

Subject:	Swift Boxes and Bee Bricks in New Development		
Date of Meeting:	20 June 2019		
Report of:	Executive Director, Economy, Environment & Culture		
Contact Officer:	Name:	Sandra Rogers	Tel: 01273 292502
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Ward(s) affected:	(All Wards);		

FOR GENERAL RELEASE**1. PURPOSE OF REPORT AND POLICY CONTEXT**

- 1.1 This report responds to the Notice of Motion submitted to the March 2019 Tourism, Development and Culture Committee which was as follows:

'This Committee resolves to call for an officer report on what changes need to be made to both local planning policy and process to ensure that a vast majority of new developments in the city incorporate swift boxes and/or bee bricks'

- 1.2 In response to the notice, the report outlines the current and emerging planning policy framework that can support the incorporation of nature conservation features such as swift boxes and bee bricks and further considers the processes required to ensure that these features could be incorporated into more new developments where practically feasible.

2. RECOMMENDATIONS:

That the Committee:

- 2.1 Note the planning policy framework already in place (in terms of the adopted City Plan Part One) and that further policy is being prepared through City Plan Part Two to positively support the incorporation of swift boxes/bricks and bee bricks in suitable new development.
- 2.2 Agree to officers undertaking the further actions set out in the report at paragraphs 3.13 – 3.15 in terms of seeking additional further guidance and introducing standard planning conditions so that, where appropriate, these nature conservation features can be secured as minimal net gains and/or 'best practice' through the council's development management process.

3. CONTEXT/ BACKGROUND INFORMATION

- 3.1 The notice of motion put to the March TD&C Committee reflects a number of deputations put to earlier meetings of this Committee raising concerns about the city's swift population and how swifts could be better supported in the city

through simple measures such as installing swift boxes/bricks in suitable new development¹.

- 3.2 An additional suggestion is that simple bee bricks could be easily incorporated within many new build developments and, as such, represent an inexpensive and easily achievable biodiversity net gain for the city.

Planning policy context

- 3.3 In general terms, every local planning authority has a statutory duty to have regard to conserving biodiversity as part of the planning process. Planning policy at both a national and local level strongly supports the need to protect and conserve biodiversity and to seek enhancements, including measures to extend existing and support new or isolated habitats.
- 3.4 Following consultation earlier this year, the government announced in its Spring Statement the intention to make biodiversity net gain compulsory within planning policy. The government's intention is to introduce a national approach using a 'Defra metric' to determine ecological value at any site and an improvement of least 10% is proposed. It is anticipated that the government will need to produce guidelines on the mechanisms to be followed.
- 3.5 Adopted City Plan Part One Policy CP10 Biodiversity already seeks a net gain in biodiversity from all development, wherever possible.
- 3.6 City Plan Part Two is currently being prepared² and the current timescales are to bring a final version of that Plan to this Committee in November. The Draft City Plan Part Two Policy DM37 – Green Infrastructure and Nature Conservation builds upon the adopted policies of City Plan Part One. It will specifically require proposals for new development to protect and seek to enhance protected and notable species and habitats. Again, the policy looks for a net gain from all development proposals. The policy will explain that enhancement opportunities should focus on Brighton & Hove's local Biodiversity Action Plan (BAP) habitats and species which include swifts (together with house martins and swallows) all of which are identified as BAP species for the city.
- 3.7 The proposed site allocation for the Brighton General Hospital (Policy SSA1) in the Draft City Plan Part Two at Regulation 19 stage, will make specific reference to the need for new development to incorporate swift brick/boxes to support the existing colony there. Representations were received from the RSPB at the draft plan stage of consultation seeking this specific amendment to the policy. Planning officers have also met with representatives from the RSPB and invited them to identify any other sites where there are known swifts.
- 3.8 In addition to local plan policies, there is also the Supplementary Planning Document SPD11 Nature Conservation and Development. The SPD recognises that many development proposals will have the potential to benefit local biodiversity. It addresses both proposals with no current nature conservation value and those likely to affect existing areas of value. The SPD clarifies those types of development that the guidance will not apply to (for example

¹ For example deputation to the November TD&C committee by Councillor Wears and RSPB.

² Regulation 18 Draft Plan consulted on July – September 2018.

advertisement applications, changes of use, conversions, alterations to windows and doors).

- 3.9 Where a site has existing nature conservation features, the SPD outlines a procedure for identifying features which may be affected by new development and for quantifying the amount of new nature conservation features which should be delivered either on or off the development site. As part of the procedure, the SPD calls for a 'biodiversity checklist' to be completed and submitted for certain types of planning applications³. The checklist identifies where further ecological assessment will be required to be undertaken and it is this information that then informs wider discussions involving the County Ecologist regarding the appropriate protection, conservation and full range of enhancement and mitigation measures to be secured.
- 3.10 For those development proposals affecting sites with no existing nature conservation value, the SPD advises that provision for new features should also be considered, in accordance with planning policy looking for net gain. The SPD advises against precisely prescribing the amounts or types of nature conservation features which should be provided in every situation. Instead, it advocates a 'menu' of options to provide maximum flexibility to developers while also ensuring that a range of nature conservation features are delivered (para. 5.37, SPD11). Appendices to the SPD provide further guidance on a 'menu' of features which, for buildings, could include green roofs, green walls, bird/bat boxes.
- 3.11 In summary, there is therefore a positive planning policy framework to support and enhance biodiversity in the city, including the city's swift and bee populations. Biodiversity measures are normally secured by planning conditions attached to planning consents on relevant planning applications with advice normally sought from the County Ecologist on such matters.

Process - Development management process

- 3.12 As indicated above, it is recognised that not all planning applications will require the need for a Biodiversity Checklist to be provided or, even where one is required, not all will trigger a requirement for further ecological assessment which would then be reviewed by the County Ecologist. This will particularly be the case for the majority of smaller scale new build activity in the city, householder extensions/alterations and possibly for brownfield development more generally.

Bee Bricks in new development

- 3.13 In terms therefore of securing a simple and straightforward biodiversity net gain (as supported by planning policy) from new build developments, it is suggested that a standard planning condition could be used to secure bee bricks within all new build development where practically feasible. Bee bricks are cheap and easily available through a number of suppliers and could be incorporated within all new builds ranging from single storey household extensions to larger scale residential/commercial new build where bee bricks would be required as the minimum biodiversity net gain.

³ These are identified on the local list of validation requirements.

- 3.14 It is worth noting that in terms of council new build e.g. New Homes for Neighbourhoods programme, this is already a requirement set out in design specification guidance.

Swift brick/boxes and other bird boxes

- 3.15 A similar approach could be followed for the incorporation of Swift bricks/boxes. However, in this case planning officers would require further guidance regarding the potential best locations across the city, the height at which bricks/boxes should be installed and any other guidance such as orientation and numbers of bricks/boxes suitable for different scales of development. It is anticipated that this guidance could be developed in partnership with the RSPB and the County Ecologist.
- 3.16 Outside of those locations suitable for swifts, provision for other bird boxes could be encouraged as part of any biodiversity net gain package.

4. ANALYSIS & CONSIDERATION OF ANY ALTERNATIVE OPTIONS

- 4.1 An alternative option would be to rely on the established processes already in place in terms of working with the Nature Conservation SPD biodiversity checklist (as described above). However, this could mean that many smaller scale planning applications may not secure a biodiversity net gain.
- 4.2 It is also unclear at this stage at what scale of development the government's net gain policy will apply to. Consultation suggested that smaller sites and all brownfield sites could be exempt.

5. COMMUNITY ENGAGEMENT & CONSULTATION

- 5.1 The planning policies in City Plan Part One have already been subject to public consultation as part of the plan making process.
- 5.2 City Plan Part Two is also being prepared and is subject to standard consultation procedures. Some of the representations e.g. from the RSPB sought amendments such that more developments incorporate conservation features for swifts. SPD11 Nature Conservation was also subject to public consultation as would any further review of the SPD.

6. CONCLUSION

- 6.1 This report responds to the Notice of Motion put to the March Tourism Development and Culture Committee. It asked officers to bring back a report outlining what changes would be required to ensure that more development incorporated swift and bee bricks.
- 6.2 The report outlines that adopted and emerging planning policy support biodiversity net gains in all development where practically feasible. The report suggests that standard planning conditions could be used to ensure bee bricks are incorporated into all new build development where feasible as minimum net

gains and that swift bricks/boxes are also incorporated in all suitable development.

7. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

- 7.1 There are no financial implications arising from these proposals other than the cost of existing officer time in undertaking the further actions set out in the report.

Finance Officer Consulted: Steven Bedford

Date: 14/05/19

Legal Implications:

- 7.2 As is pointed out in the body of the report, local authorities have a duty to conserve biodiversity. This duty is contained in s40 of the Natural Environment and Rural Communities Act 2006 which states that a public authority “ must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity.” The legislation provides that “conserving biodiversity includes, in relation to a living organism or type of habitat, restoring or enhancing a population or habitat”. As is also noted in the report, national and local policy strongly supports the protection, conservation and enhancement of biodiversity.
- 7.3 There is therefore both legislative and policy support for the recommendation that swift boxes/bricks and/or bee bricks are incorporated into suitable new development.

Lawyer Consulted: Hilary Woodward

Date: 16/5/19

Equalities Implications:

- 7.1 An equalities impact assessment is undertaken as part of the preparation of all planning policy documents.

Sustainability Implications:

- 7.2 The measures outlined in this report, if implemented, will result in improved environmental sustainability.

SUPPORTING DOCUMENTATION

Appendices:

None.

Documents in Members' Rooms

None.

Background Documents

1. City Plan Part One (March 2016)
2. Draft City Plan Part Two (July 2018)
3. SPD11 Nature Conservation