

Planning Update- Key Amendments to the Environment Bill

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Introduction

The Environment Bill (2020) proposes a number of changes relevant to developers in England, particularly around biodiversity net gain and including net gain in local plans and national policy statements.

The Bill includes measures that would require developers to secure biodiversity net gain in all new schemes and councils to prepare **spatial “nature recovery” strategies**. It also enshrines key environmental targets in law, and establishes a new regulator, *The Office of Environmental Protection* (OEP).

The Bill returned to the UK parliament last week, ahead of the reporting deadline on 1st December. Proposed key amendments, introduced on 22nd October include changes to how the OEP operates and the introduction of two new kinds of strategy that place requirements on local authorities and developers to help conserve protected species and habitats from development pressures.

Key Amendments

Changes to how the OEP operates

The Bill establishes the OEP to regulate the UK's environment after the European Commission ceases to have jurisdiction. The government had promised an *“independent watchdog with the teeth to hold government and other public bodies to account on their obligations on the environment- including on climate change”*.

The proposed amendment enables the Environment Secretary to issue statutory guidance to the OEP, which the body would have to have regard to in preparing its enforcement policies and functions.

The introduction of Species Conservation Strategies

The amendment includes the introduction of **species conservation strategies**, which would be a new mechanism for safeguarding the future of particular species considered to be at greatest risk.

Their use will be focused on areas where there is a conflict between the conservation (of the species) and development pressures. The DEFRA policy paper (*Nature and Conservation Covenants Parts 6 and 7*) indicates the strategies would “build on” the district level licensing scheme introduced in parts of the country for great crested newts, but would also apply to other protected species.

The introduction of Protected Site Strategies

The introduction of **protected site strategies** are also included in the amendments. These would cover the conservation and management of a protected site, such as existing special areas of conservation, sites of special scientific interest, and special protection areas. DEFRA indicates these will be particularly helpful where evidence shows sites are being affected by a range of different offsite activities. An example being nitrate credit trading, which involves developers buying land to turn into more eco-friendly habitats.

The strategies noted seek to provide a more strategic approach to the protecting and restoring of species and habitats at risk. They will also place a new duty on local planning authorities to cooperate with Natural England and other public bodies in the establishment and operation of these strategies.

The strategies also present an alignment with the zonal planning policy introduced in the recent planning white paper.

As one of the UK's leading independent Planning consultancies, DLP Planning are well placed to keep you informed of future announcements and to advise on the implications for your business.

If you have any queries or require any further information, please do not hesitate to contact DLP Planning Ltd.

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