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Draft Supplementary Planning Document on Biodiversity, March 2024

Thank you very much indeed for the opportunity to comment on the above 1st draft document. The City of Durham Trust strongly supports the County Council's initiative in producing a range of SPDs to assist with interpretation and application of particular County Durham Plan policies. We share the desire to secure consistent and focussed planning applications and submissions that address the requirements laid down in policies and to remove the difficulties that have been experienced by Members, officers, applicants and consultees in some cases. The Trust particularly appreciates that SPDs should be used positively by developers to submit applications that are in line with the guidance they contain and therefore should be capable of approval.

The Trust welcomes the Council's commitment to supporting nature recovery and applauds the aims of this SPD:

"It provides developers with a clear step by step guide for working with all species and habitats which are likely to be impacted upon by their proposed development. The SPD also details the council's requirements for applicants to build nature and biodiversity into their developments, ensuring that a measurable net gain in biodiversity can be achieved ..."

This SPD pulls together all the relevant legislation and policies both nationally and locally, and provides very detailed guidance. It is easy to get lost amongst this very necessary detail. Could some roadmap to the document be provided at the beginning of the SPD?

Paragraph 1.4. This should emphasise that this SPD applies to all types of built development; from large solar farms to small housing sites, from industrial and commercial to domestic developments. Exemptions from BNG only cover a small number of specialised categories.

Paragraph 3.35. On invasive alien plant species. Parts of central Durham are being completely overrun with balsam, spreading exponentially, knotweed is growing on the central riverbank and on the waterside foundations of the new business school. This policy could strengthen into a duty for land-owners to actually eradicate invasive species on their property, not just not to let it spread or "cause to grow" (an ambiguous phrase). Things will only get more destructive and be more expensive to deal with later.

There could be more clarity about guidance for small developments (and the appropriate biodiversity possible on such sites) compared with guidance for major sites. For example section

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6 "contains information to help ecological consultants with Major Site applications understand and meet the council's BNG requirements.". However, BNG is also applicable to small sites.

Paragraph 4.41. "Compliance and condition monitoring reports are provided to the council as required." What is the requirement? This should be stated. How will the Council check these reports? This should be stated. The resource implications for the Council to assess Biodiversity Gain Plans for most developments, and then to check the reports over a 30 year period for the habitat involved, will be huge.

Paragraph 6.3 The BNG metric. The Excel document is often very hard to read. The authors of such documents should be expected to offer a fuller prose gloss on the specific scores given, and/or the ecology report should contain more explicit suggestions on the scoring, otherwise a crucial planning document is rather unreadable by the majority of the public. It is important that the public are enabled to assess the developer's BNG proposals at the planning application stage. We support the Council's recommendation that a draft Biodiversity Gain Plan is provided at this stage in the supporting documentation (p.18 and paragraph 6.24). Does the Council have any plans to obtain public input when the full Biodiversity Gain Plan is submitted to the Council after a proposal has been given approval?

p. 39 "Additionality – for the benefits from BNG to be additional (+10% extra) it is necessary to have an understanding of the type and extent of habitat mitigation required without the inclusion of BNG. Delivery of these non-BNG outcomes via habitat creation and/or enhancement can be used to contribute up to no net loss of BNG but not beyond. This includes on-site measures delivered to comply with a statutory obligations or policy. Mitigation and compensation measures for Protected Species may be counted towards a biodiversity net gain calculation but again should not make up all of a development's biodiversity net gain (this includes off site compensation too)."

Before BNG is calculated should not all the biodiversity damage have to be restored or mitigated? This section is confusing and needs clarification, e.g. in paragraph 6.4.

Paragraph 6.9. "The Biodiversity Metric is a habitat-based approach, using habitat as a proxy for biodiversity. Species-based features such as bird and bat boxes are not included within the metric, however the provision of such features within developments is still encouraged as additional enhancements and is promoted in this SPD." It is important to stress this. This point should be repeated within the section outlining examples of improving biodiversity (p. 28-37).

Paragraph 6.17. "BNG is designed to encourage habitat protection, enhancement and creation on-site and in the local area where possible," and paragraph 6.20. "The Biodiversity gain hierarchy and the council's preference is for on-site habitat enhancement and creation when adverse impacts cannot be avoided or mitigated for."

This is not just a preference; it should be a very strong steer (i.e. everything possible).

Paragraph 6.18. Landscape proposals that are subsequently used in the calculation of Biodiversity Net Gain must be appropriate to their context, robust and verifiable. Measures such as hedgerow creation and enriched grass areas should be capable of being practically achieved, this is particularly relevant for smaller sites and those in urban settings.

Paragraph 6.21 "In such cases when on-site habitat enhancement and creation cannot deliver a 10% net gain then an off-site option can be used. The council's preference is that local off-site

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options are explored in the first instance. If there are no viable local options, then the off-site delivery for BNG measures should ideally be delivered in County Durham."

Once again a strong steer is needed for local off-site options. And it is unacceptable for these to be outside County Durham (except if it is a habitat straddling the border).

Paragraph 6.31 The ability to revise a management plan during the decades of its operation seems important, given the possible effects of climate change. Presumably all the information gleaned in the long-term management of BNG sites feeds back into a central overview on the effects of a warming climate. Generally, this points to the need for the Council to take advantage of the biodiversity details in the BNG plans and monitoring reports to inform their own biodiversity strategies and policies.

Though outside the scope of this document, to achieve the Council's commitment to supporting nature recovery other aspects affecting biodiversity are important to consider. Farming is the main driver of biodiversity loss. The Council should promote and support the use of environmentally friendly and sustainable farming practices whilst enabling economically-viable local food production. Biodiversity improvement in the urban environment should also be considered via the promotion of the wilding of grassed areas and hedges, with cutting at the bare minimum for pedestrian access and traffic safety. We note e.g. the call for species-rich road verges on p.35. Use of herbicides and pesticides should be stopped. Ways to improve the biodiversity of existing developments and landscapes, and increasing protection for habitats and species should be promoted. There may be scope for these suggestions within the review of policies in the Local Plan.

Conclusions

The Trust hopes that the above comments are helpful in achieving the welcome purpose of this Supplementary Planning Document.

Yours sincerely

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