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Cabinet Member for Housing and Communities

13 December 2022

**Name of Cabinet Member:**

Cabinet Member for Housing and Communities – Councillor D Welsh

**Director Approving Submission of the report:**

Director of Streetscene and Regulatory Services

**Ward(s) affected:**

All

**Title:**

Biodiversity Net Gain Supplementary Planning Document - Adoption

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**Is this a key decision?**

No.

Although the matters within the report affect all wards in the city, it is not anticipated that the impact will be significant

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**Executive Summary:**

This report seeks to adopt the Biodiversity Net Gain Supplementary Planning Document (SPD) following public consultation which was undertaken between 06 July 2022 to 17 August 2022.

SPDs add further detail to the policies in the development plan but cannot introduce new policy. SPDs provide additional guidance for development and are capable of being a material consideration when making decisions on planning applications.

Increasing the sustainability credentials of the city by promoting biodiversity over the Plan period to 2031 is a key objective of the adopted Coventry Local Plan. Biodiversity Net Gain is an approach to development that aims to leave the natural environment in a measurably better state than it was beforehand. From 2023, the Environment Act 2021 will require a minimum of 10% gain as a result of all developments, managed for a minimum of 30 years. The aim of this SPD is to facilitate the delivery of Biodiversity Net Gain as set out in the Environment Act.

The additional guidance provided within the SPD outlines how developments can achieve Biodiversity Net Gain, both through established methods on and off site and other financial mechanisms. This includes outlining relevant policy and legislation. Responses to the consultation have been analysed and taken account of when amending the SPD. The proposed final version is attached at Appendix 1, and a summary of representations along with responses and proposed amendments can be seen at Appendix 2.

**Recommendations:**

1. That Cabinet adopts the Biodiversity Net Gain Supplementary Planning Document (SPD)
2. That Cabinet delegates to the Strategic Lead (Planning) in consultation with the Cabinet Member for Housing and Communities any necessary further non-substantive (minor) changes to the document

**List of Appendices included:**

Appendix 1: Biodiversity Net Gain Supplementary Planning Document.

Appendix 2: Consultation: summary of representations and responses

Appendix 3: Strategic Environmental Assessment Screening Report

Appendix 4: Equalities Impact Assessment

**Background papers:**

None.

**Other useful documents:**

Local Plan: adopted December 2017

National Planning Policy Framework July 2021

**Has it been or will it be considered by Scrutiny?**

Yes – Scrutiny Board 4, 07 July 2022

**Has it been or will it be considered by any other Council Committee, Advisory Panel or other body?**

No.

**Will this report go to Council?**

No.

## Report title: Draft Affordable Housing Supplementary Planning Document

### 1. Context (or background)

- 1.1 The National Planning Policy Framework (NPPF) defines Supplementary Planning Documents (SPDs) as 'documents which add further detail to the policies in the development plan. They can be used to provide further guidance for development on specific sites, or on particular issues.... Supplementary Planning Documents are capable of being a material consideration in planning decisions but are not part of the development plan'.
- 1.2 Delivering sufficient biodiversity enhancement over the Plan period to 2031 is a key objective of the adopted Coventry Local Plan ('the development plan'). The aim of this SPD is to facilitate the delivery of biodiversity net gain as set out in the plan and in compliance with the most up to date national policy as set out in the Environment Act 2021.
- 1.3 DEFRA's revised UK Biodiversity Indicators 2021 defines biodiversity as "the variety of all life on Earth. It includes all species of animals and plants, and the natural systems that support them. Biodiversity matters because it supports the vital benefits we get from the natural environment. It contributes to our economy, our health and wellbeing, and it enriches our lives". Across the country biodiversity is being lost and it is accepted that this loss must be reversed before the impact becomes unsustainable.
- 1.4 Biodiversity Net Gain delivers measurable improvements for biodiversity by creating or enhancing habitats in association with development. Biodiversity net gain can be achieved on-site, off-site or through a combination of on-site and off-site measures. The delivery of on-site measures, made accessible to existing and new residents, is the Council's preferred outcome.
- 1.5 Under the Environment Act 2021, planning permissions granted in England will have to deliver at least 10% biodiversity net gain from an as yet unconfirmed date (expected to be in November 2023). Biodiversity Net Gain will be measured using DEFRA's biodiversity metric and this net gain must be protected for at least 30 years.
- 1.6 Regulations 11 to 16 of the Town and Country Planning (Local Planning) (England) Regulations 2012 set out the requirements for producing SPDs. This includes a minimum statutory public consultation period of four weeks: the Council's recently adopted Statement of Community Involvement however sets out a local standard that SPDs should be consulted on for six weeks. Consultation for this report took place between 06 July 2022 to 17 August 2022.
- 1.7 It is also a legal requirement, as set out in the Environmental Assessment of Plans and Programmes Regulations 2004 (SEA Regulations), to consider whether or not Strategic Environmental Assessment (SEA) of the SPD should be undertaken. The process for determining whether or not an SEA is required is called screening. This is to determine whether a plan will have significant environmental effects. The screening opinion undertaken is attached at Appendix 3. This concludes that no SEA is needed as the SPD elaborates on existing policy. This screening report must be consulted on so that three statutory bodies (Historic England, Natural England and the Environment Agency) can respond. The screening report was made publicly available for comment at the same time as the SPD was being consulted on.

- 1.8 Finally, an Equalities Impact Assessment (EIA) been undertaken, this is attached at Appendix 4 and was publicly consulted on.
- 1.9 Responses have been analysed and the SPD amended accordingly. In line with the legislation, this Cabinet report will include a statement setting out the details of the consultation, a summary of the main issues raised and how they have been addressed. This is contained at section 3 and Appendix 2 of this Cabinet report.

## **2. Options considered and recommended proposal**

- 2.1 Cabinet may wish for the Council to rely upon the Environment Act, the current Local Plan policies, and the National Planning Policy Framework. However, this would not honour the commitment of the adopted Local Plan to replace the outdated guidance and would mean the council is primarily reliant upon Local Plan and national policy without any further clarification which also reflects the local context. Therefore, this option is not recommended.
- 2.2 The recommendation is to adopt a new Biodiversity Net Gain SPD, as per Appendix 1, This approach is recommended in order to ensure Council guidance reflects National Policy as outlined in the 2021 Environment Act. This will accurately reflect the adopted Local Plan and subsequent changes to national policy and ensure delivery in accordance with local need.

## **3 Results of consultation undertaken**

- 3.1 Public consultation was undertaken between 06 July 2022 to 17 August 2022. The minimum statutory period for SPD consultations is four weeks, the council's Statement of Community Involvement recommends six weeks.
- 3.2 The council made all consultation documentation available on its website and in hard copy at the Council House and all libraries. A notification email was sent to all consultees on the planning policy consultation database which provided background to the SPD consultation and explained where people could view the documents and the various ways in which they could provide comments. The council also used its social media platforms and local press to publicise the consultation.
- 3.3 Regulation 12 of the Local Planning Town and Country Planning (Local Planning) (England) Regulations 2012 states that, before a local planning authority can adopt an SPD it must first prepare a statement setting out the persons consulted during the preparation of the document, with a summary of the main issues raised and how they have been addressed in the SPD. This report addresses these requirements, and details of the comments submitted, the officer response and changes made to the SPD as a result can be viewed at Appendix 2.
- 3.4 Alongside the SPD, the SEA screening opinion and Equality Impact Assessment were made available for public comment as set out in section 1 of this report. In terms of the SEA screening, the statutory consultation bodies Natural England and Historic England concurred with the council's view that Strategic Environmental Assessment is not required. The Environment Agency did not respond. The screening assessment at Appendix 3 has been updated to reflect this conclusion. The Equality Impact Assessment at Appendix 4 has been updated as a result of internal guidance although no external responses were received on the matter.

#### **4 Timetable for implementing this decision**

4.1 The SPD can be adopted as soon as practicable.

#### **5 Comments from the Director of Finance and the Director of Law and Governance**

5.1 Financial implications

There are no financial implications associated with this report.

5.2 Legal implications

5.1 There are no direct implications as a result of this report. Regulations 11 to 16 of The Town and Country Planning (Local Planning) (England) Regulations 2012 set out the requirements for producing SPDs. The Environmental Assessment of Plans and Programmes Regulations 2004 (SEA Regulations) also require the Council to consider whether or not Strategic Environmental Assessment (SEA) of the SPD should be undertaken.

#### **6 Other implications**

6.1 How will this contribute to achievement of the Council's Plan?

Planning policy documents and planning applications help deliver the aims and objectives of the One Coventry Corporate Plan by determining the type and quantum of development needed, where this should be located, areas which should be protected, enhanced or improved and the infrastructure which should be provided. In line with the Corporate Plan, this document focuses upon supporting local communities by creating an attractive, cleaner and greener city and enhancing the quality of public spaces.

6.2 How is risk being managed?

There are no risks associated with this report.

6.3 What is the impact on the organisation?

No direct impact.

6.4 Equalities Impact Assessment EIA

A full Equality and Impact Assessment (EIA) was undertaken as part of developing the Local Plan. As part of that analysis, the Council had due regard to its public sector equality duty under section 149 of the Equality Act (2010). The Supplementary Planning Document elaborates on Local Plan policy and so a further EIA has been undertaken (Appendix 4).

6.5 Implications for (or impact on) climate change and the environment

The nature of SPD is inherently environmental. The promotion of biodiversity and enforcement of long term, significant biodiversity net gain will enhance the prioritisation of green spaces and the natural environment. The enhancement of green spaces will have numerous environmental benefits that reduce the impacts of climate change, such

as improving drainage and reducing flood risk, air pollution and the urban heat island effect.

#### 6.6 Implications for partner organisations?

The Supplementary Planning Document will provide further detail to the adopted Local Plan policy which will assist those organisations involved in the delivery of biodiversity net gain.

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#### Name and job title:

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[www.coventry.gov.uk/councilmeetings](http://www.coventry.gov.uk/councilmeetings)

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