

North Somerset Council

Report to the Council

Date of Meeting: 9 January 2024

Subject of Report: Adopting the Biodiversity Supplementary Planning Document

Town or Parish: All

Officer/Member Presenting: Councillor Canniford, Executive Member for Spatial planning, placemaking and economy

Key Decision: No

Reason:

This is not an Executive report.

Recommendations

It is recommended that the Biodiversity Supplementary Planning Document (SPD) is adopted as council policy.

1. Summary of Report

- 1.1 The existing North Somerset Biodiversity and Trees SPD was created in 2005. It therefore needs to be updated to include current practice, policy direction and new legislation. The opportunity is being taken to separate the two core components to create a new Biodiversity SPD, as described in this report, and a Trees SPD (to be consulted on later in 2024).
- 1.2 Public consultation on the updated Biodiversity SPD took place between 16 October 2023 and 27 November 2023.
- 1.3 The principal changes to the 2005 Biodiversity and Trees SPD are summarised as follows.
 - The document has been updated in relation to local, regional and national policy, legislation and standards.
 - The tree-specific elements have been removed and will form a new updated Tree SPD.
 - The new requirement to achieve 10% biodiversity net gain (BNG) on applicable developments is explained through sections 6 – 8. There is also detail on how the Council expects applicants to approach BNG within the planning process.
 - An explanation of the Habitats Regulations and Appropriate Assessment has been included.
 - The SPD includes a Biodiversity Design Guide which provides a more technical guide and illustrates ways to design and build in biodiversity to developments.
 - An Ecological Checklist to guide applicants through the necessary steps to consider ahead of submitting an application.
- 1.4 The Council is asked to review the updated SPD and, noting the revisions, approve as council policy.

2. Policy

- 2.1 The Council's current draft Corporate Plan includes 'green' as one of three key themes and emphasises the importance of leading our communities to protect and enhance our environment. The updated SPD reflects this ambition and seeks to protect and enhance biodiversity during the process of development.
- 2.2 The Environment Act (2021) places the 25 Year Plan on a statutory footing, and tackles biodiversity loss and nature recovery through biodiversity net gain and nature recovery networks with the aim for more habitats, which are in a better condition, and more closely connected. The Act mandates developments to achieve at least a 10% biodiversity net gain from January 2024 pending secondary legislation.
- 2.3 There is a range of legislation and policy guidance derived from international, national, and local policy which protects and enhances biodiversity. Both national and local planning policy identifies the need to protect existing biodiversity, deliver enhancements and achieve a measurable net gain in biodiversity through the planning process. The legislative framework protects species and sites that are important for wildlife.

3. Details

The purpose of the Biodiversity SPD is to guide those submitting planning applications by supplementing the policies and proposals relating to biodiversity in the adopted North Somerset Core Strategy and the emerging North Somerset Replacement Local Plan. It is expected that developers will follow the advice contained in the SPD. The information provided by developers will be considered in the determination of planning applications. Developers are encouraged to consider the potential of their development in contributing to the biodiversity objectives and targets for particular types of habitat and species found in North Somerset. In this way the aim of no net loss of biodiversity within North Somerset should be achieved.

Biodiversity Net Gain policy set out under the Environment Act 2021 is due to come into force in January 2024. Most planning applications will be required to demonstrate that biodiversity net gain of 10% has been achieved. This will be submitted to the council together with a Biodiversity Gain Plan, as part of the planning application.

The current SPD was published in November 2005 and is therefore in need of a comprehensive update, particularly considering the council's 2019 declaration of a Climate Emergency and Nature Emergency in November 2020.

The benefits of the SPD include:

- Helping meet local, national and international nature recovery and climate change commitments
- Delivery of Council priorities around re-wilding and the nature emergency
- Delivery of site enhancements as part of North Somerset Council's green infrastructure strategy
- Creation of principles and approach for biodiversity offsetting and net gain delivery
- Safeguarding of public access to high quality nature within North Somerset.

Consultation sessions were carried out with developers, agents and local community groups resulted in amendments to the document including corrections, clarification on a number of points, increased signposting, reference to regional documents of importance such as the Mendip AONB Nature Recovery Plan, strengthening of wording and clarification.

4. Consultation

- 4.1 The draft changes to the Biodiversity SPD were subject to six weeks public consultation, between 16 October and 27 November 2023. This is in line with the Council's Statement of Community Involvement.
- 4.2 Two consultation sessions were also held with developers and agents on 21 September, and wildlife and conservation organisations on 28 September to provide feedback and input into the draft document prior to publication for consultation.
- 4.3 45 responses were received via eConsult. Of these, 18 were from organisations, and 27 were from individuals. These responses are summarised in Appendix A. All the consultation responses have been reviewed and considered and where the suggestions were in line with the purpose of a supplementary planning document, amendments have been made. In many cases however the views put forward would have resulted in the duplication of existing government guidance, to which we are signposting instead. This ensures the SPD does not become too lengthy but also means it will not date as quickly.
- 4.4 An Informal Scrutiny panel was notified of the consultation on the proposed changes to the SPD at a meeting on 13 September 2023. Permission was also sought from the Executive Member to go out to consultation on the draft SPD.
- 4.5 The Transport, Climate and Communities Panel were also advised of the consultation outcomes on the 30th November.

5. Financial Implications

- 5.1 There are no direct financial implications to the Council arising from the adoption of an updated Supplementary Planning Document, although there may be increased staff time needed to assess and monitor development proposals.

6. Costs

- 6.1 The costs of revising the SPD are met from existing service budgets.

7. Funding

- 7.1 No additional funding is required to update this SPD.

8. Legal Powers and Implications

- 8.1 Meeting obligations under the Environment Act 2021

The purpose of this Supplementary Planning Document (SPD) is to guide developers, planners, and consultants on how biodiversity will be integrated into the development process to ensure that legislation, policy, and best practice standards are met. It identifies how biodiversity needs to be protected by the planning system including when, what, and how to conduct surveys; use of the biodiversity mitigation hierarchy and how a measurable net gain to North Somerset's biodiversity will be achieved.

The Environment Act (2021) places the 25 Year Plan on a statutory footing, and tackles biodiversity loss and nature recovery through biodiversity net gain and nature recovery networks with the aim for more habitats, which are in a better condition, and more closely connected (The Lawton Principle). The Act mandates developments to achieve at least a

10% biodiversity net gain from January 2024 pending secondary legislation. Local Planning Authorities are responsible for

This SPD also supports our obligation to meet the 'biodiversity duty': public authorities who operate in England must consider what they can do to conserve and enhance biodiversity in England. This means we must:

- a. Consider what we can do to conserve and enhance biodiversity.
- b. Agree policies and specific objectives based on this consideration.
- c. Act to deliver our policies and achieve our objectives.

9.Climate Change and Environmental Implications

9.1 This SPD directly supports the protection and enhancement of biodiversity and the provision of space for nature within North Somerset developments.

10.Risk Management

- 10.1 Failure to update the existing SPD would mean that there is no guidance available to specifically reflect current legislative requirements, in particular the requirement for mandatory 10% biodiversity net gain.
- 10.2 Failure to update the existing SPD would mean that our guidance would not reflect the current policy direction or best practice.

11.Equality Implications

11.1 The Core Strategy was subject to equality impacts assessment. This updated SPD does not raise additional equalities issues.

12.Corporate Implications

- 12.1 The Council's Corporate Plan 2020-24 includes 'green' as one of three key themes. This emphasises the importance of leading our communities to protect and enhance our environment. The updated SPD reflects this ambition and seeks to protect and enhance biodiversity during the process of development.
- 12.2 This update will also contribute to the Council's Green Infrastructure Strategy.

13.Options Considered

13.1 There is no statutory requirement to update the SPD. We could retain the version adopted in 2005 and continue with the approach that the Council would expect applicants to adopt the requirements of current legislation however the existing document is out of date and together with the new legislation on BNG this is the ideal time to provide an updated set of guidance.

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Appendices:

Appendix A. Consultation summary
Biodiversity Supplementary Planning Document

Background Papers:

[Biodiversity and Trees SPD \(2005\)](#)
[2021 Green Infrastructure Strategy](#)