

Environment Bill Briefing Note

Key Points for Planning

Briefing Note

17/10/2019

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The Environment Bill, published by DEFRA on 15th October 2019, was introduced to the Commons and given its First Reading. MPs will consider the Bill at a Second Reading at a later date which has yet to be announced.

The far ranging Bill contains provisions aimed at improving the natural environment and creates the Office for Environmental Protection (OEP), who will oversee changes in policy and standards for, waste and resource efficiency; air and water quality; the recall of products that fail to meet environmental standards; conservation covenants; the regulation of chemicals; and other 'connected purposes'.

The main points of note for planning are: :-

- **Developers will be required to deliver 10% net biodiversity gain through their schemes.** The Bill states that a **"biodiversity metric"** to calculate the "biodiversity value of any habitat" will be published by the Secretary of State and will be used in policy preparation and decision making.
- **Mandatory condition on planning permissions.** This will be a pre-commencement condition requiring the approval of a plan for achieving a net biodiversity gain.
- **Councils must produce "local nature recovery strategies" and administer the system.** The Bill will require planning authorities to create **"local nature strategies"** which should identify where compensatory provision of biodiversity can be delivered. The Bill explains these will include a **"statement of biodiversity priorities for the strategy area" and also a "local habitat map for the whole strategy area or two or more habitat maps which together cover the whole strategy area."**
- **Developers will have to buy "biodiversity credits" if they cannot deliver biodiversity improvements locally.** The Bill explains that the Secretary of State must **"publish information about the arrangements, including in particular the amount payable for credits"**. The government will use payments from the scheme to carry out work to enhance biodiversity of habitats.

- **Developers have to guarantee "net gain" for 30 years, and authorities must police this.** Habitats which are created to deliver net gain must be maintained for **"at least 30 years"** according to the Bill.
- **Amendments to the Natural Environment and Rural Communities Act 2006.** This will require local authorities to **"enhance"** as well as **"conserve"** biodiversity and they must publish reports on how this duty is being met.
- **The Environment Bill establishes a new public body – the Office for Environmental Protection (OEP) to replace the role of the European Commission after Britain leave the European Union.** The new body will have powers of judicial review.
- **The government said it will "fully fund all new burdens on local authorities" arising for the bill.** A Defra policy statement explains that they are committed to working in partnership with local government, business and wider stakeholders. This is in order to aid the implementation of these measures and to help identify and secure the capacity and skills to deliver a cleaner, greener and healthier environment.

If you have any questions about the above or any other planning related queries, please do not hesitate to contact us for more information using details available on our website www.dlpconsultants.co.uk .

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