



Submission to DEFRA biodiversity net gain consultation

About the DCN

The District Councils' Network (DCN) is a cross-party member led network of 200 district councils. We are a Special Interest Group of the Local Government Association (LGA), and provide a single voice for district councils within the Local Government Association.

District councils in England deliver 86 out of 137 essential local government services to over 22 million people - 40% of the population - and cover 68% of the country by area. District councils have a proven track record of building better lives and stronger economies in the areas that they serve. Districts protect and enhance quality of life by safeguarding our environment, promoting public health and leisure, whilst creating attractive places to live, raise families and build a stronger economy.

As the planning authorities, districts play a key role in local growth and development, and have responsibility for local environmental plans therefore we welcome the opportunity to respond to the proposals set out in this consultation.

Initial comments

DCN members broadly support the principle of biodiversity net gain and the 'mitigation hierarchy' principle however districts already consider environmental objectives in planning objectives and the NPPF makes it clear that economic, social and environmental objectives *'are not criteria against which every decision can or should be judged'*; this understanding enables Councils to make decisions that best reflect local circumstances, character, needs and opportunities and we request that if mandatory requirements are introduced, that they do not hinder councils from making decisions which taken into account all mitigating factors.

We also have concerns regarding the financial implications and resources that would be required to maintain the principle which must be fully funded under new burdens, as it will heavily impact on the current resources of district councils and, in some authorities, there will be an additional need to contract the expertise of an ecologist where these provisions are not in-house.

The DCN believe that in order for the proposal to work, it must be agreed by all affected parties, including districts, unitaries and counties, developers, landowners, Natural England and the Environment Agency.

Response to consultation

We would agree all sites (excepting house extensions) should fall within the regime, and would advocate an option of a simplified biodiversity assessment process which could be usefully explored for smaller developments, for example 1 dwelling size and similar.

Overall DCN members believe the Defra biodiversity metric is a good idea and we ask that local sites definitely be included. We appreciate that the metric is recognised as being complicated and would welcome any refinements over time to simplify it.

We would be in favour of the proposal of a robust district level licensing approach to great crested newts as long as Natural England has the resources to support local authorities and that new burdens on districts could be properly assessed and fully funded. We also ask that this approach not be made mandatory and that this is an agreement that is allowed to be made by individual local authorities with Natural England and relevant partners.

We do not have any additional suggestions for wider environmental net gain and broadly support the proposals set out in the consultation document however, whilst the inclusion of the limited projected water consumption is to be welcomed, it would be difficult to enforce, as we could not prevent home owners from making adaptations, such as installing power showers, once the property is owner-occupied. Greenfield runoff rates is effectively already required on most sites so adding this restriction into the proposals for wider net gain could be an uncontrollable addition.

The DCN support the proposal of the spatial hierarchy to direct the location of new habitats, and agree this would be the fairest approach to ensuring local residents have a better chance of reaping the benefits, however the fact that it could take years or even decades for habitats to become of value is a major problem and that the suggested net increase of 10% is perhaps too low, so suggest consideration of a 15% or 20% increase which could be better.

To prevent additional burdens to developers and planning authorities, ideally there would be a good baseline of ecological information supporting the Local Plan/Strategic Plan and we could call for Natural England and the Environment Agency to jointly agree guidelines. Being able to access information from completed biodiversity matrices would also be welcomed.

The establishment of a baseline map of broad habitats is a good idea it is too late to prevent wilful degradation of habitat at the application submission stage and this assessment should be at the time a site is proposed for allocation and/or when a pre-application submission is made.

Opportunity maps to guide compensatory habitats should be developed by local landscape character maps to ensure developers access the most up-to-date and localised information when determining locations. This method would also encourage positive working arrangements between local authorities and Local Nature Partnerships.

The DCN believe conservation covenants could be very useful, however if maintenance responsibilities is capped at 25, this has risks of significant unfunded costs that districts would be likely to pick up, in particular the safety considerations, or risk the potential of degradation of the site so maintenance should be in perpetuity. To achieve this it would be necessary to have a mechanism for a body to cover the costs, this could be a paid through an annual levy by the new homeowners to a management company or via a funding agreement with local organisations such as a Wildlife Trust to take on the management of the site.

Whilst a tariff approach may well have its place it is important that there is still some biodiversity consideration/gain on the site itself, even if most of the benefits end up going to a nearby local site expanding an existing wetland nearby which is already of good ecological value. We welcome the principle that tariffs would incentivise protection of existing habitats and encourage suitable local compensatory habitat creation when necessary but we strongly advocate that tariffs should be collected and spent locally, through a joint committee of organisations including districts, counties, Natural England, the Environment Agency and Wildlife Trust, which feed up to regional and national committees. That said one of our biggest reservations on the tariff approach is the negative impact on other s106 & CIL payments that could well be an issue in overall viability terms. We recommend making tariffs mandatory so, if it can't be afforded, would need to be less affordable housing instead, otherwise there is a danger it will often be outweighed by the need for more housing which would result in delivering unsustainable development.

The DCN are generally supportive of the proposal but ask our comments set on in this response are reflected in government's final proposal and reiterate the request that new burdens be assessed and fully funded.