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Net Gain – the new threat to nature

Is the Government's plan for 'Net Biodiversity Gain' another ruse to let developers trample over our wildlife?

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We think the government's Net Gain proposal is a threat to nature and our environment.

Given the dire state of nature the government's focus should be on reversing and restoring nature's decline, not finding new ruses to allow developers to destroy it.

3 in 5 of our wild species are in decline; more than 1 in 10 species faces extinction; and, a third of the UK's natural life support ecosystems has been eroded.

The government wants to make Net Biodiversity Gain an official plank of environment and land use planning policy in England¹.

This is as a prelude to a full-blown Net Gain scheme, which would allow one environmental good, such as nature, to be traded off against another, for example water conservation.

In theory, Net Biodiversity Gain means developments measurably improve biodiversity such that conditions are better than before the development took place.

Crucially the biodiversity gain does not need to be in the same locality. One area of biodiversity can be damaged if another 100 miles away is improved.

The government claims that Net Gain “over time could bring countless benefits to wildlife and habitats, as well as to communities and developers” by “allowing new housing without negatively impacting our wildlife”.

It also says that, “Reassured by a robust biodiversity net gain policy, local communities could be more confident in accepting development that delivers growth, jobs and amenities, while having a positive impact on local wildlife.”

Yet similar big claims were made for biodiversity offsetting, which the government promoted from 2013 onward, despite the evidence that offsetting did not and is not working².

The thrust behind both offsetting and Net Gain is to ease the way for developers based on unproven claims that ultimately nature and communities will be better off.

As with offsetting, it is unlikely that Net Gain will protect nature in practice. At best there are serious issues to be addressed and questions to be answered.

The planning system already fails nature

The planning system is already not sufficiently geared to reversing nature's decline and the environmental crisis. Introducing Net Gain could make it worse.

Since 2010, the planning rules have been reformed to make it easier for developers.

The new rules often speed up development of dubious quality that can fragment landscapes and natural assets, is designed without proper access to nature, local amenity and services, and is located in ways which entrench car dependency.

The government's preoccupation with meeting unsustainable demands of developers is clear when it says it "will only mandate biodiversity net gain if it is satisfied that it (Net Gain) will deliver benefits for development, including greater certainty and process cost savings."[3](#)

In 2017, the government pledged "to leave our environment in a better state" in its 25 Year Environment Plan[4](#).

Long on aspiration and short on detail, the plan contains warm words about the UK having world-leading green standards in post-Brexit Britain, but the government is yet to back up its aims and claims legally in its draft Environment Bill.

If it really wanted to meet its pledge it would strengthen the planning system, not further weaken it through introducing Net Gain.

The bigger picture

Despite claims that Net Gain will leave nature in better condition and communities will be better off, there is no guarantee that habitats and features resulting from Net Gain will themselves be protected from being developed.

Much also depends on whether new features work as intended and, if they fail, how this will be addressed.

The government says new features created by Net Gain could last for 25-30 years. But if the scale of development envisaged by the government occurs our land and nature will be in a constant change with consequences for landscapes, wildlife and ecosystems.

It is also worrying that the Net Gain approach does not properly deliver on the Lawton Review 'Make Space for Nature'[5](#).

The Net Gain Impact Assessment says: “Biodiversity net gain should, therefore, steer development towards the least environmentally damaging areas and design practices...”.

Of course, we need to protect National Parks, AONBs and nature reserves, but the Lawton Review was clear that this will not happen if land outside these and other protected areas continues to be damaged and fragmented by development pressures and unsympathetic activities.

The government’s oversimplified approach does not advance the Lawton Review and the need to restore connectivity, resilience and ‘intactness’ of land and ecosystems so that wild species can move across areas and landscapes, not be confined to increasingly fragmented and enclosed ‘reserves’.

Answers to important questions missing

In its proposals the government refers to work which ‘could’ be done to provide more certainty for nature, but it is not clear if these will be addressed before Net Gain is introduced.

Our critique of the Net Gain proposal raises important questions. For example:

How will it avoid areas becoming environmental deserts?

This could happen as developers home in on particular desirable locations and rely on other areas far away to supply “the increased availability of compensation sites” the Net Gain approach requires;

Will it ensure that robust ecological and habitats surveys are undertaken?

These are needed and the information needs to be made fully available for proper review and scrutiny. It is not clear they will be;

Will long-term monitoring happen?

Proper tracking of any Net Gain habitats and features is needed to ensure they are working as promised, to anticipate the need for remedial action to be taken and paid for or, in the case of failure, to ensure the developer makes good.

Can Net Gain work for the complex needs of species and habitats?

The needs of different wild species (insects, aquatic life, birds, mammals etc) and underlying ecosystems are complex yet developers are likely to use habitats as a proxy. Yet one meadow is different from another;

Will the government persist with their flawed metric?

Defra recognises that their proposed rudimentary metric - which would be used by developers and councils to assess habitats and produce the number of units to be determine the intended Net Gain - is far from perfect. They note “existing limitations of the metric with regards to consideration of individual species and wider environmental value”.

Our recommendations:

Abandon Net Gain

Instead focus on fully protecting and restoring nature and the underlying ecosystems we rely on, instead of promoting distractions that further hasten and justify their decline.

This includes fully implementing the Lawton Review's call for fully-functioning, connected habitats and landscapes for wildlife, spatially mapped and funded across England.

Set a legal framework

Back up its environmental aims legally with legal underpinning in its Environment Bill.

Set high environmental standards for development

For example, set energy, water use and green space requirements as standard, without using these as rewards for allowing further loss of nature.

Re-balance policy in favour of nature

Ensure that that all new development respects existing nature as well as creating more.

Re-gear the planning system

Ensure it delivers truly genuine sustainable development, not simply whatever happens to get approved by the planning system.

Ensure dedicated funding for action for nature

Properly fund sustained action for nature by conservation organisations and others, which is proven value for money, without relying on funds derived from damage, harm and loss.

Demonstrate the Mitigation Hierarchy

Ensure harm is avoided by full adherence to the hierarchy without exception.

Enhance the watchdog function of councils

Boost environmental expertise and capacity in councils and its statutory bodies so that they can make proper assessments of ecological conditions and developers' schemes.

Notes

1. Net Gain – Consultation proposals, Defra, December 2018 <https://consult.defra.gov.uk/land-use/net-gain/>
2. Friends of the Earth, 2018, Biodiversity offsetting and net gain: license to trash, <https://friendsoftheearth.uk/nature/biodiversity-offsetting-and-net-gain-license-trash-nature>
3. Net Gain – Consultation proposals, Defra, December 2018, Improving the process for developers, page 10
4. 25 Year Environment Plan falls short, Friends of the Earth, January 2018 <https://friendsoftheearth.uk/nature/25year-environment-plan-falls-short>
5. Lawton Review, Make Space for Nature, 2010 <https://www.gov.uk/government/news/making-space-for-nature-a-review-of-englands-wildlife-sites-published-today>