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Dear Planning Policy Team

Babergh Mid Suffolk SPD Consultation – Biodiversity and Trees

Thank you for consulting Suffolk County Council (SCC) on the draft SPD – Biodiversity and Trees

Where amendments to the plan are suggested added text will be in *italics* and deleted text will be in ~~strikethrough~~.

Please see comments below from the Suffolk County Council planning department. I have spoken briefly with Babergh Mid Suffolk Ecologist Matthew King about these comments (through the Suffolk Wide Biodiversity Net Gain BNG working group). Upon reviewing the document, SCC has some concerns that the driving factors behind biodiversity and BNG within the planning system under the requirements of the Environment Act 2021 have been slightly misrepresented.

Please note that the majority of comments are related to distinguishing between the concept of “biodiversity” and the requirements of Biodiversity Net Gain (BNG) within the planning system. SCC has interpreted the purpose of this document is to identify how BNG will be implemented, however, SCC considers that currently its focus is on the promotion of “wider biodiversity” to the public.

Introduction:

In the first introductory paragraph, SCC would note that including protozoa in the list is a little unusual. Protozoa are single-celled organisms within the Protista family, which includes algae and other organisms, and they belong to the Monera kingdom. They are a specific species and not a more general category of life, such as animals. SCC recommend this is amended for clarity.

The introduction gives a very nice description of what biodiversity is but is not strictly accurate in planning terms. SCC would suggest splitting this into two sections: one on general “biodiversity” and another clarifying what falls under BNG in planning terms (requirements and processes under the Environment Act 2021). For example, having a good biodiversity habitat may result in good air quality, but “BNG” within the planning process does not directly address air quality (it is a habitats-based exercise which may/hopefully result in wider beneficial impacts on air quality).

SCC would suggest including a more technical definition in this introductory paragraph. A more accurate definition of BNG would be:

"Biodiversity net gain (BNG) is an approach to development and land management that aims to leave the natural environment in a measurably better state than it was before."

The introduction section mentions COP15 agreements and the State of Nature report. While not inaccurate, these are not the direct drivers for BNG requirements in planning. The Environment Act 2021 is the main driving force behind these changes. SCC suggest focusing on the Environment Act as the primary influence on planning legislation (or focus on this after setting out how we got to this point, i.e., State of Nature and COP agreements).

Policy and Guidance:

This section lists relevant policies and guidance but does not highlight the requirements from the Environment Act. The Environment Act 2021 should be emphasised as the national requirement, sitting above local policy at the national level. Mentioning the Planning Practice Guidance for BNG would also be useful.

Biodiversity Mitigation Hierarchy:

This section likely includes all the necessary information but is unclear. The BNG Planning Practice Guidance outlines the required documents for submission. For example, a "Biodiversity Statement" includes ecological assessments and the baseline metric, while the "BNG plan" includes the HMMP (Habitats and Management and Monitoring Plan) with specific information. The section reads as if the ecological assessment is the most important element, with other documents secondary.

SCC recommend structuring this section according to the validation list for BNG, mirroring document names. For example, stating that a "BNG metric" or a "biodiversity statement including x, y, z" is required, followed by an explanation of what it includes and its purpose (this is all available in the PPG for BNG).

Council Assessment of BNG Calculation:

This section states that the council will encourage applicants to deliver at least 20% BNG where possible "for the reasons set out below." However, these reasons are more ambitions and goals rather than evidence-based justifications for 20%. SCC recommends clearly separating legal minimum requirements (10%) from ambitions.

Delivering BNG Off-Site:

It could be useful to clarify the differences between "local off-site credits" and the "national credit scheme." Local off-site credits can be identified by developers upon submission and secured through a Section 106 agreement. The national credit scheme can only be used as a last resort, requiring local authority approval.

It might help to explain that the national credit scheme is essentially a tariff with no management and monitoring responsibilities and is priced to reflect this - and that "onsite" and "local off-site" BNG delivery is encouraged where possible.

LNRS (Local Nature Recovery Strategy):

The SPD document states that the LNRS will inform "how" and "where" BNG should be delivered. This is not entirely accurate. The LNRS is a spatial mapping exercise that maps existing habitats and may suggest locations and types of habitats for connectivity, but it does not detail how to implement them. In the absence of the LNRS, developers should use the "Suffolk list of priority habitats" alongside protected sites to inform mitigation locations. The LNRS and the metric serve different purposes and are not substitutes for each other (the metric can inform some of the points, but they are not interchangeable).

Biodiversity Measures in Householder Applications:

Householder developments are exempt from BNG, as mentioned in this SPD. Again, SCC would suggest further clarity through the separation of what can be done to generally help "biodiversity" and what must be done under BNG and the Environment Act.

For example, the listed measures (e.g., integrated bat boxes, bird boxes) would not count towards BNG under the Environment Act. They contribute to general habitat regeneration but cannot be used to satisfy BNG requirements. It is important to refer to BNG as described under the Environment Act to avoid misleading developers into thinking these measures will score for BNG when they will not, even if they may help with “biodiversity.”

Design Approach:

This section describes information typically included in a "Biodiversity Statement." It should be made clear that a BNG statement is required upon submission, listing the necessary documents (assessment, metric, etc.). The 20% ambition is mentioned again. It should be made clear that this is an ambition and not the statutory minimum (10%). SCC suggest this ambition is presented separately, perhaps discussing how 20% is more achievable in rural locations over urban ones and rural locations where BNG will be able to accommodate greater enhancements than 20% should be sought.

Any suggestion that all development should aim to reach 20% should be supported by sufficient evidence. The SPD should set out justification for why jumping from 10 to 20% is preferred over, for example 12% or 15%.

SCC notes that the JLP Part 1, Policy LP16 - Biodiversity & Geodiversity, part e) has a requirement for a minimum 10% gains. SCC recommends the SPD aligns with adopted policy.

Determination:

The driving force for BNG requirements is the Environment Act, not BS42020:2023, which serves as quality guidance for environmental reports. Some of the planning conditions for BNG are mandatory pre-commencement requirements under the Environment Act, not optional as implied. Householder biodiversity measures, if conditioned, must have a clear justification and mechanism for enforcement. The difference between BNG as an ecological theory and a legal requirement should be made clear.

Application Process:

SCC recommends that the description of biodiversity aligns with its definition in planning to avoid confusion. Mentioning international agreements (e.g., protecting a third of the planet by 2030) is not as relevant as the Environment Act 2021, which directly influences BNG-related policy and legislation and dictates what we have to do as planners and developers.

I hope that these comments are helpful. SCC is always willing to discuss issues or queries you may have.

If there is anything that I have raised that you would like to discuss, please use my contact information at the top of this letter.

Yours sincerely,

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Suffolk County Council