

EAST HARPTREE ENVIRONMENT GROUP (EH EG) RESPONSE TO PUBLIC CONSULTATION ON THE BATH AND NORTHEAST SOMERSET COUNCIL LOCAL PLAN PARTIAL UPDATE (27 Aug to 8 Oct 2021)

POLICY	EHEG RESPONSE
Amendments to Policy NE3: Sites, Species and Habitats	<p>1) Overview: We support the clarity provided by the amended wording of Policy NE3, the specific requirements for evidence-based development impacts assessment, for intelligent, relevant and bespoke mitigation and compensation, and early adoption of Biodiversity Net Gain principles.</p> <p>2) Implementation: Notwithstanding the clear strategy for protection of biodiversity set out in the current (adopted) Development Plan, natural environment policies appear to be frequently overlooked or given lesser weight in decision-making and development monitoring. For policy NE3 to be effective (sound) the Council should</p> <ul style="list-style-type: none"> (i) commit to robust application of policy NE3 through all development management functions; and (ii) ensure that at least equal weight is assigned of policy NE3 with other relevant development plan policies. This will be critical to effective delivery of this policy, and to consistency with the Council’s Ecological Emergency Declaration and national policy. <p>3) Monitoring: There is frequently a significant shortfall between the scope and quality of ecological impact avoidance, mitigation and enhancement strategies promised by planning applications, and what is actually delivered on the ground. Recent experience in In East Harptree shows that the Council has difficulty in dealing with failure of effective compliance with biodiversity planning conditions by individual developments. To support effective delivery of the revised policy we therefore seek an additional clause to be inserted in Policy NE3, the purpose of which will be to monitor the effectiveness of implementation of impact mitigation, compensation, and enhancement works (by an appropriately qualified or experienced Ecological Clerk of Works) and trigger specific remedial action as required.</p> <p>4) SPD: It will be helpful to both development and nature conservation interests if the anticipated supporting SPD on Biodiversity Net Gain includes specific guidance on how sites, species and habitats policy delivery should be coordinated to ensure that new development supports ecological connectivity across the wider countryside e.g. via Ecological Networks and Green Infrastructure. (ref. Policies NE1, NE5 & CP7).</p>

<p>New Policy NE3a Biodiversity Net Gain</p>	<ol style="list-style-type: none"> 1) Overview: We welcome the clarity given by new paragraphs 267a – 267f and policy NE3a, and particularly the focus on local on- and off-site delivery of BNG pending national mandatory requirements provided to developers. 2) Implementation: We support the requirement set out in Policy NE3a clause c to provide a management plan, with the proviso that monitoring of a management plan alone is insufficient to secure intended BNG objectives. The Monitoring Plan needs a feedback loop that ensure that, should intended outcomes not be achieved, management will be modified to deliver remedial action. 3) Monitoring: To ensure the effectiveness of Policy NE3a we strongly recommend that, policy NE3a clause c should include provision for: <ol style="list-style-type: none"> (i) site monitoring to be reviewed by a suitably qualified and/or experienced ecologist; and (ii) any action recommended by such review and agreed by the Council’s Natural Environment team to be implemented in full by the developer/site owner/management body as appropriate.
<p>Amendments to Policy NE5: Ecological Networks and Nature Recovery</p>	<ol style="list-style-type: none"> 1. Overview: We support the explicit requirement for development to maintain and create ecological networks and Nature Recovery, and the specific inclusion of local ecological networks in the policy. 2. Implementation: The LP Policies Map of necessity covers regional nature recovery networks within the district and therefore fails to capture important local network features which support nature recovery at a more granular scale. The absence of such features from the Map could be interpreted as a lack of opportunities ‘for maintaining or creating local ecological networks’ unless it is made explicit that features in areas outside regional networks, such as those identified by local agencies (e.g. the Mendip Hills AONB and voluntary organisations) are also covered by the policy. 3. SPD: effective delivery of amended Policy NE5 will depend on robust Development Management process and access to detailed technical knowledge of planning for design for nature. The anticipated SPD needs to give clear technical guidance to LPA officers and members, to developers, their agents, and communities on required practice to safeguard and enhance ecological networks through the development process and the lifetime of the development.

<p>Amendments to Policy NE6 Trees and Woodland Conservation</p>	<ol style="list-style-type: none"> 1. Overview: OBJECT: the inclusion of ancient and veteran trees within of Policy NE6 is welcomed but the overall scope of the policy is inadequate to address <u>Trees and Woodland Conservation</u> because it (i) fails to deal with individual or groups of trees that are not covered by current national planning policy guidance and (ii) neglects to safeguard from development the important function of hedgerow trees in habitat corridors. 2. Implementation: creation, protection and restoration of hedgerows, including hedgerow trees, is of fundamental importance to nature recovery, habitat connectivity and climate change resilience, and is explicitly recognised in government policy on the nation’s response to the Climate and Nature Emergency. By limiting its scope of policy NE6 to ancient and veteran specimens’, the LPPU fails to properly reflect national policy for Trees and Woodland Conservation. <p>While the imperative for amended policies to meet the test of soundness with the NPPF is recognised, it is noted that other proposed policy amendments in the LPPU carry forward ambitious national targets that are outside NPPF and NPPG.</p> <p>In view of the negative impact that ill-managed development works frequently cause to tree and hedgerow health and longevity, the pressure to bring forward development sites in the district, and the devastating impact of Ash Dieback on the B&NES landscape and ecology, it is hoped that the omission of important trees and hedgerows from policy NE6 will be rectified before adoption of the LPPU.</p> <ol style="list-style-type: none"> 3. SPD: effective delivery of amended Policy NE6 will be heavily dependent on <ol style="list-style-type: none"> (i) inclusion of hedgerows and hedgerow trees, within the delayed B&NES Tree and Woodland Delivery Plan; and (ii) effective cross referencing and coordination of the Tree and Woodland Delivery Plan with B&NES Biodiversity Supplementary Planning Document (SPD), thereby setting out local requirements for tree conservation and planting to contribute to delivery of biodiversity net gain.
<p>Amendments to Policy CP7 Green Infrastructure</p>	<ol style="list-style-type: none"> 1. Overview: We support amended text which places existing and new GI at the centre of the Council’s plan for delivery of nature recovery and healthy and sustainable communities, with the proviso noted below. 2. Implementation: GI networks ‘need to be protected and enhanced to achieve their full value at local and district and regional levels’ (LPPU para 283). Notwithstanding planning conditions and legal agreements, GI features are frequently pared to the bone once development commences, which can severely compromise GI network functional integrity in the longer term. As currently drafted, the Policy C7 commitment to assess the impact of new development on GI through the Development Management process is inadequate to prevent incremental erosion of GI across the district. To clarify that Policies NE1 and NE3 are material to all relevant development, references to these policies would be better placed in the final paragraph in the policy, rather than the new text that is specific to the Bath River Line.

<p>Amendments to Policy NE1 Development and Green Infrastructure</p>	<p>1. Overview: We support the amendments made to Policy NE1, with the proviso noted below, and in particular welcome the requirement for development to be designed to maximise opportunities for effective and functional Green Infrastructure (GI), employ nature-based solutions that link and enhance nature networks.</p> <p>2. Implementation: GI features shown on site Masterplans are regularly pared to the bone once development commences. Recent experience in the East Harptree area shows the frequent significant shortfall between the scope and quality of ‘Green Infrastructure’ features secured by planning conditions and legal agreements and that which is actually delivered on the ground. For implementation of amended Policy NE1 to be effective, the policy should include a requirement for a suitably qualified and/or experienced ecologist to be involved in:</p> <ul style="list-style-type: none"> (i) preparing GI plans and site masterplans for major development; (ii) advising development management decisions on conformity of proposed GI with amended Policy NE1, clause 1 (parts a, b, and c); and (iii) monitoring delivery of effective GI on completion of development.
<p>Amendments to POLICY D8: Lighting</p>	<p>Overview: We support the enhanced clarity of intent that lighting must be designed to <u>protect</u> wildlife habitats following current best practice guidance.</p> <p>Monitoring: Given the importance to nature recovery of effective implementation of amended policy D8, it would be helpful for policy D8 to include provision, where appropriate (eg adjacent to GI features used by habitat supporting light sensitive wildlife), mechanisms for monitoring and reporting the effectiveness of delivery of development in compliance with the policy. Systematic reporting would also enable sharing of experience and knowledge useful to inform future development.</p>