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Rt Hon Michael Gove MP
Secretary of State for Environment, Food and Rural Affairs
Defra
17 Smith Square, Westminster
London SW1P 3JR

Sent via email to netgainconsultation@defra.gsi.gov.uk

6 February 2019

Dear Secretary of State

**South East England Councils response to
Defra consultation on Biodiversity Net Gain Consultation Proposals**

We respond on behalf of South East England Councils (SEEC). SEEC is the cross-tier voice of local authorities in the South East, representing 9.2 million residents. We are a voluntary cross-party membership body, bringing together county, unitary and district councils to promote the views and interests of all tiers of local government across the South East, an area comprising 74 local authorities.

We welcome the opportunity to comment on your consultation. The South East has England's largest population and highest homes growth – over 110,600 additional homes in the 3 years to March 2018. The South East also made the highest net economic contribution to the Treasury over the 15 years to 2015/16. SEEC members, and our residents and businesses, are concerned to ensure this growth and success is sustainable.

The quality of the South East's environment is therefore an important issue, with over 1 million acres of protected land, including National Parks, AONBs, SSSIs, SPA and Green Belt. However, we also face an infrastructure funding gap estimated at £15.4bn by 2030, with congestion and overstretched transport already negatively impacting on many living and working here.

SEEC members are keen to ensure the South East's high levels of growth bring improved quality of life for residents and businesses. Whilst we support the principle of improving biodiversity, which underpins Defra's consultation, it is important that these gains are delivered as part of a co-ordinated package of environmental and wider infrastructure investment. However we are concerned that Defra's current national proposals could lack the local responsiveness needed to achieve this.

We therefore have two high level recommendations in response to questions 1 and 2 of Defra's consultation, to help deliver the outcomes we all want to see. Individual local authorities will also respond reflecting their local experience and contributing existing good practice to further shape Defra's proposals.

Defra question 1: Should biodiversity net gain be mandated for all housing, commercial and other development within the scope of the Town and Country Planning Act?

SEEC response:

SEEC members are keen to secure appropriate biodiversity gains relating to development, as part of a co-ordinated package of environmental and wider infrastructure investment. SEEC supports

the principle of mandating biodiversity net gains as long as it can be adequately funded and there is local input on how the approach is applied rather than a single set, centrally-imposed approach. Any approach needs to complement the locally-led planning system, and be responsive to local factors and knowledge.

Rather than a rigid centrally-imposed methodology, SEEC recommends a better approach would be for Government to provide a tool-kit from which councils could draw as required to deliver tailored local improvements. This way councils could determine the most locally applicable approach which will deliver appropriate biodiversity gains relating to specific developments.

This approach would enable councils to work with developers to secure a locally-appropriate balance between financial contributions for biodiversity gains and wider vital physical infrastructure. As highlighted above the South East already faces an £15.4bn infrastructure funding gap by 2030. This is compounded by some developers claiming developments have limited 'financial viability' – particularly given the South East's high cost of land. This can undermine councils' ability to secure adequate infrastructure contributions from new building and it will be important to ensure contributions for biodiversity do not come at the cost of funding transport and affordable housing, which are also vital to the South East's sustainable success.

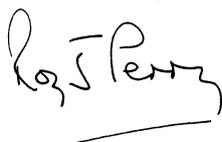
SEEC members have raised concerns with MHCLG (see recent consultation response [here](#)) that Permitted Development Rights (PDR) and new housing on small sites currently do not contribute funding to address any of the infrastructure needs they generate. This is already leading to further pressure on the South East's over-stretched transport and wider infrastructure. Our members are concerned that Defra's consultation proposes PDR sites should also be exempt from biodiversity net gain contributions. SEEC strongly recommends that Defra and MHCLG proposals are changed so that PDR sites are required to make infrastructure contributions. Ensuring PDR sites contribute is essential to avoid increasing the South East's existing infrastructure deficit, and to avoid a similar deficit on biodiversity. We are also concerned about potential negative impacts on biodiversity net gains if brownfield and small sites are excluded as well as PDR. If all these types of sites are excluded, this could push all the costs onto a smaller number of larger developments.

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

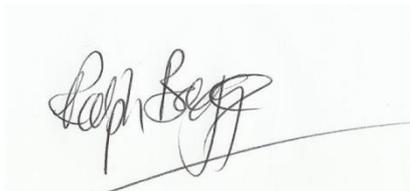
SEEC response:

Defra should work closely with MHCLG and local government to ensure the next stage of developing biodiversity proposals (such as a toolkit) is joined up with the rest of the planning system. This is especially important given the inclusion of biodiversity net gain and wider sustainable development principles within the National Planning Policy Framework. We also ask Defra to explore other strategic approaches to securing biodiversity gains which go beyond the planning system. For example there may be potential to secure larger gains through working with public landowners such as the Ministry of Defence and Forestry Commission to maximise biodiversity benefits on their large land holdings in the South East.

Yours sincerely



Cllr Roy Perry
Chairman, South East England Councils



Cllr Ralph Bagge
Deputy Chairman, South East England Councils