



Research Information Note

English Nature Research Reports, No. 672

Using a Planning Gain Supplement for nature conservation purposes

Report Authors: Entec UK Limited, January 2006

Keywords: planning gain; S106 agreements; optional planning charge; planning gain supplement

Introduction

Alongside farming, land use planning is one of the most significant mechanisms for effecting both positive and negative change in the nature conservation resource of the UK. In the 2003/2004 financial year 675,000 planning applications were processed by local planning authorities in England. Many of these applications will have had the potential to make positive contributions to the nature conservation interest of its surrounding area and it is important that these opportunities are maximised.

What was done

Entec was contracted by English Nature to undertake a review of the opportunities for achieving nature conservation gains through proposed changes to the way in which planning obligations are used, and in particular the potential role of a planning gain supplement. A short questionnaire was circulated to development control planning officers at 35 local authorities and to members of the Association of Local Government Ecologists. A discussion session, with key stakeholders, and a subsequent review were then undertaken to determine the feasibility of utilising different approaches to planning obligations in delivering nature conservation gains over and above the mitigation/compensation of effects.

Results and conclusions

National strategy and policy (as set out in PPS1, PPS9 and the England Biodiversity Strategy) now encourages the planning system not only to mitigate the effects of development on the natural environment, but also to deliver nature conservation enhancements.

The current system of negotiated S106 agreements is used by some local planning authorities to secure wider nature conservation enhancements. However, the majority use them relatively infrequently and few had a policy of using planning obligations for nature conservation. Even where this has been achieved, it is questionable whether such approaches will be facilitated under the new Circular 5/05. However, S106 agreements should remain a key tool for mitigating site-related impacts on nature conservation.

S106 agreements, tailored to the specific circumstances of a development site remain the most appropriate mechanism for achieving site-specific mitigation of impacts on nature conservation interests. The proposals for a Planning Gain Supplement (PGS), together with a revised form of S106 agreement, provide a promising potential mechanism for achieving wider nature conservation enhancements, which are not confined to the development site.

Local Development Frameworks (LDF) would be important mechanisms for successful implementation of a PGS. They could be used to publish, for example, the rates at which a PGS would be charged and a list of the sites, projects and initiatives that would be funded through PGS contributions. The use of the LDF for this purpose would allow for public scrutiny of these procedural details at Public Inquiry.

The report considered aspects of the design of the potential PGS:

- the use of a PGS has the potential to create incentives and disincentives for the environmental performance of the housing industry;
- any proposed lower rate for brownfield development would need to exclude high value natural sites as defined in PPG3 and PPS9;
- the delivery of PGS contributions for nature conservation and other environmental objectives could be achieved on a local or national basis. The report discusses the Aggregates Levy Sustainability Fund as a potential model.

English Nature's viewpoint

The proposed OPC is not considered to be a suitable mechanism for delivery of nature conservation gains, however, there is potential for the proposed Planning Gain Supplement to contribute to nature conservation objectives if it is designed in the right way with that explicit objective for nature conservation.

It is therefore recommended that a PGS (and the revised S106 agreement) is taken forward as a delivery mechanism for nature conservation enhancements. Designing environmental objectives into the PGS may also be one way of helping to develop the environmental sustainability of the Barker agenda.

Selected references

- ANON 2005. *Planning Policy Statement 9: Biodiversity and geological conservation*. Office of the Deputy Prime Minister
- ANON 2003. *Contributing to sustainable communities – a new approach to planning obligations*. Office of the Deputy Prime Minister

Further information

English Nature Research Reports and their *Research Information Notes* are available to download from our website: www.english-nature.org.uk

For a printed copy of the full report, or for information on other publications on this subject, please contact the Enquiry Service on 01733 455100/101/102 or e-mail enquiries@english-nature.org.uk

