

Home Builders Federation

Matter 10

MAIDSTONE LOCAL PLAN EXAMINATION

Matter 10 The Environment, Heritage and Climate Change

Issue 1: Protecting and Enhancing the Natural and Historic Environments

Q10.1 Is Policy LPRSP14(A) justified and consistent with national policy in seeking a minimum 20% on site Biodiversity Net Gain (BNG) on all new residential development? Has this been subject to viability testing and is it reflected in the indicative site capacities identified for the housing and mixed use site allocations? Is further guidance needed to support implementation of 20% BNG and how it would be calculated in accordance with recognised metrics?

The HBF does not consider the requirement for all development to deliver a 20% net gain in biodiversity to be justified.

Firstly, no evidence is presented as to why it is necessary for development in Maidstone to deliver more than the 10% minimum required by the Environment Act. It is important to note that the 10% requirement has been set at that level to ensure that a net gain in biodiversity is achieved and as such will ensure all new development has a positive impact on biodiversity, as is required by paragraph 174d of the NPPF. To go beyond this the Council must be able to show that new development in Maidstone has a more disproportionate impact on biodiversity than is expected nationally and as such making it necessary in planning terms to provide a greater degree of mitigation. However, we could find nothing the Council's evidence to show that new development in Maidstone will have a disproportionate impact on biodiversity than is the case nationally and therefore consider there to be no reason to go beyond the 10% required in the Environment Act.

Secondly, we are concerned that the impact on viability and deliverability has not been fully considered. As we note in our representations the viability assessment increases the costs of meeting the proposed policy by 19% compared to those in meeting the 10% legal requirement. This is based on the impact assessment on biodiversity net gain produced by Defra. However, this assessment is based on the assumption that the additional 10% net gains can be delivered largely on site. It cannot be assumed



that the additional net gain over the 10% required by the Environment Act could be delivered wholly on site. An additional net gain would more likely require a higher degree of offsite mitigation which will lead to a higher cost to the developer. Alternatively, it will require more land within the site to be given over to delivering biodiversity net gains and as such reducing the amount of land available for development. This will not only impact on the viability of development but also the number of new homes that will come forward over the plan period.

Finally, if more offsetting is required to meet the 20% requirement there is no evidence provided by the Council as to whether there is sufficient capacity in the market for offsite credits to ensure that this policy, and by extension the local plan is deliverable. A lack of available credits will not only lead to delays in development coming forward where they are unable to access credits but also increase the cost of these credits by increasing demand.

The evidence from the Governments market analysis¹ that supported consultation on the implementation of Biodiversity Net Gain indicates that the average price of delivering net gain offsite is higher than that set out in the original impact assessment. The Impact Assessment published to support the initial consultation on BNG used a price of £11,000 per offsite biodiversity unit, but stakeholders informing the study considered that this price was too low to attract sufficient supply to meet expected demand. A range of between £15,000 and £25,000 per biodiversity unit was considered to be more reasonable with £20,000 considered to be a reasonable figure per biodiversity to attract sufficient providers to deliver the necessary units to meet demand. However, the study also recognises that where this is an immature market and if demand is higher than expected then the price of offsetting could also be much higher.

In conclusion, there is very little evidence presented by the Council as to why it is necessary for development to deliver a minimum net gain in biodiversity of 20%. The HBF recognises the importance of ensuring development support improvements in biodiversity, but these should be fair, reasonable and related to the impact of development in the area. It must also be recognised that it is very difficult to know the cost of this delivering net gains until the level of biodiversity on a site has been assessed. In some instances, a 20% improvement may be relatively simple to deliver but in others could be challenging. Therefore, the HBF does not consider this policy to be justified and recommend that the 20% requirement be deleted.

Q10.2 Will the policy be effective in terms of the water environment at part 2 in (a) focusing assessment of water infrastructure capacity to 'major developments' and (b) clarity on what would constitute a major development for the purposes of the policy?

No comment

Q10.3 Overall, would Policy LPRSP14(A) provide an effective approach to protecting.

¹ Biodiversity Net Gain: Market analysis study Final Report Defra (February 2021)

and enhancing the natural environment in the Borough?

No comment

Q10.4 Would Policy LPRSP14(B) provide an effective and justified strategic/spatial policy for conserving and enhancing the historic environment of the Borough?

No comment

Q10.5 Would Policy LPRENV1 provide an effective framework for assessing individual proposals in relation to protecting the historic environment consistent with national planning policy? Should the policy distinguish between designated and non-designated heritage assets? Is it necessary for soundness for the policy (or Policy LPRSP14(b)) to commit the Borough Council to undertake a heritage strategy?

No comment

Mark Behrendt MRTPI
Planning Manager – Local Plans SE and E