

# THE CITY OF DURHAM TRUST

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Email [chair@durhamcity.org](mailto:chair@durhamcity.org)  
Web site: <http://www.DurhamCity.org>

c/o Blackett, Hart & Pratt, LLP  
Aire House  
Mandale Business Park  
Belmont  
Durham, DH1 1TH  
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## Strategy and Delivery (planning)

[strategyanddelivery@durham.gov.uk](mailto:strategyanddelivery@durham.gov.uk)

### Biodiversity Supplementary Planning Document consultation (phase 2)

Thank you very much indeed for the opportunity to comment on the above 2nd 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 are pleased that the County Council has positively responded to the comments made about the first draft of this SPD. We would still like to highlight some aspects that would benefit this SPD.

#### Feasibility and scoping

It is crucial that developments minimise all possible impacts from the very outset; as stated in para.4.2 the first stage of the biodiversity hierarchy is to avoid impacts on biodiversity. This should be emphasised in para.4.1. by the addition of this sentence (in bold): "It is essential that the potential impacts on biodiversity are considered at the earliest stage of any proposal and before a planning application is submitted. **Such scoping should show itself to be fully attentive to the benefits in a scheme simply leaving valuable natural features alone where this is feasible, as opposed to proposing measures entailing environmental damage for which it is assumed that BNG plans can finally compensate.** Consideration of biodiversity at site selection and pre-development design can be critical to delivering successful on-site plans."

#### Anti-trash rule

The Trust welcomes the boxed item after para. 6.8, the "Anti-Trash rule": "If it is found that the habitat on site has been degraded since 30 January 2020 so that the habitat is lost prior to the baseline survey, then the site will need to be reassessed using data available (aerial imagery and other habitat data[a]) to the council from prior to the loss of the habitat." This is an important biodiversity protection to add into the SPD. This partly answers a need to be sure of the baseline for assessment of a site for BNG, with the worry that prior removal of trees by developers needs to be safeguarded against.

#### Validation requirements

The list in para. 6.29 giving four BNG-related matters to be validated in either an outline or full application, needs to be supplemented by a 5th – the submission of at least a **draft** "Habitat Management and Monitoring Plan". Making this element part of the validation process might prevent the submission of landscape schemes that could have negative implications for on-going maintenance.

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## Public engagement with the BNG process

The Trust's experience with engaging in BNG processes when responding to planning applications in Durham to date reinforces the point we made in response to the first draft of this SPD; that the scores of the BNG assessment process and the EXCEL report are not intelligible to the general public and better glossing is needed to address this democratic deficit. Usage of the government template for a Biodiversity Gain Plan should be required in practice and this would go some way to help in public understanding. [Roadmap at start of section 4, Stage 5: "Provide draft Biodiversity Gain Plan as supporting documentation."]

## Biodiversity offsetting

The Trust fully supports the quote from Dr Hannah Wauchope that: "Biodiversity credit markets can only be positive for biodiversity if they are used with unprecedentedly strict regulation that ensures businesses prioritise avoiding negative impacts in the first place." (<https://www.biology.ox.ac.uk/article/what-is-a-unit-of-nature-new-framework-shows-the-challenges-involved-with-establishing-a-bio>) Above, we have supported this approach under our comments on 'Feasibility and scoping'

The Trust still has concerns about the location of off-site biodiversity and what, in practice, it would comprise. To assist in the provision of off-site biodiversity local to the development site, or at least within the County, we welcome the emphasis in para. 6.25 on use of sites identified in Local Nature Recovery Strategies (LNRS). However, this still might exclude a lot of smaller sites within / near urban areas that would benefit from BNG activity. Upgrading the biodiversity value of such sites and creating green corridors connecting them would benefit the movement of wildlife and address habitat fragmentation. A further approach is focussing offsetting on the 88 Sites of Special Scientific Interest (SSSIs) which DCC oversees, with priority being given to the many in a poor condition – where the the offsetting proposed fits the BNG trading rules.

There isn't anything in the SPD about how a local biodiversity offsetting 'market' could be developed in Durham County. How can small landowners / farmers take up this biodiversity opportunity? Should the SPD have a brief section covering guidance on how to go about offering a site for biodiversity offsetting?

## Monitoring the BNG plan

Safeguards for the adequate monitoring of a BNG plan are crucial, especially given the long time periods at issue after an initial development. The Trust welcomes para. 4.34 up to 4.37, and 6.32 up to 6.37, about monitoring. However, The Trust would also wish to see clear routes for continuing public engagement with a BNG plan once the conditional permission has been granted. The Trust urges, both as a safeguard and out of public interest, that the final BNG Plan and the BNG monitoring reports be made publicly available.

We hope that the above comments are helpful in achieving the welcome purpose of this Supplementary Planning Document. SPDs are a material consideration in planning decisions. BNG is a new and complex addition to planning regulations. It is vital that the requirements pre, during and post the application are fully implemented.

Yours sincerely

**John Lowe**

Chair, City of Durham Trust