



Buckinghamshire Biodiversity Net Gain Supplementary Planning Document - Statement of Representations

As required by the Planning and Compulsory Purchase Act 2004 (as amended) Town and Country Planning (Local Planning) (England) Regulations 2012 - Regulations 12 and 13

The Council consulted on the Biodiversity Net Gain Supplementary Planning Document from 19 February 2021 to 19 March 2021.

Simon Meecham – May 2022

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1.0 Introduction

This statement is the 'Consultation Statement' for the Biodiversity Net Gain Supplementary Planning Document as required by the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended). It sets out how the public and other stakeholders were consulted on the Consultation Draft, provides a summary of the issues which were raised during the consultation, and how those issues have been addressed in preparing the final version of the document.

2.0 Consultation requirements of the regulations

The Supplementary Planning Document has been prepared in accordance with the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended). The relevant regulations relating to the process are explained below.

Regulation 12: Regulation 12(a) requires the Council to produce a statement before the adoption of the Supplementary Planning Document. This must set out who was consulted in preparing the document; a summary of the main issues raised by those individuals and organisations who responded, and how those issues have been addressed in final version of the Supplementary Planning Document. This document is the statement for the adoption of the Supplementary Planning Document for the purposes of Regulation 12(a).

Regulation 12(b) requires the Council to publish the documents for no less than four weeks and to specify the date when responses should be received, and identify the address to which responses should be sent. The consultation statement that accompanied the draft Supplementary Planning Document set out that information.

Regulation 13: Regulation 13 stipulates that any person may make representations about the Supplementary Planning Document and that the representations must be made by the end of the consultation date referred to in Regulation 12b. The consultation statement that accompanied the draft Supplementary Planning Document set out that requirement.

Regulation 35: Regulation 12 states that when seeking representations on a Supplementary Planning Document, documents must be made available in accordance with Regulation 35. This requires the Council to make documents available by taking the following steps:

- Make the document available at the principal office and other places within the area that the Council considers appropriate;
- Publish the document on the Council's website.

All these measures were undertaken as part of the consultation on the draft Supplementary Planning Document, subject to the Government regulations and guidance in force to limit the transmission of Covid-19, as described in the section below.

3.0 Details of how the consultation was undertaken

The potential impact of the proposed strategy is the whole of administrative area of Buckinghamshire.

Details of the consultation were sent to key stakeholders including organisations registered on the planning consultation database, town and parish councils, neighbouring local authorities, developers, housing associations, local environmental groups, and government agencies. The Supplementary Planning Document was also made available on the Council's website. A link to the consultation was published on dedicated Buckinghamshire Integrated Care Partnership *Your Voice Bucks* consultation website. This publishes all Partnership's community engagement and consultation activities in one place.

During the consultation, details of the consultations were posted at regularly intervals on the Council's social media accounts.

A list of measures taken to publicise the consultation are set out below:

- The statutory 28 days-notice was published on the Council's website for the key decision to consult.
- The consultation was listed on the home page of the Your Voice Bucks website.
- All statutory and prescribed bodies were sent a link to the consultation portal.
- All consultees on the planning policy databases were informed.
- Local media were sent a media release on the consultation.
- Details were provided of a named Council contact officer, together with their email address phone number, who would be able to assist with any queries

4.0 Summary of the issues raised during the consultation and how they have been addressed in the final version of the Supplementary Planning Document.

A summary of the representations is attached at appendix 1. This includes officer recommendations for modifications to the draft Supplementary Planning Document.

5.0 The Consultation Statement of Representations Procedure.

The statement of representations procedure is attached at appendix 2.

Appendix 1 - Consideration of Representations and Proposed Modifications

Summary of the issues raised during the consultation and how they have been addressed in the final version of the Supplementary Planning Document.



Buckinghamshire Biodiversity Net Gain

Draft Supplementary Planning Document

Consideration of Representations and Proposed
Modifications

Summary

The consultation on the draft Supplementary Planning Document attracted 310 comments, 239 from objectors and 71 in support.

The Supplementary Planning Document received support from individuals and organisations which include: Natural England, the Berkshire, Buckinghamshire and Oxfordshire Wildlife Trust, City of London Corporation, the Marlow Society, The Canal and Rovers Trust, Buckinghamshire Town Council, Chesham and District Natural History Association, Savills, Wycombe Wildlife Group, Chilterns Conservation Board who also consider it should be held up as a model, the Chiltern Society, the Woodlands Trust, Chesham Society, Catesby Estates Ltd., the Environment Agency, Gerrards Cross Town Council and individuals.

The Supplementary Planning Document received objections from individuals and organisations which include: from MSC Planning Associates Limited, the Landscape Partnership, Risborough Environmental Group, Aspect Ecology, Buckinghamshire and Milton Keynes Natural Environment Partnership, Chiltern Society, Buckingham Town Council, Catesby Estates Ltd., Sustainable Chesham, CALA Homes (Chiltern) Ltd., Persimmon Homes North London, Chesham and District Natural History Society, Crest Nicholson, City of London Corporation, Beaconsfield Society, Ellington and District Residents Association, Berkeley Strategic Land Limited., Savills, Chiltern Society, Beaconsfield Town Council, Environment Agency, the Canal and Rivers Trust, Crest Nicholson and individuals.

The result of the consultation is that modifications are required to the Supplementary Planning Document before its adoption. Modifications include improved flow charts linking the stages of the preferred option of on-site net gain and options for the three less preferred mitigation measures.

Also, since the consultation the government has published the Environment Act, which is accompanied by detailed information on biodiversity accounting; which this Supplementary Planning Document has considered.

Summary of Representations

Consultation Response	BC Response	Modification
The council is enabling biodiversity off-site rather than ensuring it is on site.	<p>This formed the bulk of objections - that off-site mitigation should not be allowed.</p> <p>The council's position remains that its preference is for biodiversity net gain is to be on site. Flow charts, text and options have been made clearer and an illustration is provided to show how net gain on site can be achieved by iterating the design of the development.</p>	Provision of replacement flowcharts and illustrations.
The Supplementary Planning Document is just added bureaucracy.	The Supplementary Planning Document provides guidance on how to achieve biodiversity net gain in Buckinghamshire. It guides applicants on the processes to enable net gain to be achieved within Buckinghamshire.	None
More information is required on monitoring.	Further information on monitoring has been added.	Information has been enhanced on monitoring.
The council should ask for a minimum of 20% net gain.	The Supplementary Planning Document cannot require a specific percentage of net gain because it is a guidance document. A percentage would usually be set out in legislation or in a Local Plan. Whilst all	None

Consultation Response	BC Response	Modification
	current Local Plans in Buckinghamshire support net gain, none provide a minimum percentage. The document defers to the Environment Act on this matter.	
The Supplementary Planning Document should only be in place when there is a mechanism in place to determine planning applications on net gain.	The council has taken this on board and aligned the implementation programme alongside the Supplementary Planning Document for consideration by the council's Cabinet.	Processes aligned for decision making and implementation.
The council should consider micro-farms to aid biodiversity.	The Supplementary Planning Document does not restrict any options for net gain.	None
Why exclude nationally significant infrastructure?	Since the consultation took place, the government has added this type of development to the need for net gain.	None

STATEMENT OF REPRESENTATIONS PROCEDURE AND CONSULTATION STATEMENT

Last updated: 15 February 2021 by Simon Meecham, Lead Local Plan Consultant

Version: 1.0

Biodiversity Accounting Supplementary Planning Document

STATEMENT OF REPRESENTATIONS PROCEDURE

Planning and Compulsory Purchase Act 2004

The Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended)

Buckinghamshire Council has published the Biodiversity Accounting Supplementary Planning Document for consultation from 17:00 19 February 2021 to 23:59 19 March 2021.

Title of Document: Biodiversity Accounting Supplementary Planning Document

Subject matter: This Supplementary Planning Document is intended to guide developers and key organisations on the following:

1) To provide more detailed guidance regarding the implementation and interpretation of the following policies:

Local Plan	Policy Reference The policies are reproduced in full in Appendix 1
Chiltern Core Strategy 2011	Policy CS24: Biodiversity
South Bucks Core Strategy 2011	Core Policy 9: Natural Environment
Vale of Aylesbury Local Plan 2013-2033 as Further Modified 2020	NE1: Biodiversity and Geodiversity (once adopted)
Wycombe Local Plan 2019	Policy CP7: Delivering the Infrastructure to Support Growth Policy CP10: Green Infrastructure and the Natural Environment DM34: Delivering Green Infrastructure and Biodiversity in Development
Delivery and Site Allocations Plan for Town Centres and Managing Development 2013	DM14: Biodiversity in Development

2) This guidance, produced with advice from the Buckinghamshire and Milton Keynes Natural Environment Partnership, sets out how Biodiversity Accounting will be used to achieve Biodiversity Net Gain across Buckinghamshire. It sets out how the council and those making planning applications will calculate the development impacts on biodiversity as part of their landscape plans and enables schemes to be devised to ensure that a net gain in biodiversity is delivered on site. The supplementary planning document and the relevant plan do not specify the percentage of net gain to be sought, this is deferred to the forthcoming Environment Act.

The requirements for a net gain in biodiversity do not undermine the existing range of protections outlined in planning policy and legislation for protected sites or for irreplaceable habitats. Accounting for biodiversity also does not replace the existing planning application requirements for ecological assessment and species surveys.

The consultation will run from 19 February 2021 to 19 March 2021. During this consultation period the Supplementary Planning Document will be available to view online on the council's consultation portal.

Any comments on the Supplementary Planning Document, its Habitats, Regulations Assessment or Strategic Environmental Assessment must be submitted in writing. Comments can be submitted:

- online through our planning consultation portal.
- via Your Voice Bucks to our planning consultation portal :
<https://yourvoicebucks.citizenspace.com/>
- via email to planningpolicyteam.bc@buckinghamshire.gov.uk.

Representations may be accompanied by a request to be notified at a specified address of any further updates in the preparation of the Draft Supplementary Planning Document.

STATEMENT OF ARRANGEMENTS FOR INSPECTION OF THE DRAFT SUPPLEMENTARY PLANNING DOCUMENT

Due to Covid 19 restrictions the council cannot display a hard copy of the document in the council offices or libraries or provide hard copies.

All representations should be clear on which sections you are making the representation. It would be helpful if you could state the section number and paragraph number.

This will ensure that the Council has all the information needed to process any representation you wish to make.

All comments on the Draft Supplementary Planning Document must be received no later than 11.59 PM on 19 February 2021.

After the end of the consultation period, any comments received will be considered by Council and the Draft Supplementary Planning Document will be amended accordingly. Please note that all comments (including some of your personal details) will be made available for the public to view, and therefore cannot be treated as confidential.

CONSULTATION STATEMENT

Persons the local planning authority consulted when preparing the supplementary planning document.

This draft Supplementary Planning Document has been produced with advice from the Buckinghamshire and Milton Keynes Natural Environment Partnership. The council engaged with this organisation and their working group: The Biodiversity Accounting Working Group.

This group helped to shape a model Supplementary Planning Document which this Supplementary Planning Document is based on. The working group included the Environment Agency, Natural England, Milton Keynes Borough Council, the Chilterns Conservation Board, Berkshire, Buckinghamshire and Oxfordshire Wildlife Trust and Buckinghamshire Council. Two Workshops also took place, the first with the same (and predecessor) organisations on the 29 November 2019 and a development management focussed workshop on 12 May 2020.

A Habitats Regulations Assessment and Strategic Environmental Assessment have been prepared and consulted upon with the Environment Agency, Historic England and Natural England.

Summary of the main issues raised and by those persons.

The organisations provided their advice and challenges in the writing of the model Supplementary Planning Document. Warwickshire County Council acted as a consultant to the working group basing their advice on the experience they have had in running a biodiversity accounting scheme since being part of a pilot programme in 2012-2014.

Matters raised included the accounting metric, offsetting, fees, the hierarchy for biodiversity gain and the percentage of net gain compared to the current state of a development site.

Historic England commented:

Historic England agrees with the conclusion in the SEA Screening Report, February 2021 (Lepus Consulting) that an SEA is not required for the Biodiversity Accounting SPD. This is because the Biodiversity Accounting SPD does not set new policy: it provides further detail to existing or forthcoming local plan policies, specifically those set out in the table on p8 of the Consultation Draft Biodiversity Accounting SPD, Version 7, dated 25th January 2020.

Natural England commented:

SEA and HRA Screening

Based on the plan submitted, Natural England agree with the assessment that the Biodiversity Accounting Supplementary Planning Document does not require an SEA or HRA.

Biodiversity Accounting Supplementary Planning Document

We welcome that overall priorities for biodiversity net gain including improved connectivity and habitat creation have been set out in this document along with how applications will calculate the impacts of development on biodiversity. In addition, we commend the ambitions of the SPD in reflecting the commitment to deliver the Government's 25 Year Environment Plan to create ecological links, networks and green corridors for nature and people to enjoy.

Planning policies and supplementary planning documents:

The following documents/strategies could be added to the list of planning policies and supplementary planning documents:

- Emerging Biodiversity Action Plan Forward to 2030; and
- Emerging Buckinghamshire Local Nature Recovery Strategy (LNRS).

Projects that provide opportunities for biodiversity gains could also be referenced in the SPD. This may include the following:

- Roadside Verges for Wildlife; and
- Bucks Buzzing.

Clauses 95-99 of the Environment Bill 2020, will mandate the creation of LNRSs across England. Biodiversity Net Gain will provide the crucial financial incentive to deliver the emerging LNRS. As a result, we would recommend that the SPD makes reference to the LNRS pilot for Buckinghamshire.

Biodiversity Accounting scheme:

We would like to raise the following with regards to biodiversity net gain receptor sites. Sites proposed for biodiversity offsetting must not already be serving as mitigation from previous development e.g.

Suitable Alternative Natural Greenspaces (SANGs). Unless however, net gain is providing additional enhancements to the site that are not required for the existing mitigation/SANG. If you need any specific clarification on this, please speak to us directly.

How those issues have been addressed in the supplementary planning document?

The working groups and the workshops have helped to shape the model SPD and in turn the drafting of this Supplementary Planning Document. The references made by Natural England, but excluding the projects, have been added to the draft Supplementary Planning Document for consultation 19 February 2021 – 19 March 2021.