
Temple Group

Approach Paper

Assessing citation baseline and offsetting potential for rail-side Sites of Importance for Nature Conservation

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Contents

Summary	4
Introduction	6
Purpose of this document	6
Approaches to defining citation baseline and additionality	9
Summary of proposed options	9
SINC designation and rail-side characteristics in London	10
Evaluation of approach to determining citation baseline and defining additionality	12
Conclusion	14

Summary

This paper sets out the proposed approach for assessing potential for habitat management, creation and enhancement of rail-side Sites of Importance for Nature Conservation (SINCs) to deliver biodiversity units to offset the impacts of development elsewhere in the TfL network. Specifically, it provides a rationale and approach for determining:

- citation baseline - the estimated biodiversity value, in habitat biodiversity units (HBU)¹, assuming any necessary changes in existing management required to ensure a site retains the ecological interest that justified designation; and
- offsetting potential - the HBU that could be delivered through increasing biodiversity value beyond that required to achieve the citation baseline.

Emerging guidance indicates that biodiversity credits may be derived by enhancement of designated sites if it can be demonstrated that existing duties and responsibilities have been addressed.

Two approaches to determining the citation baseline (and potential for additionality) were considered initially:

- use of a previous habitat distribution, at a point closer to the time at which a SINC was designated, on the basis this would have met the applicable criteria for designation; and
- review of site citations, to determine an optimal baseline for the SINCs in terms of the type, extent and distribution of characteristic habitats.

Both approaches assume that issues relating to negative indicators of site condition (for example physical damage and the presence of invasive species) would have to be absent, or do not materially affect the biodiversity value of site habitats.

A review of citations for the rail-side SINCs surveyed as part of this study demonstrates that they are primarily designated as habitat corridors and support a range of habitats that have the potential to support a variety of species groups. Habitats are predominantly woodland, rough grassland, ruderal/ephemeral and scrub, but composition varies widely. The citations do not indicate that the characteristics of the constituent habitats or their extent or configuration within a site are a significant consideration in designation. Consequently, it is the presence of these wildlife habitats that appear to have provided the basis for designation of these sites rather than any particular qualities (habitat distinctiveness or condition) they may have. In this context, the possible approaches to defining the citation baseline noted above cannot be

¹ Natural England (2023). The Biodiversity Metric 4.0 (JP039).

applied, as there is no basis for proposing that previously present or optimised habitats would represent it. Therefore, so long as they align with the broadly defined interest of the SINCs that is identified in the citations and do not have adverse effects on protected and notable species, management actions that improve the condition of existing habitats or replace habitats of low distinctiveness with those of higher distinctiveness, can be considered to provide offsetting potential.

A series of exceptions to this approach are set out including where sites contain:

- high or very high distinctiveness habitats;
- where habitat enhancements are required to baseline condition of greater than 1 class i.e. poor to good; or
- where the 'technical difficulty' of enhancement is 'medium' or 'high'.

In such circumstances it is proposed that the scale of these works would be beyond enhancement.

The approach set out in this paper is intended to have wider application than the sites to be investigated as part of the current commission.

Introduction

Purpose of this document

The Environment Act 2021 includes a requirement for 10% biodiversity net gain (BNG) for certain developments. This is reflected in TfL's Corporate Environment Plan.

TfL's estate configuration (primarily long, narrow corridors of land across and beyond London) and function (the provision of a world-class integrated transport network), mean that it is unlikely that BNG can be achieved on all applicable TfL development sites. Consequently, biodiversity offsetting will likely be necessary.

Third-party offsetting is likely to be challenging due to lack of land availability in London and cost. TfL is, therefore, investigating the potential for its own estate to deliver biodiversity units suitable for offsetting biodiversity losses, and delivering BNG, as a result of TfL's development activity. It is also investigating the potential for revenue generation as a result of selling any excess biodiversity units delivered.

Following the development of TfL's most recent biodiversity baseline map in 2019 (available via Greenspace Information for Greater London, GiGL), areas of the TfL network that are designated as Sites of Importance for Nature Conservation (SINCs) were assessed for their potential to deliver biodiversity enhancements.

TfL has conducted an initial scoping exercise to determine which of the SINC sites on its network might be suitable for biodiversity offsetting. An initial long list was created based on size of the SINC within the TfL estate (using GiGL and TfL Operational Property boundary data). The citations (also from GiGL) for these SINCs were then assessed to remove those sites designated for high distinctiveness and/or good condition habitats that would be challenging to enhance beyond that baseline. This left a short-list of eight sites that have high potential to be suitable for offsetting and a further three sites that may be suitable for biodiversity offsetting.

This project builds on that scoping exercise to conduct an on-site survey of the short-list of SINC sites. The information from these surveys will be used, in combination with an assessment of our development pipeline and the likely biodiversity units required for those projects, to determine TfL's approach to delivering BNG as part of applicable developments.

This paper sets out the proposed approach for assessing potential for habitat management, creation and enhancement of the selected rail-side Sites of Importance for Nature Conservation (SINCs) to deliver biodiversity units to offset the impacts of development elsewhere in the TfL network. Specifically, it provides a rationale and approach for determining:

- citation baseline - the estimated biodiversity units of delivered if the site(s) met its citation status; and

- offsetting potential - the biodiversity units that could be delivered above the citation baseline with appropriate management, i.e. meeting the additionality requirement.

Background

Following commencement of Section 102 of the Environment Act (2021) 'public authorities' have been subject to a strengthened biodiversity duty. Regulation 40 requires "...the conservation and enhancement of biodiversity in England through the exercise of functions in relation to England." Local authorities or other public authorities with landholdings have the option to offer offsite biodiversity units to developers. Defra (2022)² has indicated that it supports this, provided participants are able to meet the requirements of the policy, including additionality and register eligibility requirements, and demonstrate no significant adverse impacts on protected and priority habitats.

So public authorities with landholdings can consider opportunities for creating or enhancing habitats for the purpose of selling biodiversity units subject to consideration of:

- **existing biodiversity duty requirements:** public bodies are required to conserve and enhance biodiversity in exercising their functions. But the questions of what such bodies are required to do to meet legal requirements already imposed on them and the sources of funding remain;
- **additionality requirements³:** of the 5 separate proposals on additionality put forward by Defra, "at least 10% of the gain should be delivered through separate activities which are not required to mitigate or compensate for protected species impacts". This ensures that any 'gain' is to be additional to any legal requirements associated with, in this case, TfL's development activity.
- **enhancements in statutory protected sites for nature conservation:** while SINCs do not benefit from statutory designation, the sites are nonetheless recognised for the important habitats they support. Defra (2023) has indicated that non-designated features or areas of statutory protected sites, Local Wildlife Sites and Local Nature Reserves may, subject to further advice, be eligible for enhancement through Biodiversity Net Gain (BNG). In recognition of the risk of 'cost shifting' raised by some academic respondents, Defra have indicated that they will be providing guidance on the circumstances in which statutory protected sites can be enhanced for BNG. So, in principle delivering biodiversity credits on SINCs is broadly supported by current Government advice;

² Defra (2022). Consultation on Biodiversity Net Gain. Regulations and Implementation. [Consultation on Biodiversity Net Gain Regulations and Implementation January2022.pdf \(defra.gov.uk\)](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/107422/consultation-on-biodiversity-net-gain-regulations-and-implementation-january2022.pdf)

³ Defra (2023). Consultation outcome. Government response and summary of responses. <https://www.gov.uk/government/consultations/consultation-on-biodiversity-net-gain-regulations-and-implementation/outcome/government-response-and-summary-of-responses>

- **biodiversity gain site register eligibility requirements** (Defra 2023): Government has stated its intention to refine the proposed eligibility criteria for registration of biodiversity credit schemes to ensure that such schemes do not duplicate or conflict with other parts of the process and that the criteria are fit for the purpose of the register;
- **Protected and Priority habitats** (Defra 2023): Defra have made it clear that biodiversity credits should not be delivered where there would be impacts on irreplaceable habitats or adverse impacts on priority habitats.

Approaches to defining citation baseline and additionality

Summary of proposed options

SINC citations would ideally reflect objective criteria for their designation, such as 'target' habitat types, and the extent and characteristics of these habitats, against which desirable or intrinsic attributes could be assessed. While the SINC citations provide qualitative information, they do not explicitly provide information of this kind. As such it is not explicit when such sites are meet their desirable or intrinsic attributes, and there are no conservation objectives on which site status can be assessed.

Two approaches have been considered to help develop an understanding of the citation baseline and to inform the assessment of their offsetting potential, evaluated through use of Biodiversity Metric 4.0:

- 1) Use of existing site information taken at the point of designation/review, which describes habitat type and area at the point the sites were considered to meet the criteria for designation. Spatial data of this kind is available but does not reflect the reasons for designation or provide any conservation objectives of the sites. However, if the previous extent and distribution of habitats (closer to the time at which a site was designated) can be assumed to represent desirable or intrinsic attributes, then any measures that could be carried out to return a site to this condition may be assumed to reflect the 'citation baseline', on which further measures to deliver 'additionality' can be evaluated. In this case, the absence of any objective/numerical criteria as the basis for designation means there is no objective information to evaluate whether any changes in habitat that have taken place since designation would represent a significant (adverse) departure from the citation baseline.
- 2) Review a sample of citations, beyond those specified in the commission brief, to identify any consistent reasons for designation of railway SINCs, and whether they can then inform the habitat type and distribution that may represent desirable or intrinsic attributes at the sites. This approach would rely on developing criteria for desirable or intrinsic attributes for each of the reasons that are identified, so that desirable or intrinsic attributes in relation to the citation baseline, and the potential for additionality can be assessed consistently. In this case, the lack of objective criteria for designation and the detail and commonality of narrative provided in the citation, both affect the ability to develop criteria that can be applied consistent and evidenced way.

In both cases, further consideration of the approach designation of SINCs in London is necessary to determine whether either approach, or elements of both, provide a basis

for establishing the citation baseline and additionality, and the limitations that may apply to their implementation.

SINC designation and rail-side characteristics in London

The London Wildlife Site Board (2019) ADVICE NOTE: Process for selecting and confirming Sites of Importance for Nature Conservation (SINCs) in Greater London provides information on the hierarchy of SINC designations in London, and for assessment of the value of individual sites in relation to the hierarchy. It relies on the application of largely qualitative criteria, of which relevance depends on site character, using professional judgement and a comparative approach in relation to the biodiversity resource at the relevant geographic level: metropolitan, borough and local.

Full details of the criteria are presented in LWSB (2019), but in summary these criteria include:

- Representation;
- Habitat rarity;
- Species rarity; habitat richness; species richness;
- Size;
- Important populations of species;
- Ancient character;
- Recreatability;
- Typical urban character;
- Cultural or historic character;
- Access;
- Use;
- Potential;
- Aesthetic appeal; or
- Geodiversity interest.

This approach has been adopted because, as stated in the advice note, it is considered to provide consistency and transparency, and a greater level of refinement, than nature conservation evaluation processes that are based on numerical scores. It is largely a habitat-based approach, but species records that have been collected in a systematic way can be considered where available.

Further to the review of railside SINCs that extended beyond those within the current commission, it was concluded that the majority of rail-side SINCs are considered to be of borough (grade I or II) importance for nature conservation, meaning that those

designated in wildlife rich boroughs will be of relatively greater conservation value than those that are less rich in wildlife.

A review of 17 citations for rail-side SINCs was carried out to identify common themes for designation, and in the nature of the information they contain. Given access constraints, rail-side SINCs are identified largely on the basis of survey from vantage points, meaning that detailed information on habitat quality and species composition is rarely available for consideration when designating sites. While the criteria do provide a standardised basis for evaluation of site value, when comparing citations in different boroughs, there appears to be slight differences in approach and emphasis, potentially relating to different survey teams, which is a further constraint to identifying commonality.

The following themes in the description of sites were identified:

- **Structural:** relating to habitat extent and variety; habitat connectivity (in some cases leading to designation as green corridors), which applies in all but one case, and, in some boroughs, typical habitat transitions that are associated with standard rail-side management practices;
- **General:** for example, providing undisturbed habitats and being of value for a wide range of wildlife, applies in various ways in most citations;
- **Opportunity/likely interest for species groups:** bare ground (reptiles/invertebrates), bird habitat, invertebrate habitat, mammal habitat, potential for populations/ assemblages of species, and botanical/bryophyte interest are mentioned;
- **Habitat type:** generally, an indication of relative extent and some description of structure and dominant species is provided and only rarely are characteristics of particular importance or interest described (which to an extent likely to reflect survey constraints described above). Therefore, it is simply the presence of habitat that must be taken to be a reason for designation, rather than any assessment of value that may be possible in other circumstances. Those noted in site description include the following, ordered by frequency (numbers in brackets):

woodland	(13)
grassland (rough/species poor in most cases)	(7)
scrub	(4)
tall ruderal	(4)
roughland	(3)
ruderal ephemeral	(3)
acid grassland	(2)

Evaluation of approach to determining citation baseline and defining additionality

Information on designation of rail-side SINCs above demonstrates that:

- habitat connectivity is a common and central theme in the reason for designation. Given the scale and spatial arrangement of SINCs in the built fabric of London, we propose that the sites should be considered to be in desirable or intrinsic attributes where they provide functional connectivity and that this provision is based on their location. Changes in the extent and location of constituent habitats unlikely to change their value as habitat corridors for the wide range of generalist species that may use them, and any changes to favour a particular species group may be disadvantageous to others;
- the SINCs should, in the absence of specific information on site characteristics, be considered to be designated simply for the presence of typical habitats (some listed above). The variation in habitats at different sites supports the view that there is no basis for developing criteria (based on habitat composition, extent or configuration) as a means of determining a citation baseline, as proposed in the second option described above; and
- the value for a range of typical associated species groups must be based on the condition of habitats. Their extent and configuration is also important but, given the degree of variation, there is little basis for developing criteria to inform an idealised citation baseline.

Therefore, the presumption put forward is that the citation baseline should be taken as the current range of habitats, together with current extent and distribution. It is proposed that existing habitats in poor or moderate condition (as identified through habitat survey using level 4 of the UKHab habitat survey) may represent areas where the NERC Act duty might reasonably apply. In these cases, measures to approve an appropriate level of condition are likely to be required and should not be regarded as delivering additional biodiversity opportunities. Possible exceptions to this have been identified as areas of habitat:

- of high and very high distinctiveness; or
- where enhancements are required to current condition of greater than 1 class i.e. poor to good; or
- where the 'technical difficulty' of enhancement is 'medium' or 'high'.

In such circumstances it is proposed that routine maintenance is unlikely to support the level of change required to support the delivery of habitats in good condition. It should be noted that 'routine maintenance' requirements will depend on contract requirements and are likely to vary by contract. The ability of these contracts to undertake enhancement and/or creation of habitats is therefore currently unknown but

is likely to be limited to safety critical activities rather than related to biodiversity. This hypothesis will be tested by review of existing contract provisions.

Once an appropriate assignment of habitat condition has been established, it would be possible to identify opportunities for additionality where proposals are for:

- enhancement of habitat condition
 - in areas of high and very high distinctiveness⁴ i.e. those currently in poor or moderate condition where review of habitat survey data shows that they are or have recently been present, such as in cases where woodland and scrub have colonised grassland habitat; or
 - where there is potential for an improvement of >1 class e.g. poor to good;
- changes to habitat distinctiveness
 - through increases in the species composition; or
 - converting habitats with low distinctiveness to ones with higher distinctiveness or increasing the extent of higher distinctiveness habitats. In this case it is proposed that these should reflect the broad habitat categories already present in local rail-side SINCs, so that they contribute to the coherence of the SINC network and are more readily maintained.

Whichever approach is adopted, the citation baseline will first need to be updated to identify areas where measures are required to improve condition to achieve the citation baseline habitat condition and, subsequently, to identify the location and extent of areas where opportunity for additionality may exist. All approaches offer some opportunity, subject to capital investment, to deliver additional units.

The exception to any proposed improvement would include sites:

- that support priority or irreplaceable habitats – which would be excluded from proposals to undertake creation activities; and
- areas of habitat with the potential to support (or confirmed presence of) significant populations or assemblages of protected or notable species where proposed changes are likely to result in an offence or a change to the conservation status of the species at the relevant geographic scale. An exception might be available where any proposed changes to habitat management could be delivered with proven and established species mitigation measures (translocation, timing of works etc.).

⁴ Interim condition category will be adopted by exception in line with Biodiversity Metric guidance.

Conclusion

The review of Site Citations has led to the conclusion that there is insufficient quantitative information to establish desirable or intrinsic attributes for the sites. In place of this it is proposed that the current habitat baseline at these sites would be used to identify areas where management action could enhance existing habitats. This would provide the potential uplift or future baseline for the sites that serves to satisfy the enhancement duties under the NERC Act. Within the biodiversity metric this would serve as the 'on-site habitat baseline'.

Information collected through survey on opportunities for enhancement together with a review of current management contracts and the citation baseline (future baseline) will then be used to propose further enhancement of the site habitats through condition and/or distinctiveness improvements. This will be used to inform the 'on-site post intervention' scenario.

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