



# Biodiversity & Development

Representations to the Biodiversity and Development Supplementary Planning Document – May 2018





## Representations to the Biodiversity and Development Supplementary Planning Document

### Introduction

As required under regulation 12 of the Town and Country Planning Regulations 2012, this statement of consultation supports the adoption of the Biodiversity and Development Supplementary Planning Document (SPD) and provides information on the consultation that was undertaken to develop the SPD. Consultation on the draft SPD was carried out in accordance with these regulations and the measures set out in the Council's adopted Statement of Community Involvement.

The Council consulted on the Biodiversity and Development Supplementary Planning Document between Tuesday 13<sup>th</sup> March and 5pm on Wednesday 11<sup>th</sup> April 2018. The consultation consisted of:

- Sending emails and letters to organisations and individuals held on our consultation database.
- Publication of the draft document on the Council website.
- Availability of paper copy of the draft document in Barrow Town Hall and Dalton Town Hall.

The following stakeholder groups were consulted:

- Statutory Consultees as identified in the Barrow Borough Statement of Community Involvement.
- Barrow Borough Council members.
- Stakeholders who have expressed an interest in Planning Policy and are included in the Consultation Database.

### Issues Raised through Consultation

Barrow Borough Council received 10 consultation representations to the Biodiversity and Development SPD. Each representation has been listed in this document, along with a response from the Council on how the comment has been considered and used to amend the SPD's. The Council also informally consulted Natural England as a critical friend during production of the Biodiversity and Development SPD. All representations were reviewed and the SPD was well received and feedback from the consultation was generally positive. Comments from ABP were more constructive and will be taken on board

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where the Council agreed, the amendments made are detailed in the table below. The Council welcomes the continued input and engagement from everyone and will continue to contact all consultees with any changes to future Policy documents.

The Biodiversity and Development SPD and this statement will be reviewed by the Council's Executive Committee in May 2018 and upon agreement, the SPD will subsequently be adopted.

### [Consultation Details](#)

Should you wish to be added to our Planning Policy Consultation Database, or would like to update your details, please contact us at:

[developmentplans@barrowbc.gov.uk](mailto:developmentplans@barrowbc.gov.uk)

Policy and Regeneration  
Barrow Borough Council  
Town Hall  
Barrow in Furness  
Cumbria  
LA14 2LD

**Biodiversity and Development SPD Representations**

ID Number:	Comment
Network Rail - 6	<p>As you are aware Network Rail is a statutory consultee for any planning applications within 10 metres of relevant railway land (as the Rail Infrastructure Managers for the railway, set out in Article 16 of the Development Management Procedure Order) and for any development likely to result in a material increase in the volume or a material change in the character of traffic using a level crossing over a railway (as the Rail Network Operators, set out in Schedule 4 (J) of the Development Management Procedure Order); in addition you are required to consult the Office of Rail and Road (ORR).</p> <p>With regards to the consultation Network Rail would comment:</p> <p>Proposals adjacent to the railway should take into account the recommendations of, 'BS 5837:2012 Trees in Relation to Design, Demolition and Construction', which needs to be applied to prevent long term damage to the health of trees on railway land so that they do not become a risk to members of the public in the future.</p> <p>Vegetation planting adjacent to or close to the railway should be in line with the attached matrix for the reasons outlined.</p>
	<p><b>Response</b></p> <p>Thank you for your comments.</p> <p>The council proposes to produce a Trees and Development SPD following the adoption of the Local Plan. This will make reference to the British Standard which is referred to here.</p> <p>The issue regarding vegetation close to the railway will be dealt with at the planning application stage.</p>

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<p><b>ID Number:</b></p> <p>Cumbria County Council Highways - 9</p>	<p><b>Comment</b></p> <p>Thank you for consulting the County Council on the draft Biodiversity SPD.</p> <p>The advice in the draft SPD will assist in guiding sustainable development in the Borough and ensuring that biodiversity is considered early in the planning process.</p> <p><b>Response</b></p> <p>Thank you for your comments. Support welcomed.</p>
<p><b>ID Number:</b></p> <p>Associated British Ports - 40</p>	<p><b>Comment</b></p> <p><b>Barrow Borough Council Consultation on Supplementary Planning Documents (SPD) – Green Infrastructure Strategy SPD and Biodiversity and Development SPD</b></p> <p>We write on behalf of our client – Associated British Ports, Port of Barrow (ABP) – in response to the current consultation on the Barrow Borough Green Infrastructure Planning Document – Draft Supplementary Planning Document (February 2018) and the Biodiversity &amp; Development Draft Supplementary Planning Document (March 2018).</p> <p>Before providing specific comments on the draft documents, it is first necessary to provide some background and general comments.</p> <p>The National Planning Policy Framework (NPPF) (2012) (paragraph 153) and the national planning practice guidance (ID:12-028-20140306) sets out the role and purpose of supplementary planning documents as being, amongst other things, to build upon and provide more detailed advice or guidance on the policies in the Local Plan.</p> <p>At the outset, it is not clear which Local Plan policies the two draft Supplementary Planning Documents (SPD) are seeking to build upon and provide more detailed advice and guidance on. For example, the emerging Barrow Borough Local Plan (submission draft December 2017) in the section dealing with Green Infrastructure and specifically draft policy GI1, indicates that a Green Infrastructure Strategy SPD will be prepared to identify and promote the creation, enhancement and protection of the Green</p>

	<p>Infrastructure Framework. However, the draft Green Infrastructure SPD currently being consulted on seems, under the section on 'Policy Context', to indicate that it is current adopted Local Plan policy which is relevant, not the policies of the emerging Local Plan.</p> <p>To avoid any criticism, the SPDs, it is suggested, must correctly and clearly identify the Local Plan policies being built upon. Furthermore, it appears to ABP that – bearing in mind the age of the adopted Local Plan and the advanced stage of the emerging plan – it has to be the emerging plan policies which are those being built upon. This, however, raises another issue in that those policies –although at a late stage in the process - have not yet been examined and found to be sound. In terms of timing, the SPDs can clearly not yet be finalised until the relevant policies in the emerging Local Plan have been examined, found to be sound and adopted.</p> <p>We now provide some more detailed comments on the two specific draft SPDs being consulted on.</p> <p><b>Biodiversity &amp; Development Draft Supplementary Planning Document (March 2018) (“the draft B&amp;D SPD”)</b></p> <p>It is understood that this document has been produced to help guide sustainable development and to ensure that biodiversity is taken into consideration early in the planning process (paragraph 1.3, page 4).</p> <p>Again, it is not clear which policy or policies the SPD is providing guidance on as this is not set out in the SPD. It is suggested that Chapter 2 - Purpose of the SPD, should be amended to clarify this, clearly setting out the policies it intends to provide advice and guidance on.</p> <p>That being said, it is assumed that the draft B&amp;D SPD could well be providing guidance on Policy N3: Protecting Biodiversity and Geodiversity of the emerging Local Plan. If this is indeed the case, the Council should be aware that ABP submitted Local Plan representations in respect of emerging policy N3, indicating that as worded the policy does not accord with relevant national policy and legislation. The Local Plan policy, as consulted upon, arguably set out more onerous requirements than set out in relevant national policy and legislation. Again, this matter reiterates the timing issue raised at the start of this letter, it is inappropriate to adopt the draft B&amp;D SPD before the relevant policies in the Local Plan are found sound and adopted.</p> <p>It, however, also appears that the draft B&amp;D SPD also already goes beyond national policy requirements. By way of example, the requirements for 'a net gain in biodiversity' set out in the draft SPD are more onerous than the requirements in the NPPF (2012). The draft SPD identifies the need to 'support the delivery of a net gain in biodiversity' (Section 2, page 5) and paragraph 15.1 states 'all new development should provide net gain in biodiversity' (page 48). The NPPF (2012), however, requires the planning system to contribute to and enhance the natural and local environment by, amongst other things, 'minimising impacts on</p>
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	<p>biodiversity and providing net gains in biodiversity where possible’ (emphasis added) (NPPF, paragraph 109). All references to ‘biodiversity net gain’ in the draft B&amp;D SPD should be updated to reflect the NPPF (2012) and include the qualifying wording ‘where possible’.</p> <p>It is emphasised that the above example may not be the only example of this issue within the draft B&amp;D SPD. Going forward, it will be important that the draft B&amp;D SPD does not put in place more onerous requirements than what is included in the Local Plan and at the national level in both policy and legislation.</p> <p>We trust that the above comments are self-explanatory. If, however, you have any questions or queries then please do not hesitate to contact me.</p>
	<p><b>Response</b></p>
	<p>Thank you for your comments.</p> <p>The Biodiversity SPD supports and accords with the policies within the NPPF relating to biodiversity as well as both saved Local Plan and emerging Local Plan policies. As the emerging policies may change through the examination process and the saved policies will be replaced upon adoption, the policies are not listed specifically or copied directly into the SPD. The following amendment has however been made in light of the comments received above:</p> <p>Amendment to bullet 5, para 2.1 (additional wording in red) <i>“To support saved biodiversity and nature policies in the current Local Plan, and policies within the emerging Local Plan (following its adoption), by signposting developers and other stakeholders to further sources of information and guidance.”</i></p> <p>With regards to net gains in biodiversity, the NPPF paragraphs 9, 109 and 152 discuss this issue. Paragraph 9 states that <i>“moving from a net loss of biodiversity to achieving net gains for nature”</i> is a key strand of sustainable development. Paragraph 109 states that <i>“the planning system should contribute to and enhance the natural and local environment by...minimising the impacts on biodiversity and providing net gains in biodiversity where possible.”</i> Paragraph 152 states that <i>“Local Planning Authorities should seek opportunities to achieve each of the economic, social and environmental dimensions of sustainable development, and net gains across all three.”</i> The Government’s approach to net gains is also set out in the document <i>“A Green Future: Government’s 25 Year Plan to Improve Environment”</i>. An additional paragraph has been added to the SPD which makes reference to this document (para 7.23)</p>

	<p>Providing net gains in biodiversity should not be an onerous task for developers and can bring many benefits to developments. The SPD provides guidance on how net gains can be provided. Only in exceptional circumstances should a developer be unable to provide a net gain in biodiversity. In light of this, and the comments received, an additional paragraph has been added recognising this fact (para 15.10):<i>“In exceptional circumstances, it may not be possible to provide a net gain in biodiversity. Where this is the case, a written statement must be provided by the applicant and agreed by the Planning Authority as part of the application process.”</i></p> <p>Paragraph 15.1 has been amended to read (additional text shown in red):<i>“All new development should provide a net gain in biodiversity <b>where possible.</b>”</i></p>
<p><b>ID Number:</b></p> <p>Campaign to Protect Rural England - 31</p>	<p><b>Comment</b></p> <p>Friends of the Lake District is the only membership organisation wholly dedicated to protecting the landscape and natural environment of Cumbria and the Lake District.</p> <p><b>Biodiversity SPD</b></p> <p>General comments We welcome the unequivocal statement to developers in the Introduction (para. 1.7) that ‘opportunities which provide a net gain in biodiversity should always be sought’ and in Chapter 15 (para. 15.1) that ‘All new development should provide net gain in biodiversity’.</p> <p>The Chapter 5 case study on Sandscale Haws Nature Reserve is a very effective way of highlighting the richness of biodiversity within the Borough and its importance to people, which we welcome. Conversely, the impacts section of Chapter 6 draws attention to some of the key negative impacts of development on biodiversity and highlights impacts that are particularly relevant to the Borough’s extensive migratory bird populations and dune/shoreline habitats. These site specific examples give the document a strong identity and help to highlight the challenges that existing and new development brings to the Borough’s biodiversity assets.</p> <p>Chapter 7 – Legislation and Policy This section requires updating to acknowledge the recently published DEFRA document ‘A Green Future: Our 25 Year Plan to Improve the Environment’.</p>

	<p>The NPPF is identified as providing relevant policy context (1.29) but it is worth noting that the current consultation on revisions to this document will be relevant to this SPD.</p> <p>Please record these representations as those of the Campaign to Protect Rural England (CPRE-Cumbria Association).</p> <p><b>Response</b></p> <p>Thank you for your comments. Support welcomed.</p> <p>Additional paragraph (para 7.23) added re A Green Future: Our 25 Year Plan to Improve the Environment, along with footnote linking directly to the document. <i>“This document identifies the importance of the natural environment and sets out a number of targets for improving air and water quality and protecting threatened plants, trees and species following Brexit. Progress against the targets will be monitored and reported on annually. The document also sets out the Government’s goal for improving the environment and seeks to embed an “environmental net gain” principle for development, including housing and infrastructure.”</i></p> <p>An amendment has been made to paragraph 7.23 to make reference to the revised NPPF (additional wording shown in red):<i>“The NPPF is also a material planning consideration. Whilst the NPPF is currently under review, the draft revised NPPF contains the same, if not stronger, protections for the environment.”</i></p>
<p><b>ID Number:</b></p> <p>Historic England - 4</p>	<p><b>Comment</b></p> <p>Thank you for consulting Historic England on the Supplementary Planning Document for Barrow Borough Green Infrastructure Strategy, and Biodiversity and Development. As the Government’s statutory advisor on all matters relating to the historic environment in England, we are pleased to offer our comments. We champion and protect England’s historic environment in England, we are pleased to offer our comments. We champion and protect England’s historic places, providing expert advice to local planning authorities, developers, owners and communities to help ensure our historic environment is properly understood, conserved and enjoyed.</p> <p>Our comments on both documents are set out below.</p>

	<p><b>Biodiversity and Development</b></p> <p>While we support the local authority’s intention to ensure that biodiversity is taken into consideration early in the planning process, it is important to recognise that, while in many instances the conservation of biodiversity will bring about complementary enhancements for the historic environment, in some instances there may also be a conflict. For example, measures introduced to protect and enhance natural environmental qualities – water quality or biodiversity – may also inadvertently threaten wetland heritage if not handled sensitively. Similarly, the management of archaeological remains may require the removal of encroaching scrub or trees, the restoration and repair of old structures will frequently reveal the presence of protected species, and managing change in historic parks, gardens and other landscapes, may need the consideration of many features, including historic layers.</p> <p>While there is usually a solution to these conflicts, it is important that these potential challenges are identified with the document. The only reference we can find to archaeology and cultural heritage is on page 62, in the outline of the content of Construction Environmental Management Plans. We would suggest highlighting the historic environment, and the challenges it brings. Similarly, as noted above within our comments on the Green Infrastructure Strategy, heritage assets can often have a significant biodiversity value in their own right, and in managing these better, there will be benefits for both the historic and the natural environment.</p>
	<p><b>Response</b></p>
	<p>Thank you for your comments. Support welcomed.</p> <p>Two additional paragraphs have been added (paras 12.14 and 12.15):</p> <p>12.14 <i>“When drawing up landscaping schemes consideration should be given to any heritage assets which may be affected. Whilst in most instances conserving biodiversity will bring about complementary enhancements to the historic environment, in rare cases there may be conflict. For example, measures to protect and enhance the natural environment may inadvertently threaten wetland heritage if not handled sensitively. Similarly, the management of archaeological remains may require the removal of encroaching scrub or trees, the restoration and repair of old structures will frequently reveal the presence of protected species, and managing change in historic parks, gardens and other landscapes, may need the consideration of many features, including historic layers.”</i></p> <p>12.15 <i>“In such cases where there may be potential conflict, solutions can often be found through early engagement with the Planning Authority and the relevant historic and environmental bodies.”</i></p>

ID Number:	Comment
Cumbria GeoConservation - 398	<p>Cumbria GeoConservation, a voluntary geological conservation group working to record and protect important Local Geological Sites (LGS), formerly Regionally Important Geological Sites (RIGS), responded positively in 2016 to the high standard of Barrow's Plan. It was good to see the geodiversity content of the Plan, included in Policy C2, and in Chapter 10, Natural Environment and Geodiversity. We were pleased to note the statement of protection from development of LGS.</p> <p>However we feel that some aspects of geodiversity outlined in Barrow's Plan has not been carried forward into these two SPDs.</p> <p>In the <b>Biodiversity and Development SPD</b> we would like to see geodiversity included, for example in 3.2. County Designations should include LGS. LGs should be included also on p36, &amp; in the Glossary, on p67 or 69. On page 80, please note that Cumbria GeoConservation is a specialist group of Cumbria Wildlife Trust and should be mentioned as such.</p> <p>I hope very much that it will be possible to include these references to geology into these two otherwise excellent SPDs.</p>
	<p><b>Response</b></p>
	<p>Thank you for your comments. Support welcomed.</p> <p>Paragraph 3.2 has been amended (additional wording shown in red): <i>"The Borough also contains a number of areas protected for their biodiversity <b>and geodiversity</b> value."</i></p> <p>An additional paragraph (para 3.17) has been added: <i>"The Borough also contains a number of Local Geodiversity Sites (formerly Regionally Important Geological Sites (RIGS) which the Local Plan affords protection to and encourages the enhancement of."</i></p> <p>Amendment made to reference to Cumbria GeoConservation Society in Appendix E ((additional wording shown in red): <i>"The Group is a <b>specialist</b>, voluntary geological conservation group which records and manages important geological sites. <b>The Group forms part of the Cumbria Wildlife Trust.</b>"</i></p> <p>Reference to Local Geological Sites added to glossary: <i>"These sites, formerly known as Regionally Important Geological and Geomorphological Sites (RIGS), are non-statutory sites that have been identified by local geoconservation groups as being of importance. Examples of LGS include ricks and soils exposed in quarries etc, features in the landscape such as areas affected by past glaciation and anthropogenic features including mining sites".</i></p>

ID Number:	Comment
Environment Agency -3	<p>I refer to the above and the recent public consultation on the draft version of the proposed supplementary planning document (SPD).</p> <p>I understand that the public consultation period closed on 11 April 2018. As such I have missed the deadline for providing our response, for which I apologise. However, we have still reviewed the draft document in so far as it relates to our remit and if you chose to accept them, we would offer the following comments:-</p> <p><b>Chapter 7</b></p> <p><u>Issue:</u> The scope of the SPD does not identify all the legislation relevant to the protection and enhancement of biodiversity. There is no reference to the Water Framework Directive (WFD) and the need to avoid a reduction in chemical and biological status of designated WFD water bodies.</p> <p><u>Impact:</u> There is the potential for development proposals to conflict with WFD objectives where detrimental impacts on the chemical and biological status of water bodies are not considered.</p> <p><u>Suggested Solution:</u> Make reference to the WFD as relevant legislation to ensure that, where necessary, proposals include an assessment of the impacts on chemical and biological status of water bodies to demonstrate that there will be no net loss of biodiversity value as a result of the development.</p> <p><b>Appendix E (Page 79)</b></p> <p><u>Issue:</u> The document indicates that advice should be sought from the Environment Agency where there may be impacts from development on rivers and canals, but this is misleading. The Environment Agency have no planning remit to advise interested parties on the effects of development on canals; this rests with the Canal &amp; River Trust. Our remit through the planning system is to ensure that development does not have detrimental impact of WFD waterbodies (which may include canals).</p> <p><u>Impact:</u> There is a potential for proposals to detrimentally impact on canals if the effects of development on these features are not considered by the relevant consultees.</p>

	<p><u>Suggested Solution:</u> Amend the criteria for when interested parties should consult the Environment Agency as follows: -</p> <p><i>Contact the Environment Agency where development proposals may affect the chemical and / or biological status of a WFD waterbody. This includes proposals for development on, under or within 8 metres of the top of the bank / edge of the retaining wall of a designated Main River watercourse.</i></p> <p>As there are no canals within the Barrow district, we would recommend removing any reference to them to avoid any confusion.</p> <p>If you have any queries or comments regarding the above comments, please do not hesitate to contact me.</p>
	<p><b>Response</b></p> <p>Thank you for your comments.</p> <p>Whilst Paragraph 7.2 of the SPD notes that the list of legislation within it is not exhaustive, in light of the above comments an additional paragraph (7.14) has been added, along with a footnote with direct links to the WFD document: <i>“The Directive contains a number of ambitious aims which include “protection of the aquatic ecology, specific protection of unique and valuable habitats, protection of drinking water resources and protection of bathing water.” The directive covers surface water and ground water and requires that, where necessary, proposals must include an assessment of the impacts on chemical and biological status of water bodies to demonstrate that there will be no net loss of biodiversity as a result of the development.”</i></p> <p>Appendix E amended as requested.</p>
<p><b>ID Number:</b></p> <p>Abbeyfield Extra Care Society Ltd - 439</p>	<p><b>Comment</b></p> <p>Our concern relates to Area REC25a of the Local Development Plan referred to on Page 54 of the Green Infrastructure Strategy SPD. This land is situated in front of the Staveley House Care Home for the Elderly on the South side of Parker’s Pond. The pond is home to a wide variety of water birds ranging from coots to swans. We are pleased that the Northern boundary of the area for development, although still physically ill defined, apparently remains unchanged and is separated from the Care Home and existing housing in Buttermere Drive by a Green Wedge.</p>

	<p>However we are concerned that the idea of a Green Corridor round the pond has appeared in print apparently as part of the overall plan. Some of our objections which have been raised during earlier stages of the Consultation process included the loss of privacy and reduced security which would affect the Residents if a public footpath was created along the North Side of the Pond immediately in front of the Home. We have also mentioned the loss of wildlife habitat which would result from all four sides of the pond being open to the public. In this case the creation of an official Green Corridor on the North and West sides of the pond seems unnecessary and in fact a retrograde step when green access for birds and animals is already in place.</p> <p>Providing easy access for the public seems to be in direct conflict with the aims of the Biodiversity and Development Strategy SPD. There are only three small islands in the pond with the result that the North Side in front of the Home and the West side formed by the Green Wedge are the only areas where the wildlife can nest and breed with some degree of safety away from dogs, children and other human interference. We suggest a path along the West side of the pond would have to be fenced off to protect the public if cow and calf grazing were to be allowed. Such a fence would create a barrier which would stop any animals grazing in the field on the Green Wedge from reaching their drinking water in the pond. May we suggest that there would be a better outcome for all if development was limited to the East side[Greystone Lane] with a pavement and seats looking West over the pond. The South side, currently the main access to the farm could have a small car park, seats looking North over the pond together with a children’s play area.</p> <p>In conclusion we believe that the Green Corridor round the pond is contrary to the aims of the Biodiversity and Development SPD and should not be included in any subsequent planning approval. The attractions of the pond can best be appreciated by the general public without harming habitats and species by developing only two sides of the pond.</p>
	<p><b>Response</b></p>
	<p>Thank you for your comments.</p> <p>This issue will be addressed through amendments to the GI SPD and planning application process.</p>

ID Number:	Comment
Natural England - 2	<p>Thank you for your consultation on the above dated 13 March 2018 which was received by the Natural England on 13 March 2018.</p> <p>Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.</p> <p>Natural England welcomes the production of Barrows Biodiversity &amp; Development SPD and the opportunity to comment on its draft. Following earlier engagement and consultation on the initial draft document (NE’s comments sent 16/10/2017, Our Ref: 226087), we are pleased to see significant additions and amendments to the SPD which strengthen Barrow’s ambition to protect, maintain and enhance biodiversity. Setting a goal that ‘All development should provide net gain in biodiversity’ (15.1) is a welcome addition to the document and sets a new standard for planning and development to achieve.</p> <p>We have provided comments and suggested amendments on specific sections of the SPD below:</p> <p><u>The Natural Environment</u></p> <p><u>3.8</u>  “National Nature Reserves (NNR) are the crown jewels of Engalnd’s...” Should be amended to “England”  “Further information an be found....” Should be amended to “can”</p> <p><u>Legislation and Policy</u></p> <p><u>7.7</u>  “...Conservation of Habitats and Species Regulations 2010...” Should be amended to “2017”</p> <p><u>7.8</u>  Regulations 39 and 44 now amended to Regulations 43 and 55 respectively</p> <p><u>7.23</u>  Currently NPPF consultation, which ends 10th May 2018, may result in changes to the wording of the paragraphs listed in the document. The draft NPPF provides additional strength to wording around delivering net gain, in line with the 25 Year Environment Plan. Highlighted below are the proposed amendments to biodiversity:</p> <ul style="list-style-type: none"> <li>• Para 8: Achieving sustainable development means...</li> <li>• Para 103: net gains in environmental quality from transport proposals</li> </ul>

- Para 118: “...taking opportunities to achieve net environmental gains – such as developments that would enable new habitat creation or improve public access”
- Para 168: “...providing net gains for biodiversity, including by establishing pressures”, “Recognising wider benefits from natural capital”
- Para 172: “...identify and pursue opportunities for securing measurable net gains for biodiversity...”
- Para 173: encouraging biodiversity opportunities “especially where this can secure measurable net gains”

Reference should be made to DEFRA’s recently published environment plan: ‘A Green Future: Government’s 25 Year Plan to Improve Environment’, which sets out the Government’s goals for improving the environment and seeks to embed an ‘environmental net gain’ principle for development, including housing and infrastructure.

#### 7.34

Green Infrastructure and the strategy SPD should highlight where existing green infrastructure can be enhanced and where new green infrastructure can be created. This is the main mechanism of delivering biodiversity enhancement and net gain and there should therefore be a clear link between the GI Strategy SPD and Biodiversity SPD.

Natural England are developing a GIS layer called National Habitat Networks, which highlights where there is existing biodiversity, and where new GI would be best placed to enhance biodiversity and connect habitats. Currently these maps are not yet published. We will keep you up to date as these progress.

#### Mitigation Hierarchy

##### 14.3

Natural England welcomes the mitigation hierarchy approach being taken by Barrow, clearly setting enhancement as the ideal scenario and offsetting as the last resort. We advise emphasising that enhancement/net gain should be sought at every stage of the mitigation hierarchy, and should be ‘additional’ – e.g. on top of any mitigation/compensation measures which are required from a regulatory point of view. Enhancement/net gain should be achieved during planning, designing, building, operating and maintaining the development site.

#### Biodiversity Enhancement

##### Net Gain (15)

Natural England welcome the goal set by Barrow in point 15.1 that ‘All new development should provide net gain in biodiversity’. Since Natural England were first asked to comment on the SPD, there have been developments around the topic of ‘net gain’. An

	<p>overview of net gain has been given in Appendix A of this letter for your information. Additional detail about DEFRA Metrics could be provided in an appendix e.g: The DEFRA Biodiversity Metric works by converting habitat types into biodiversity units. Various risk multipliers are then applied to quantify how much and/or what quality habitat must be created or enhanced to achieve a net gain legacy. The metric values both priority and non-priority habitat types e.g. even amenity grassland is afforded a value. Based on the biodiversity unit calculation a developer will then pay to create and maintain these units (either on and/or off site). The industry average for such financial agreements is 25-30 years.</p> <p><u>Compensation</u></p> <p><u>18.3</u> Draft NPPF amends para 118 to Para 173: “if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts) adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused”</p> <p><u>Biodiversity Offsetting</u></p> <p><u>18.11</u> Natural England welcome setting a clear standard for compensation. Biodiversity net gain is about ‘additionality’, and should be added on top of just replacing what is lost.</p> <p><u>19.7 and 19.8</u> Possibility to move these paragraphs to Biodiversity enhancement section as biodiversity net gain and use of the DEFRA metric is supported at all stages of the mitigation hierarchy, not just compensation.</p> <p><u>Glossary</u> Include definition of Biodiversity Net Gain E.g. Net gain is development that leaves the natural environment in a measurably better state than it was beforehand. It requires doing everything possible to avoid losing biodiversity, delivering locally relevant gains and creating long-lasting benefits for the environment, society and the economy.</p> <p>We would be happy to comment further should the need arise but if in the meantime you have any queries please do not hesitate to contact us.</p>
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	Response
	<p>Thank you for your comments. Support welcomed.</p> <ul style="list-style-type: none"> <li>• Paragraphs 3.8, 7.7 and 7.8 amended as requested.</li> <li>• Paragraph 7.23 (now para 7.24) amended (additional text shown in red): <i>“Whilst the NPPF is currently under review, the draft revised NPPF contains the same, if not stronger, protections for the environment. The following paragraphs, taken from the current NPPF, highlight the importance the document gives to biodiversity and the environment.”</i></li> <li>• Additional paragraph (para 7.23) added re A Green Future: Our 25 Year Plan to Improve the Environment, along with footnote linking directly to the document. <i>“This document identifies the importance of the natural environment and sets out a number of targets for improving air and water quality and protecting threatened plants, trees and species following Brexit. Progress against the targets will be monitored and reported on annually. The document also sets out the Government’s goal for improving the environment and seeks to embed an “environmental net gain” principle for development, including housing and infrastructure.”</i></li> <li>• Paragraph 7.34 comments noted and future updates welcomed. Further work will be carried out on the GI Strategy and further links can be made between the two SPDs at that time.</li> <li>• Paragraph 14.3: Additional sentence added: <i>“Enhancement and net gain should be sought at every stage of the hierarchy where possible and is required in addition to any mitigation/compensation measures which are required under the regulations”</i></li> <li>• Section 15: Support welcomed and additional sentence added to para 15.4: <i>“To deliver net gain, it needs to be considered at both a strategic and site level.”</i></li> <li>• Additional Appendix (F) created re DEFRA Metrics</li> <li>• Paragraph 18.3: No changes made in light of draft NPPF as it is still in draft form and may be subject to change, however an additional reference has been made to the draft in para 7.23.</li> <li>• Paragraphs 19.7 &amp; 19.8 moved as suggested.</li> <li>• Glossary: definition of net gain added</li> </ul>

ID Number:	Comment
South Lakeland District Council - 10	<p>Many thanks for consulting us on the above documents. We have a few informal comments to make. Apologies that these comments are being submitted a day after the deadline.</p>
	<p>We very much support the production of these SPDs and read them with interest. SLDC plans to prepare its own GI strategy in due course and will ensure these SPDs are taken into account when doing so.</p> <ul style="list-style-type: none"> <li>• Has the Government’s 25-year environment plan been taken into account in preparing these SPDs? Should references and actions to reflect the Plan be added in?</li> </ul>
	<p><b>Response</b></p>
	<p>Thank you for your comments. Support welcomed.</p> <ul style="list-style-type: none"> <li>• Additional paragraph (para 7.23) added re A Green Future: Our 25 Year Plan to Improve the Environment, along with footnote linking directly to the document. <i>“This document identifies the importance of the natural environment and sets out a number of targets for improving air and water quality and protecting threatened plants, trees and species following Brexit. Progress against the targets will be monitored and reported on annually. The document also sets out the Government’s goal for improving the environment and seeks to embed an “environmental net gain” principle for development, including housing and infrastructure.”</i></li> </ul>

## Appendix A: Copy of Consultation Email

**From:** Development Plans <[developmentplans@barrowbc.gov.uk](mailto:developmentplans@barrowbc.gov.uk)>

**Sent:** 13 March 2018 16:06

**Subject:** Consultation on Supplementary Planning Documents - March 2018

Dear Consultee,

Barrow Borough Council is consulting on two Supplementary Planning Documents (SPDs); the Green Infrastructure Strategy SPD and the Biodiversity and Development SPD.

The Green Infrastructure Strategy SPD contains guidance for developers to help them incorporate green infrastructure into their developments.

The Biodiversity SPD contains advice for developers when drawing up proposals to ensure that new development in the Borough enhances rather than harms habitats and species.

The Council will consult on the content of these SPDs for four weeks in line with Regulation 12 of the Town and Country Planning (Local Planning) (England) Regulations 2012 (2) from Tuesday 13<sup>th</sup> March to 5pm on Wednesday 11<sup>th</sup> April 2018.

The SPDs can be viewed on Barrow Borough Council's Supplementary Planning Documents webpage: <https://www.barrowbc.gov.uk/residents/planning/planning-policy/planning-policy-documents/spds/> and hard copies will be available for inspection at Barrow Town Hall and Dalton Town Hall.

Please send any comments on the content of the documents (clearly stating which SPD your comments relate to) via email to [developmentplans@barrowbc.gov.uk](mailto:developmentplans@barrowbc.gov.uk) or by post to Planning Policy, Barrow Borough Council, Town Hall, Duke St, Barrow-in-Furness, LA14 2LD no later than **5pm Wednesday 11<sup>th</sup> April 2018**.

If you have any queries please contact Planning Policy at [developmentplans@barrowbc.gov.uk](mailto:developmentplans@barrowbc.gov.uk) or by telephone on 01229 876363.

Yours sincerely

**Helen Houston**

**Principal Planning Officer (Policy)**

Contact:

Planning Policy Team

Development Services

Barrow Borough Council

Town Hall

Duke Street

Barrow-in-Furness

Cumbria

LA14 2LD



Email: [developmentplans@barrowbc.gov.uk](mailto:developmentplans@barrowbc.gov.uk)

Website: [www.barrowbc.gov.uk/residents/planning/](http://www.barrowbc.gov.uk/residents/planning/)

Working together to support sustainable development within the Borough of Barrow-in-Furness

