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|--------------------------|--|---|--------------------------|
| <b>Subject:</b>          | <b>Bee Bricks and Swift Bricks in New Development</b>        |   |                          |
| <b>Date of Meeting:</b>  | <b>5<sup>th</sup> March 2020</b>                             |   |                          |
| <b>Report of:</b>        | <b>Executive Director Economy, Environment &amp; Culture</b> |   |                          |
| <b>Contact Officer:</b>  | <b>Name:</b>   | <b>Paul Vidler</b>                      | <b>Tel: 01273 292192</b> |
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| <b>Ward(s) affected:</b> | <b>All</b>   |   |                          |

## **FOR GENERAL RELEASE**

### **1. PURPOSE OF REPORT AND POLICY CONTEXT**

- 1.1 This report updates members on the introduction of measures requiring the provision of bee bricks in new development through a planning condition introduced on 1<sup>st</sup> November 2019 following the report to the Tourism, Development and Culture Committee on 20<sup>th</sup> June 2019.
- 1.2 The report also seeks authority for the introduction of advice and measures requiring the provision of swift bricks and boxes in new developments through a planning condition following the report to the Tourism, Development and Culture Committee on 20<sup>th</sup> June 2019.

### **2. RECOMMENDATIONS:**

That the Committee:

- 2.1 Notes the introduction of a model planning condition and informative requiring the provision of bee bricks which have been attached to all planning permissions for new build developments from 1<sup>st</sup> November 2019.
- 2.2 Agrees to the introduction from 1<sup>st</sup> April 2020 of a model planning condition and informative (Appendix 1) requiring the provision of swift bricks in planning permission granted for new development and an informal advice note, as set out in paragraphs 3.6 to 3.8 of the report (Appendix 2).

### **3. CONTEXT/ BACKGROUND INFORMATION**

- 3.1 A Notice of Motion was submitted to Tourism, Development and Culture Committee on 7<sup>th</sup> March 2019 which was as follows:

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

- 3.2 In response to the notice, a report to the 20<sup>th</sup> June 2019 Tourism, Development and Culture Committee outlined the current and emerging planning policy

framework that could support the incorporation of nature conservation features such as swift boxes and bee bricks and further considered the processes required to ensure that these features could be incorporated into more new developments where practically feasible. This includes policy CP10 Biodiversity in City Plan Part One and emerging policies in City Plan Part Two which refer to biodiversity net gain.

3.3 The Committee resolved to:

- Agree to officers finalising and implementing actions so that bee bricks are installed as standard on new-builds unless unfeasible.
- Agree to officers undertaking further research on swift boxes so that a report be brought back to the committee with a view to installing as standard swift boxes/bricks on all suitable new-builds.

### **Bee bricks in new development**

3.4 From 1<sup>st</sup> November 2019 a model condition and informative have been attached to all planning permissions for new build developments and extensions to existing buildings (requiring one bee brick per house) unless specific requirements are recommended by the County Ecologist on major applications (10+ residential units/1,000sqm+ commercial floorspace). The wording is set out in Appendix 1.

### **Swift bricks and boxes in new development**

3.5 Advice has been sought from the East Sussex County Council Ecologist and RSPB, together with a review of good practice, on the introduction of a model condition and informative for the provision of swift bricks in new development. Internal swift bricks are preferred over external boxes attached to buildings because they are more secure, better protected from overheating in exposed locations and eliminate future maintenance. Where swift bricks are not practical due to the nature of construction, for example buildings finished with external panels rather than brick or render, alternative designs of suitable swift nest boxes should be provided in their place.

3.6 The following advice has been received on geographical location within the city and the occupation, location and number of swift bricks and boxes in new developments.

- The swift brick condition should be applied to all new developments across the city of 5m or greater in height.
- The number of swift bricks required on residential development (for minor developments) should be a minimum of three bricks, or two per dwelling, whichever is the greater (see para 3.8 for major developments).
- The number of swift bricks required on commercial development should be a minimum of three bricks, or one per 50sqm of floorspace (for minor developments), whichever is the greater.
- A variety of other bird species associated with urban environments can take up swift nest sites, including sparrows, starlings, blue tits and great tits.

- Swift brick condition should be applied in addition to any other necessary biodiversity measures requiring other types of nest box as appropriate.
- In circumstances where swift bricks are not practical, as set out in para 3.5, the planning condition will be amended to require swift boxes.

3.7 It is recommended that officers prepare an informal advice note to provide guidance for developers to include the key information set out in Appendix 2.

3.8 The proposed wording for the model condition and informative is set out in Appendix 1. It is recommended that these be applied as set out in section 3.6 above, unless specific requirements are recommended by the County Ecologist on major applications (10+ residential units/1,000sqm+ commercial floorspace).

#### **4. ANALYSIS & CONSIDERATION OF ANY ALTERNATIVE OPTIONS**

4.1 An alternative option would be to rely on the established processes already in place in terms of working with the Nature Conservation SPD biodiversity checklist. However, this could mean that many smaller scale planning applications may not secure a biodiversity net gain.

4.2 It is also unclear at this stage at what scale of development the government's net biodiversity gain policy, now included in the Environment Bill which provides for biodiversity gain to be a condition of planning permission, will apply to. Consultation suggested that smaller sites and all brownfield sites could be exempt

#### **5. COMMUNITY ENGAGEMENT & CONSULTATION**

5.1 The planning policies in City Plan Part One have already been subject to public consultation as part of the plan making process.

5.2 City Plan Part Two is also being prepared and is subject to standard consultation procedures. Some of the representations e.g. from the RSPB sought amendments such that more developments incorporate conservation features for swifts. SPD11 Nature Conservation was also subject to public consultation as would any further review of the SPD.

5.3 The East Sussex County Ecologist and the RSPB have been consulted and have made comments on the provision of swift boxes in new development.

#### **6. CONCLUSION**

6.1 This report updates the Committee on the provision of bee bricks in suitable new development.

6.2 The report also sets out measures requiring the provision of swift bricks and boxes in suitable new development.

#### **7. FINANCIAL & OTHER IMPLICATIONS:**

### Financial Implications:

- 7.1 There are no direct costs to the Council arising from the recommendations in this report. It is assumed that any indirect costs (for example; enforcement of planning conditions) are contained within existing budgets.

*Finance Officer Consulted: Name Jess Laing*

*Date: 11/02/2019*

### 7.2 Legal Implications:

Local authorities have a duty to conserve biodiversity. This duty is contained in s40 of the Natural Environment and Rural Communities Act 2006 which states that a public authority “ must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity.” The legislation provides that “conserving biodiversity includes, in relation to a living organism or type of habitat, restoring or enhancing a population or habitat”. This is supported by both national and local planning policy. The recommendation that swift bricks are included in development therefore has both statutory and policy support.

*Lawyer Consulted:*

*Name Hilary Woodward*

*Date: 12/2/2020*

### Equalities Implications:

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

### Sustainability Implications:

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

### Brexit Implications:

- 7.4 None identified.

## **SUPPORTING DOCUMENTATION**

### **Appendices:**

1. Bee bricks and swift bricks model planning conditions and informatives.
2. Informal Guidance note for provision of swift bricks (boxes) in new development.

### **Background Documents**

1. In Practice: Bulletin of the Chartered Institute of Ecology and Environmental Management - Issue 104, July 2019

