



Net Gain Consultation Proposals Response from the Open Spaces Society

Introduction

This is the response of the Open Spaces Society to the Defra consultation on net gain.

Questions 1, 2, 3, 6, 9, 24, 25, 26, and 27 have been answered.

The Open Spaces Society (OSS) was founded in 1865 and is Britain's oldest national conservation body. It campaigns to protect common land, village greens, open spaces and public paths, and people's right to enjoy them.

It is vital that biodiversity net gain includes environmental improvements for public health and well-being, as well as benefits to landscape and climate change. New developments must be designed to include provision of open space with long-term maintenance arrangements, together with active travel routes as an integrated part of the original design of a new development. Such provision would help to ensure better outcomes for both people and nature. The social aspects of net gain must be addressed to ensure the people factor of biodiversity is adequately considered. Biodiversity net gain could provide much needed money to invest in local green spaces. The revised National Planning Policy Framework 2018 (NPPF) does encourage wider environmental net gain and includes the mitigation hierarchy but in general the planning system is failing to help to enhance the environment and the Defra biodiversity offsetting pilot had mixed results.

It is not clear how net gain would help deliver the goals of the 25-year environment plan, particularly in relation to Nature Recovery Networks.

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

Biodiversity net gain should be mandatory because in practice many developers opted out of net gain, as illustrated in the mixed results of the Defra biodiversity offsetting pilot. Developers need certainty to plan development. Measurable targets enable businesses to report on progress towards achieving them, as they do for other environmental issues, in for instance a sustainability action plan. It is essential to gain a better understanding of the bigger role biodiversity has in creating healthy neighbourhoods for future generations and to address climate change impacts.

Some developers are moving forward with consideration of wider environmental benefits as part of net-gain working.

Redrow is using place-making and nature for people. In 2017/2018 it created 93 hectares of public open space. It commissioned Atkins to carry out a pilot study applying the Defra biodiversity off-setting metric to a number of its existing sites to inform strategy (Working towards Biodiversity Gain, A Strategic Approach 2018).

Barratt Homes has produced a Growing with Nature Guide that aims to create developments with a strong identity that connect with their surroundings, recognising that access to and enjoyment of nature make up a large part of people's sense of place and well-being.

The Berkeley Group has developed The Nine Concepts; Making space for nature and beauty, with the aim of creating more nature on every site than was there before work began.

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

It would be helpful if there were key principles developed as a prerequisite for an effective net-gain policy, for instance, to include a provision for the creation and long-term protection and maintenance of open space. For net gain to be effective there needs to be a system of monitoring at local and national level.

3. **Should there be any specific exemptions to any mandatory biodiversity net gain requirement (planning policies on net gain would still apply) for the following types of development? And why?**
- a. House extensions
 - b. Small sites
 - c. All brownfield sites
 - d. Some brownfield sites (e.g. those listed on brownfield, or other, land registers)

If there were exemptions this would lead to a weakening of the process.

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?**

The NPPF at paragraphs 171 and 174 gives protection to local sites and we welcome the statement on page 26 of the consultation that net gain will not weaken existing planning policy protection. However we are concerned that land registered as a town or village green or common land is not given the same protection as ancient woodland yet it may well contain irreplaceable habitats.

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.**

There is a growing understanding of the bigger role that environmental net gain has in creating healthy neighbourhoods for future generations and for climate-change resilience.

Biodiversity net gain can help streamline the planning process, create more attractive developments and provide much-needed investment in local green space. However, long-term maintenance protection (for instance by registering as a town or village green under the Commons Act 2006 or dedicating for access under the Countryside and Rights of Way Act) must be addressed. New developments must be designed to include new open space for recreation and inclusive active travel routes which would assist in enhancing biodiversity net gain and provide environmental net gain for the health and well-being of the public.

At present the Natural England standards for suitable accessible natural greenspace (SANGS) are to be reviewed as part of the 25-year environment plan, the aims and work of the plan could include addressing environmental net-gain standards. SANGS compensate for impacts in the Thames Basin Heaths Special Protection Area.

There is an opportunity to increase green urban infrastructure.

At present the proposed Office for Environmental Protection under the Environment Bill is not envisaged to have a remit in town and country planning and this should be reconsidered and included, so that the join up between available data and the 25-year plan indicators is the subject of a report in the 25-year plan annual report.

- 24. **Should there be a minimum duration for the maintenance of created or enhanced habitats?**
- 25. **If so, what should the minimum duration be?**
 - a. **Less than 25 years**
 - b. **25 to 30 years**
 - c. **Longer than 25-30 years**
 - d. **Permanent**

The maintenance should continue on a permanent basis. One model to secure long-term stewardship and protection is to transfer the land to a trust with an endowment to fund maintenance, as has been done for some public open spaces by the Milton Keynes Parks Trust.

- 26. **Would conservation covenants be useful for securing long term benefits from biodiversity net gain or reducing process and legal costs?**
- 27. **What safeguards might be needed in the implementation of conservation covenants?**

Much work needs to be done, as per the commitment in the 25-year plan, to assess the potential role of conservation covenants to enable landowners to create a legally binding obligation with respect to their land, that delivers lasting conservation and access benefits for future generations. A statutory scheme would be necessary to ensure compliance.

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