

Biodiversity

Supplementary Planning Document Scoping Report

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1. Introduction

Sunderland City Council intends to produce and formally adopt a Biodiversity Supplementary Planning Document (SPD). This scoping report acts as an opening consultation paper to discuss the relevant issues, themes and potential format. It will form the initial stage of the process towards developing the SPD.

The scope of biodiversity is defined in the Core Strategy and Development Plan (2015-2033) (CSDP) as including all statutory and non-statutory designated sites, protected species, priority habitats and species, wildlife corridors, and habitats and species outside designated sites and not identified as a conservation priority but which are considered locally important. Recent changes in national legislation relating to biodiversity has introduced new policy requirements and development constraints. The updated National Planning Policy Framework (NPPF) (2019) introduced the requirement for development to minimise impact on and provide net gains for biodiversity. This change in approach has informed the policies in the CSDP. It is considered that an SPD would provide an opportunity to expand on the new requirements set out in Policy NE2 through providing ecological guidance, best-practice and mitigation strategies, giving certainty to applicants about what is required to be submitted as part of a planning application and also set out the council's approach to delivering biodiversity net gains.

Particular topics relating to biodiversity which it is considered would benefit from further explanation in an SPD are: the hierarchy of ecological designations; the council's approach to and definition of net gains; the ecological mitigation hierarchy; wildlife corridors; design; and the monitoring and management of ecological mitigation.

Many other Local Authorities have adopted a similar approach in preparing additional guidance for those submitting planning applications elaborating on the changes in national legislation relating to biodiversity. The most typical methods of providing this has been through adoption of SPDs.



2. Background

Biodiversity is the wealth of wildlife incorporating both rare and common species and habitats; all of which play a vital role in ecosystems. A healthy ecosystem can provide a variety of ecosystem services such as soil formation, nutrient recycling, climate regulation, flood control and social benefits such as education, recreation and tourism. Biodiversity also has an intrinsic value which we have a responsibility to protect future generations.

Biodiversity net gain is an approach to development that leaves biodiversity in a better state than before. Where a development has an impact on biodiversity it encourages developers to provide an increase in appropriate natural habitat and ecological features over and above that being affected in such a way it is hoped that the current loss of biodiversity through development will be halted and ecological networks can be restored.

Planning for biodiversity offers opportunities for creating and enhancing Priority Habitats with associated benefits for Priority Species; connecting sites and networks; protecting and enhancing landscape character; and improving the quality of rivers and streams.

It is hoped that the production of a Biodiversity SPD will provide an opportunity to expand on the requirements set out in Policy NE2 and give certainty to applicants about what is required to be submitted as part of a planning application.

Planning obligations offer the opportunity to secure fair and reasonable contributions for sustainable mitigation and/or compensation and enhancement for Priority Species and Habitats should harm be unavoidable as part of a development.

The Biodiversity SPD will aim to set out an appropriate approach to delivering biodiversity net gain and minimising development impact on protected wildlife sites but does not allocate or designate specific sites and areas. The allocations and designations of ecological sites will be made in the next stage of the council's Local Plan.

The Council's approach to biodiversity net gain will be prepared collaboratively with the other North East Local Authorities to ensure that ecological improvements are delivered comprehensively across the region.

Policy Context

National Policy

The National Planning Policy Framework (2019) (NPPF) sets out the Government's planning policies for England and how these should be applied. The purpose of the planning system is to contribute to the achievement of sustainable development. The planning system has three overarching objectives to achieve this: economic, social and environmental (which includes – but is not limited to – improving biodiversity and moving to a low carbon economy).

Paragraph 170 of the NPPF sets out that planning policies and decisions should contribute to and enhance the natural and local environment by:

- a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);
- b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;
- c) maintaining the character of the undeveloped coast, while improving public access to it where appropriate;
- d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;
- e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans; and
- f) remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.

Paragraph 171 of the NPPF states that Local Plans should distinguish between the hierarchy of international, national and locally designated sites; allocate land with the least environmental or amenity value, where consistent with other policies in this Framework; take a strategic approach to maintaining and enhancing networks of habitats and green infrastructure; and plan for the enhancement of natural capital at a catchment or landscape scale across local authority boundaries.

Local Policy

The Council's adopted planning framework is the CSDP which contains strategic policies to enable the delivery of sustainable development up to 2033. Policy NE2 Biodiversity and Geodiversity sets out the council's approach to biodiversity:

NE2 Biodiversity and Geodiversity

1. Where appropriate, development must demonstrate how it will:
 - i. provide net gains in biodiversity; and
 - ii. avoid (through locating on an alternative site with less harmful impacts) or minimise adverse impacts on biodiversity and geodiversity in accordance with the mitigation hierarchy.
2. Development that would have an impact on the integrity of European designated sites that cannot be avoided or adequately mitigated will not be permitted other than in exceptional circumstances. These circumstances will only apply where there are:
 - i. no suitable alternatives;
 - ii. imperative reasons of overriding public interest;
 - iii. necessary compensatory provision can be secured to ensure that the overall coherence of the Natura 2000 network of European sites is protected; and
 - iv. development will only be permitted where the council is satisfied that any necessary mitigation is included such that, in combination with other development, there will be no significant effects on the integrity of European Nature Conservation Sites.

3. Development that would adversely affect a Site of Special Scientific Interest, either directly or indirectly, will be required to demonstrate that the reasons for the development, including the lack of an alternative solution, clearly outweigh the nature conservation value of the site and the national policy to safeguard the national network of such sites.
4. Development that would adversely affect a Local Wildlife Site or Local Geological Site, either directly or indirectly, will demonstrate that:
 - i. there are no reasonable alternatives; and
 - ii. the case for development clearly outweighs the need to safeguard the intrinsic value of the site.
5. Development that would adversely affect the ecological, recreational and/or educational value of a Local Nature Reserve that will demonstrate:
 - i. that there are no reasonable alternatives; and
 - ii. the case for development clearly outweighs the need to safeguard the ecological, recreational and/or educational value of the site.
6. Development that would have a significant adverse impact on the value and integrity of a wildlife corridor will only be permitted where suitable replacement land or other mitigation is provided to retain the value and integrity of the corridor.

Policy ID2 of the CSDP also outlines the council's approach the maintenance and management of mitigation schemes. To facilitate the delivery of mitigation measures, the council will seek maintenance, management, monitoring and such related fees from applicants to implement sustainable mitigation and/or compensation and enhancement for Priority Species and Habitats.

Requirement for an SPD

It is considered that there is a need for further elaboration on the contents of Policy NE2 Biodiversity and Geodiversity due to the changes to the NPPF requiring that development delivers biodiversity net gains, as well as to clarify several other elements of the policy such as the hierarchy and planning tests of ecological designations; the ecological mitigation hierarchy; wildlife corridors; design; and the monitoring and management of ecological mitigation. It is hoped that the preparation of an SPD will give certainty to applicants about what is required to be submitted as part of a planning application.

3. Scope of Biodiversity Supplementary Planning Document

The purpose of an SPD is to provide further detail and support policies in a Local Plan. It does not have Development Plan status, but it can be accorded significant weight as a material planning consideration in the determination of planning applications. The provisions of an SPD cannot therefore be regarded as prescriptive, but it can provide a tool in the interpretation and application of policy. Preparation of an SPD requires a number of steps, which are set out within the anticipated timescales for the document (see table three). In order to prepare an SPD, justified evidence is required, followed by consultation and other Council procedural matters.

The SPD document will expand upon and support the delivery of Policy NE2 Biodiversity and Geodiversity of the CSDP. It is proposed that the SPD could provide further guidance and detail on several matters relating to Policy NE2 set out in the following table.

In addition to any comments on these specific issues, the council would also welcome any other specific issues which you consider be addressed through the SPD.

Table One: Potential issues to be covered by the Biodiversity SPD

Topic	Details
Biodiversity Information and impact assessments required to support planning proposals	The SPD will guide developers through the NE2 policy setting out a clear process detailing what information is needed to inform planning applications inclusive of level of survey work, mitigation hierarchy, design, delivery and maintenance of mitigation, compensation and net gain measures.
Biodiversity Net Gain	<p>The SPD will help the LPA to deliver high quality sustainable development as well as demonstrate that the local plan is making a meaningful contribution to achieving biodiversity priorities established in law and policy strategies.</p> <p>It will also ensure that policy requiring Biodiversity Net Gain (BNG) is being applied consistently as well as providing developers with upfront advice for their planning application. It will also provide options for development contributions and enable requirements for different development types to be fully explained.</p>
Importance of existing nature conservation features such as designated sites, priority habitats and species	The SPD will highlight the importance that applicants protect and enhance existing nature conservation features within proposed development, following best practice. On occasions where this is not possible, the SPD will detail what Sunderland City Council requires a developer to consider when incorporating ecological compensation within their scheme in line with current government guidance.
Wildlife Corridors	The SPD will set out guidance about what constitutes significant adverse impacts to the value of wildlife corridors and how they should be mitigated for while retaining the value and integrity of the corridor through the planning process.
Management, Monitoring and Maintenance	The SPD will help clarify the council requirements in terms of delivery of mitigation, compensation and BNG measures as well as the maintenance, management and monitoring costs.

Timetable and Next Steps

The SPD will be produced, consulted upon and adopted according to the timetable set out below.

Table Two: Timetable Production of the Biodiversity SPD	
Stage	Date
Scoping Report Consultation	Spring 2020
Preparation Of The SPD and Evidence	Spring 2020
Cabinet	Summer 2020
Consultation (6 Weeks Statutory)	Summer 2020
Preparation of Final SPD	Autumn 2020
Adoption	Autumn 2020

As part of the process for delivering the Biodiversity Supplementary Planning Document, you are invited to respond to the consultation.

All comments should be made in writing to the council's Planning Policy Team using the contact details provided below:

Online via the council's consultation portal at <https://sunderland-consult.objective.co.uk/portal/>

Email: planningpolicy@sunderland.gov.uk

In writing to: Planning Policy Team, Room 2.66,
Sunderland Civic Centre, Burdon Road, Sunderland
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