

**Development Viability, Affordable Housing and Financial Contributions SPD (Adoption Version) – Amendments to SPD following 2<sup>nd</sup> round of consultation**

<b>Page Amended</b>	<b>Nature of amendment</b>	<b>Representation Amendment is in response to</b>										
P7 – after para 1.6	The following text deleted in recognition that the SPD is no longer a consultation version: <b>Question: Do you agree with the proposed scope and content of the SPD? Please give reasons for your answers.</b>	Officers										
P8 – para 2.1	Weblink and footnote reference updated to reflect that an updated version of the NPPF was issued in December 2023	Officers										
P9 – Footnote 4	Hyperlink in the footnote amended from <a href="http://durhamcc-consult.limehouse.co.uk/file/5448181">http://durhamcc-consult.limehouse.co.uk/file/5448181</a> to <a href="http://durhamcc-consult.objective.co.uk/file/5448181">http://durhamcc-consult.objective.co.uk/file/5448181</a> to reflect the rebranding of the company.	Officers										
P10 – Footnote 7	Hyperlink in the footnote amended from <a href="http://durhamcc-consult.limehouse.co.uk/file/5423371">http://durhamcc-consult.limehouse.co.uk/file/5423371</a> to <a href="http://durhamcc-consult.objective.co.uk/file/5423371">http://durhamcc-consult.objective.co.uk/file/5423371</a> to reflect the rebranding of the company.	Officers										
P11 – para 4.3	Reference to the NPPF amended from paragraph 54 to 55 to reflect the December 2023 update.	Officers										
P11 – para 4.4	Reference to the NPPF amended from paragraph 55 to 56 to reflect the December 2023 update.	Officers										
P12 – Footnote 10	Hyperlinks in the footnote amended from <a href="http://durhamcc-consult.limehouse.co.uk">http://durhamcc-consult.limehouse.co.uk</a> to <a href="http://durhamcc-consult.objective.co.uk/">http://durhamcc-consult.objective.co.uk/</a> to reflect the rebranding of the company. New hyperlink added in relation to the CDP Viability Test Update (2023).	Officers										
P15 – para 5.4	Table 1 has been amended to provide further clarity where s106 monies will be spent: <table border="1" data-bbox="300 1346 1209 2018"> <thead> <tr> <th><b>Purpose of s106</b></th> <th><b>Where the s106 monies will be spent</b></th> </tr> </thead> <tbody> <tr> <td>Open space / GI / sport / recreation</td> <td>Electoral Division – monies will be allocated to the Electoral Division where the application site is located, or a specific priority projects/site(s) identified within the PPS &amp; Action Plan or OSNA</td> </tr> <tr> <td>Affordable Housing</td> <td>County wide in line with the County Durham Strategic Housing Market Assessment (SHMA) which defines County Durham as one housing market area</td> </tr> <tr> <td>Education</td> <td>Relevant school age group (primary / secondary / High Needs Learners) and school placement planning area <b>and/or named school (particularly in respect of SEND schools)</b></td> </tr> <tr> <td>Health</td> <td>Identified surgery / health centre / <b>health catchment area</b></td> </tr> </tbody> </table>	<b>Purpose of s106</b>	<b>Where the s106 monies will be spent</b>	Open space / GI / sport / recreation	Electoral Division – monies will be allocated to the Electoral Division where the application site is located, or a specific priority projects/site(s) identified within the PPS & Action Plan or OSNA	Affordable Housing	County wide in line with the County Durham Strategic Housing Market Assessment (SHMA) which defines County Durham as one housing market area	Education	Relevant school age group (primary / secondary / High Needs Learners) and school placement planning area <b>and/or named school (particularly in respect of SEND schools)</b>	Health	Identified surgery / health centre / <b>health catchment area</b>	Officers
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	Ecology / Heritage Coast	As considered appropriate to the particular application. Will be spent within the area affected by a development <b>or within wider County Durham</b>	
	Transport and Digital Infrastructure	As considered appropriate to the particular application. Will be spent within the area and/or projects/schemes affected by a development	
	Bespoke Matters	As considered appropriate to the particular application	
P16 – para 5.5	<p>Additional text added clarifying how s106 money will be spent/allocated:</p> <p>“The Council will establish a s106 ‘Strategic Investment Group’ to ensure a strategic approach to where the s106 monies are applied in line with this SPD. This will be a Member / Officer working Group, covering the full range of relevant departments, to focus on delivering better forward planning in the application of s106 monies. The Group will meet regularly throughout the year to review both those Agreements that have been approved at Planning Committee as part of the granting of planning permission and to review the latest list of Agreements where monies have been paid in and are available for allocation. <b>This process will enable consideration to be given to utilising monies to meet identified Council priorities. In the event that there are no internal schemes identified to be supported by 106 funding the priority thereafter will be for the allocation of monies to be discussed with relevant County Councillors for the Division where the money sits.</b>”</p>		Officers
P17 – para 6.5	<p>Additional text from the NPPG added:</p> <p>“It will not be sufficient for developers to argue that they did not take into account the need to provide affordable housing or account for the need to provide infrastructure in the amount they have paid (or agreed to pay) for the land as it is reasonable to expect that land values will reflect the requirements of the CDP. <b>Moreover, in acquiring a site, the expectation is that the viability guidance will be adhered to. It specifies<sup>1</sup> that “landowners and site purchasers should consider policy requirements when agreeing land transactions” and that, “Policy compliance means that the development complies fully with up-to-date plan policies including any policy requirements for contributions towards affordable housing requirements at the relevant levels set out in the plan”.</b></p>		Officers
P18 – para 6.9	<p>New footnote added to reference the NPPG relating to review mechanisms:  <b>Paragraph: 009 Reference ID: 10-009-20190509 - <a href="https://www.gov.uk/guidance/viability">https://www.gov.uk/guidance/viability</a></b></p>		Officers
P19 – after para	<p>The following text deleted in recognition that the SPD is no longer a consultation version:</p>		Officers

<sup>1</sup> Paragraph: 013 Reference ID: 10-013-20190509 & Paragraph: 016 Reference ID: 10-016-20190509 - <https://www.gov.uk/guidance/viability>

6.13	<del>Question: Do you agree with the proposed scope that viability submissions are expected to take? Please give reasons for your answers.</del>	
P21 – para 7.11 and Footnote 21	Hyperlinks in the footnote amended from <a href="http://durhamcc-consult.timehouse.co.uk">http://durhamcc-consult.timehouse.co.uk</a> to <a href="http://durhamcc-consult.objective.co.uk/">http://durhamcc-consult.objective.co.uk/</a> to reflect the rebranding of the company.	Officers
P24 – para 7.17	Text amended:  The 25% expected First Homes contribution for any affordable product can make up or contribute to the 10% of the overall number of homes expected to be an affordable home ownership product on major developments as set out in the NPPF. So, in practice, <del>we consider that the First Homes eats into the para 65</del> <b>forms part of the NPPF</b> requirement for affordable home ownership, and the contribution above 10% AH should still be provided as affordable housing for rent in line with Policy 15.	Officers
P25 – para 7.20 and footnote 26	Reference to the NPPF amended from paragraph 63 to 64 to reflect the December 2023 update.	Officers
P28 – para 7.40	Intermediate units are generally provided as “Discounted Market Sale” <b>(DMS)</b> units. The discount to OMV is to be input at cell F41. The percentage discount will have to ensure that the units are affordable to the target market for this type of tenure, and this will vary from ward to ward <b>and be informed by the OMV</b> . Please check with the Housing Department about the acceptable level of discount for your scheme, which will be based on affordability to the purchaser. <b>The Local Plan Viability Testing - Update report (October 2023) (Ref: H16 available at: <a href="https://durhamcc-consult.objective.co.uk/kse/folder/52317">https://durhamcc-consult.objective.co.uk/kse/folder/52317</a> recommended a figure of no lower than £140,000 for First Homes and DMS properties. First Homes and DMS properties are within the scope of the Housing Needs SPD and First Homes Interim Policy Statement.</b> <del>The default level is 30% of open market value, which matches the criteria of “First Homes” and is the value the Council expect to be used unless specific circumstances apply as noted above.</del>	Officers
Para 7.43	Text updated to reflect and align with the worked example which had not updated in the 2 <sup>nd</sup> consultation version:  A development scheme of 60 units in a low viability area (10% affordable housing provision) would have an affordable housing contribution of <b>£179,400</b> . The same scheme in a high viability area (20% affordable housing provision) would have an affordable housing contribution of <del>£566,200</del> <b>£626,000</b> .	Officers
P33 – after para 7.53	The following text deleted in recognition that the SPD is no longer a consultation version: <del>Question: Do you agree with the proposed approach towards addressing housing need?</del>	Officers

	<b>Please give reasons for your answers.</b>	
P34 – para 8.3	Reference to relevant paragraph of the NPPF added as a footnote.	Officers
P34 – para 8.6 and footnote	Hyperlinks in the footnote amended from <a href="http://durhamcc-consult.timehouse.co.uk">http://durhamcc-consult.timehouse.co.uk</a> to <a href="http://durhamcc-consult.objective.co.uk/">http://durhamcc-consult.objective.co.uk/</a> to reflect the rebranding of the company.	Officers
P35 – para 8.7	The reproduction of Table 19 from the OSNA has been made accessible, and as a consequence the ‘Key’ which is in the OSNA is superfluous as the information is in the Table. It has therefore been deleted: <b>Key:</b> <ul style="list-style-type: none"> <li>● <del>on-site provision normally sought</del></li> <li>● <del>off-site provision normally required</del></li> <li>● <del>non-equipped play areas</del></li> </ul>	Officers
P37 – para 8.19	New footnote added to clarify that PPS looked at the quality of pitches: <b>“The PPS assessed the quality of all pitches and categorised them as either good, standard or poor”</b>	Barton Willmore on behalf of Bellway Homes
P37 – para 8.19	New text added to clarify how the PPS will be applied to development proposals: “Where development is proposed (for example under Policy 6: Development on Unallocated Sites of the CDP) within the catchment <sup>2</sup> of an existing or proposed pitch site(s) which has clear recommendations identified within the PPS and its Action Plan, then a financial contribution will be sought to assist with implementing those recommendations. There may also be instances where existing pitch sites are currently <b>coping</b> fine with the amount of demand that they accommodate and do not feature in the PPS & Action Plan. However a major development <b>within</b> their catchment area might produce a level of demand which, if accommodated by the pitch(es) in the catchment, would mean that the pitch(es) would become overplayed, thus leading to its decline in quality <sup>3</sup> . In instances where there is a development which has an additional impact from population growth, developers will be expected to mitigate the impact from the development to ensure that the existing pitches have their carrying capacity improved so that they can absorb the additional demands that would be placed upon them. <b>Where proposed housing development is located within access of a high quality playing pitch, this does not necessarily mean that there is no need for further pitch provision or improvements to existing pitches in that area in order to accommodate additional demand arising from that development. The PPS should be used to help determine what impact the new development will have on the demand for and capacity of existing sites, and whether improvement to increase capacity or new provision is required.</b> ”	Barton Willmore on behalf of Bellway Homes
P39 –	New text added covering Community Sports Facilities:	Sport England

<sup>2</sup> The catchment reflects the distance which teams are prepared to travel to access pitches and will vary depending on the type and standard of sport played, as well as the age groups involved

<sup>3</sup> The PPS assessed the quality of all pitches and categorised them as either good, standard or poor

<p>para 8.20 - 822</p>	<p><b>“8.20 Sport England is a recommended consultee on major housing development. They use this opportunity to seek to ensure that sports infrastructure keeps pace with housing growth and that the development itself is designed to ensure that being physically active is a natural and intrinsic choice for residents.</b></p> <p><b>8.21 Sport England has developed a set of tools to help Local Authorities understand the demand that new developments will generate for both indoor sports facilities (swimming pools and sports halls), along with outdoor sports pitches (grass and artificial pitches for the major pitch sports). Both tools use known user parameters for facility demand based on the local population profile. Their Sports Facility Calculator (SFC) can help quantify the additional demand for key community sports facilities. It’s designed to estimate the demand for sports facilities created by a new community as part of a residential development. Their Playing Pitch Calculator uses team generation data from the recently adopted County Durham Playing Pitch Strategy (PPS) to estimate the demand for new grass and artificial grass pitches for football, rugby, cricket and hockey. The estimated demand and costs for new pitches (matches and training demand) and ancillary provision.</b></p> <p><b>8.22 In instances where major housing development is proposed under Policy 6 (Development on Unallocated Sites), consultation and engagement will take place with Sport England to establish how much additional demand the development will create, and what would the cost be to meet this new demand. This will enable any financial contributions to be requested to be directly related to the development and fairly and reasonably related in scale and kind”.</b></p>	
<p>P39 – para 8.23</p>	<p>New footnote added linking to the fourth Rights of Way Improvement Plan <a href="https://www.durham.gov.uk/article/3679/Rights-of-Way-Improvement-Plan">https://www.durham.gov.uk/article/3679/Rights-of-Way-Improvement-Plan</a></p>	<p>Officers</p>
<p>P41 – para 9.1</p>	<p>Further text added following release of DfE guidance:</p> <p>Durham County Council has a statutory responsibility to ensure that there are sufficient school places for pupils within the County. New developments will generate demand for school places in all ages which is above natural population changes. If there is not enough capacity, nearby schools will be negatively impacted by this increase in demand. Therefore, this impact must be mitigated by providing a contribution to create more education infrastructure to support new development. The council introduced a policy and methodology for securing developer contribution for <b>primary and secondary</b> education through Cabinet approval in 2015 and a subsequent review in 2017. The following approach does not seek to introduce a new policy approach or methodology, <b>but takes account of recent DfE guidance relating to pupil yield dashboard<sup>4</sup> and build costs in assessing appropriate contributions from developments towards education facilities for all phases of education which now will include</b></p>	<p>Officers</p>

<sup>4</sup> <https://www.gov.uk/government/publications/delivering-schools-to-support-housing-growth>

	<b>Early Years, post 16 and special educational needs and disabilities (SEND) in addition to primary and secondary, in accordance with the recent updated guidance.</b>	
P41 – para 9.2	<p>Further text added in respect of special educational needs and disabilities (SEND):</p> <p>When a development site comes forward the Council will identify which <b>primary and secondary schools</b> or pupil place planning area(s) are considered to be impacted on by the development. Where schools are in close proximity to the proposed development but are in a different pupil place planning area they may still be considered as related schools if they meet the criteria on lack of capacity and can demonstrate a likely demand from families moving to the development. <b>In respect of SEND, there are currently 9 SEND schools within the County as well as specialist provision in some primary and secondary schools. The Local Authority does not project pupil numbers in Special Schools in the same way that it does for Primary and Secondary schools. Instead, each special school has a 'Planned Place' number which is reviewed each year. Each SEND school is filled to capacity and provides for a specific category of need. Similarly, those mainstream schools with specialist provision have very limited spaces. It is therefore likely to be the case that the SEND school or mainstream school with specialist provision for which a contribution is requested will not be in close proximity to the development and the contribution will be linked to the particular SEND category the Local Authority considers to be the priority to provide for.</b></p>	Officers
P41/42 – para 9.3	<p>Further text added around different typologies of education:</p> <p>“Contributions will be sought where forecasts suggest that the appropriate educational establishments or pupil place planning area in relation to the development cannot reasonably accommodate the increase in demand for places. Contributions will be sought in the cases where development will result in a specific <b>primary or secondary</b> school or school place planning areas having less than 5% surplus space. The council produces a Pupil Place Planning document which is compiled following the completion of the school census every October/November and states the current and forecasted primary and secondary school roll information. <b>For SEND schools the document will indicate the current number of pupils on roll and category of need each schools provides for. What is known however is that in the region of 550 additional SEND school places will be required by 2028.</b> The schedule document is available to view on the council’s website<sup>5</sup>”.</p>	Officers
P42 – para 9.4	<p>Additional text added:</p> <p>“When assessing the nearest <b>primary and secondary</b> school(s) to a development(s) to assess and calculate any developer contributions, the Council will apply a distance of 2 miles from the development measured by the shortest available safe walking route. In some cases, the Council would not wish the nearest school to be the one that is extended. It will also be</p>	Officers

<sup>5</sup> <https://www.durham.gov.uk/schoolorganisation>

	the case that for some secondary schools the nearest school to a development will be more than 2 miles <sup>6</sup> away as there are far fewer secondary schools than primary schools across the county. The Council's School Places and Admissions Team can provide advice and guidance in relation to school rolls and forecasted pupil numbers”.	
P42 – para 9.4	Additional text added:  “Most children of school age who have Special Education Needs & Disability (SEND) will attend a mainstream school and these schools may receive resources to offer additional support. Some children with more complex needs will attend a school with provision suitable for the type of need – <b>either a mainstream school with specialist provision</b> Enhanced Mainstream Provision (EMP) or a SEND School. There are <del>10</del> <b>9 SEND</b> schools within County Durham which provide specialist provision for children and young people aged 2 to 19. As these schools provide for specific types of need the closest <b>SEND</b> school to a young person’s home may not be the most appropriate provision. Consequently, the Council will utilise developer contributions for SEND places at the school where the pressure is greatest to meet the type of need and not necessarily the SEND school <b>or mainstream school with specialist provision closest to the development”</b> .	Officers
P42 – para 9.8	Worked example has been updated:  “The research has taken into account housing developments over the last 20 years, and accounts for market trends and changes. The detailed research <b>has been corroborated by the recent Department for Education publication on securing contributions for education</b> <sup>7</sup> and confirms <del>indicates</del> that the expected pupil yields from specific local ‘family’ housing developments are as follows;  <ul style="list-style-type: none"> <li>• <b>0.07 Early years provision</b> (i.e broadly 14 houses typically generates one place)</li> <li>• <b>0.2926 primary aged pupils per house</b> (i.e. broadly <del>3</del> <b>4</b> houses typically generate one primary aged pupil)</li> <li>• <b>0.11 13 secondary aged pupils per house</b> (i.e. just under 10 houses typically generate one secondary aged pupil)</li> <li>• <b>0.02 Post 16 education aged learner per houses</b> (i.e every 50 houses typically generates one post 16 learner)</li> <li>• <b>0.03 01 SEND pupils who require specialist provision per home</b> (i.e. 100 houses will generate <del>3</del> <b>1</b> pupil who will be classed as a <del>High Needs Learners</del> <b>SEND pupil</b>)”</li> </ul>	Officers
P43 – para 9.9	The pupil yields reflect demand for places generated rather than actual children moving to the development. It also <del>recognizes</del> <b>recognises</b> that some children will not need to change schools and some may attend private, selective or faith schools.	Officers
P43 –	Text amended to reflect the release of DfE guidance:	Officers

<sup>6</sup> The council policy for free home to school transport currently uses a distance of 2miles

<sup>7</sup> Securing developer contributions for education (Department for Education) (August 2023):

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/1176845/Securing\\_Developer\\_Contributions\\_for\\_Education.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1176845/Securing_Developer_Contributions_for_Education.pdf)

para 9.10	<p>"The contributions for each excess pupil place required is based on<sup>8</sup> <del>non statutory guidance</del> <b>DfE guidance published</b> by DfE in August 2023 information supplied by the National School Delivery Cost Benchmarking exercise and BCIS all in Tender Price Index. <b>The guidance provides the current costs per pupil place adjusted for regional location factors. The costs</b> are as follows;</p> <ul style="list-style-type: none"> <li>• <b>Early Years place = £17,677</b></li> <li>• Primary place = <del>£14,703</del> <b>£17,677</b></li> <li>• Secondary place = <del>£16,554</del> <b>£24,312</b></li> <li>• <b>Post 16 = £24,312</b></li> <li>• <b>SEND provision = £83,980<sup>9</sup>. This is based on current DfE guidance which suggests an assumption of 4x the cost of mainstream due to the extra space requirements<sup>10</sup></b></li> </ul>	
P44 – para 9.12	Worked calculations amended to take account of updated costs and different typologies	Officers
P44 – para 9.14	<p>New text added in respect of the cost of schools:  <b>"The full cost of the extension/new build will need to be agreed, along with developer contributions as part of the planning process. The methodology for determining contribution (paragraphs 9.10 to 9.13) detailed in this document will not be relevant in these cases and early discussions with relevant Council officers are encouraged".</b></p>	Officers
P45 – para 9.16	<p>Text deleted to recognise that the DfE guidance has been released and the consultation on the SPD has concluded:  <del>Future Changes</del></p> <p><del>The council is aware that Government have recently undertaken a consultation regarding a national approach towards calculating pupil yields and build costs. At the time of preparing this document no further details are available, however, in the future should a national approach towards pupil yields and build costs be introduced by Government, the council will seek to embed the approach within the existing policy framework for securing developer contributions towards education.</del></p> <p><del><b>Question: Do you agree with the approach towards Education provision? Please give reasons for your answers</b></del></p>	Officers
P50 – after para 10.18	<p>The following text deleted in recognition that the SPD is no longer a consultation version:  <del><b>Question: Do you agree with the approach towards Health provision? Please give reasons for your answers.</b></del></p>	Officers

<sup>8</sup> Securing developer contributions for education (Department for Education) (August 2023): [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/1176845/Securing\\_Developer\\_Contributions\\_for\\_Education.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1176845/Securing_Developer_Contributions_for_Education.pdf)

<sup>9</sup> The Council has adopted a figure which is the average of both the primary and secondary costs

<sup>10</sup> Special schools require more space per pupil than mainstream schools, and this should be reflected in the costs of provision. Local authorities set the costs of special or alternative provision school places at four times the cost of mainstream places, consistent with the additional space requirements in DfE Guidance Building Bulletin 104



P54 – after para 11.25	The following text deleted in recognition that the SPD is no longer a consultation version: <b>Do you have any comments on the Transport and Digital Infrastructure Section?</b>	Officers
P63 – para 12.34	To correct name. “In our case the River Tees <b>Teesmouth and Cleveland Coast</b> Special Protection Area (SPA) is legally protected under the Conservation of Habitats and Species Regulations, and it is in an ‘unfavourable condition’ due to excessive Nitrogen.”	(Natural England)
P64 – new para 13.1	To reflect national planning practice guidance on BNG has not been finalised. <b>“Biodiversity Net Gain (BNG) is becoming mandatory under Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021). This SPD has been developed prior to national BNG guidance being finalised. In the event the guidance on BNG in this SPD deviates from national guidance then the national guidance will take precedence. The Council is also taking forward a Biodiversity SPD which will provide detailed guidance on our approach to BNG reflecting forthcoming national guidance and Regulations.”</b>	Officers
P64 – para 13.1 (now 13.2)	Correction and to update “Biodiversity Net Gain (BNG) is becoming mandatory under Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021).” <b>“Policy 42 41.”</b>	Officers
P64 – para 13.2 (now 13.3)	To reflect change in numbering in NPPF (2023) “paragraph <b>17080</b> (d) requires planning decisions to provide net gains in biodiversity, paragraph <b>17485</b> (b) requires plans to identify and pursue opportunities for securing measurable net gains for biodiversity; and paragraph <b>17586</b> (a) states that if significant biodiversity losses cannot be avoided, mitigated, or compensated then permission should be refused.”	Officers
P64 – para 13.3 (now 13.4)	To correct referencing “The following guidance should be used by applicants and their ecological consultants who are working on development projects within County Durham to ensure that appropriate evidence is supplied with the planning application and the <del>Biodiversity Net Gain</del> (BNG) is delivered.”	Officers
P64 – para 13.3 (now 13.4) footnote	To update to reflect draft BNG Planning Practice Guidance and new webpage. “Guidance on how to use the DEFRA biodiversity metric is available at the <del>Natural England publications</del> <b>on the government’s BNG</b> website. <sup>48</sup>	Officers

48	48 " <a href="http://publications.naturalengland.org.uk/publication/5850908674228224">http://publications.naturalengland.org.uk/publication/5850908674228224</a> <a href="https://www.gov.uk/government/publications/statutory-biodiversity-metric-tools-and-guides">https://www.gov.uk/government/publications/statutory-biodiversity-metric-tools-and-guides</a> "	
P65 – para 13.5 and footnote 48 (now 13.6)	To clarify when 10% Biodiversity Net Gain requirement will become mandatory.  "Development proposals must clearly demonstrate that an overall BNG will be achieved. In general, <b>From January 2024</b> for Major applications the Council will be <b>requiring</b> seeking 10% net gains and will require use of the DEFRA <b>statutory</b> metric. For Minor applications there is no percentage BNG increase stipulated, and a DEFRA metric may not be required depending on the habitats at the development site. <b>For minor developments BNG requirements will apply from 2 April 2024, and for Nationally Significant Infrastructure Projects from November 2025. There are exemptions to BNG requirements and these are set out in BNG Planning Practice Guidance.</b> "	(Theakston Land)
P65 – para 13.6 and 13.7 (now 13.7) and footnote 50	To update to reflect draft BNG Planning Practice Guidance on the Small Sites Metric and new webpage.  "It should be noted that Natural England have released (July 2021) a Small Sites Metric ( <b>SSM</b> ) for use on sites with 1 – 9 houses and a development area less than 0.5ha as a beta test. Further details can be found on their <b>government's</b> website. <sup>50</sup> The Small Sites Metric <b>SSM</b> is likely to be used for most <b>Minor</b> applications ( <b>unless exempt</b> ), given the current guidance on the thresholds for its use provided by Natural England. <b>However, the SSM cannot be used on sites where:</b>  <ul style="list-style-type: none"> <li>• <b>habitats not available in the SSM are present;</b></li> <li>• <b>priority habitats are within the development site (excluding some hedgerows and arable field margins); or</b></li> <li>• <b>European protected species are present on the development site.</b>"</li> </ul> <p>"The guidance on BNG within this document regarding minor applications will be reviewed once the Council has examined the Small Sites Metric and held discussions with Natural England to determine the extent of its potential uses for Minor applications as part of the consultation process for this SPD.</p> <p>Review of the BNG guidance will also be required when the Environment Bill becomes law and additional guidance is provided by DEFRA and Natural England."</p> <p>49 <a href="https://www.gov.uk/guidance/draft-biodiversity-net-gain-planning-practice-guidance">https://www.gov.uk/guidance/draft-biodiversity-net-gain-planning-practice-guidance</a> (Paragraph: 003 Reference ID: 74-003-2023)</p> <p>50 <a href="http://publications.naturalengland.org.uk/publication/6047259574927360">http://publications.naturalengland.org.uk/publication/6047259574927360</a> <a href="https://www.gov.uk/government/publications/statutory-biodiversity-metric-tools-and-guides">https://www.gov.uk/government/publications/statutory-biodiversity-metric-tools-and-guides</a>"</p>	Officers

<p>P66 – para 13.10 (now 13.11)</p>	<p>To update to reflect draft BNG Planning Practice Guidance.</p> <p>“All planning applications should use the latest <b>statutory</b> version of the DEFRA Biodiversity Metric to ensure a consistent approach. <del>It should be noted that BNG considers biodiversity in the whole and the metric only forms part of the BNG assessment.</del>”</p>	<p>Officers</p>
<p>P66 – para 13.11 – 13.12 (now 13.12)</p>	<p>For clarity on the approach to nesting boxes and roosting opportunities.</p> <p>“Both qualitative and quantitative assessments should be used <b>to</b> assess the development site and design BNG outcomes. The inclusion of <del>in-built engineered</del> <b>integrated nesting boxes</b> and <b>roosting opportunities</b> for birds, bats and invertebrates into the fabric of new builds can deliver for net gains and should be included where possible. The metric does not account for such actions and the consultant ecologist in assessing BNG should factor in these items, <b>but these should be considered in the broader context of biodiversity net gain.</b></p> <p><del>All semi-natural habitats, whether on-site or off-site, that play a role in delivering for biodiversity net gains will be subject to a Biodiversity Management &amp; Monitoring Plan which will cover a minimum of 30 years.</del>”</p>	<p>Officers</p>
<p>P67 – para 13.13 (now 13.14)</p>	<p>To update to reflect draft BNG Planning Practice Guidance in relation to how BNG can be delivered and to correct terminology in relation to Preliminary Ecological Appraisal.</p> <p>If this is the case, then the following options must be considered:</p> <ol style="list-style-type: none"> <li>1. Re-design the proposed scheme to avoid a net loss of biodiversity: The mitigation hierarchy must be adequately demonstrated within the <del>Preliminary Ecological Appraisal or</del> Ecological Impact Assessment (E<del>C</del>IA). It may be possible to re-design a proposed development to avoid a net loss of biodiversity;</li> <li>2. Provision of compensation on land owned or controlled by the applicant where habitat enhancement, restoration or creation can be undertaken. In this case the receptor site would also need to be subject to ecological surveys and an assessment using the metric to prove that the land can deliver the required number of biodiversity units<sup>11</sup> to achieve net gains. The receptor site would then be legally linked to the application through an appropriate legal agreement <del>planning obligation in a Section 106 Agreement</del>; and/or</li> <li>3. The applicant enters into an agreement with a delivery provider (a third-party organisation or broker who will create or restore and manage habitats) for off-site BNG. The applicant would need to provide evidence <del>in the form of documentation from a BNG delivery provider</del> to demonstrate that they have secured</li> </ol>	<p>Officers &amp; (Bellway Homes Limited - Group Office)</p>

<sup>11</sup> A biodiversity unit is a unit of account. Metrics assign all habitats a unit value according to their relative biodiversity value (e.g. species-rich grassland is more valuable than species-poor grassland) and condition.

	<p>the required level of biodiversity units <b>prior to commencement.</b></p> <p><b>4. If developers cannot achieve on-site or off-site biodiversity net gain, they must buy statutory biodiversity credits from the government. This must be a last resort.</b></p> <p>The Council does not have to offer to take on responsibility of delivering the off-site BNG instead of the applicant; it should be the responsibility of the applicant to try and deliver the BNG even if it requires purchase or renting of land to deliver the off-site requirements. However, to try and facilitate development in County Durham the Council is considering how it can provide a role in this process; further options may be available should there be clear evidence that the three options above are not available.</p> <p><del>the Council provides the land upon which the applicant delivers the habitat creation or enhancement works required to deliver the required level of biodiversity units. The applicant will lease the land from the county council for a period of 30 years and be responsible for the management and monitoring of the land, maintenance of any infrastructure and be responsible for all liabilities. The applicant will be responsible for collecting baseline ecological data on the land to inform the metric. The land will revert to the County Council at the end of the 30-year term; or</del></p> <p><del>1. the applicant provides the Council with a financial contribution that funds the Council to undertake land management and monitoring on an identified site, for a period of 30 years, to deliver the required number of biodiversity units. The applicant will be responsible for collecting baseline ecological data to inform the metric and for producing a Biodiversity Management and Monitoring Plan for the site. The Council's in house contractors and Ecology team will provide a bespoke cost for the long term management and monitoring of the site that forms the financial contribution;</del></p> <p><del>2. if there is no identifiable Council land available then, as a last resort, the applicant provides the Council with a financial contribution based on an identified price per biodiversity unit.</del></p> <p>The sum of money required for 1 Biodiversity Unit (BU) will be £20,000 4 index linked (and pro rata i.e., 0.4 Biodiversity Units = £8,000). This price per BU rate will be reassessed on an annual basis.</p>	
<p>P67-70, para 13.16 – 13.23</p>	<p>Text consolidated to reflect draft BNG Planning Practice Guidance and the parallels between the approach to majors, outline applications and minor applications.</p> <p><b>Outline applications</b></p> <p><del>At the outline stage the Council will need to determine if, in principle, the</del></p>	<p>Officers</p>

application has the capacity to comply with BNG requirements.

Outline applications often do not have a fixed layout, but usually include some form of parameters plan or illustrative masterplan, which can be used as a basis for the proposed habitats plan.

Landscape plans for outline applications are often not developed in any detail until the reserved matters stage however, the applicant's project team need to work together to determine what areas may be available for biodiversity enhancements and agree a basic package of enhancements, which could realistically be delivered. It is also important that other land uses within the development are considered at this stage (e.g., the requirement for allotments, pitches, play areas etc.), which will have implications for land use allocations.

At outline stage, it may be necessary to make some assumptions to fulfil the requirements of the DEFRA metric. For example, the metric could be based on a worst case scenario (e.g., assume all built development areas could be categorised as "Urban - Suburban/ mosaic of developed/ natural surfaces") to ensure that subsequent reserved matters applications can also apply the metric once the details of the scheme are available.

Some minor applications will not require the use of the DEFRA metric or a Biodiversity Management and Monitoring Plan (BMMP) (see section on Minor Applications for details), where this is the case the only requirement at outline stage is for a Habitat Baseline Plan (HBP), Proposed Habitats Plan (PHP), and a Biodiversity Net Gain Statement (BNGS). A S106 will secure the delivery of a revised Proposed Habitat Plan. All Major Applications and Minor Applications requiring a DEFRA metric should follow the guidance below.

### Evidence requirements for outline applications:

Alongside the standard Preliminary Ecological Assessment (PEA) and other survey work recommended by the PEA the following documents / plans are required to assess BNG.

- **Habitat Baseline Plan.** This usually forms part of the PEA. The plan must clearly show the areas covered by each of the existing habitat types and the area in hectares (ha) of each habitat type (or for each habitat parcel, as some habitats may be scattered throughout the site). Linear features should also be shown alongside their length in metres (m).
- **Proposed Habitats Plan.** This plan should, as far as possible, show proposed habitat types or linear features being retained, enhanced, and created. Estimated areas and or lengths of each habitat type or linear feature should also be included. Any other proposed biodiversity enhancements (including for priority species) should also be shown on this plan e.g., bird and bat boxes. This information can be placed within the site layout plan, illustrative

masterplan, green infrastructure plan or landscape plans.

- ~~**Proposed Biodiversity Metric.**~~ The information in the metric should be directly related to the Habitat Baseline Plan and the Proposed Habitats Plan. The completed spreadsheet must be submitted. Detailed justifications for the choice of habitat types, distinctiveness and condition should be added to the 'comments' column. All assumptions made in the calculations should be clearly identifiable. Different habitat parcels should be individually referenced and identifiable on the relevant drawing so that these can be cross-referenced with the metric.
- ~~**BNG Statement.**~~ The consultant ecologist should provide a statement, which can be held within the PEA, explaining the proposed net gain delivery. This statement is especially important when items such as built-in bird, bat and invertebrate nesting boxes and other items not identified within the metric are being used to help deliver net gains. Any compensation for priority species or important species assemblages not accounted for within the metric should be detailed in the BNG statement.
- ~~**Proposed outline Biodiversity Management and Monitoring Plan.**~~ At outline application stage an outline Biodiversity Management & Monitoring Plan is required. This document should provide the Council with sufficient information to determine that the habitat creation and long-term management (30 years) is deliverable for both on-site habitats and any off-site habitats created or enhanced.

~~If the proposed metric shows that net gain requirements can be met on site, then the delivery of on-site net gains, the production of a revised Habitats Plan, revised DEFRA metric and BMMP will be secured through a planning obligation in a Section 106 agreement.~~

~~If the proposed metric determines that net gains cannot be met on-site, then one of the following options will need to be agreed with the Council and appropriate evidence provided:~~

- ~~**Off site location provided by applicant.**~~ If the applicant proposes to provide compensation on land owned or controlled by the applicant, then the compensation land must be clearly identified as part of the application and be included within the proposed DEFRA metric and BMMP.
- ~~The consultant ecological consultant using the proposed DEFRA metric will determine a reasonable area of land and type of habitats required for compensation; identification of this land area by the applicant provides the Council with the confidence that the applicant can deliver net gains.~~
- ~~The delivery of a revised DEFRA metric, Habitats Plan and BMMP for on-site and off-site locations commensurate with the scale and type held within the proposed DEFRA metric will be secured through a planning obligation in a Section 106 (S106) agreement.~~

- ~~**BNG Delivery Provider.** If the applicant has decided to use a third party or broker to deliver any off-site biodiversity requirements the Council will require evidence in the form of documentation from a BNG delivery provider to demonstrate that the broker can deliver the required level of biodiversity units.~~
- ~~The proposed metric will determine a reasonable number of biodiversity units required to deliver net gains. Documentation from the broker provides the Council with the confidence that the broker can deliver net gains.~~
- ~~The delivery of a revised DEFRA metric, Habitats Plan and BMMP for the development site and documentation from a BNG delivery provider demonstrating that the required level of off site biodiversity units to achieve net gains will be delivered shall be secured through a planning obligation in a Section 106 (S106) agreement.~~
- ~~**Applicant delivers BNG on Durham County Council Land.** The use of Council land must be agreed with Corporate Property and Land (CPAL) and be clearly identified as part of the application and included within the DEFRA metric and BMMP.~~
- ~~The proposed metric will determine a reasonable area of land required for compensatory habitats, identification of this land area and agreement by CPAL provides the Council with the confidence that the applicant can deliver net gains.~~
- ~~The delivery of a revised DEFRA metric, Habitats Plan and BMMP for on-site and off-site locations commensurate with the scale and type held within the proposed DEFRA metric will be secured through a planning obligation in a Section 106 (S106) agreement.~~
- ~~**Applicant provides a financial contribution identified Durham County Council Land.** The use of Council land must be agreed with Corporate Property and Land (CPAL) and be clearly identified as part of the application and included within the DEFRA metric and BMMP.~~
- ~~The proposed metric will determine a reasonable number of biodiversity units required to deliver net gains and a suitable Council Landholding will be identified. The Council will provide an estimated financial contribution at the time of the application.~~
- ~~The provision of a financial contribution, revised DEFRA metric, habitats Plan and BMMP for on site and off site locations commensurate with the scale and type held within the proposed DEFRA metric will be secured through a planning obligation in a Section 106 (S106) agreement. The amount payable to the Council will be calculated based on the revised BMMP for the off site location.~~

	<ul style="list-style-type: none"> <li>● <del>Applicant provides a financial contribution based on a price per Biodiversity Unit.</del> An estimated financial contribution will be calculated using the metric results and the price per BU at the time of the application.</li> <li>● <del>The proposed metric will determine a reasonable number of biodiversity units required to deliver net gains and hence the amount of financial contribution required. Calculation of an estimated financial contribution at the time of the application provides the Council with the confidence that the applicant can provide the financial contribution.</del></li> <li>● <del>A S106 will secure the submission of revised DEFRA metric based on the finalised Habitats Plan, the amount of contribution payable to the Council will be calculated using the revised DEFRA metric and the price per BU at the time of the outline application.</del></li> </ul> <p>52-£20k based on DEFRA net gain proposals consultation</p>	
<p>P69 – para 14.1 – 14.2</p>	<p>Text deleted to reflect that two rounds of consultations have been concluded and the text is now superfluous.</p> <p><b>Conclusion and Next Steps</b></p> <p><del>The SPD has been prepared, with regard to, national policy and the requirements set out in the CDP and sets out the Council's approach to determining and securing developer contributions for new development across the county.</del></p> <p><b>Next Steps</b></p> <p><del>Following this second round of consultation, officers will review and consider all of the comments made. These comments and our responses will be published and changes made where necessary. We will give reasons where it has not been possible to make a change. The revised Development viability, affordable housing and financial contributions SPD will then be taken forward for adoption.</del></p>	<p>Officers</p>
<p>P70 – para 13.24</p>	<p>Text consolidated to reflect draft BNG Planning Practice Guidance and the parallels between the approach to majors, outline applications and minor applications.</p> <p><b>Major Applications</b></p> <p>11.1. <del>In the case of major applications, requirements are as follows:</del></p> <ul style="list-style-type: none"> <li>● <del>Requires the use of the latest version of the DEFRA metric,</del></li> <li>● <del>The Council will seek 10% net gain.</del></li> <li>● <del>Any off-site land requirements should ideally be met by the</del></li> </ul>	<p>Officers</p>



	<del>applicant or via a broker.</del>	
P71 – para 13.25 (now 13.14)	<p>To update to reflect draft BNG Planning Practice Guidance which states in addition to minimum information requirements, further information may need to be provided in order to assist the consideration of BNG as part of the planning application, in particular where there are particular considerations around significant onsite biodiversity enhancements or use of offsite biodiversity gains, and to allow consideration of if an appropriate balance is expected between onsite gains and off-site gains.</p> <p><b>Evidence Requirements for Major Applications</b></p> <p>Alongside the standard <b>EclIA Preliminary Ecological Assessment (PEA)</b> and other survey work recommended by the <b>PEA EclIA</b> and validation checklist the following documents / plans are required to assess BNG:</p> <ul style="list-style-type: none"> <li>• <b>Habitat Baseline Plan.</b> This usually forms part of the <b>EclIA</b>. The plan must clearly show the areas covered by each of the existing habitat types and the area in hectares (ha) of each habitat type (or for each habitat parcel, as some habitats may be scattered throughout the site). Linear features should also be shown alongside their length in metres (m).</li> <li>• <b>BNG Strategy Statement.</b> <del>The consultant ecologist should provide a statement</del> <b>A strategy should be provided,</b> which can be held within the PEA, explaining how net gains will be achieved. <del>This statement is especially important when items such as built-in bird, bat and invertebrate nesting boxes and other items not identified within the metric are being used to help deliver net gains.</del> <b>It should outline the type and location of any significant onsite gains and how an appropriate balance will be achieved between onsite gains and off-site gains, taking account of the biodiversity gain hierarchy.</b> Any compensation for priority species or important species assemblages not accounted for within the metric should be detailed.</li> <li>• <b>Draft Proposed Habitats Plan.</b> This plan should clearly show <b>significant</b> habitat types or linear features being retained, enhanced, and created, and the area or length of each habitat type or linear feature. It <b>should</b> <del>must</del> be colour-coded so that each habitat type is easily identifiable <b>and o</b>ther proposed biodiversity enhancements (including for priority species) and protected species mitigation areas should also be shown on this plan e.g., bird and bat boxes. This information can be placed within the site layout plan, illustrative masterplan, green infrastructure plan or landscape plans <b>if appropriately annotated e.g using UK Habs definitions for consistency with the DEFRA Metric.</b></li> <li>• <b>Small Sites Metric or DEFRA Statutory Biodiversity Metric as relevant.</b> The information in the metric should be directly related to the Habitat Baseline Plan and the <b>Draft</b> Proposed Habitats Plan.</li> </ul>	Officers

	<p>The completed spreadsheet must be submitted. Detailed justifications for the choice of habitat types, distinctiveness and condition should be added to the 'comments' column where appropriate. All assumptions made in the calculations should be clearly identifiable. Different habitat parcels should be individually referenced and identifiable on the relevant drawing so that these can be cross-referenced with the metric. A minimum level of 10% BNG overall will be expected.</p> <ul style="list-style-type: none"> <li>• <b>Draft Habitat Creation, Management and Monitoring Plan.</b> At application stage a <b>draft Habitat Biodiversity Management &amp; Monitoring Plan (HBMMP)</b> is required. This document should provide the Council with sufficient information to determine that the habitat creation and long-term management (30 years) is deliverable for <del>both</del> <b>significant</b> on-site habitats and any off-site habitats created or enhanced. The production of a detailed <b>HBMMP</b> and its delivery will be secured through <b>planning condition or an</b> appropriate legal agreement.</li> </ul>	
<p>P72 – para 13.26 (now 13.15)</p>	<p>To update to reflect terminology and guidance on local validation requirements in draft BNG Planning Practice Guidance</p> <p>The <b>HBMMP</b> should include the following:</p> <ul style="list-style-type: none"> <li>• location and description. An assessment of the site where habitat enhancement / creation is to take place, this is required to ensure that the habitat creation/enhancement is possible at the specified location;</li> <li>• features or factors influencing the management of the site. This may include management constraints e.g., access for machinery or livestock, or legal constraints such as the presence the presence of protected or invasive species. Other factors may include soil nutrient levels or information pertaining to hydrology;</li> <li>• target Habitat descriptions;</li> <li>• outline details of the habitat management over the 30-year period; <b>and</b></li> <li>• monitoring protocols and timetables. This is required to ensure the successful establishment/restoration of the habitat, evaluating the success of management activities and provide feedback for management. Monitoring intervals are likely to be the first year of commencement and years 2, 5, 10, 15, 20 and 30 depending on the habitat type being discussed.</li> <li>• <del>management plan review. The Management Plan should be subject to a review every 10 years. The review should include an appraisal of the habitats present at the site (based on the monitoring surveys), assessment of the success of the management plan to date and any required revisions to the plan.</del> <b>The results of monitoring should be used to adjust and refine the management plan as appropriate.</b></li> </ul>	<p>Officers</p>

<p>P72 – new para 13.16</p>	<p>To update to reflect requirements in draft BNG Planning Practice Guidance on the general biodiversity gain condition.</p> <p><b>Pre-commencement Requirements</b></p> <p><b>A general biodiversity gain condition is deemed to apply to every planning permission granted for the development of land in England unless exemptions or transitional provisions apply. The implication of the condition is development cannot commence until a biodiversity gain plan has been submitted and approved by the local planning authority. There are standard templates for biodiversity gain plans for major developments, small sites and phased developments.<sup>12</sup> Contents includes finalised biodiversity metrics, pre-development and post-development plans, a habitat management and monitoring plan for off-site or significant on-site gains. Where off-site units are being used a biodiversity net gain register reference number is required, and where statutory credits are being used proof of purchase.</b></p> <p><b>53 <a href="https://www.gov.uk/government/publications/biodiversity-gain-plan">https://www.gov.uk/government/publications/biodiversity-gain-plan</a></b></p>	<p>Officers</p>
<p>P73 – para 13.36 (now 13.15)</p>	<p>To reflect draft BNG Planning Practice Guidance on how BNG is to be delivered.</p> <ul style="list-style-type: none"> <li>● <del>Applicant provides a financial contribution for identified Durham County Council Land.</del> The use of DCC land must be agreed with Corporate property and Land and be clearly identified as part of the application and included within the DEFRA metric and BMMP. The financial contribution will be calculated at the time of the application and be secured through an appropriate legal mechanism or unilateral undertaking.</li> <li>● <del>Applicant provides a financial contribution based on a price per Biodiversity Unit.</del> The financial contribution will be calculated using the metric results and the price per BU at the time of the application. The payment of the contribution will be secured through an appropriate legal mechanism or unilateral undertaking.</li> </ul>	<p>Officers</p>
<p>P73 – para 13.27 – 13.34</p>	<p>Text consolidated to reflect draft BNG Planning Practice Guidance and the parallels between the approach to majors, outline applications and minor applications.</p> <p><b>Minor Applications</b></p> <p>In the case of minor applications, requirements are as follows:</p> <p>May require the use of the DEFRA metric depending on the scale of impacts 5,</p> <ul style="list-style-type: none"> <li>● <del>The Council will expect net gains to be achieved (but no percentage is specified),</del> <del>Option to provide the Council with a financial contribution rather than provide an off-site location and long-term management.</del></li> </ul>	<p>Officers</p>

<sup>12</sup> <https://www.gov.uk/government/publications/biodiversity-gain-plan>

The Council is providing a lower threshold for minor developments on land that contains low distinctiveness habitats such as improved pasture and sealed surfaces. This is in line with DEFRA Guidance:

~~For the purposes of BNG assessment, it is recommended that Councils set lower thresholds to define small scale development with a low impact on biodiversity, that can follow a simplified BNG approach. It is important to note that ecological survey and assessment may lead to a change in the level of impact predicted for a development project. Where this happens, it may no longer be appropriate to follow a simplified route, and the main guide should be used.~~

For minor applications, the Council may request the use of a metric depending on the level of impacts on biodiversity.

Where the habitats or linear features on site are of Low distinctiveness and in Poor to Moderate condition (DEFRA metric classifications) the Council is unlikely to ask for a metric calculation. This will need to be confirmed with the Council Ecologist as other factors may determine the requirement for the use of the metric. For example, ecological connectivity and the location of the development site within a strategically identified area for biodiversity may trigger the need for the use of a metric.

Should the PEA identify UK Priority Habitats or habitats of higher distinctiveness then the application will be dealt with as per the methodology for Major Applications and the mitigation hierarchy should be applied alongside NPPF para 175 a:

- a) 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.

### ~~Evidence Requirements for Minor Applications~~

Alongside the standard Preliminary Ecological Assessment (PEA) and other survey work recommended by the PEA the following documents / plans are required to assess BNG.

- ~~**Habitat Baseline Plan.** This usually forms part of the PEA. The plan must clearly show the areas covered by each of the existing habitat types and the area in hectares (ha) of each habitat type (or for each habitat parcel, as some habitats may be scattered throughout the site). Linear features should also be shown alongside their length in metres (m).~~
- ~~The PEA and associated habitat baseline plan will enable the Council ecologist to determine if a metric is required to support the application.~~

If a metric is requested, then the following information will be required:

- ~~**Proposed Habitats Plan.** This plan should clearly show habitat types or linear features being retained, enhanced, and created, and the area or length of each habitat type or linear feature; it must be colour-coded so that each habitat type is easily identifiable. Other proposed biodiversity enhancements (including for priority species) and protected species mitigation areas should also be shown on this plan e.g., bird and bat boxes. This information can be placed within the site layout plan, illustrative masterplan, green infrastructure plan or landscape plans.~~
- ~~**DEFRA Biodiversity Metric.** The information in the metric should be directly related to the Habitat Baseline Plan and the Proposed Habitats Plan. The completed spreadsheet must be submitted. Detailed justifications for the choice of habitat types, distinctiveness and condition should be added to the 'comments' column where appropriate. All assumptions made in the calculations should be clearly identifiable. Different habitat parcels should be individually referenced and identifiable on the relevant drawing so that these can be cross-referenced with the metric.~~
- ~~**BNG Statement.** The consultant ecologist should provide a statement, which can be held within the PEA, explaining how net gains have been achieved. This statement is especially important when items such as built-in bird, bat and invertebrate nesting boxes and other items not identified within the metric are being used to help deliver net gains. Any compensation for priority species or important species assemblages not accounted for within the metric should be detailed in the BNG statement.~~
- ~~**Habitat Creation, Management and Monitoring Plan.** At application stage an outline Biodiversity Management & Monitoring Plan (BMMP) is required. This document should provide the Council with sufficient information to determine that the habitat creation and long term management (30 years) is deliverable for both on-site habitats and any off-site habitats created or enhanced. The production of a detailed BMMP and its delivery will be secured through appropriate legal agreements~~
- ~~**Applicant delivers BNG on Durham County Council Land.** The use of DCC land must be agreed with Corporate Property and Land and be clearly identified as part of the application and included within the DEFRA metric and BMMP.~~
- ~~**Applicant provides a financial contribution for identified Durham County Council Land.** The use of DCC land must be agreed with Corporate Property and Land and be clearly identified as part of the application and included within the DEFRA metric and BMMP. The financial contribution will be calculated at the time of the application and be secured through an appropriate legal mechanism or unilateral undertaking.~~

	<ul style="list-style-type: none"> <li><del>• Applicant provides a financial contribution based on price per Biodiversity Unit. The financial contribution will be calculated using the DEFRA metric results and the price per BU at the time of the application. The payment of the contribution will be secured through an appropriate legal mechanism or unilateral undertaking.</del></li> </ul> <p>If a metric is not requested, then the following information will be required:</p> <ul style="list-style-type: none"> <li><del>• Proposed Habitats Plan. This plan should clearly show habitat types or linear features being retained, enhanced, and created, and the area or length of each habitat type or linear feature; it must be colour-coded so that each habitat type is easily identifiable. Other biodiversity enhancements (including for priority species) and protected species mitigation areas should also be shown on this plan e.g., bird and bat boxes. This information can be placed within the site layout plan, illustrative masterplan, green infrastructure plan or landscape plans.</del></li> <li><del>• BNG Statement. This statement, which can be held within the PEA, details how the application meets the net gain requirements through the provision of wildlife friendly features within the site. For example, the species of invertebrates, birds and bats benefiting from the provision of built-in nesting features or green walls and greater ecological connectivity generated through the inclusion of native hedgerow planting.</del></li> </ul>	
<p>P75 – para 13.36 – 13.20</p>	<p>To clarify how strategic significance will be interpreted in advance of the Local Nature Recovery Strategy reflecting the approach in draft BNG Planning Practice Guidance.</p> <p><del>Off-site BNG should be delivered with the boundaries of County Durham.</del></p> <p>The DEFRA metric incorporates ‘<b>strategic significance</b>’ into its calculations of an off-site habitats’ ecological value. Delivering off-site compensation within the areas identified within the Ecological Opportunities Map as priority locations creates a higher value ‘<b>strategic position multiplier</b>’ within the metric and therefore makes meeting net gain requirements easier. By the same token development within the core areas or priority locations should be avoided as impacts within identified strategic locations for biodiversity incurs a penalty within the metric.</p> <p><b>The Statutory Biodiversity Metric User Guide (draft) November 2023 states that where a Local Nature Recovery Strategy (LNRS) is not in place, which is the case for County Durham, the ‘High’ category for strategic significance should only be used if the location is mapped within documents specified by the planning authority.</b></p> <p><b>In lieu of the LNRS,</b> the Council is developing an Ecological Opportunities Map that shows core areas of broad habitat types (woodland and grassland) and using the focal species approach has identified the priority</p>	<p>Officers</p>

	locations for habitat creation and restoration.	