

Dartford Local Plan Pre- Submission (Publication) September 2021 Town and Country Planning (Local Planning) England Regulations 2012 – Regulation 19 Representation Form

Representations on the Dartford Local Plan should be submitted by **5pm on Wednesday 27th October 2021. Late representations will not be accepted.**

Representations should be made using this form and submitted to Dartford Borough Council by email to localplan@dartford.gov.uk or sent to: Planning Policy Team, Dartford Borough Council, Civic Centre, Home Gardens, Dartford, Kent DA1 1DR.

Additional copies of the form can be obtained from the Council's website at: <https://www.dartford.gov.uk/by-category/environment-and-planning2/new-planning-homepage/planning-policy/new-local-plan>. Photocopies of blank forms can also be made.

Advice on how to make representations is provided in the guidance notes which accompany this form. You are strongly advised to read the guidance notes before completing this form. ***Please note that if you responded to the previous version of the Pre-Submission Local Plan February 2021, your previous representation will not be automatically carried forward and you will need to respond again.***

This form comprises 3 parts:

- Part 1: Your details
- Part 2: Your representation(s). Please fill out a separate sheet for each representation you wish to make. However, only fill in Part A once and send all representations in together.
- Part 3: Declaration

If you have any queries about this consultation, please contact the Planning Policy Team by emailing localplan@dartford.gov.uk or by phoning 01322 343213.

You only need to fill this section out once.

Part 1: Your details

You only need to fill this section out once

	1. Personal details	2. Agent details (if applicable)
Title	Mrs	
Name	Sophie Page	
Organisation / group	Environment Agency	
Address 1		
Address 2		
Address 3		
Postcode		
Telephone number		
Email address		

If you are replying on behalf of a group, how many people does it represent?

Part 2: Representation

For office use only

Consultee ID:

Agent ID:

Date Received: :

Please use a separate sheet for each representation

Name or Organisation:	Environment Agency
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1. To which part of the Local Plan does this representation relate (please specify paragraph or policy number)?

Paragraph	Policy	Policies Map	Diagram 2
	<p>Policy S1: Borough Spatial Strategy</p> <p>Policy S2: Infrastructure Planning Strategy/ Diagram 2</p> <p>Policy S3: Climate Change Strategy</p> <p>Policy M4: Flood Risk and Riverside Design</p> <p>Policy E2: Ebbsfleet Central</p> <p>Policy M13: Greenbelt in the Borough</p> <p>Policy M14: Green and Blue Infrastructure and Open Space Provision</p> <p>Sustainability Appraisal</p>		

2. Do you consider the Local Plan is:

Please mark with a cross in the boxes as appropriate

(1) Legally compliant	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
(2) Sound	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
(3) Complies with the duty to co-operate	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>

3. Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

Please see our representation letter

(Continue on a separate sheet / expand box if necessary)

4. Please set out the modification(s) you consider necessary to make the Local Plan legally compliant and sound, in respect of any legal compliance or soundness matters you have identified at 3 above. (Please note that non-compliance with the duty to co-operate is incapable of modification at examination). You will need to say why each modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

Please see our representation letter

(Continue on a separate sheet / expand box if necessary)

Please note: In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions. After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.

5. If your representation is seeking a modification to the plan, do you consider it necessary to participate in the examination hearing session(s)?

No, I do not wish to participate in hearing session(s)

X

Yes, I wish to participate in hearing sessions(s)

Please note that while this will provide an initial indication of your wish to participate in hearing session(s), you may be asked at a later point to confirm your request to participate.

6. If you wish to participate in the hearing session(s), please outline why you consider this to be necessary.

N/A

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they may wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

Part 3: Declaration

Data Protection

The personal information you provide on this form will be processed in accordance with the Data Protection Act 2018 and the Privacy and Electronic Communications (EC Directive) Regulations 2003. The information you provide will only be used for the purposes of the preparation of the Local Plan as required by the Planning and Compulsory Purchase Act 2004, and may be used by the Council to contact you, if necessary, regarding your submission. Under Regulation 22, we have a duty to send all representations to the appointed Planning Inspector. Your name, organisation name (if relevant), comments and town/parish of residence will be made available for public inspection when displaying and reporting the outcome of the statutory consultation stage and cannot be treated as confidential. You will not be asked for any unnecessary information and we will not publish any personal data beyond what is stated in this declaration.

Please sign and date this form. Forms signed electronically will be accepted.

Declaration:

By completing and signing this form, I agree to my name, organisation, town/parish of residence and representations being made available for public inspection.

Signature:

Date:

22 October 2021

Mr Mark Aplin - Planning Policy Manager
Dartford Borough Council
Civic Centre Home Gardens
Dartford
Kent
DA1 1DR

Our ref:
Your ref:

Date: 21 October 2021

Dear Mr Aplin

Re-publication of the Pre-Submission Dartford Local Plan September 2021

Thank you for consulting us on the above document. Having reviewed your re-submission draft Local Plan we have the following comments to make.

Overall we are pleased that most of the issues of interest to us have been considered within your document, however, for us to consider the document "SOUND" we would want to following changes to be made.

Policy S1: Borough Spatial Strategy Urban Area Principles

6. The Urban Area is defined as the area to the north of the A2 and outside the Green Belt. Within this area, complementary to strategic growth at Central Dartford and Ebbsfleet Garden City, developments with permission will be completed and additional development will occur at the Urban Area neighbourhoods of Dartford, Stone, Greenhithe and Swanscombe. This will include: a) Residential development at sites in the identified housing land supply; b) Provision of infrastructure, including for education and health facilities, and improvements to walking and cycling links, railway stations and the bus/ Fastrack networks; c) Provision or enhancement of Green and Blue Infrastructure and Green Grid links; d) Protection of shops and services at identified District and Local centres; and improvement of the quality of their environment where opportunities arise; and e) Enhancements to the Rivers Thames and Darent for outdoor recreation, small scale river related leisure uses, walking and cycling, and ecology, where possible.

6. e) To also include reference to enhancement of the River Ebbsfleet. The River Ebbsfleet is a chalk stream, a priority habitat.

Policy S2: Infrastructure Planning Strategy/ Diagram 2

Diagram 2: We note the Strategic Flood Defence Zone is shown on Diagram 2 and that this is explained in paragraph 5.46.

Whilst we support the inclusion of paragraph 5.46, we continue to advocate that the Future Thames Barrier should be included in Policy M4.

We ask that the Future Infrastructure Strategy be mentioned with Policy S2 in later iterations of the Plan. We look forward to being involved in the revisions of the Infrastructure Delivery Plan and production of the Future Infrastructure Strategy.

Policy S3: Climate Change Strategy

It is noted that the Plan is concise and repetition is not needed. The recommendations from the TE2100 Plan are dealt with in policy M4 and its supporting text.

On that basis, we believe Policy M4 itself must clearly acknowledge the TE2100 Plan and include the Strategic Flood Defence Zone, as raised above.

Policy M4: Flood Risk and Riverside Design

Section 5.40: *“The Rivers Thames and Darent are important parts of the Borough’s character, and green grid.”*

Section 5.41: *“Policy recognises (criterion 1 below) that areas adjoining the Rivers Darent and Thames provide the potential for developments to create high quality environments and places of vitality and recreation or natural/ historic interest.”*

These sections should include reference to the River Ebbsfleet.

Section 5.42: *“It is important that development in flood risk areas does not increase flood risk or displace flood water and that development is designed to incorporate flood resilience measures such as raised finished floor levels and flood dispersal openings.”*

We reiterate our advice from April 2021 and ask that the wording be simplified to *“It is important that development in flood risk areas”* ... is designed to be resilient to flooding.

The wording ‘flood dispersal openings’ is ambiguous. The SFRA discourages the use of underfloor voids and we are concerned that the original text could be misunderstood.

Section 5.46: We are pleased to note the amendment to this section to highlight that the TE2100 Plan includes works to the existing Thames Barrier, or the construction of a new Thames Barrier at Long Reach (within the Dartford Borough), to be in place by 2070 rather than “beyond 2070.”

Policy M4

The TE2100 Plan is an adaptive Plan and identifies several options for a future Thames Barrier to protect the Thames Estuary and London to the end of the century and beyond. It outlines possible high-level options, which include potentially building a new barrier at Long Reach.

In order to ensure that a new barrier will be in place and operational by 2070, we need to make a decision on the preferred option by 2040, also we need to confirm that the required land is secured some time before 2040 to make certain that when the decision is made, options remain available for delivery. Currently our evidence for all locations are defined mainly by navigational requirements, though this work is ongoing and further evidence is anticipated over the next few years. We will provide the latest information as it becomes available and will provide revised and more precise 'zones' as the work continues.

We reiterate our comment that the Future Thames Barrier should be referenced in Policy M4. The 10-Year Review of the TE2100 Plan shows that for a significant majority of organisations, managing tidal flood risk and the impacts of climate change has become extremely important. This has also increased in importance for the communities that they work with.

As the TE2100 Plan includes an option for a new Thames Barrier in Long Reach, we request therefore for any future developments coming forward to be mindful of it and for the council to encourage developers to speak to us early. As discussed we can provide content for the council website to direct developers to our pre-application advice service and to highlight the need for engagement when development is proposed in either the Strategic Flood Defence Zone or the Tidal Flood Defence Zone.

To strengthen our position when providing statutory planning responses, we ask that the Strategic Flood Defence Zone be included in the Policy M4 to provide weight to our comments on planning applications, should this be required. **We suggest the following wording to be added to Policy M4:**

3. Development which is proposed on sites which fall partly or wholly within the Strategic Flood Defence Zone (diagram 2) must not constrain the future management, maintenance and construction of flood defences or a future Thames Barrier and where relevant, development must follow, and contribute to the delivery of, the Thames Estuary 2100 plan.

Policy M13: Greenbelt in the Borough

A future Thames Barrier could be located in the area the draft Local Plan identifies as Green Belt. We are hoping that a future barrier would be classified as a "very special circumstance" and could be located on Green Belt land with the support of the Local Planning Authority. We believe a future barrier could fall under an 'engineering operation' in paragraph 150 of the NPPF, which would not deem it inappropriate in the Green Belt.

We request that the Local Planning Authority keeps this issue under review under the requirement to review the Plan every 5 years.

Biodiversity comments

Policy M4: Flood Risk and Riverside Design

1. "Development with a frontage along the Rivers Thames or Darent will be expected to fully explore the potential for improving: the riparian landscape; biodiversity; access and appeal for pedestrians and cyclists; and opportunities for river based recreation. This should be planned along with securing any flood defence infrastructure that may be required under criterion 2."

Development must also leave sufficient space along the Thames frontage to include 'estuary edge enhancements, to allow more space for estuary habitats. This is so that where defences need raising they don't lead to a net loss of habitat.

Development next to rivers must ensure a Biodiversity Net Gain for the watercourse by ensuring a minimum 10m wide natural buffer of habitat is preserved, created or enhanced. This must be in place during the construction phase as well as part of any completed development. Developments should also be mindful of the needs for terrestrial species to migrate along watercourses and up and over defences.

The Ebbsfleet Central masterplan proposes development along the frontage of the River Ebbsfleet as well as a river park and green space which present significant opportunities for improvements. We ask that the River Ebbsfleet is included in policy M4 to provide weight to our comments on planning applications, should this be required.

Policy E4: Ebbsfleet Central Allocation

3. At land by the east of the railway station, large scale commercial activity and infrastructure will be delivered, providing good quality businesses and jobs, strategic health and community facilities, a hotel, homes and a new District Centre. A first class public realm, urban greenspace and a public park along the River Ebbsfleet, which protects and enhances its ecological interest and creates a naturalised river and banks, will be created."

The River Ebbsfleet is a chalk stream. A priority habitat with opportunities for enhancement as outlined in S1, M4 and M15. This allocation must ensure a Biodiversity Net Gain for the watercourse by ensuring a minimum 10m wide natural buffer of habitat is preserved, created or enhanced. This must be in place during the construction phase as well as part of any completed development. Development should follow the recommendations in the recently published [Chalk-Stream Restoration Strategy](#) which highlights the global importance of chalk stream habitats and includes multiple pragmatic recommendations to bring about the ecological recovery and good health of our chalk streams.

Policy M14: Green and Blue Infrastructure and Open Space Provision

1."New development will be required to contribute to the Green and Blue Infrastructure network as follows: • Sites of 20ha and over: at least 30% of the site area

- Sites of between 2ha and 20ha: at least 20% of the site area
- Sites of less than 2ha will be considered on a site by site basis for a proportionate contribution This should include multi-functional land, providing opportunities for formal and informal recreation, habitats and corridors for wildlife, native trees/ landscaping, and other measures to mitigate and adapt to the impacts of climate change. Ongoing maintenance and management of such areas will need to be demonstrated. Where the provision of on-site Green and Blue Infrastructure or public realm open space is not appropriate or feasible, contributions may be sought for off-site improvements of open space in the vicinity of the site."

There is no mechanism, site allocations, or process outlined in the Local Plan for the delivery of offsite improvements. Whilst Biodiversity Net Gain on site is the preferred approach, there could be more policy clarity on this point.

Co-ordinating BNG and/or Green and Blue Infrastructure provision may make delivery more viable. As it stands it is difficult to see how the development plan would lead to an improvement to greenspaces that are not directly linked to development, as no mechanism or policy exists to ensure their improvement. This is particularly true of Dartford marshes and Dartford creek areas that risk deterioration without active intervention to manage them positively for wildlife.

Sustainability Appraisal

We are pleased to note that our comments in April 2021 have been taken into account and that BREEAM recommendations and the higher standard of water efficiency has been included in Sustainability Appraisal objectives 9 and 12.

Ebbsfleet and Swanscombe Chapter

We note the amendments to the Ebbsfleet and Swanscombe chapter and the inclusion of the SSSI designation of Swanscombe Peninsula. We are also awaiting the outcome of the designation status and will communicate with Natural England and yourselves as required on this. We have already attended meetings with EDC to discuss Ebbsfleet Central at the masterplan stage and will continue our conversations to ensure opportunities are realised that reflect the priority habitat of the River Ebbsfleet as a chalk stream.

We have no further comments regarding Groundwater and Hydrology or Groundwater and Contaminated Land and refer you to our earlier response dated 7 April 2021 (our ref KT/2006/000153/CS-06/PO1-L01)

Biodiversity Net Gain

Section 5.140: "It is anticipated that there will be a national requirement for developments to provide a minimum of 10% biodiversity net gain."

Whilst we do not have amendments to make to this section we wanted to be certain you have reviewed the document produced by the Kent Nature Partnership 'justification for 20% in Kent' Kent County Council advise that they are now investigating how a 20% gain would affect viability in new developments. This work should be concluded in 2-3 months' time.

Other Comments

Should supplementary planning guidance be published in the future, we recommend one on development using the riverside approach

The completed representation form will be submitted along with our comments.

As discussed at our recent meeting we have would like to continue our valued conversations, this could include planning policy liaison meetings, development management advice or training. Please contact me should you wish to discuss this further.

Yours sincerely

Sophie Page

Mrs Sophie Page
Planning Specialist



Justification for a Biodiversity Net Gain target of 20% in Kent

September 2020

What is Biodiversity net gain?

Biodiversity net gain (BNG) is an approach to development that **leaves biodiversity in a better state than before**. Where a development has an impact on biodiversity it encourages developers to provide an increase in appropriate natural habitat and ecological features over and above that being affected in such a way it is hoped that the current loss of biodiversity through development will be halted and ecological networks can be restored.

The 25 Year Environment Plan (2018) made a commitment to embed a 'net environmental gain' principle for development to deliver environmental improvements locally and nationally. In 2019, following consultation, government announced it would mandate net gains for biodiversity in the Environment Bill.

The **Environment Bill's mandatory requirement for biodiversity net gain in the planning system**, aims to ensure that new developments enhance biodiversity and create new green spaces for local communities to enjoy. Integrating biodiversity net gain into the planning system will provide a step change in how planning and development is delivered. The Bill will provide new opportunities for innovation as well as stimulating new economic markets. This is expected to result in the creation and the avoidance of loss of several thousands of hectares of habitat for wildlife each year, which represents annual natural capital benefits of around £1.4 billion¹. This will increase the public benefits of ecosystems, such as improvements in air quality, water flow control, outdoor recreation and physical activity. Net gain requirements will supplement, but not replace or undermine, existing protections for protected sites or irreplaceable habitats.

The Bill requires **at least a 10% gain in biodiversity value** to be secured before planning permission is granted. That "value" is calculated using a nationally applied biodiversity metric, produced and published by the Secretary of State.

The Environment Bill is currently progressing through parliament; it is expected that there will be a two year transition period for the implementation of the biodiversity net gain requirement following Royal Assent.

¹ State of natural capital: Second report to the Economic Affairs Committee

In the meantime, the National Planning Policy Framework already makes provision for biodiversity net gain in paragraph 70 “*Planning policies and decisions should contribute to and enhance the natural and local environment by minimising impacts on and providing net gains for biodiversity*”. And across England, net gain is already provided for within some local plans.

In addition to biodiversity net gain providing a mechanism by which the planning system and associated policies can work towards better protection of the environment and promote truly sustainable development, it also provides **an opportunity to secure investment** for the protection and restoration of biodiversity, habitats and the wider environment.

Why is biodiversity net gain required at all?

Nature is remarkable and is **essential to our lives**. It is responsible for the air we breathe, the water we drink, the soil we live on (and off) and the food we eat. It provides us with clothes to wear, materials to build with and medicines to cure. It provides us with a place for leisure, recreation and reflection and provides great joy and interest; as such it is inextricably linked to our mental health and wellbeing.

Despite the importance of nature to our very existence, nature is facing a crisis – an **ecological emergency**. The Living Planet Report² (2018) shows that wildlife populations have declined by over half in less than 50 years and that the variety of life on earth is disappearing fast. Furthermore, the Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services (IPBES) reports that globally one million animal and plant species are now threatened with extinction³. Nationally, the 2019 State of Nature Report⁴ found that 13% of England’s species are under threat of extinction, with 35% having declined in number since 1970. Across the UK, 133 species have already been lost.

We must act now if we are to turn around nature’s fortunes – for nature’s sake and for the essential role it plays in our lives.

The planning system is a critical place where the natural world regularly meets with the actions of government. With the need to build more homes for growing populations, biodiversity net gain offers a framework to promote sustainable growth. Previously biodiversity has been dealt with under a “no net loss” approach but given the continued decline of England’s biodiversity, this approach is arguably not sufficient and hence an approach in which a development leaves biodiversity in a better state than before is required.

Why is a 20% target being proposed for Kent?

Kent has a wonderfully rich and varied biodiversity resource, with globally rare habitats such as the vegetated shingle of Dungeness, our ancient chalk grasslands and the marine

² https://www.wwf.org.uk/sites/default/files/2018-10/wwfintl_livingplanet_full.pdf

³ https://www.ipbes.net/news/Media-Release-Global-Assessment#_By_the_Numbers

⁴ <https://nbn.org.uk/stateofnature2019/reports/>

chalk reef habitats around our coast. Our wealth of varied habitat supports **over 3,400 rare and threatened species**, with some of these nationally rare and special species only found in Kent within the UK. The north Kent coast is one of the few remaining UK strongholds for the Shrill Carder Bee; and Kent is the only place in the south east where the Heath Fritillary is found. The specialist leafhopper *Anoscopus duffieldii* at Dungeness and the late spider-orchid on the chalk downland in East Kent are also unique to the county.

Because of the services and functions that biodiversity provides, this resource can also be described as **our natural capital**. Natural capital provides (food, raw material and growth), regulates (air, water, soil and climate) and supports us culturally with non-material benefits. It can be simply be described as the elements of nature that directly or indirectly produce value to people. Biodiversity is the “live” element of natural capital and many of the benefits that stem from natural capital are as a result of the interactions between biodiversity and non-living resources. By investing in these biodiversity assets, we are investing in our own future and wellbeing.

There are **pressures on land use** which are specific to Kent’s location, such as its proximity to London and as a gateway to Europe, through road, rail, sea and air links. But the biggest pressure Kent faces is the **significant and unprecedented levels of growth**. The Kent and Medway Growth and Infrastructure Framework identified in 2018 some 178,600 additional homes and 396,300 additional people by 2031 (that’s 24% and 23% growth respectively); and, in light of the recently published Planning Reforms, this is likely to be greater still.

And in addition to these homes is the infrastructure needed to support this – transport, education, health and social care, utilities and community facilities. This all requires space (land) and resources.

The Kent Habitat Survey 2012 showed that land covered by development in Kent had increased from 10.7% in 1961 to 17.3% in 2008, an increase of around 62% of the original resource. And the recent study by the Centre for Ecology & Hydrology (2020) found that Kent had the **largest net rise in urban land cover** in terms of geographical area (136km²) between 1990 and 2015.

With unprecedented growth levels predicted, land take will increase even further. And a growing population needs food and materials, with intensive food production and farming placing further pressures on the land.

This continuous growth in development and urbanisation means the county now has a **highly fragmented landscape** with small pockets of habitat supporting rare and vulnerable species. Fragmentation impairs species movement and migration, meaning these isolated populations are less able to survive or adapt to changing climate conditions and are put at further risk.

An assessment of Kent’s wildlife in 2011⁵ reported that in the last century there have been **major losses in Kent’s wildlife** with 30 species of wild plant, eight species of butterfly, one amphibian, one reptile, 10 bird species, and two species of bat all becoming extinct in the

⁵ <http://www.kentnature.org.uk/uploads/State%20of%20Kent's%20Wildlife%202011.pdf>

county. In addition to this, many of the species that remain have seen big population declines, including many species of butterflies and moths, birds and wildflowers of farmland, wetland plants, adders and common toads.

In response **ecological emergencies** have been declared across the county⁶.

With these exceptional pressures for the county, it is considered that a 20% biodiversity net gain target is a proportionate response and one that illustrates the county's commitment to tackling the ecological crisis that faces Kent. Furthermore, the scale of previous biodiversity losses require aspirational levels of gain to make up for them.

How will biodiversity net gain affect development and is a 20% target achievable?

A 10% minimum gain has been set by the Environment Bill, as this is the lowest level that Defra consider would actually deliver biodiversity gains. But the Kent Nature Partnership consider that given the pressures facing the county's biodiversity, a greater ambition of 20% should be set to provide greater confidence in genuine gains for biodiversity and ensure the successful recovery of nature in Kent.

Natural England's biodiversity net gain study (Vivid Economics, June 2018) considered the impacts on the economics and viability of development and concluded that a biodiversity net gain requirement was **not expected to affect the financial viability of housing developments** (up to 20% biodiversity net gain scenario); it also suggests there is a strong case for greater ambition.

The study found that for biodiversity net gain scenarios up to 20%:

- With careful design and early consideration, on site biodiversity net gain can be delivered at no or little cost.
- If it can be delivered on site, biodiversity net gain is usually cost-neutral – biodiversity on-site can attract customers, speed up sales and even increase values.
- If biodiversity net gain costs are significant, it is the landowner that will bear them rather than the developer through reduced land prices; however, according to the study most developers considered it unlikely to have a significant impact on land values.
- After a transition period, incidence of a biodiversity net gain requirement on developers was expected to be minimal or positive.
- Biodiversity net gain is not expected to reduce the number of affordable housing units.
- An increase in the biodiversity net gain requirement does not need to impact the number of dwellings, as some of net gain can be delivered off-site.
- Where there are higher costs associated with off-site delivery, these will be passed through to the landowner but represent less than a 1.5% uplift.

⁶ Ecological emergencies have been declared by Kent County Council, Maidstone Borough Council, Swale Borough Council, Thanet District Council, Tonbridge & Malling Borough Council, Tunbridge Wells Borough Council

The Defra assessment⁷ similarly concluded that the additional costs will fall to the landowner. Their assessment states that when mandatory requirements that are transparent and clearly defined are imposed across all developers, developable land prices should fall to absorb the policy cost as developers ‘pass through’ the cost. Evidence from industry and academia supports this, showing that development costs are passed back through to land prices once the market has adjusted to the new policy. It states that **house prices and developer profits appear inelastic with respect to extra costs**, with land prices absorbing the change.^{8,9,10}

The Defra impact assessment also found that the **level of net gain requirement makes relatively modest difference to the costs of mitigating and compensating for impacts** when assessed against the more significant costs of achieving no net loss and wider development policy objectives. It found that the majority of the costs associated with net gain are incurred to correct for the initial loss of biodiversity through development (i.e. achieving only ‘no net loss’). For example, a 10% net gain is in fact a requirement to deliver approximately 110% of the total lost biodiversity¹¹; a 10% gain therefore represents a relatively small proportion of overall habitat creation/enhancement requirements. Further more, **the additional investment required to move from 10% net gain to 20% does not mean twice the expense**. As the Natural England assessment found, **careful design and early consideration can see the achievement of significant biodiversity improvement with little or even no additional spend**.

Overall, Defra’s analysis indicated that **net gain delivery costs are likely to be low** as a proportion of key variables such as build costs and land prices. In addition, they found it is **unlikely to lead to a significant increase on existing average developers contributions**.

The table below provides the modelled delivery costs as proportion of build costs for the south east.

	Scenario A (Developer is able to avoid significant loss and mitigates and delivers 10% net gain on site)	Scenario B (Developer is unable to compensate all impacts on-site, but is able to secure local compensatory habitat creation)	Scenario C (Developer is unable to compensate on site and is unable to find local compensatory habitats in which to invest. This scenario reflects the likely maximum cost of BNG)
Greenfield delivery	0.1	0.7	2.4
Brownfield delivery	<0.1	0.1	0.5

Defra state that of the nine largest housing developers (which together account for 52% of residential completions), six already have some form of habitat mitigation and creation policy and are therefore already delivering biodiversity net gain¹².

⁷https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/839610/net-gain-ia.pdf

⁸https://www.savills.co.uk/research_articles/229130/240942-0

⁹<https://www.citymetric.com/politics/granting-planning-permission-massively-increases-land-values-shouldnt-state-get-share-1154>

¹⁰<https://onlinelibrary.wiley.com/doi/pdf/10.1111/j.1759-3441.1999.tb00944.x>

¹¹ Approximately because the 10% is applied to the full biodiversity value of the development site, rather than only those lost or in the structures’ footprint

¹² Completion figures and policies taken from 2017 annual reports from Barratt, Bellway, Berkley, Bovis, Crest Nicholson and Redrow

And although a mandatory requirement for biodiversity net gain across England is new, its delivery is not and therefore the feasibility of delivery has already been demonstrated.

Lichfield case study

Lichfield District Council requires a net gain of 20% on new development (this is currently measured against gross units lost, rather than the full within-boundary baseline).

Experience to date suggests that developers are able to meet this requirement and often achieve much greater levels of biodiversity net gain, with the planning authority reporting the following since the introduction of the net gain approach in 2015:

- 80 major applications approved since model adopted.
- All applications demonstrated a likely net gain above 20%.
- A number of these developments are achieving greater than 100% net gain.
- Average likely net gain score in Lichfield District is 59.33%.

Areas delivering biodiversity net gain through planning or forming an approach¹³

Barrow-in-Furness Borough Council
 Basingstoke & Deane BC
 Buckinghamshire & Milton Keynes
 Cornwall Council
 Dartmoor National Park
 Dorset Council
 Doncaster
 Dover District Council
 East Devon District Council
 Essex
 Exeter City Council
 Exmoor National Park
 Folkestone & Hythe District Council
 Greater Manchester
 Isles of Scilly Council
 Lake District National Park
 Lichfield District Council
 Mid Devon District Council
 Milton Keynes Council
 North Devon District Council
 OxCam Growth Arc
 Oxfordshire
 Plymouth City Council, Plymouth & South West Devon Plan
 Salford
 South Cambridgeshire District Council
 South Downs National Park
 South Lakeland District Council
 South Oxfordshire District Council
 Suffolk Coastal District Council
 London Borough of Sutton

¹³ Provided by Natural England, 29th September 2020

Teignbridge District Council Torbay Council Tunbridge Wells District Council Vale of White Horse District Council Warwickshire & Solihull

Within Kent, Otterpool Park Garden Town is committed to delivering a 20% biodiversity net gain across the development.

Biodiversity net gain in Kent

Otterpool Park Garden Town, Folkestone and Hythe District Council
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The development has been designed to deliver a 20% biodiversity net gain across the whole site and almost half of the development will be green space.
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The site is currently large areas of grassland and arable land. However, rivers, ponds, hedgerows, orchards and woodland all form part of the site and the most valuable of these will be protected, as well as being buffered by features such as a river corridor and woodlands in appropriate, high quality habitats.
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With 50% of Otterpool Park land being set aside for playing fields, parks, allotments, orchards and habitat, and approximately 4% of the land also being retained for agricultural use, the preservation of significant green space will ensure continued support to habitats and biodiversity.

The most valuable existing habitats will be protected, and others will be created, including wetlands, ponds and areas of tree planting.
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Kent is not the only county where a biodiversity net gain target over the minimum 10% has been secured.

Local Planning Authorities committed to delivering biodiversity net gain in excess of 10%
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Salt Cross Garden Village, West Oxfordshire District Council – 25% Swindon Borough Council – 20% Buckinghamshire and Milton Keynes – promoting 20% within growth corridor and potentially Garden Town Lichfield District Council – 20%

How will the biodiversity net gain approach benefit the county?

The potential benefits to biodiversity from a net gain approach are obvious but it is **not just biodiversity that will benefit**.

A high functioning and healthy ecosystem benefits more than just wildlife. It provides a range of **ecosystem services** that are vital to the people of Kent. Investment in the county's biodiversity via net gain will help to restore and enhance many of the functions including air, water, soil and climate regulation. It will also support the productivity of the county, and

therefore economy, in terms of food and raw materials. Plus it will support our residents with non-material and health and wellbeing benefits.

Increased biodiversity provides **natural solutions to climate change**, helping us reach our **net zero targets**, through the carbon sequestration properties of, for example, trees, hedgerows, grassland, wetland and saltmarsh. It can also help us to mitigate and adapt to climate change by, for example, managing and slowing water flow, providing areas for water storage and providing cooling effects.

Biodiversity net gain can help to deliver additional green space which in turn delivers **health and wellbeing and wider societal benefits**. Recent evidence suggests that living in or near to greener environments reduces mortality rates and improves mental wellbeing¹⁴. A study of over 19,000 people in England looked at the effects of spending 2 hours or more a week in or around open green spaces. The results showed a significant increase in the likelihood of people reporting good health or high wellbeing¹⁵. Further, the social benefits of physical activity in England have been valued at an estimated £2.18 billion a year, but this could be higher if more people had access to good places to exercise in¹⁶.

Despite this overwhelming evidence, inequalities in environmental quality and accessibility exist and contribute to the health inequalities in England. A recent Friends of the Earth study¹⁷ assessed access to greenspace, rating “neighbourhoods” from A to E, where an E neighbourhood are those most deprived of green space and therefore miss out on the health and nature benefits. E rated neighbourhoods have less than 9 square metres of public green space per capita in the area, very little garden space, and larger amounts of green space are more than 5 minutes’ walk away for at least three-quarters of residents. All but two of Kent and Medway’s districts featured at least once in the list of E rated neighbourhoods, with 34 areas in the county identified within this bracket.

Biodiversity net gain should go some way to ensuring that new developments offer **high quality and accessible green space** and may also provide the opportunity for investment in green infrastructure outside of the development red line.

If biodiversity net gain is delivered strategically, and in alignment with the emerging Nature Recovery Network, we could deliver **more extensive, better quality and better connected habitat**, building on the existing network of designated sites to create a robust ecological landscape that will better withstand the impacts of climate change and provide a source of pride and wellbeing for the people of Kent.

It is suggested that biodiversity net gain offers a **better deal for developers**. A standardised approach to delivering biodiversity net gain across the county provides developers with certainty and a level playing field. The streamlining of the process could also potentially

¹⁴ Lovell, R. (2018). Research Briefing: Health and the natural environment. A review of evidence, policy, practice and opportunities for the future. Defra project 14291. (Accessed 21 August 2020)

¹⁵ White, M. P. and others. (2019). Spending at least 120 minutes a week in nature is associated with good health and wellbeing. Scientific Reports 9: 7730. (Accessed 21 August 2020)

¹⁶ White, M.P and others. (2016). Recreational physical activity in natural environments and implications for health: a population based cross-sectional study in England. Prev. Med. 91, 383–388

¹⁷ <https://policy.friendsoftheearth.uk/download/englands-green-space-gap-full-report>

result in savings for developers. A survey¹⁸ found that developers rate the overall complexity and associated costs of dealing with this as the most significant cause of extra cost in the planning process. This is in addition to excessive and unpredictable delays, which in turn can result in further costs still.

Delivery of biodiversity net gain on site can also have a positive effect on the value of a the development. Proximity to open space can enhance the value of a commercial property by 3% and housing by 18%¹⁹. In 2016, living within 500 metres of green and blue space was estimated to be worth £78 billion to UK homes, adding on average £2,800 to property prices in urban areas²⁰.

It is agreed that effective Covid-19 recovery planning should “**Build Back Better**” and central to this is a **green recovery**. Delivery of biodiversity net gain on site can help deliver not only ecological gains but a high quality natural environment thriving with wildlife that local communities can engage with and realise the mental and physical health benefits of such a connection. Lockdown during the pandemic demonstrated the importance to people of access to good quality green space and this is likely to be high on a buyers’ essentials when considering a new development.

¹⁸ <https://www.fmb.org.uk/media/35090/fmb-house-builders-survey-2017.pdf>

¹⁹ Securing the Value of Nature in Kent, 2011, David Pape and Jacklyn Johnson

²⁰ UK Natural Capital Accounts 2019: Estimates of the financial and societal value of natural resources to people in the UK