

Equality Impact Assessment

Habitat Bank Creation

Stage 1 Details of the proposal

Name of service	Regeneration and Culture
Directorate	Growth and Sustainability

Name of officer responsible for EIA	Paula Tweed
Name of senior sponsor	Garry Hildersley

Description / purpose of proposal	Creating a habitat bank on Council owned land.
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Date EIA started	20/11/23
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Assessment Review date	
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Stage 2 - About the proposal

What is being proposed?	<p>The Environment Act amends the Town and Country Planning Act 1990. It will mean that the majority of new developments will be legally required to demonstrate a minimum biodiversity net gain (BNG) of 10%, and secure those gains for a minimum of 30 years. Biodiversity net gain is a way to contribute to the recovery of nature while developing land. It is making sure the habitat for wildlife is in a better state than it was before development. This will apply from January 2024 for developments in the Town and Country Planning Act 1990 unless exempt, with BNG required for small sites from April, 2024.</p> <p>Biodiversity net gain is measured using the latest Defra metric (currently version 4.0). Government anticipates that version 4.0 of the metric will be the version that</p>
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becomes statutory from January 2024. The Biodiversity Metric is a key tool that supports the delivery of Biodiversity Net Gain (BNG). It is used to calculate the baseline biodiversity value of a site and forecast its future biodiversity value.

Creation of a habitat bank provides a way for landowners to create or restore a habitat in advance and 'bank' the resulting biodiversity units. These units (also referred to as credits) can then be purchased by developers in order to comply with the mandatory 10% biodiversity net gain, where this can't be achieved on site.

It is being recommended to Cabinet that the Council uses some of its own land to create a habitat bank. This will then enable the Council to 'sell credits' to developers who are unable to meet the 10% biodiversity net gain requirements within their development sites. The benefits of this are that the credits received will give us an opportunity to invest in and improve biodiversity habitats on Council owned site(s). Establishing a habitat bank on council-owned land would also likely assist in our compliance with the strengthened 'biodiversity duty' that the Environment Act 2021 introduces, with a suggested action including managing land to improve biodiversity.

If there is no Council owned habitat bank site the other options open to developers are to buy credits from a private company such as the Environment Bank or buy what are called 'statutory credits' from the Government department Defra. They may also be able to buy them on sites outside of Barnsley.

The biodiversity metric allows for off-site mitigation within the same National Character Area as the development site without penalty. The National Character Area, which encompasses the majority of the BMBC local authority boundary is the Nottinghamshire, Derbyshire and Yorkshire Coalfield. This extends to Wakefield, Leeds and parts of Bradford to the north and parts of Derby and Nottingham to the south. The establishment of a council-owned Habitat Bank will increase the likelihood of off-site mitigation remaining within the Borough.

Why is the proposal required?

Our ideal is for any units needed to offset development to stay within the borough. The creation of our own site will enable this to happen.

What will this proposal mean for customers?

Where developers are unable to meet BNG requirements within their development sites, having our own site will enable us to offer to sell them BNG credits. This will be more convenient for developers. For the wider community it will be beneficial to have improved biodiversity on sites within the borough. This will assist with mitigating the effects of climate change.

Stage 3 - Preliminary screening process

Use the Preliminary screening questions (found in the guidance) to decide whether a full EIA is required

- Yes - EIA required (go to next section)
 No – EIA not required (provide rationale below including name of E&I Officer consulted with)

Service users and the wider community will be positively affected by this proposal therefore yes.

Stage 4 - Scoping exercise - What do we know?

Data: Generic demographics

What generic data do you know?

We know what approach other authorities have taken. We are looking into the most appropriate way for Barnsley to legally secure a habitat bank on Council owned land.

Data: Service data / feedback

What equalities knowledge do you already know about the service/location/policy/contract?

We have no data or knowledge to indicate this proposal will have more impact on any protected group.

Data: Previous / similar EIA's

Has there already been an EIA on all or part of this before, or something related? If so, what were the main issues and actions it identified?

No, this is a new proposal to deal with new requirements arising from the Environment Act.

Data: Formal consultation

What information has been gathered from formal consultation?

Only internal consultation has taken place to date with relevant services who are represented on a steering group.

Stage 5 - Potential impact on different groups

Considering the evidence above, state the likely impact the proposal will have on people with different protected characteristics

(state if negative impact is substantial and highlight with **red text**)

Negative (and potentially positive) impacts identified will need to form part of your action plan.

Protected characteristic	Negative '-'	Positive '+'	No impact	Don't know	Details
Sex		X			A positive indirect impact is anticipated for everyone in the borough given that improving biodiversity can have a positive impact on climate change mitigation.
Age		X			
Disabled <i>Learning disability, Physical disability, Sensory Impairment, Deaf People, invisible illness, Mental Health etc</i>		X			
Race		X			
Religion & Belief		X			
Sexual orientation		X			
Gender Reassignment		X			
Marriage / civil partnership		X			
Pregnancy / maternity		X			

Other groups you may want to consider					
	Negative	Positive	No impact	Don't know	Details
Ex services		X			
Lower socio-economic		X			
Other ...		X			

Stage 6 - BMBC Minimum access standards

If the proposal relates to the delivery of a new service, please refer to the Customer minimum access standards self-assessment (found at)

If not, move to Stage 7.

Please use the action plan to be taken to ensure the new service complies with reasonable adjustments for disabled people.

Not yet live

The proposal will meet the minimum access standards.

The proposal will not meet the minimum access standards. –provide rationale below.

Stage 7 – Action plan

To improve your knowledge about the equality impact . . .

Actions could include: community engagement with affected groups, analysis of performance data, service equality monitoring, stakeholder focus group etc.

Action we will take:	Lead Officer	Completion date
Monitoring – we will monitor the success of the targeted habitats becoming established. If targets are achieved this will be an improvement on overall biodiversity in the borough.	Katie Lawrence	Ongoing cycle as if all credits sold on first site we will seek to create further sites.
We intend to engage with developers through a developer forum to let them know details of how they can purchase biodiversity credits once our habitat bank is live. It will be on the Natural England national register.		

To improve or mitigate the equality impact . . .

Actions could include: altering the policy to protect affected group, limiting scope of proposed change, reviewing actual impact in future, phasing-in changes over period of time, monitor service provider performance indicators, etc.

Action we will take:	Lead Officer	Completion date
N/A		

To meet the minimum access standards . . .(if relevant)

Actions could include: running focus group with disability forum, amend tender specification, amend business plan to request extra 'accessibility' funding, produce separate MAS action plan, etc.

Action we will take:	Completion date
Not yet live	

Stage 8 – Assessment findings

Please summarise how different protected groups are likely to be affected

Summary of equality impact

We consider there to be a direct positive impact on developers seeking to meet the 10% minimum biodiversity net gain duty, where they cannot do this within their development site.

We consider an indirect positive impact on all residents in the borough given the potential positive impact on climate change mitigation.

Summary of next steps

Positive impacts are anticipated for all, therefore next steps in respect of protected groups are not required.

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Signature (officer responsible for EIA) Date	<i>P. J. F. J. J.</i>
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**** EIA now complete ****

Stage 9 – Assessment Review

(This is the post implementation review of the EIA based on date in Stage 1 if applicable)
What information did you obtain and what does that tell us about equality of outcomes for different groups?

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