



Babergh Mid Suffolk SPD Draft – Biodiversity and Trees

Pigeon Comments – June 2024

Section	Paragraph	Comments
Suffolk Coast Recreational Disturbance Avoidance and Mitigation Strategy (RAMS): How the tariff should be paid	3.16.17	<p>The SPD sets out that “RAMS payments must be made before a decision is issued”.</p> <p>For schemes where a S106 agreement is required, these payments would typically be secured as part of the S106 agreement with an obligation that they are paid prior to commencement of development, rather than prior to a decision being issued.</p> <p>The SPD should clarify that where a planning obligation is being entered into under S106 of the Town and Country Planning Act, that the RAMS payment may be secured through S106 and that in this instance payment will not be required pre-decision.</p>
How will the Councils assess the BNG calculation?	4.14	<p>In paragraph 4.14, the Councils state that although the BNG requirement is 10%, they “would encourage applicants to deliver at least 20% BNG where possible.”</p> <p>While Pigeon schemes typically exceed the 10% BNG requirement on-site, we suggest that schemes that deliver the mandatory 10% BNG requirement will be supported and remove the reference to 20%. This is not supported by policy, and Paragraph 006 of the PPG (Planning Practice Guidance) on BNG states that “plan-makers should not seek a higher percentage than the statutory objective of 10% biodiversity net gain, either on an area-wide basis or for specific allocations for development unless justified. To justify such policies they will need to be evidenced including as to local need for a higher percentage, local opportunities for a higher percentage and any impacts on viability for development.”</p>
Delivering BNG Off-site	4.22	<p>Paragraph 4.22 outlines the reasons why permission may be withheld with regards to Biodiversity Net Gain (BNG).</p> <p>One of the reasons is “inadequate information is submitted about how the applicant plans to deliver a 10% BNG”.</p> <p>We would suggest that further guidance on what the Councils expect to be submitted is included in the SPD, preferably by way of a list, so it is clear what level of information will be required. This will help to ensure</p>

		that applicants can successfully demonstrate that BNG requirements have been met.
The Location Hierarchy for Off-site BNG	4.24	<p>Paragraph 4.24 says that “we expect all off-site BNG to be delivered within the districts and as close to the development site as possible where it is practical to do so.”</p> <p>There is no requirement in the Planning Practice Guidance to provide all off-site BNG within the same Local Authority Area. We suggest that this obligation is relaxed, as in some cases it may not be possible to provide all off-site solutions within Babergh Mid Suffolk - or there may be sites on locations close to the Local Authority boundary where off-site options across the border may be in closer proximity to the site than alternatives within Babergh and Mid Suffolk.</p> <p>Furthermore, the SPD says that it must be delivered “as close to the development site as possible where it is practical to do so.” We suggest that this guidance will be difficult to interpret in practice and would suggest that it is replaced with an acknowledgement that the suitability of off-site BNG will need to be agreed on a site-by-site basis. Alternatively, we suggest that further guidance, preferably by way of examples, should be provided within the SPD to set out how this requirement will be applied in practice, including in what circumstances it will be deemed impractical.</p>
The Location Hierarchy for Off-site BNG	4.26	<p>Paragraph 4.26 says that “Applicants relying on delivery of off-site BNG will be required to demonstrate they have used reasonable endeavours to secure gain in the most sequentially preferable location as set out in the above hierarchy, before moving onto the next most preferable location” and that “ecological justification must be used”</p> <p>We would welcome further information to explain what ecological justification will be accepted to allow provision of BNG on alternative sites lower down the hierarchy, as this is currently not provided in the SPD.</p> <p>Furthermore, we suggest that greater flexibility may be needed for the hierarchy itself. As mentioned in our comments on paragraph 4.24, there may be some cases where, for example, delivering off-site BNG in a neighbouring Local Nature Recovery Strategy Area may, on a site-by-site basis, be preferable and more practical than delivering at an alternative location within the districts.</p>
Biodiversity and Design Case Studies	P. 29 Riparian Buffer Zone	The case study on ‘Riparian Buffer Zones’ outlines that developers must “ensure a 10m ecological riparian buffer zone is maintained for existing streams



		<p>and rivers. This helps to protect them from the impact of adjacent land uses.” We would welcome additional guidance on how the 10m figure was reached, and if it is evidence based, we recommend that the source is added to the SPD.</p> <p>Furthermore, we suggest that this requirement is ‘approximately 10m’, rather than a more rigid ‘10m’ as buffers need to be judged on a site-by-site basis – there may be cases where a larger buffer would be the best option for protecting streams and rivers from adjacent land uses and this will need to be assessed on a site-by-site basis. In addition, there may be instances where a buffer of less than 10m can provide an adequate buffer and it is advantageous to do so taking into account all other site specific requirements (for example, in the interests of good urban design and place making purposes).</p>
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