Strategic Targets for Marine and Intertidal Net Gain: Assumptions of the Task and Finish Group

The Task and Finish (T&F) Group that was established to determine strategic targets for marine net gain have met on a number of occasions. In discussion the group have identified a number of factors and assumptions which were considered important to be taken into account when determining targets. It is important to stress that additional factors were identified through the survey undertaken to collect stakeholder views on strategic targets. The assumptions are central to the group's determination of targets whilst also providing information on their application and deliverability by industry to meet net gain obligations. The T&F Group includes representation from industry, Government and environmental NGOs. These assumptions represent the collective thinking of the T&F Group, however, any final net gain assumptions prepared by government bodies will be subject to Defra Policy steer, ministerial approval and public consultation.

It is also important to stress that all of these discussions were based in the foundation that the mitigation hierarchy will still apply to development. This is not to limit the opportunities for net gain, but instead create opportunities for additional improvements, i.e. compensation plus.

Although we are still awaiting the final outcome of the Environment Bill, and the associated implications for developing a marine net gain approach, the current indication from Government is that net gain should be delivered as Biodiversity Net Gain in the intertidal zone and terrestrial environments. The T&F group recognise the overlap between the delivery of intertidal biodiversity net gain and the developing net gain policy for marine environments and the importance of establishing integrated and seamless approaches that provide clarity for coastal areas.

Each of the assumptions are discussed in more detail below and are considered important or essential aspects of the final recommendations for strategic targets and their delivery.

1. As a basic premise, strategic targets should be based on our understanding of where we are already failing intertidal and marine environments, and the need to halt and reverse marine biodiversity loss. This is well documented by existing monitoring of statutory as well as non-statutory obligation, including statutory reporting such as the failure to meet Good Environmental Status (GES) as part of the Marine Strategy Framework Directive (MSFD) requirements and the failure of designated MPAs to meet favourable conservation status. In addition, there are also many accounts of loss prepared by eNGOs and others highlighting the continuing depletion of species and habitats. For example, only 4 out of 15 indicators for meeting GES have been achieved so far[1] and the State of Nature estimated that only approximately half of fisheries in the UK are assessed as being fished sustainably[2]. The UK Breeding Seabird Indicator showed a 22% decline in average abundance for 13 species between 1985 and 2015[1]. Recent seal counts from 2019 show that harbour seal populations on the east coast of England have declined by approximately 27.6% compared to the previous year.[3]

1. Summary of progress towards Good Environmental Status: Marine Online Assessment Tool
2. State of Nature Report 2019: NBN
3. Scientific Advice on Matters Related to the Management of Seal Populations: 2020

2. The primary goal of intertidal and marine biodiversity net gain at a national scale should be:

   to place marine and intertidal ecosystems into recovery

   Multi-purpose projects providing secondary benefits that contribute to the following targets should also be prioritised, but these benefits should be delivered in addition to the primary goal of achieving ecosystem recovery:

   a. *to reduce disaster risk from the continuing loss of natural coastal defences such as salt marsh (e.g. flood risk / coastal erosion); and*

   b. *to combat climate change, through mitigation and adaptation.*

   Both primary and secondary goals should be planned with an ultimate overall aim of generating lasting improvements in the marine and coastal environments.

3. The group fully recognised the importance of the opportunity to pool funding from industry and other partners to undertake projects that would have a significant and positive impact on the marine environment which will be important in avoiding piecemeal and possibly inappropriate and unsustainable actions. It may be that this would be critical to the success of more ambitious projects such as those outlined in 5, 8 and 9 below.

4. Targets should be presented without reference to specific timescales (unless these are evidenced). The delivery of biodiversity net gain will be inherently linked to biodiversity recovery priorities, the timeframes for action, and the timescale and scale of development in the marine environment, but any argument to identify targets for immediate delivery needs some consideration. Although timing of delivery will be an important principle in determining how biodiversity net gain should be delivered by developers (and will need to be addressed in statutory aspects developed by Defra) it will be important to avoid solely focusing on quick wins which do not necessarily contribute to strategic targets (see point 5 below). It is accepted that where possible, biodiversity net gain should be secured 'in perpetuity', however, the definition of 'in perpetuity' may alter depending upon the type of intervention in question (i.e. pressure reduction verses habitat creation), as well as the mechanism for delivery (e.g. if net gain is delivered at a project level, 'in perpetuity' would be limited to the lifetime of the project (e.g. tern rafts)).

5. By definition, strategic targets for biodiversity net gain may be large and ambitious, reflecting the scale and opportunities for restoring and improving the marine and coastal environments. Consequently, biodiversity net gain targets for individual developments should be made on the basis that rather than stand alone, they could contribute to wider delivery of agreed conservation targets and that they are just one of the mechanisms that will be helping to restore biodiversity by partnerships working.

   a. For intertidal goals, a good example of this is that the Environment Agency are preparing targets based on their own understanding of the current status of salt marsh, sea grass and other habitats and these could be important opportunities where industry could assist in delivering biodiversity net gain as part of the EA's own actions in managing flood and coastal defences. Such an approach also lends itself to even wider partnership working, such as that carried out at Wallasey Island by RSPB and others and in the delivery of more ambitious campaigns for restoration. For example, Essex Wildlife Trust and the Environment Agency worked in partnership on a coastal re-alignment

project in the Blackwater Estuary, where land was purchased and the old sea wall was allowed to be breached[4]. This has created valuable salt-marsh habitat that now supports internationally important bird populations and acts as a fish nursery for bass, herring and 14 other fish species, all while providing a natural defence against rising sea levels.

b. No similar examples exist for achieving marine goals and it is recognised that restoring and improving the marine environment is extremely challenging. Therefore, delivering these marine targets will require novel and innovative approaches, outside of traditional habitat restoration, in order to succeed.

6. Intertidal and marine environments are not constrained by boundaries and are very dynamic in nature. To further complicate the issue, not all marine activities result in permanent loss (i.e. they create a temporary disturbance). This needs to be recognised in strategic targets and means that biodiversity net gain should be within these dynamic systems. A general principle, therefore, is that activities and possible loss of biodiversity in the intertidal zone should deliver biodiversity net gain in the intertidal area and, equally, loss in the marine zone should deliver biodiversity net gain in the marine environment. By extension, this should mean that net gain for marine and intertidal activities should not be delivered in the terrestrial environment. However, it should be recognised that there are potential exceptions to this, where opportunities may be identified to deliver ambitious strategic net gain projects, for example one that might address the upstream root cause of a failing habitat in the marine environment (e.g. water quality management to enable seagrass restoration).

7. Although the current expectation is that Biodiversity Net Gain will be the preferred way forward by Government, this does not mean that there won't be opportunities for Environmental Net Gain and these should be considered by developers as part of the development and planning of projects. What is becoming clear and more frequently stated by Government and others is that the sea is going to become an increasingly busy place. Activities which create a pressure on the environment may need to be addressed, such as some forms of fishing. While this may create opportunities for biodiversity net gain it will be important to recognise that the responsibility to assess the removal of pressures as a means of delivering biodiversity net gain must be with Government, as the removal of such pressures will often also require statutory intervention.

8. An important principle of successful biodiversity net gain is that the causes of loss may need to be addressed if the outcomes of net gain activities are to be successful and sustained. Consequently, targets need to acknowledge the complexity of the environment and examine and treat causes of loss as well as direct action to restore. For example; simply planting sea grass, or laying native oysters or mussels, without considering the reasons, such as nutrient enrichment, that have caused loss in the first place may not only be unsuccessful, but would place a liability on the developer to maintain features which the current ecosystem is incapable of sustaining.

9. There is some potential that research and data gathering could be considered as biodiversity net gain (for example a research project to support better biodiversity net gain delivery in the future), but only if it is delivered as part of a broader strategic approach, and as a supporting action to

[4] Coastal Defense and Realignment at Abbotts Hall Farm

delivering net gain. It would not be appropriate, for example, for piecemeal research to be carried out as net gain to determine how to deliver biodiversity net gain for a specific development.

In addition to the points made above about the nature of strategic biodiversity net gain, the group discussions identified a number of assumptions and areas of agreement which are made as recommendations to assist delivery of biodiversity net gain, the design of the principles of biodiversity net gain and how biodiversity net gain should be administered through regulation.

1. The delivery of biodiversity net gain could be coordinated by advisory groups for large areas of sea with the aim of delivering strategic targets at a regional level through better understanding of local requirements. These groups should work under a set of clear principles to identify strategic mitigation, compensation and monitoring, in addition to biodiversity net gain. This approach will also ensure that all bases are being covered i.e. maintaining the coherency of the network and avoiding overprovision for selected marine features. These could also link in with other initiatives such as Environmental Land Management (ELM) and Local Nature Recovery Plans (LNRP).
2. Ambitious restoration projects will require greater funding and therefore a strategic / collaborative approach. The Aggregates Levy provides an example for how a funding mechanism might work. A strategic approach is also potentially better for smaller developments where pooling of such projects would lead to larger gains. However, funding doesn't need to be one or the other, there could be a strategic fund as well as a developer led approach to suit project / industry needs. ReMeMaRe are preparing a series of bids to try and highlight net gain issues/ requirements. A strategic fund could be used to support these more ambitious projects.
3. It may be that to safeguard the permanence of biodiversity net gain projects, legal protection, or safeguarding through tenure rights, would be required. While this needs examination, there are questions about custodianship and who will have responsibility to maintain sites. At the same time there is a need to monitor the effectiveness and success of sites and responsibility for this also needs examination. This becomes especially important where biodiversity net gain is delivered through partnership working where there is more than one key player.
4. The group put the issue of additionality aside for discussions as this is being addressed by Government currently. It was agreed by the group, however, that the issue of additionality would not restrict the group's thinking on where and how biodiversity net gain could be applied strategically, and this would be reflected in the targets.
5. The strategic targets developed will be England focussed, but there will be many opportunities to use the delivery of biodiversity net gain to develop good practice which can be shared with the other DAs. This should also be reciprocated as others develop their own approaches. For example, the development of the partnership funding approach, Scottish Marine Environmental Enhancement Fund (SMEEF) may prove to be of real value in developing practical application of funds for strategic target delivery.
6. It is important to stress that the work of this Task and Finish Group considered parallel projects (e.g. work under OWEC and OWEAP) so as not to be self-siloed. There is a need for alignment between the different working groups considering net gain and the group will draft a communication on links between OWEAP, OWEC and this project and outputs.

7. The group makes some high-level recommendations on the delivery of biodiversity net gain in the intertidal and marine environment; however, the primary role of the group is to decide on the priorities for strategic net gain based on the agreed assumptions. It is ultimately up to government to define what they consider acceptable as net gain and how these might be delivered.