through a large number of small sites being excluded will have a cumulative impact. This is particularly relevant to urban environments where possible improvements to nature might not happen because the space could be considered too small and exempt.

There must be at least 10% net gain for all sizes of development except householder applications (because this would be too complex), and on designated sites and irreplaceable habitat (because they are protected under other legislation). Having a consistent figure of at least 10% as a requirement and a minimum number of exemptions will create consistency and reduce complexity (make things simpler) and therefore be easier to follow for developers, ecologists and Local Authorities and it should reduce and avoid loopholes.

### Question 1b

**b) for linear habitat (hedgerows, lines of trees, and watercourses): [Yes (which of the following thresholds you think is most appropriate: 2m, 5m, 10m, 20m, 50m, other threshold – please specify) / No (please explain why not) / Do not know]**

– as per 1a there should be no minimum threshold - there may be a veteran tree or hedgerow with significant biodiversity.

### Question 2

**Do you agree with our proposal to exempt householder applications from the biodiversity net gain requirement? [Yes / No (please explain why not) / Other (please tell us more) / Do not know]**

IEMA agrees with the proposal to exempt householder applications noting that there should be other mechanisms in place to reduce/halt biodiversity impacts and create biodiversity gains.

**Question 5**

**Do you think self-builds and custom housebuilding developments should be exempt from the mandatory net gain requirement? [Yes (please explain why) / No (please explain why not) / Other (please tell us more) / Do not know]**

IEMA recommends that there should not be exemptions for self-builds and custom housebuilding. Self-builds and custom housebuilding can be large sites with opportunities for biodiversity gain. They will have impacts and opportunities regardless of size. They may have hedgerow, veteran trees and small opportunities missed to improve nature can be cumulative. If a minimum of 10% BNG is consistent across as many development sites as possible then following regulations will be easier for ecologists, Local Authorities and developers.

**Question 6**

**Do you agree with our proposal not to exempt brownfield sites, based on the rationale set out above? [Yes / No (please explain why not) / Other (please tell us more) / Do not know]**

IEMA agrees with the proposal not to exempt brownfield sites because they can have their own important biodiversity and having at least 10% for everybody creates simplicity, consistency and prevents loopholes.

**Question 7**

**Do you agree with our proposal not to exempt temporary applications from the biodiversity net gain requirement? [Yes / No (please explain why not) / Other (please tell us more) / Do not know]**

Yes, IEMA agrees not to exempt temporary applications – there should be as few exemptions as possible for consistency and to avoid loopholes.

**Question 10**

**Do you agree with our proposal not to exempt development within statutory designated sites for nature conservation from the biodiversity gain requirement? [Yes / No (please explain why not) / Other (please tell us more) / Do not know]**

‘Biodiversity net gain. Good practice principles for development. A guide’ was created in 2019 by IEMA, CIEEM and CIRIA. It recommends that any impacts on statutory designated sites should be addressed as fully as possible. BNG should not apply to designated sites because they should already be protected by other legislations.<sup>1</sup>

**Question 11**

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<sup>1</sup> [Biodiversity net gain. Good practice principles for development. A practical guide \(iema.net\)](https://www.iema.net/biodiversity-net-gain-good-practice-principles-for-development-a-practical-guide)

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

**Question 11a**

**The exclusion of such development from the quantitative mandatory biodiversity gain objective? [Yes / No (please explain why not) / Do not know]**

IEMA agrees with the exclusion of such developments on irreplaceable habitat from the quantitative mandatory biodiversity gain objective. IEMA agrees to use secondary legislation to remove development, or component parts of development, on irreplaceable habitats from the scope of the requirement for 10% BNG as per the 2019 paper produced by IEAM, CIEEM and CIRIA (see footnote 1) which states that impacts on irreplaceable habitats should be avoided where possible and any impacts addressed as fully as possible using the mitigation hierarchy. IEMA took part in the development of BS 8683 which states that irreplaceable habitats cannot be included in any BNG calculation and this is something that IEMA strongly supported. This guidance must not replace the National Planning Policy Framework's instruction to refuse development in loss or deterioration of irreplaceable habitats unless there are wholly exceptional reasons.

**Question 11b**

**The inclusion of a requirement to submit a version of a biodiversity gain plan for development (or component parts of a development) on irreplaceable habitats to increase proposal transparency?[Yes / No (please explain why not) / Do not know]**

IEMA agrees with the inclusion of a requirement to submit a version of the biodiversity gain plan for development (or component parts of a development) on irreplaceable habitats to increase proposal transparency. This should provide a transparent record with evidence of how the developer applied the mitigation hierarchy, and decisions and assumptions made.

**Question 11c**

**Where there are no negative impacts to irreplaceable habitat, to allow use of the biodiversity metric to calculate the value of enhancements of irreplaceable habitat? [Yes / No (please explain why not) / Do not know]**

IEMA agrees that where there are no negative impacts to irreplaceable habitat, to allow use of the Biodiversity Metric to calculate the value of enhancements of irreplaceable habitat. However, because the Biodiversity Metric masks issues around fragmentation and connectivity then although irreplaceable habitat may not be affected, surrounding areas may have an effect on them and that this must be 'built in' to consideration of 'no negative impacts'.

**Question 11d**

**To use the powers in biodiversity net gain legislation to set out a definition of irreplaceable habitat, which would be supported by guidance on interpretation? [Yes / No (please explain why not) / Do not know]**

IEMA agrees: however, this new definition should align with definitions commonly in use. IEMA draws attention to the IEMA guidance document 'Biodiversity net gain. Good practice principles for

development. A practical guide.’ produced by IEMA, CIRIA and CIEEM. See page 129 which sets out ‘what is an irreplaceable habitat’ :‘Irreplaceable habitat is habitat that, once lost, cannot be recreated elsewhere, within a reasonable timeframe. Ancient woodland, active peatland and limestone pavements are widely accepted as examples of irreplaceable habitats.’ (See footnote 1.)

**Question 11e**

**The provision of guidance on what constitutes irreplaceable habitat to support the formation of bespoke compensation agreements?**

**[Yes / No (please explain why not) / Do not know]**

IEMA supports the need for bespoke compensation agreements and stronger demonstration of the mitigation hierarchy being used and that irreplaceable habitats are impacted only because there are no other alternatives possible. IEMA notes that there is no reference as to quality of the ‘bespoke compensation’ being higher or lower than that it would be replacing, and therefore would push back to the current legislation. We recommend that wording is strengthened here to ensure a quality outcome.

The Biodiversity Metric does not allow for a unit value for irreplaceable habitats and so it must be mandatory to use a recognised metric and that the developer transparently captures the impacts on the affected irreplaceable habitat in detail to facilitate decision making.

This guidance must not replace the National Planning Policy Framework’s instruction to refuse development in loss or deterioration of irreplaceable habitats unless there are wholly exceptional reasons.

**Question 12**

**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 / No (please explain why not) / Do not know]**

IEMA supports the approval of a biodiversity gain plan for all phases of development before commencement of the entire project, as well as prior to each phase.

The delivery of biodiversity gain must be captured, monitored and delivered at each stage. An IEMA member highlighted an example of a phased development where net gain was constantly pushed back to the ‘next’ phase of development, within a 35-year development. Although anecdotal, this is a potential loophole that should be addressed. There should be a mechanism to ensure that the full biodiversity gain allocated to each stage takes place within each stage, unless there is an exceptional reason (such as a better opportunity for biodiversity gain has arisen). There should be some flexibility for developers as plans invariably change, and there should be a mechanism to demonstrate how changes affect the original biodiversity gain plans and that they too are adjusted to ensure compliance.

The timescales for phased development can be long (see example above) and ecological data is only valid for a maximum of two years (can be one year). On this basis, effective monitoring and enforcement (and related resources) are required, alongside requirements for time limits for ecological data in the BNG plan overall and in individually phased plans.

Front loading at each stage should be encouraged but it is important to note that it can create cashflow issues for developers and sometimes the biodiversity benefit can be greater if created later in the development.

**Question 14**

**Do you agree that a small sites metric might help to reduce any time and cost burdens introduced by the biodiversity gain condition? [Yes / No (please explain why not) / Other (please tell us more) / Do not know]**

IEMA agrees that a small sites metric might help to reduce time and cost burdens introduced by the biodiversity gain condition, noting that there will be developments which will be borderline, specifically in the case of larger developments and that when to use the small sites metric or the full Biodiversity Metric must be clear for users to avoid confusion but also to avoid loopholes.

**Question 15**

**Do you think a slightly extended transition period for small sites beyond the general 2- year period would be appropriate and helpful? [Yes, a 12-month extension (please explain why) / Yes, a 6-month extension (please explain why) / No (please explain why not) / Other (please tell us more) / Do not know]**

If there were a transition period then it should not be longer than six months because there will be time needed to bed in major developments and larger schemes.

IEMA believes that small sites must also have a net gain requirement of at least 10%. As per above, consistency will aid understanding and compliance, and avoid loopholes and manipulation of information, especially for larger sites.

**Question 18**

**Do you agree that the given approach is appropriate for setting out the biodiversity net gain requirement for NSIPs? [Yes (please explain why) / No (please explain why not) / Other (please tell us more) / Do not know]**

IEMA supports at least 10% net gain for Nationally Significant Infrastructure Projects (NSIPs) because of the larger impacts that they potentially have. A consistent approach to the amount of net gain required will reduce complexity for developers and planners and support effective implementation.

**Question 19**

**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) / No, it should be later (please provide any supporting evidence or justification) / No, it should be sooner (please provide any supporting evidence or justification) / Do not know]**

IEMA recommends that NSIPs are subject to BNG at the earliest opportunity, at the very latest by 2025 but not later than this.

**Question 20**

**Do you agree that a project's acceptance for examination is a suitable threshold upon which to set transition arrangements? [Yes (please explain why) / No (please explain why not) / Do not know]**

IEMA agrees that a project's acceptance for examination is a suitable threshold upon which to set transition arrangements. Project developers should be encouraged to seek guidance from Local Authorities in the scoping phases.

**Question 21**

**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) / No (please explain why not) / Do not know]**

IEMA supports using a register for enhancements of existing land-holdings but the registration process must be the same as per off-site compensation because the same register with the same requirements will allow for consistency, and less complexity and loopholes.

IEMA believes that the use of existing landholdings can be beneficial where: landholdings can provide equivalent or better opportunities for net gain; net gain is not entirely created on other landholdings; the use of other landholdings continues to be after the application of the mitigation hierarchy on the affected site; the other landholdings are within close proximity (i.e. should be as close as possible to the affected site); and all opportunities to achieve biodiversity gain on the affected site have been exhausted.

**Question 22**

**Do you consider that this broad 'biodiversity gain plan' approach would work in relation to NSIPs? Yes / No (please explain why not) / Do not know]**

IEMA agrees that this broad 'biodiversity gain plan' approach would work in relation to NSIPs and would provide a consistent approach across developments creating less complexity for developers and planners.

**Question 25**

**Do you think that 30 years is an appropriate minimum duration for securing off-site biodiversity gains allocated to NSIPs? [Yes / Yes, but it should be reviewed after practice and biodiversity gain markets are evaluated / No, it should be longer / No, it should be shorter / Do not know]**

IEMA agrees that 30 years is an appropriate minimum duration for securing off-site biodiversity gains allocated to NSIPs and that this offers the ability to create a boundary to support measurement over a certain period of time. However, it might be that developments or NSIPs themselves choose a longer timeline (eg. in perpetuity). It might be there are examples where Local Authorities want to see a longer timeline.

IEMA proposes a mandatory review for NSIPs and all developments after 30 years with a view to the creation of a revised and updated plan where appropriate/requested/agreed/necessary (noting that the biodiversity gain should have already reached its 10% minimum gain by this time). This will allow the 30-year plan to be reviewed (did it achieve at least 10% net gain) and it will also allow a framework within which longer or extended or 'in perpetuity' targets can be undertaken (and subsequently reviewed). If this were put into place, then IEMA proposes that NSIPs have an extended duration for securing BNG for the lifetime of the NSIP.

**Question 26**

**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) / Yes, to manage impacts of compulsory acquisition (please explain what is needed) / Yes, both (please explain what is needed) / No / Do not know]**

IEMA agrees that compulsory acquisition for net gain is acceptable but only if it is in the public interest to do so and not just in order to achieve net gain. There needs to be a clear mechanism to transparently set out the benefits of the compulsory acquisition to the public in the BNG Plan along with information on what the benefits might be.

**Question 28a**

**Do you agree with the proposed content of the biodiversity gain information and biodiversity gain plan? [Yes / No (please explain why not) / Other (please tell us more) Do not know]**

IEMA agrees with the proposed content and recommends that:

- Guidance is created for developers and planners on what is expected to be included in the Plan, perhaps with a list of 'this is what you might include' for each section. Also a 'good practice' example.
- Smaller/shorter plans are created for smaller developments.
- The plan must include not just the management but also the maintenance plans for habitat in the short and long term.
- The plan must include/name a competent person within the organisation who will deliver the Plan and their competency to do so.
- Habitat management plans are in the same format.
- The Plan should include information on how it links to Local Nature Recovery Strategies (not just a reference to how they have informed the plan).
- Assumptions and limitations in section '1' of the Plan should be compulsory because it will support the Local Authority in their decision making.

**Question 28b**



**Do you agree with the proposed procedure for the submission and approval of biodiversity gain information and the biodiversity gain plan? [Yes / No (please explain why not) / Other (please tell us more) Do not know]**

IEMA broadly agrees with the proposals, but we think that the BNG plan should not be submitted after planning permission is granted because Local Authorities will need to know if the developer has considered the mitigation hierarchy, any impacts on irreplaceable habitats and statutory designated land, and if the development can meet its BNG requirements for approval. Advanced modelling and estimates can be submitted before approval and can be updated and changed. Any post-approval updates and changes should be reported to the Local Authority.

**Question 29**

**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? [Yes / 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?) / Other (please tell us more) / Do not know]**

IEMA agrees with the proposed information to be included in a biodiversity gain plan as shown in the draft template, noting the points raised in Question 28a.

**Question 30**

**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) / No / Do not know]**

IEMA recommends that further guidance and education is needed to support ecologists, developers and planners to implement BNG and that the resources to carry out the proposals in this consultation effectively are made available.

IEMA recommends that in the urban environment, gains should be on-site except in exceptional circumstances and thereafter as close as possible within the urban area in accordance with the proximity principle. This is because IEMA is concerned that off-site land can in some cases be cheaper in, for example, Lincolnshire than, for example, London and this has the potential to leave some urban environments where land is more expensive having its biodiversity diminished and not replaced.

IEMA supports off-site biodiversity gain as being a final resort after the mitigation hierarchy and on-site gain. There is research showing that because on-site gain is not monitored, it will fail (whereas if off-site gain is monitored it's more likely to be successful)<sup>2</sup>. IEMA recommends that on-site gain is added to a 'register' alongside the register proposed for off-set compensation and NSIPs and is monitored and reported upon in the same way. IEMA recognises that for this to be effective it would need to be adequately resourced. Having the same registration process and monitoring and

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<sup>2</sup> [Exploring the ecological outcomes of mandatory Biodiversity Net Gain using evidence from early-adopter jurisdictions in England - Kent Academic Repository](#)

reporting for on-site and off-site reduced complexity and creates consistency. Related to this, there must be robust guidance on the definition of 'local' in relation to compensation delivery.

Other factors to be considered in off-site gain is any link to Local Nature Recovery Strategies (LNRS) because in some circumstances such as links to LNRSs, off-site may be a better option than on-site.

**Question 31**

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

See above comment on NSIPs in question 25. IEMA understands the need for a 30-year boundary. However, this may limit and discourage going further. IEMA proposes a mandatory 30-year review which allows a revised/renewed plan to be created to ensure biodiversity security for longer.

**Question 33**

**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 / No (please explain why not) / Other (please tell us more) / Do not know]**

IEMA recommends that developers should be able to sell excess biodiversity units where it is beneficial to keeping the biodiversity gain locally. For example, where there are several developers in the same locality and some with more land to deliver biodiversity gain than others. The credit that is being sold must, however, be already created rather than being created in the future of the development. Excess credits that are sold must be independently verified and approved by the Local Authority.

**Question 34**

**Do you agree with the proposed scope of the UK Government's role in facilitating the market, as set out above? [Yes / No (please explain why not) / Other (please tell us more) / Do not know]**

IEMA broadly agrees with the proposed scope of the UK Government's role in facilitating the market, as set out. IEMA would like to see more information on good practice around selling and buying biodiversity units – how can 'hoarding' be avoided, either hoarding by the owners while waiting for prices to become higher or hoarding by the purchaser who may purchase many biodiversity units for future use while prices are low.

**Question 35**

**Are the proposals outlined here sufficient to enable and encourage habitat banking? [Yes / No (please specify what else could be done and why it is needed) / Do not know]**

IEMA agrees that the proposals outlined here are sufficient to enable and encourage habitat banking.

See above comment on question 25 and question 31. IEMA understands the need for a 30-year boundary however this may limit and discourage going further. IEMA proposes a mandatory 30-year

review for land within habitat banks as we have suggested above for developments and NSIPs which allows a revised/renewed plan to be created to ensure biodiversity security for longer.

**Question 36**

**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 / Yes, but not this specific date (please suggest an alternative date and explain your choice) / No (please explain why not) / Do not know]**

IEMA agrees with the proposal that to be eligible to supply biodiversity units for mandatory BNG, habitats must be created or enhanced on or after a specified date, proposed to be 30 January 2020. However, IEMA recommends that the period of 30 years should be measured from when the site is being used as part of a net gain commitment (this mirrors the Oxford Offsetting Principles).

**Question 37**

**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 limit should be) / No / Do not know]**

Regardless of the time limit, ecological data may only remain up to date for one or two years and so it is important that the biological diversity of the unit is checked to ensure it remains unchanged between the biodiversity unit being banked and it being allocated to a development if the time between is longer than one or two years

**Question 38**

**Do you agree that the eligibility criteria for adding sites to the biodiversity gain site register are sufficient? [Yes / No (please explain which additional criteria should be included or which existing criteria should be excluded, and your reasons for this) / Do not know]**

IEMA agrees that the eligibility criteria for adding sites to the biodiversity gain site register are sufficient. However, IEMA recommends that the period of 30 years should be measured from when the site is being used as part of a net gain commitment.

**Question 39**

**Do you agree that the register operator should determine an application within a maximum of 28 days unless otherwise agreed between both parties? [Yes / No (please explain why not) / Do not know]**

IEMA agrees that the register operator should determine an application within a maximum of 28 days unless otherwise agreed between both parties so long as resources are allocated to facilitate this.

**Question 42b**

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

**b) impose financial penalties for provision of false or misleading information? [Yes / No (please explain why not) / Other (please tell us more) / Do not know]**

IEMA supports imposing financial penalties for provision of false or misleading information. However, IEMA recommend that 'intent' be taken into account especially in early stages where there will be inexperience and unknowns that may lead to mistakes.

IEMA members asked what would happen if the net gain is not delivered and that there should be a robust and actionable process for this.

**Question 45**

**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 / No, only A (non-designated features or areas of statutory protected sites) should be eligible / No, only B (local wildlife sites and local nature reserves) should be eligible / No, neither should be eligible / Other (please tell us more) / Do not know]**

IEMA supports options A and B, subject to an important condition being met. IEMA believes that it should not be possible to use credits to apply to a protected site to enhance it unless it, unless it is in a favourable state (that is, they should not replace effective management plans that should already be in place). IEMA also notes that if introduced, this will create two processes for management on one site and again, there must be a straightforward and transparent process for reporting in place. Any biodiversity gain applied to a protected site must be able to demonstrate additionality with a clear process and transparent reporting. Further, the biodiversity gain must 'fit' with the conservation objectives of the site.

**Question 47**

**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 / No (please explain why not) / Other (please tell us more) / Do not know]**

IEMA supports stacking and the benefits it can bring including incentivizing land owners, but also recommends robust guidance on how to measure the benefits attributed to the different aspects of the stack noting that there is a potential for overlapping benefits (for example, carbon mitigation and biodiversity gain) that can lead to double counting. IEMA recommends that the biodiversity gain activity is the best outcome for that piece of land rather than choosing another action to 'suit' the stack and that this should be demonstrated.

**Question 48a**

**Are these proposals for statutory biodiversity credits sufficient to:**

**Ensure, when supported by suitable guidance, that they are only used by developers as a last resort? Yes / No (please explain why not) / Other (please tell us more) / Do not know]**

IEMA agrees that the statutory biodiversity credits should only be used as a last resort. This should be reflected in the price and needs a clear process, additionality, monitoring etc. The price should be

high but not unaffordable and a barrier to use. Consideration should be given to a ‘price escalator’ for statutory credits such that they become relatively more expensive over time to encourage more sites to come forward.

**Question 52**

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

IEMA agrees the above project-level management, monitoring, enforcement, and reporting proposals seem sufficient, achievable, and not overly burdensome on practitioners, developers, or planning authorities but it’s hard to say as there is not enough detail on implementation, resources, upskilling etc. – all of which are essential for this to be successful.

Monitoring must be done by competent ecologists. It would be useful to have as much information as possible in one place and that the register be linked to the net gain Plan including the different sections to be checked: metric, the plan, ecological survey, input to register, etc. (see, for example, Woodland Carbon Code register). This will also facilitate Local Authorities preparing their yearly reporting/plans.

Lesley Wilson – [policy@iema.net](mailto:policy@iema.net)

Policy and Engagement Lead

IEMA – Institute of Environmental Management and Assessment [www.iema.net](http://www.iema.net)

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