

Comment

Consultee Mr Richard Cowen (1174275)

Email Address [REDACTED]

Company / Organisation Durham Bird Club

Address [REDACTED]
[REDACTED]
[REDACTED]

Event Name Darlington Local Plan 2016-2036 (Regulation 19)

Comment by Durham Bird Club (Mr Richard Cowen - 1174275)

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Consultation Point Policy ENV 7 Biodiversity and Geodiversity and Development (Strategic Policy) ([View](#))

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[Housing Coniscliffe Grange Darlington2.doc](#)
[Housing Coniscliffe Grange Darlington.doc](#)

Question 1b

Do you consider that the Local Plan sound? No

Question 2

Do you consider that this part of the Local Plan is unsound because it is not: (tick all that apply) . Effective

Question 3a

Your Comments

Please give details of why you consider that this part of the Local Plan is not legally compliant or unsound or fails to comply with the Duty to Cooperate.

Please see attached sheet

Question 4

Changes Sought

Please Note your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested change, as there will not normally be a subsequent opportunity to make further representations based on the original representation at publication stage. There is the opportunity to attach Word or PDF files before submitting your comment.

After this stage, further submissions will only be at the request of the Inspector, based on the matters and issues identified for examination.

Please set out what change(s) to the Local Plan you consider necessary to make it legally compliant or sound. You will need to say why this change will make the Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording for any policy or text.

1) There needs to be a definition of the River Strategic Corridors which is in turn shown on the Policies Map

2) The Rural area (a description that occurs a number of times in the PSD), should be defined. The description of "Rural Area" in paragraph 7.2.1 is noted and appears to confirm it is all areas outside of settlement boundaries but this should be made clear in the Glossary. It is unrealistic in respect of Policy ENV 7 to expect people to look at a paragraph of text relating to employment. Text of course is not Policy.

If indeed it does cover all areas outside of settlement boundaries, then it is accepted it cannot be shown on the Policies Map. All areas outside settlement boundaries will be "Rural Area".

3) All other areas of designated land referred to in Policy ENV 7 (SSSIs, community and ancient woodland, parks and parkland) need to be clearly shown on the Policies Map

4) At present, we are unsure of the precise impact of the allocations for housing and/or employment shown on the Policies Map upon these SSSIs and woodlands as they are not clearly shown on the Policies Map. If such areas may fall within these allocations, then we are likely to have further representations to make.

5) Given that this Policy aims to protect "features of biodiversity importance", we are very concerned about the potential impact of the proposed allocations for housing and employment on farmland birds, a "feature" that the Club represents is important. It is difficult at this stage to say what changes may be required, either to this Policy or to those making the allocations for housing or employment

Question 5

Attendance at Examination Hearings

If your representation is seeking a change, do you consider it necessary to participate in the examination hearings? Yes, I wish to participate at the examination hearings

Question 5a

Participation at Examination Hearings

Please note the inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate at the examination hearings.

If you wish to participate at the examination hearings, please outline why you consider it to be necessary?

While many of the suggestions made above are administrative, I believe that the issues relating to the potential impact of the allocations for housing and employment upon the principles outlined in Policy ENV 7 are substantial and need consideration that may go well beyond making written comments, especially when the potential impacts are not known for the reasons given above.

Question 6

Do you request to be notified that the Local Plan has been submitted to the Secretary of State for independent examination under section 22(3) of the regulations and to be notified of the adoption of the Local Plan?

Yes, I request to be notified

Darlington Pre submission draft

Policy ENV 7 and Policies Map

Representations of Durham Bird Club

Durham Bird Club supports the principle of this policy but is very concerned that

- 1) the proposals are not properly described and shown on the Policies Map and
- 2) some policies elsewhere in the Plan may make this policy almost impossible to achieve.

1) Description

Policy ENV 7 refers to a number of categories of land which, from what we can see, are not shown on the Policies map. These are as follows

a) River Tees Strategic Corridor

There is only 1 reference to this in the Pre submission draft and that is within Policy ENV 7. There is no definition of it in the Glossary and no mention of it in the Policies Map. The proposals in this part of Policy ENV 7 clearly show that it is intended to cover more than just the river itself but the extent of this corridor is not described nor shown on the Policies Map

b) River Skerne strategic corridor

The same issues apply to this part of Policy ENV 7

c) Rural area

It is assumed that this covers all areas outside of settlement boundaries, but this should be made clear. There is a description of "Rural Area" at paragraph 7.2.1, but this text relates to employment and it is not reasonable, when considering the environment, to look for this paragraph, assuming this description is intended to interpret all references to "Rural Area" in the PSD.

d) Other designations

Although there are symbols for LNRs, LWSs and LGSs in the Policies Map, there are no such symbols for SSSIs or community and ancient woodlands. Given the importance of these designations, we represent that they should all be clearly shown on the Policies Map so that we can know just where each SSSI, community woodland or ancient woodland is.

e) Wildlife friendly green space, parks and parklands

Local Green Space is shown on the Policies Map but it is not clear if that is what "green space" means in this instance. So, does it also include "Green Wedge" in Policy ENV 3?

Similar issues apply to Parks and Parkland. For example, South Park is named on Map 9 but there is no symbol to identify Parks and Parklands. If they are to form part of a policy, then we submit that they should be clearly shown.

2) Impact of other policies

The Club is not able to comment on the housing allocation policies themselves in this PSD - that is something outside of its remit. However, members are aware of the controversy about the number of houses proposed and the areas of land proposed to be allocated for this purpose.

What does concern members however is that the Policies Map clearly shows the extent of land being allocated for housing and employment. The areas shown are extensive. Much of this, especially in the Skerningham area, is farmland which supports farmland birds. The housing proposed for these areas and the infrastructure needed to support them are likely to have a damaging effect on the biodiversity in these areas, particularly farmland birds. There is a considerable danger that these species will be lost, not just displaced (or moved) if these proposals proceed as planned and that full impact should be detailed together with any mitigation proposals so that their impact can be considered.

While Policies H10 and H11 are noted in relation to mitigating the impact on biodiversity, housing, people and the sort of biodiversity found in these farmland areas do not mix. Farmland species are likely to be lost. They may be replaced by garden birds or similar but the impact of losing farmland species needs to be explored.

While the Club accepts that a Habitats Assessment may not be legally required as there are no European sites in Darlington, it is represented that there should be some assessment to show the potential impact the major housing and employment proposals will have on biodiversity and their consistency with Policy ENV 7.

Similarly, the Club has written in respect of the application to build houses on the land proposed to be designated at Conniscliffe. The Club was concerned about the impact this may have on proposals for environmental improvements at this area and could in fact negate them. The area involved is Baydale Beck mentioned in the Green Infrastructure Strategy. If the proposals for housing in this area remain, then there is a considerable danger that it will render pointless any proposal to carry out environmental improvements at the areas marked as LGS and LWS on either side of the proposed allocation. (Copies of the Club's 2 letters are attached for information).

On behalf of the Club, I wish to draw attention to the State of Nature Report of 2019 and the WWF Living Planet Report: Future of wildlife species in danger published on 10 September 2020. While not all species are in decline, many are to an alarming degree. We represent that all development, particularly on the scale proposed in Darlington, should address this issue in determining whether or not the proposed developments are in fact sustainable.

As stated above, the Policies Map does not contain any symbol to show SSSIs, community or ancient woodland or the proposed river strategic corridors. Without this being clearly shown, there is no indication as to whether any of the proposed allocations would detrimentally impact upon them. We represent that it is essential that all such areas are clearly shown so that people can be clear just where and what the impacts are likely to be.



Durham Bird Club

Registered Charity No 515101



13 August 2017



Development and Environment Department
Darlington Borough Council
Town Hall
Darlington
DL1 5QT

Dear Sir

PLANNING APPLICATION 17/00632/OUT LAND NORTH OF CONISCLIFFE ROAD DARLINGTON - 535 DWELLINGS

PLANNING APPLICATION 17/00636/OUT LAND SOUTH OF STAINDROP ROAD DARLINGTON – 985 HOUSES PLUS CERTAIN COMMERCIAL AND COMMUNITY BUILDINGS

I refer to these two applications on behalf of Durham Bird Club. I note the two sites adjoin each other. If approved, these sites will become virtually a new community to the south west of Darlington.

I note that the proposed developments will not directly join the existing settlements and there will be a break broadly along the Baydale Beck. There will also be separation between the two developments and an existing water feature will be retained. I also note that there will be water features (in the form of SuDS ponds) created.

The area to be developed is arable agricultural land with a number of hedges. On behalf of the Club, I acknowledge that these are not major sites for birds but a number of farmland species have been recorded there. I note that the applicants have both stated that they have not been able to obtain any records from ERIC for birds. For information, I would trust that they would not obtain such data from ERIC in relation to records submitted by the Club as we have an agreement with ERIC that any commercial request for such data should be made to us. As far as I am aware, no such request has been made to the Club.

The Club will hold records for this area. While not a major bird area, I note that there is a number of farmland species (eg Yellowhammer, Reed Bunting and Tree Sparrow) recorded by the applicants on these sites. In addition, I note Corn Bunting has been recorded by the applicants. This farmland bird is in serious decline in the North East.

As has been recorded in the State of Nature Reports both of 2013 and more recently in 2016, there has been a continued loss of biodiversity in Britain. In particular there has been a significant decline in farmland birds – 56% since 1970.

The Club notes Policy CS14 which, as far as relevant, states

“The distinctive character of the Borough’s built, historic, natural and environmental townscapes, landscapes and strong sense of place will be protected and, where appropriate, enhanced by:

B. Protecting and enhancing the separation and the intrinsic qualities of the openness between settlements and between the main urban area’s different neighbourhoods including:

6. The green corridors of Staindrop Road and the Denes, Firthmoor and McMullen Road, the Stockton and Darlington railway trackbed, the Faverdale Black path and Barnard Castle railway trackbed and Baydale Beck;”

Paragraph 7.2.7 states

“In the long-term a richly biodiverse urban fringe where habitats and species can develop more naturally will be created, supported by the Green Infrastructure Strategy. This will involve recreating the network of habitats, such as hedgerows and field margins that have been reduced by intensive agricultural practices. The continued planting of community forestry near South Burdon, Skertingham and Merrybent will also be promoted, to complement the restoration and provision of natural and semi-natural habitats in new development and the use of agri-environmental schemes.”

While it is accepted that the text is not policy, I represent that this is important and demonstrates the Council’s intentions in the rural parts of the borough. Indeed, the Council has made a Green Infrastructure Strategy which states

“Meandering through wildflower meadows and shady mature woodland with its distinctive protected Black Poplar trees, Baydale Beck will seamlessly merge town and quality countryside. By 2026 this tranquil water environment will be a haven for wildlife; whether the Great Spotted Woodpecker, Sedge Warbler and Reed Bunting in the native trees, the Common Reed along the beck or the

protected Water Vole and Otter in the beck itself, movement and life will be all around. The adjoining extensive, vibrant wildflower meadows filled with Cuckoo Flower, Cowslip, Common Knapweed, Yellow Rattle and species rich grassland will extend this softer wildlife friendly environment into the built area, providing valuable links to the nearby Nunnery Lane Cemetery Lane Local Wildlife Site.

Through the mature woodland, pedestrians and cyclists will be able to travel off road between Coniscliffe Road and Staindrop Road, enjoying glimpses of the working landscape that lies beyond the beck. A bridge will provide easy access for those who are enticed to visit the establishing Merrybent Community Woodland, where increasingly the Roe Deer, Sparrowhawk and nesting species like the Tree Sparrow will be seen. New native tree and shrub planting will over time help integrate the new development at Yiewsley Manor easily into this distinctive green landscape, while significant improvements will ensure that a quality play and recreation experience can be enjoyed across Baydale Meadows by all. The Baydale Beck/Cocker Beck confluence will become an important focus for quality biodiversity; new wetlands will provide a vital stepping stone for wildlife while continuing to deliver flood management, drainage and water quality benefits.”

Finally, I note that Policy CS15 of the Core Strategy states biodiversity will be protected and enhanced by (inter alia)

- “3. restricting or managing access and use where appropriate, to conserve an area's existing biodiversity value whilst enhancing biodiversity along access corridors and linking habitat networks with high biodiversity and geodiversity value;
4. protecting and enhancing healthy ancient woodland, mature trees, street trees, hedgerows and community forestry; and
5. protecting and improving watercourses, buffer strips and wetland, incorporating integrated surface water management and flood water storage, where appropriate.”

I represent that these policies (which of course cannot, since the Supreme Court judgement in the Richborough case¹, be “out of date” as they are not policies for the supply of housing) are highly relevant in this case. They are also consistent with paragraph 109 of the NPPF which commits the planning system to enhance the natural and local environment by

“minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government’s commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;”

¹ Suffolk Coastal District Council v Hopkins Homes Ltd and another: Richborough Estates Partnership LLP and another v Cheshire East Borough Council [2017] UKSC 3

The issue is whether the proposed developments are contrary to these policies. If they are, then there is a presumption that they should be refused permission – see the Court of Appeal judgment in the East Staffordshire case² - unless material considerations indicate otherwise.

I note and accept that there will be green areas provided in these proposed developments and the area around the Baydale Beck will remain undeveloped. It is accepted that certain bird species, in particular garden birds, may well benefit from these proposals and the water features may attract some species such as Coot and Moorhen or Mallard. Whether birds such as Kingfisher (which I note has been recorded on the Beck) would be here in the future is much more questionable.

However, the Green Infrastructure Strategy appears to set Baydale Beck as the development limit in this part of the borough and that residents will be able to enjoy birds, including farmland species, in this area. The Strategy aims to continue the establishment of the Merrybent Community Woodland. I represent that this may help to reverse the declines at least in this area that are identified in the State of Nature Reports.

Farmland birds are unlikely to venture into urban areas. They may well visit rural gardens on the fringe of urban areas but not into the urban areas. However, should these applications be approved, those gardens on the western edge of the developments may be too close to the motorway for farmland birds to venture to the east side of it.

The Green Infrastructure Strategy may not be policy but it is referred to in the Core Strategy. The Club welcomes this approach by the Council and the policies identified above to improve the biodiversity in this part of the borough. I represent that, if the proposals are approved, there will be habitat loss for farmland birds in particular which are likely to disappear from this area. This would be contrary to the Council's stated intentions.

Further the Club is aware of the claimed benefits of Green Infrastructure on health and well-being. Wildlife habitats are part of our green infrastructure. Disturbance from building works and then from residents would conflict with the conservation of breeding and wintering birds which are sensitive to disturbance in this area. The Club believes that these developments do very little to enhance strategic wildlife corridors particularly along Baydale Beck and perhaps also the River Tees area. As outlined above, the loss of this green area may well make it more difficult for wildlife to use this area, be it to feed, disperse, migrate and reproduce and move between designated spaces, which would allow them to flourish. This again appears contrary to the Council's stated intentions in the Core and Green Infrastructure Strategies.

² Barwood Strategic Land II LLP v East Staffordshire Borough Council [2017] EWCA Civ 893

CONCLUSION

While I cannot object to the applications on the basis that these sites are presently important for birds, I am very concerned that the applications appear to be contrary to the policies identified above and are likely to thwart the Council's stated intentions in the area. I represent on behalf of the Club that this has to be taken into account in determining these applications,

Yours faithfully

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Richard Cowen



Durham Bird Club

Registered Charity No [1176232](#)



4 February 2019



Development and Environment Department
Darlington Borough Council
Town Hall
Darlington
DL1 5QT

Dear Sir

PLANNING APPLICATION 17/00632/OUT LAND NORTH OF CONISCLIFFE ROAD DARLINGTON - 535 DWELLINGS

PLANNING APPLICATION 17/00636/OUT LAND SOUTH OF STAINDROP ROAD DARLINGTON – 985 HOUSES PLUS CERTAIN COMMERCIAL AND COMMUNITY BUILDINGS

I refer to your letter of 25 January drawing my attention to the Environmental Statements that have now been prepared in respect of these applications. However, as these two Statements address the same issues on adjacent sites, I propose to deal with them together.

I note the applicants requested a Scoping Opinion from the Council following the direction of the Secretary of State that these two developments, when combined, constitute development for which an Environmental Statement is required. I note that the Scoping Opinion issued by the Council scopes out of the EIA process Biodiversity (Flora and Fauna), based on Consultee responses.

As I stated on behalf of the Club in my letter of 13 August 2017, these are not sites which, taken on their own, are ones to which the Club would object on the basis that they are presently important for birds. However, in that letter I outlined the future proposals for this area in the Green Infrastructure Strategy. This Strategy, when implemented, would be likely to change the situation along the Baydale Beck from an ornithological point of view.

The fact that Biodiversity has been scoped out of the EIA process may be unfortunate. I represent that, as I have outlined in my original letter, the impacts of this proposed development on the proposed enhancement of the Baydale Beck as outlined in the Green Infrastructure Strategy are vital to assess.

Perhaps it also needs to be borne in mind that there are other housing proposals on the outskirts of Darlington which, while perhaps not individually significant from a bird point of view, may well, when combined, have a potentially very detrimental impact on farmland birds. My comments regarding the State of Nature Report in my original letter remain important.

Your letter of 25 January states that the Environmental Statement may be of interest to me. As a result of what it does not contain, it is indeed of interest to me. I represent that this sort of information should have been contained in the Environmental Statements to determine what sort of impact these developments may have on the future plans of the council.

I represent that this would be consistent with paragraph 170 of the National Planning Policy Framework. This requires planning decisions to enhance the natural environment. The applications describe maintaining hedges and providing nest boxes but, as stated in my original letter, these developments will have an impact on farmland birds as well as birds that may be found alongside the beck, both now and, if the Green Infrastructure Strategy is implemented, in the future. I represent these impacts need to be assessed and, if they cannot be protected on site, what is proposed in mitigation or compensation.

In addition, if these applications are approved, what can be done for other species? For example, what can be done to attract hirundines (swallows and martins) or swifts? Providing nesting facilities for such birds will help to protect their decline. In addition, bringing nature into our lives is now considered to help human wellbeing which, in turn, can be very beneficial for our health and, as a result, the NHS.

I therefore stand firm by my conclusion in my original letter that these points must be taken into account in determining these applications. If they cannot be satisfactorily addressed, then I represent that these applications should indeed be refused permission,

Yours faithfully

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Richard Cowen

