

Richard Cowen for
Durham Bird Club

Representor number
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**STATEMENT OF RICHARD COWEN TO THE EXAMINATION IN PUBLIC
INTO THE
DARLINGTON LOCAL PLAN**

RELATING TO MATTER 1

While generally I did not comment on procedural issues on behalf of the Bird Club, there are two questions within this matter which I believe are relevant for the Bird Club and which I have mentioned in my representations. These responses may also be relevant to question 10.13 but I represent they are also applicable from a “strategic” and procedural point of view, given the amount of land that is proposed to be allocated for development in Darlington.

Q1.6. Does the habitat regulations assessment comply with relevant legal requirements¹³, and is there any substantive evidence to indicate that its conclusions are incorrect?

In my representations for DBC, I acknowledged that there are no European sites within Darlington itself. While much of the Council’s Habitats Regulations Assessment Screening Report is noted and accepted, there is one issue that we consider requires further consideration.

In my representations, I stated

“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.”

We note the comments about Biodiversity Net Gain, which is mentioned 3 times, in the Screening Report. However, there is no mention that I can find as to how this will be achieved.

This may become increasingly important when the Environment Bill becomes law. While the NPPF does refer to protection and enhancement of biodiversity in Part 15,, it does not state how this should be achieved.

If the Environment Bill becomes law in its current form, it outlines what is required for “Biodiversity Net Gain”. I represent that, if the development proposed in the Darlington Plan does proceed as proposed, it will happen after the Bill becomes law and therefore there needs to be some consideration of its provisions now.

This in turn requires some consideration as to what amounts to mitigation or, if required, compensation under Part 15 of the NPPF. At present, many farmland species can be found on this land. One person who regularly watches in this area has told me

“..... the sites proposed for development host large numbers of Tree Sparrow and Linnet, Skylark and Yellowhammer. Grey Partridge are clinging on. Yellow Wagtail, Reed and Sedge Warbler now breed in the Barmpton area and Cuckoo returned to this lowland site for the first time since 2006. Grasshopper Warbler appears annually. The Barmpton and Skerningham area provides a staging post for Meadow Pipits and Pied Wagtails on migration. 4,500 new homes puts these species at risk. Similarly farmland species will be under threat with 1,500 new homes at Coniscliffe Park.”

Therefore, while we acknowledge that

- 1) there are no European sites within Darlington itself and
- 2) we cannot establish to a suitable standard that any sites in Darlington can be linked to the European sites. (This means that birds found in the European sites travel on a regular basis to sites in Darlington to forage.)

I represent that consideration needs to be given to this point, especially bearing in mind the amount of farmland that is proposed to be allocated for development (housing or otherwise).

The Screening Report at paragraph 3.8.1 does refer to the importance of the borough for certain species of birds, mentioning Lapwing and Redshank. While the linkage point is not considered in the Screening Report, I accept that the Club cannot argue that these birds do use any sites in the borough for this purpose. Therefore, I do not argue that there is evidence to “indicate its conclusions are incorrect” from an Appropriate Assessment point of view. But we do argue that some assessment in respect of birds listed above, many of which are red listed as birds of conservation concern, should be considered.

This assessment should take into account the “needs” of the birds displaced. By this, I mean that the type of compensation replacement will be suitable for the species of birds displaced. I represent that a compensation site that may provide suitable habitat for garden birds (for example Blackbird, House Sparrow or Blue Tit), important though it may be, is not suitable habitat for Yellowhammer or Skylark.

Q1.14. Is the Plan informed by a proportionate and up to date assessment of viability that takes into account all relevant policies, and local and national standards?

While it may be strange for the Bird Club to consider “Viability”, I believe the above points are an important consideration in this. The NPPF at paragraph 174 refers to protecting and enhancing biodiversity but it does not refer to Biodiversity Net Gain. It also makes similar provision for sites of biodiversity importance at paragraph 170.

The Environment Bill will bring this issue onto the Statute book, assuming it is passed as currently drafted. It is likely to be law when and if these developments take place and I represent that proper consideration needs now to be given to the impact of such net gains and how, if at all, it may affect the viability of any or all of the proposed developments.

I therefore represent that the Plan needs amendment to

- 1) Assess what species will be affected by the proposals in the Plan
- 2) State what mitigation or compensation provisions are to be provided with specific reference to these species and
- 3) Provide some definition in the Screening Report relating to Biodiversity Net Gain, taking into account the provisions of the Environment Bill, to show that, if the allocations do proceed as proposed by the Council without amendment, there is such a gain especially for the types of habitat that will be lost and species displaced as a result.