

Is it time to re-set the clock?

Environment Energy Hub

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Environment

Our planet, we are told, is on a precipice, our climate pretty freaky by anyone's standards, with undoubtedly worse to come, yet the pressures for development or to increase farming and production is never ending.

Despite these pressures, famine ranges across nearly two thirds of our planet, the majority of the world's population has neither clean water nor basic shelter and humanitarian aid is but a short stop gap like papering over the cracks. We hear it every day on radio, tv and pod casts and the like. We read it every day too, indeed it's almost impossible not to be engaged with the environmental debate in some form or other, but what does all this mean for biodiversity?

The planet's species, habitats and biodiversity in general, are disappearing faster than any of us would like to admit, with population trends for many species only moving in one direction. We have more species threatened and on the edge than at any time since we first became fascinated with the animals and plants that man shares this planet with.

Over the last 40 years, wildlife programs like 'Life on Earth' have consistently topped the charts whether these are on UK habitats and species or the more flamboyant and emotive species like the African Elephant or the birds of paradise from New Guinea. Our younger generation are motivated like no other generation before them and they seek change but is that change either realistic or indeed necessary, and more importantly for my mind is the change they advocate the correct change?

Having worked in Nature Conservation both in the UK and Internationally and latterly for much of my career, as one of the leading ecologists in planning. In that time how has the environmental message or the advocated approach changed over time? Put simply it hasn't!! The message perhaps is more desperate, but the answers and approach is much like some old vinyl 78's where the needle has stuck. So who's to blame for this calamitous situation, well for a large part we need look no further than the Environmental/Conservation lobby, it lumbers like some old dinosaur out of place and out of time with the challenges ahead. The problem in a nut shell is that we (yes I include me in the conservation lobby) have never moved very far from the kind of protectionist approach. Early ecologists talked about preservation, a term I've always amusingly thought of as 'pickle a squirrel' but by the '1960/70s we had a new word: 'conservation' - a term born out of the understanding that putting a fence around something or preserving something in aspic wasn't going to work, we needed to recognize that habitats and species survival would need to be managed and man would need to play a much more interventionist role if many habitats and species were to survive.

The UK compared with most of Europe and indeed the World, has some of the most stringent and complex legal provisions, many with 'real teeth'. The Crow Act, The Wildlife and Countryside Act, The NERC Act, and the Habitat Regulations, as examples, have provided a framework within which infrastructure, development and services need to work, but why then do the success stories fail to outperform the many disasters and losses which we read about? Like the Legislation, planning and planning policy has followed a familiar course. The old PPG 9 looked toward saving the best of biodiversity, while PPS9 required a balance

between biodiversity and development, while the NPPF seeks not a balance but a gain in biodiversity. I can hear many of you pointing out well that's change and change for the better, but stop and really think for a moment. What underlines the stance taken in all the legislation and planning policy, from PPG9 to the present and the undeniable fact is that everything is still based on a negative approach rather than a positive one.

The prime example of this is Natural England (or indeed any of the country agencies – including the EA) the Government's statutory advisor, who's advice we are told should carry significant weight unless there are cogent and compelling reasons to depart from it. So how many times has any developer, planner, solicitor or barrister ever had a consultation response from NE supporting the development? Well in nearly 40 years of private practice only once have NE actually supported a development proposal that I have been involved with, yes just once. Widen that to the Wildlife Trust or to the County Ecologist (where they still exist) and getting them to support proposals is not, some commentators would say, worth holding your breath for. Instead, its complete and utter ossification in their approach ie the best that can be hoped for is a 'no objection'. So after 40 years the best the Environmental Lobby can do to help change the system we have and to bring about radical changes to the way biodiversity is considered and valued is "we do not object" - is that really the best we can all do.

Successive Governments have acceded to this negative approach, unstintingly, not in fortitude or resolve to make real change, but needing to be seen to pamper to the environmental lobby with the same old sound bites.

Having given evidence at 7 planning appeals so far this year, the role of Natural England (NE) in just two of them illustrates this current problem of a system stuck in the negative. At one earlier this year, NE having set out in clear terms what mitigation was required, refused to remove their objection, when the clients agreed to implement each and every part of the proposed mitigation, with NE claiming the client had taken too simplistic approach to the suggested mitigation. The real reason, a cynic might suggest, was that NE having thought the mitigation would never be provided, now needed to maintain their objection so as not to undermine the LPA and Wildlife Trust objection. On another case where significant gains for biodiversity are clear and the LPA is in agreement (indeed NE don't object on ecology grounds either) they won't agree to engage on those benefits or agree the quality and quantity of those benefits in case, and I quote, " we undermine the objection we have on Landscape grounds or the objections on ecology brought by other rule 6 parties". There will be many who raise an eyebrow at that approach, the Governments Statutory advisors not engaging on a scheme delivering a massive biodiversity gain!

So here we are on the precipice, but we need not tip over the edge, we can avert this disaster by changing to a positive approach to development because development is going to continue. Let's put down the stick and offer the carrot instead. The conservation lobby needs to accept, embrace and support development, but in return development and developers need to offer real environmental enhancements. For years I've been called to give evidence by probably a third of the planning bar but on 99% of those my role is for want of a better word a 'shield' everything will be ok approach. However, I and many other ecologists should be seeing our role as the 'sword' where the enhancements on offer are supported both by policy and by the conservation lobby and to achieve it we need just a simple change to national policy, by making a presumption in favour of development which delivers a net gain, with the weight given to that presumption increasing with the percentage gain.

The Government gets ready to launch its new legislation the Environment Bill which has been consulted on widely, indeed so much consultation that the Bill is already over a year behind reaching the statute book. With regard to biodiversity is there a fundamental change in approach within the draft legislation? Well, the legal requirement to provide a measurable net gain in biodiversity is new and NE have worked hard on providing a metric, in essence a mathematical way of showing gains and losses arising from a development proposal. It's a tool, it has good and bad points, but it's clear that the metric is not intended to replace professional judgement from an experienced ecologist and so it shouldn't. So, on the surface perhaps but its underlying provisions are based on the same negative approach. Not really a surprise given the Conservation lobby aided by the Ecologist's Professional Institute (CIEEM) largely speak the same

language and in response to the consultation have traipsed out the same old responses. The Bill, when law, will require a minimum net gain in biodiversity of 10%, but what is the incentive to do more than the minimum? Shouldn't we be aiming for the biggest gains we can get? Based on our current approach two competing developments, one delivering the minimum 10% gain or the other a 40% gain will both get the same "no objection" response and both will comply with the law as currently drafted. Surely the time has come to place biodiversity at the heart of decision making, with real incentives to want to push the environmental agenda.

If we turn biodiversity into a positive for planning proposals then we need to change our approach to how biodiversity and development view each other, even at this 11th hour we can avert a disaster, the alternative will be to hear the 12th chime as we tip over the edge. It really is time to reset the clock.

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