

## Response ID ANON-C7YZ-EBH8-M

Submitted to **Net gain**

Submitted on **2019-02-08 14:22:09**

### Introductory information

#### A Would you like your response to be confidential?

No

If "yes", please provide an explanation here:

#### B What is your name?

**Name:**

London Assembly Housing Committee

#### C What is your email address?

**Email:**

sarah.young@london.gov.uk

#### D What is your organisation?

**Organisation:**

Greater London Authority

#### E Please specify which option best describes the sector you work in or otherwise represent

Other (please specify)

If you selected other, please specify your sector or interest here:

London Assembly

### Summary and what we want to achieve

### Definitions and current practice

### Policy proposals: Approaches to delivering a net gain for biodiversity

#### Scope

##### 1 Should biodiversity net gain be mandated for all housing, commercial and other development within the scope of the Town and County Planning Act?

Other (please provide an explanation)

**Please provide any explanation for your answer here:**

The London Assembly's Housing Committee report *At Home with Nature* (2017) highlights that the 2012 National Planning Policy Framework (NPPF) requires planners to minimise impacts on biodiversity and provide net gains in biodiversity where possible. The report supports this requirement and made a recommendation to the Mayor to amend the London Plan to include the wording 'net gain', to ensure biodiversity is enhanced and created, not just protected. We were pleased that the Mayor adopted this recommendation in his draft new London Plan, as well as the recommendation to introduce an Urban Greening Factor (Green Space Factor in the report). This could be adopted more widely.

##### 2 What other actions could government take to support the delivery of biodiversity net gain?

**Please provide your answer here:**

The report makes a number of recommendations on how the delivery of biodiversity net gain in London could be supported, and the Government may wish to consider these recommendations in relation to national policy. The relevant recommendations are listed below:

Recommendation 2: The Mayor should ensure biodiversity is integrated within the masterplanning process, ensuring a whole area approach is taken in opportunity areas, housing zones and development corporations that are deficient in biodiversity and green space, or areas which are suffering with environmental issues (e.g. flooding, urban heat island, air pollution).

Recommendation 4: The Mayor should consider the possibility of implementing a green space factor in London, similar to that in place in Berlin and Malmö, and pilot this scheme in opportunity areas, housing zones and developments of strategic importance.

We were pleased that the Mayor from the start chose to adopt the green space factor in his draft new London Plan (as an Urban Greening Factor).

Recommendation 5: The Mayor needs to bridge the gap between the strategic vision of the London Plan and practice on the ground at borough level through the creation of a Biodiversity in Housing SPG.

The Mayor decided to incorporate the relevant policies within his forthcoming All-London Green Grid SPG. A Biodiversity in Housing SPG could be beneficial at national level to provide clarity to developers.

Recommendation 6: The Mayor should encourage planning departments to request a minimum baseline survey through Greenspace Information for Greater London (GiGL), or others, to accompany all planning applications in order for planning departments to make an informed decision.

A national equivalent to GiGL might equally be beneficial, as it provides effective baseline data.

Recommendation 8: The Mayor should provide resources (start-up funding/seed capital) to the 'Partnership for Biodiversity in Planning', which is working to simplify, streamline and improve the consideration of biodiversity in the planning process.

Recommendation 9: To raise awareness of the importance of biodiversity in housing the Mayor should sponsor an award category for biodiversity adaptations in housing developments through the BIG Biodiversity Challenge.

A similar approach by central Government could recognise excellence in urban biodiversity.

Recommendation 10: The Mayor should commission a source of best practice guidance, which includes different options for temporary and permanent measures, price and maintenance information and how these measures could be included in the service charge, for those items that will be maintained on site after the development is complete.

Similar action by Government could help to ensure clarity in planning and development.

### **3 Should there be any specific exemptions to the mandatory biodiversity net gain requirement (planning policies on net gain would still apply) for the following types of development? And why?**

Other (please provide an explanation)

#### **Please provide any explanation for your answer here:**

The At Home with Nature report recognises the myriad benefits of biodiversity in terms of air pollution and climate change mitigation, improvements to quality of life and sustainable drainage. These benefits apply across all sites, particularly in urban areas. This question is being specifically answered in relation to subsection d) Some brownfield sites. The report explored how biodiversity could be encouraged on brownfield sites. For example, Buglife has produced a guide for biodiversity on brownfield land. The case study of Barking Riverside regeneration scheme was also used. The regeneration of this brownfield site has been informed by a biodiversity green infrastructure strategy to prevent the loss of biodiversity. This strategy includes a requirement for 40 per cent of the site to be green space. The green infrastructure strategy has been successful in creating new habitats for protected species and is informing each stage of the development process. This example clearly indicates that brownfield sites can be successful in creating a biodiversity net gain and therefore should not automatically be exempt.

### **4 Are there any other sites that should be granted exemptions, and why? For example, commercial and industrial sites.**

Please provide your answer here:

### **5 As an alternative to an exemption, should any sites instead be subject to a simplified biodiversity assessment process?**

Not Answered

Please provide any explanation for your answer here:

### **6 Do you agree that the Defra metric should allow for adjustments to reflect important local features such as local sites? Should the Defra metric consider local designations in a different way?**

Please provide any explanation for your answer here:

A greenspace factor, as recommended in our report, allows for adjustment to ensure local protections are retained and these features enhanced. A similar metric at national level could ensure that protected designations are retained.

### **7 Should local authorities be required to adopt a robust district level licensing approach for great crested newts, where relevant, by 2020?**

Not Answered

Please provide any explanation for your answer here:

### **8 For what species is it plausible to use district level or strategic approaches to improve conservation outcomes and streamline planning processes? Please provide evidence.**

Please provide your answer here:

**9 Are there wider elements of environmental net gain that could be better incentivised? If so, please specify which, and any benefits that such incentives could provide.**

Not Answered

**Please provide your answer here:**

### **Measuring biodiversity**

**10 Is the Defra biodiversity metric an appropriate practical tool for measuring changes to biodiversity as a result of development?**

Not Answered

**Please provide any explanation for your answer here:**

**11 What improvements, if any, could we most usefully make to the Defra metric?**

**Please provide your answer here:**

**12 Would a mandatory 10% increase in biodiversity units be the right level of gain to be required?**

Other (please provide an explanation)

**Please provide any explanation for your answer here:**

Some sites, many of which will be in urban areas, will not be able to achieve a 10 per cent increase in biodiversity. Therefore, in line with our report, we would recommend adopting a greenspace factor which offers site-specific flexibility.

**13 In clearly defined circumstances, should developers be allowed to pay through the tariff mechanism without fully exhausting on-site and local compensation opportunities?**

Not Answered

**Please provide any explanation for your answer here:**

**14 Would this be an appropriate approach to directing the location of new habitat?**

Not Answered

**Please provide any explanation for your answer here:**

**15 How could biodiversity assessments be made more robust without adding to burdens for developers or planning authorities?**

**Please provide your answer here:**

The report recognised that due to funding cuts in local authorities, many planning departments have lost biodiversity experts. It is argued that without the correct expertise, planning departments are unable to consider biodiversity to its full extent. The report suggests that a way in which to offset this loss of expertise and allow an informed decision to be made is to attach a baseline monitoring report or ecological data search with all planning applications, small or large. This is beneficial for both the planner and the developer, as identifying biodiversity early in the development cycle saves time and money in the long run.

The report further argues that including baseline data with a planning application should be standardised throughout London in order to prevent a detrimental effect on biodiversity in local authorities where the loss of expertise is more acute.

The report also highlights potential success of The Partnership for Biodiversity in Planning in London, is a collaboration between 19 organisations including the Royal Town Planners Institution, Greenspace Information for Greater London and the Home Builders Federation. The collaboration aims to deliver targeted, industry-led solutions including a web-based planning tool that will enable users to undertake a simple check of whether a potential development requires an ecological assessment. Alongside this there is also a web portal that will provide a 'one stop shop' for guidance relating to protected species in the planning process. This tool can be used by planners and developers

**16 Should a baseline map of broad habitats be developed?**

Not Answered

**Please provide any explanation for your answer here:**

**17 Should this be applied, as a minimum baseline, to:**

**Please provide any explanation for your answer here:**

**18 What other measures might reduce the risk of incentivising intentional habitat degradation?**

**Please provide your answer here:**

As stated in the report, we would recommend the adoption of a robust greenspace factor and planning guidance to ensure that the avoidance of habitat degradation is included in the planning process from the start.

**19 How can the risks of penalising landowners making legitimate land use change decisions before deciding to sell their land for development be mitigated?**

**Please provide your answer here:**

**Delivering biodiversity outcomes**

**20 The provision of compensatory habitats would need to be guided by habitat opportunity maps. At what scale should these maps be developed?**

Not Answered

**Please provide any explanation for your answer here:**

**21 What other measures should be considered to identify biodiversity and natural capital priorities?**

**Please provide your answer here:**

The report recognised that due to funding cuts in local authorities, many planning departments have lost biodiversity experts. It is argued that without the correct expertise, planning departments are unable to consider biodiversity to its full extent. The report suggests that a way to offset this loss of expertise and allow an informed decision to be made is to attach a baseline monitoring report or ecological data search with all planning applications, small or large. This is beneficial for both the planner and the developer, as identifying biodiversity early in the development cycle saves time and money in the long run.

The report further argues that including baseline data with a planning application should be standardised throughout London in order to prevent a detrimental effect on biodiversity in local authorities where the loss of expertise is more acute. We recommended that the Mayor should ensure GiGL is maintained. An equivalent database at national level could be established. Establishing and maintaining a robust database could allow for robust monitoring of biodiversity without significant burden on developers.

The report also highlights the work of the Partnership for Biodiversity in Planning in London, which is a collaboration between 19 organisations including the Royal Town Planners Institution, Greenspace Information for Greater London and the Home Builders Federation. The collaboration aims to deliver targeted, industry-led solutions including a web-based planning tool that will enable users to undertake a simple check of whether a potential development requires an ecological assessment. Alongside this there is also a web portal that will provide a 'one stop shop' for guidance relating to protected species in the planning process. This tool can be used by planners and developers to support biodiversity net gain, and we would welcome government support and involvement.

As additional measures to identify biodiversity and environmental net gain, we recommended in the report that consideration should be given to air pollution and climate change mitigation, improvements to quality of life and sustainable drainage, via a greenspace factor. These benefits apply across all sites, particularly in urban areas, and we would like to see this replicated more widely.

**22 Would mandating net gain through the planning system be enough to stimulate the growth of a market for biodiversity units?**

Not Answered

**Please provide any explanation for your answer here:**

**23 What further measures would help to ensure that the market provides:**

**a. Sufficient biodiversity units for development?:**

**b. Cost-effective biodiversity units?:**

**24 Should there be a minimum duration for the maintenance of created or enhanced habitats?**

Other (please provide an explanation)

**Please provide any explanation for your answer here:**

The report recognises that any commitments to enhance or create biodiversity above the minimum on a site are often reduced over a development life cycle, due to financial and time pressures. Perceptions that adaptations would be expensive to maintain and require expert contractors makes developers reluctant to include biodiversity adaptations in sites. Knowing the long-term management cost of a biodiversity adaptation would allow developers to quantify it and cost it in from the beginning, like any other management facility. As we recommended, there is scope for the involvement of other bodies and community groups in maintenance, perhaps via the Partnership for Biodiversity.

**25 If so, what should the minimum duration be?**

Not Answered

**Please provide any explanation for your answer here:**

**26 Would conservation covenants be useful for securing long term benefits from biodiversity net gain or reducing process and legal costs?**

Not Answered

Please provide any explanation for your answer here:

**27 What safeguards might be needed in the implementation of conservation covenants?**

Please provide your answer here:

### **Calculating and collecting the tariff**

**28 Does this proposed range for tariff costs fit with the principles set out in this section?**

Not Answered

Please provide any explanation for your answer here:

**29 Would this proposed range for tariff costs provide opportunities for cost-effective habitat banks and compensation providers to compete?**

Not Answered

Please provide any explanation for your answer here:

**30 Do you agree with the proposed principles for setting the tariff rate, as set out in this section? Please suggest any other factors that should be taken into account.**

Not Answered

Please provide any explanation for your answer here:

**31 How should the tariff revenue be collected?**

Not Answered

Please provide any explanation for your answer here:

**32 How should the tariff revenue be spent?**

Not Answered

Please provide any explanation for your answer here:

**33 If tariff revenue was collected and spent nationally, should spending prioritise areas which have contributed the most through biodiversity net gain tariff payments?**

Not Answered

Please provide any explanation for your answer here:

### **Delivering net gain in the planning system**

**34 What further measures will help to prevent burdens on local authorities increasing?**

Please provide your answer here:

**35 How could the proposals be refined to manage any negative impacts on the scale and delivery of other developer contributions (e.g. through Section 106 or Community Infrastructure Levy payments)?**

Please provide your answer here:

**36 Would you, as a planning authority stakeholder, prefer any net gain tariff revenue to be paid through:**

Not Answered

Please provide any explanation for your answer here:

**37 How could the proposed net gain process be improved for developers?**

**Please provide your answer here:**

The report states that guidance needs to be available to planners and developers to provide information on how to implement existing policy on the ground to increase biodiversity adaptations in developments. Our suggestion on how to do this is the creation of a single document, like the All London Green Grid SPG. This single piece of guidance would need to include appropriate language and examples in order to bridge the gap between the strategic vision of the London Plan and how to implement it on the ground. Guidance could help developers factor in biodiversity net gain from the start of the planning process.

The report highlights that this document should provide clarity to developers on what is expected in developments in London. It would need to include the necessary technical guidance, information needed at preapplication stage, information on appropriate adaptations, and management costs and examples of best practice. It should also be flexible enough to ensure this does not impact the viability of developments.

**38 What other steps, considerations or processes in environmental planning should be integrated within a net gain approach?**

**Please provide your answer here:**

As stated in our report, we would like to see biodiversity net gain included in planning documents, such as SPGs and Green Grids, to ensure clear and robust policies throughout.

**39 Would any particular types of development (e.g. commercial, industrial, public sector, local infrastructure) be disproportionately affected by a mandatory biodiversity net gain requirement?**

**Please provide your answer here:**

**40 Do you agree that the proposal for staggered transitional arrangements would help to ensure smooth implementation of biodiversity net gain policy?**

Other (please provide an explanation)

**Please provide your answer here:**

As noted above, factoring net gain early into the planning process could help smooth implementation.

**41 Would the existing dispute resolution process provide the best way to overcome any disagreement over whether net gain is achieved?**

Not Answered

**Please provide any explanation for your answer here:**

**42 Would an additional arbitration or approval process be necessary? If so, please specify why.**

Not Answered

**Please provide any explanation for your answer here:**

## **Monitoring and evaluation**

**43 Are there any issues or measures, other than those outlined, that we should take into account when considering how to monitor biodiversity net gain?**

**Please provide your answer here:**

The GLA first created a Biodiversity Strategy in 2002. This sets out how the GLA would, across all its activities, seek to protect and conserve biodiversity, preventing the loss of existing wildlife habitat and increasing contact with nature. However, it has not been updated since its publication and is currently under review. The London Assembly Environment Committee discussed the review of this policy in 2015 and highlighted that a lack of ecological expertise in planning departments and the lack of biodiversity monitoring data would make implementing an updated biodiversity strategy more difficult. We would therefore like to see monitoring strengthened and recommended this could be achieved via a greenspace factor and GiGL.

**44 Should local authorities be required to provide information about habitat losses and gains?**

Other (please provide an explanation)

**Please provide any explanation for your answer here:**

We recommended that the Mayor should ensure GiGL is maintained and updated. The establishment and maintenance of a national equivalent could provide a repository for this type of local authority information.

**45 What technological or other innovative mechanisms could facilitate the delivery and monitoring of biodiversity net gain?**

**Please provide your answer here:**

As expressed in the answer to Question 15, the report suggested the need for a baseline monitoring report or ecological data search to be attached to all planning applications. This, the report argues, would allow for informed decisions to be made and would offset the loss of biodiversity experts in local authority planning departments. This use of a baseline monitoring report would be beneficial for both the planner and the developer, as identifying biodiversity early in the development cycle saves time and money in the long run.

The report also highlights the work of the Partnership for Biodiversity in Planning in London, which is a collaboration between 19 organisations including the Royal

Town Planners Institution, Greenspace Information for Greater London and the Home Builders Federation. The collaboration aims to deliver targeted, industry-led solutions including a web-based planning tool that will enable users to undertake a simple check of whether a potential development requires an ecological assessment. Alongside this there is also a web portal that will provide a 'one stop shop' for guidance relating to protected species in the planning process. This tool can be used by planners and developers.

## Key evidence gaps

**G We would welcome further evidence that addresses the following identified evidence gaps. Please submit evidence, or related enquiries, below or to [netgainconsultation@defra.gsi.gov.uk](mailto:netgainconsultation@defra.gsi.gov.uk).**

**Please provide any relevant evidence here:**

In addition to the answers to specific questions provided above, we would draw your attention to the London Assembly Housing Committee's report, which may be found here: [https://www.london.gov.uk/sites/default/files/at\\_home\\_with\\_nature\\_-\\_encouraging\\_biodiversity\\_in\\_new\\_housing\\_developments.pdf](https://www.london.gov.uk/sites/default/files/at_home_with_nature_-_encouraging_biodiversity_in_new_housing_developments.pdf)

**Please upload any relevant information in common word, PDF or spreadsheet formats. Other formats may be uploaded, but might not be reviewed.:**

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## Consultee feedback on the online survey

**F Overall, how satisfied are you with our online consultation tool?**

Neither satisfied nor dissatisfied

**Please give us any comments you have on the tool, including suggestions on how we could improve it. :**

There doesn't seem to be a catch-all question at the end allowing any additional comments or evidence to be provided.