

Response ID ANON-C7YZ-EB7B-D

Submitted to **Net gain**

Submitted on **2019-02-08 17:30:31**

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:

Dr Vincent Holyoak

C What is your email address?

Email:

vince.holyoak@historicengland.org.uk

D What is your organisation?

Organisation:

Historic England

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

Conservation organisation

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

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?

No

Please provide any explanation for your answer here:

We set out our views in relation to

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

Please provide your answer here:

The successful delivery of biodiversity net gain would be supported by clarity around the wider use of the term 'net gain' in national planning policy. It is not currently clear within the NPPF whether or not the historic environment is covered under the terms 'net environmental gains' and 'environmental designations', particularly as 'net gain' is sometimes specifically linked to biodiversity, as in para. 170d).

In this context, we note and support the aspiration to use the introduction of biodiversity net gain to pilot methods of achieving net gain for other elements of the environment. To help achieve delivery of the 25 Year Environment Plan (which recognises the importance of cultural heritage as a key part of the environment), and also in recognition of similar comments within the preamble to this consultation ("Used positively the planning system can bring together developers and environmentalists to conserve key natural and heritage assets", we very much hope that in future the net gain principle can be extended to heritage assets.

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:

Although we do not have specific expertise in this area, we do not support exemptions for small sites and brownfield sites. Our work with Natural England on

managing brownfield sites (typically, but not exclusively post-industrial) has suggested that these can often be as rich, if not richer for biodiversity than non-brownfield sites.

The consultation document also makes reference to the possibility of exempting permitted development, too, but we do not feel that this would be prudent, particularly in light of the current proposals to significantly extend permitted development rights.

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

Please provide your answer here:

Some of the sites which will be subject to the biodiversity net gain requirement will have heritage value, and this needs to be properly taken into account, whether through an exemption, or through some other mechanism: we would very much welcome the opportunity to discuss this further.

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

I don't know

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?

I don't know

Please provide any explanation for your answer here:

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

I don't know

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.

I don't know

Please provide your answer here:

We would simply reiterate our response to question 2 - we would like to see heritage assets included within future work to extend the net gain principle to other elements of the environment.

Measuring biodiversity

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

Other (please provide an explanation)

Please provide any explanation for your answer here:

We have no expertise in this area.

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?

I don't know

Please provide any explanation for your answer here:

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

I don't know

Please provide any explanation for your answer here:

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

I don't know

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:

16 Should a baseline map of broad habitats be developed?

I don't know

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:

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:

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

I don't know

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?

I don't know

Please provide any explanation for your answer here:

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?

I don't know

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?

I don't know

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?

I don't know

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.

I don't know

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?

I don't know

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:

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

Please provide your answer here:

As with out response to question 2, and in line with the recognition within the 25 Year Environment Plan of the environmental value of cultural heritage - we would like to see the net gain principle extended to heritage assets.

However - and as much as we support the piloting of net gain to deliver better outcomes for biodiversity within the planning system - we also think it essential that it is done in such a way that it does not afford greater weight to one environmental interest than another, and more specifically - that it avoids the potential for introducing detrimental impacts upon heritage assets. We would welcome further discussion on this issue.

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?

I don't know

Please provide your answer here:

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

I don't know

Please provide any explanation for your answer here:

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

I don't know

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:

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

I don't know

Please provide any explanation for your answer here:

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

Please provide your answer here:

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.

Please provide any relevant evidence here:

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

No file was uploaded

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. :