

MAYOR OF LONDON

Date: 8 February 2019

Net Gain Consultation

Department for Environment, Food & Rural Affairs
First Floor, Seacole Block
2 Marsham Street
London, SW1P 4DF

(By e-mail only netgainconsultation@defra.gsi.gov.uk)

Dear Colleagues,

The Mayor of London welcomes this consultation setting out the government's commitment to ensure that new development results in net gains for biodiversity. However, the approach proposed would not appear to deliver such gains in London. In London this will have limited relevance as most development occurs on previously-developed sites. In addition, there may be a risk of undermining the Mayor's policies in his new London Plan on enhancing biodiversity and greening the built environment.

The Mayor fully supports the principle that the land-use planning process should do more than just ensuring that new development avoids harm. Creating the right policy frameworks to encourage new development to deliver net gains for biodiversity, natural capital and ecosystem services is essential if the government is going to meet its ambitions set out in the 25 Year Environment Plan. We agree that making net gain explicit is important. It provides clear expectations for developers and ensures better environmental outcomes through the early consideration of these issues in the development process.

The principle of securing net gain is already embedded in the Mayor's draft new London Plan and his London Environment Strategy. These documents provide a policy framework that aims to make London a greener, healthier and more resilient city by protecting, improving and increasing the city's network of green infrastructure. The draft London Plan policy on biodiversity ensures that the network of Sites of Importance for Nature Conservation (SINC) in London - which is a more comprehensive Local Site network than in many other parts of the UK - is protected, or, in the rare circumstances where essential development is permitted, damage is mitigated or compensated for through the mitigation hierarchy¹. The policy also encourages developments to achieve net biodiversity gain, irrespective of whether the development is having a harmful effect on biodiversity. Furthermore, the Mayor also proposes to introduce a new Urban Greening Factor (UGF) which sets out target levels for the amount of green infrastructure that should be achieved by major developments in London. We believe this to be a more robust and flexible framework for increasing the amount of green infrastructure in an urban environment whilst also ensuring the conservation and enhancement of biodiversity.

¹ https://www.london.gov.uk/sites/default/files/draft_london_plan_-_showing_minor_suggested_changes_july_2018.pdf

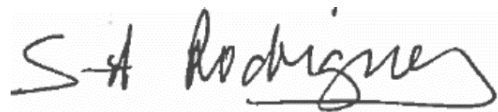
With this in mind, we are concerned by the scope of the proposals and the practical application of some of the suggested options put forward in this consultation. Issues related to the scope of the policy, the levels of gain suggested, and the suitability of the Defra biodiversity metric in urban areas makes this a policy that only works best for a specific subset of developments; namely those which take place on sites that have not been previously developed and also have an existing biodiversity value that is fully accounted for in the Defra metric. In practice this means the current proposals fail to incentivise adequate biodiversity or green infrastructure gains on most development sites in London which would have a relatively low biodiversity baseline when determined by applying the Defra biodiversity metric.

Taking the above into consideration, we believe the draft policies in the new London Plan regarding the protection and enhancement of biodiversity and application of a UGF provide a better policy framework for London. If mandatory biodiversity net gain was introduced along the lines set out in this consultation, government should ensure that that the requirement would complement our proposed policy framework in London, and not undermine it.

The biodiversity net gain policy that is finalised following consideration of the responses to the consultation must better consider the challenges, opportunities and importance of delivering gains in the urban environment. This should include a greater focus on how a national scheme can incorporate sufficient levels of flexibility to ensure it works alongside and complements locally specific policies. The use of a factor-based approach such as the UGF could be a solution.

I hope that our response is helpful. Greater London Authority officers we would be happy to discuss any points raised in this letter.

Yours faithfully,

A handwritten signature in black ink that reads "S-A Rodrigues". The signature is written in a cursive style with a long horizontal stroke at the end.

Shirley Rodrigues

Deputy Mayor, Environment and Energy