

NORTH SOMERSET COUNCIL DECISION

DECISION OF: CLLR CANNIFORD, EXECUTIVE MEMBER FOR SPATIAL PLANNING, PLACEMAKING AND ECONOMY



WITH ADVICE FROM: DIRECTOR OF PLACE

DECISION NO: 23/24 DP 240

SUBJECT: BIODIVERSITY SUPPLEMENTARY PLANNING DOCUMENT (SPD) – PERMISSION TO CONSULT

KEY DECISION: NO

REASON:

Due to requiring decision to consult and to adopt the SPD from January 2024.

BACKGROUND:

The supplementary information on biodiversity and trees which supports policies in local plan documents is currently contained within one reference document (Biodiversity and Trees Supplementary Planning Document, 2005). From January 2024 there will be a new requirement for developers to achieve 10% biodiversity net gain (BNG) and to provide additional guidance on how North Somerset Council (NSC) requires this to be dealt with through planning applications. The decision has been made to separate the tree and biodiversity elements of the existing SPD to ensure biodiversity is accorded its own status reflecting wider council policy. The new Biodiversity SPD will reference the BNG element and also provide updated information on the inclusion of biodiversity considerations within developments. The new Tree SPD will also contain updated guidance but will be brought to Scrutiny separately.

In summary the objectives of the Biodiversity SPD are to provide advice and guidance to support the understanding of:

- The legislative framework including the new Environment Act (2021) and how this governs biodiversity considerations that must be considered
- Where and when biodiversity needs protecting in North Somerset
- Existing policies on biodiversity and the natural environment within the North Somerset Core Strategy (adopted 2017)
- What is biodiversity net gain and the nature recovery network
- What should be included and addressed in a planning application
- How to build biodiversity into development.

To progress with the SPD to support Planning decisions we require Executive Member permission to consult on the draft SPD with the public. This will ensure that the public have

the opportunity to share their views on the document, which we will duly consider and amend accordingly.

The objectives of the SPD will address many issues:

- 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 that also provides maximum social value
- Delivery of an effective offsetting solution for local development projects
- Safeguarding of public access to high quality nature within North Somerset
- North Somerset Council seen as a leader in adaptation to emerging natural capital markets and climate change
- Proof-of-concept for further financially sustainable natural environment investment models.

DECISION:

To take the Biodiversity SPD to public consultation.

REASONS:

Supplementary Planning Documents (SPDs) contain guidance that expands on the policies within our development plan, showing how the council expects our planning policies to be addressed by planning applications, and how the policies will be implemented by the council when making decisions on planning applications.

In order to complete public consultation in time to have evidence of an agreed approach to Biodiversity and planning policy to present to Full Council in January 2024.

To ensure that the public and developers are given the opportunity to give their views on the Biodiversity SPD.

OPTIONS CONSIDERED:

Not to update the existing Supplementary Planning Guidance. This option would mean that our guidance for development in North Somerset would not be in line with new legislation and current best practice.

FINANCIAL IMPLICATIONS:

Costs

The consultation will not accrue any additional expense.

Funding

The consultation will not require additional funding.

LEGAL POWERS AND IMPLICATIONS

The Council has an obligation to consult on the document prior to adoption. Timescales are set at 6 weeks corporately.

CLIMATE CHANGE AND ENVIRONMENTAL IMPLICATIONS

The provision of BNG on North Somerset Council's open space will support wider objectives to increase rewilding and to address the nature emergency. A more resilient network of open space will also be more able to adapt to the climate emergency.

The SPDs will provide more up-to-date advice and policy relating to biodiversity in North Somerset.

CONSULTATION

Following production of the initial draft, this document has been reviewed by officers from Planning Policy. Following this, amendments have been made prior to presenting to the informal Transport, Climate, Communities Policy and Scrutiny Panel. The Executive Member for Climate, Waste and Sustainability has also been briefed. As part of the development of the SPD two engagement events were held with developers/agents and wildlife organisations/groups and feedback from these was incorporated into the final draft. The SPD will be presented to the public for 6 weeks consultation and the final version will be taken to Full Council in January 2024 for approval.

Questions to the public have been formulated, to ensure we can extrapolate the best possible data, and they are open and fair and give the public the best opportunity to contribute. Likewise, we have ensured the public consultation period is in line with corporate timescales.

RISK MANAGEMENT

SPDs provide more detailed guidance for developers and allow the public to understand how development should be delivered. The Biodiversity SPD will support the transparent delivery of planning-related policy thereby reducing the risk to the Council of criticism from the public.

EQUALITY IMPLICATIONS

Have you undertaken an Equality Impact Assessment? Yes / **No**

CORPORATE IMPLICATIONS

There are no immediate staffing implications from the Biodiversity SPD.

The service may have an impact on Planning Enforcement if a developer defaults on their obligations.

APPENDICES


Draft Biodiversity Supplementary Planning Document

BACKGROUND PAPERS

Green Infrastructure Strategy


SIGNATORIES:

DECISION MAKER(S):

Signed:  Spatial Planning,
Placemaking and Economy

Date: 13 October 2023

WITH ADVICE FROM:

Signed:  Assistant Director Neighbourhoods and Transport. In accordance with
delegated authority 23/24 DP 74

Date: 13 October 2023