

Coventry Biodiversity Net Gain SPD Consultation Summary

Comment Reference	Respondent	Page/Para reference	Consultation Response (Summary)	Officer Response	Proposed Change
BNG1	Coventry Society	Para 3.9, 4.1, 4.3	The SPD should clarify whether BNG requirements are established at Outline or Full application stage.	Comment noted. The SPD, within Section 4, will be amended to specify that how BNG is outlined in the planning application process. This amendment will note that this is an established system which allows for flexibility and recognises that proposals will evolve through the design stage and accordingly mitigation or compensation mechanisms will also need to evolve.	Add a paragraph specifying the application process and BNG requirements within this.
BNG2	Coventry Society	Para 2.3	The SPD should illustrate the Coventry Offset sites, perhaps with a map.	Appendix 3: Coventry Offset sites 1.1, shows a list of sites that have already been identified, however work is underway on a more comprehensive list of sites.	None.
BNG3	Coventry Society	Para 2.4 Appendix 1: Local Plan policy GE3	The SPD should prioritise BNG on-site or within a very short distance.	The SPD states 'The delivery of on-site measures, made accessible to existing and new residents, is the Council's preferred outcome.' However, to clarify this, Para 4.20 will be changed from 'Where off-site habitat provision is necessary, this should be directed to the following areas:' to 'Where off-site habitat provision is necessary, this should be directed to the following areas as close to the original site as possible.'	Adjust 4.20 as outlined.
BNG4	Coventry Society	Para 2.6, 4.18	SPD should clarify how a 30-year management requirement will be enforced.	The SPD states 'Where offsite habitat creation is proposed it is particularly important that sufficient detail is submitted to reassure the Council that it is feasible that suitable provision can be delivered and maintained in the long term'. In addition, section 1.5 in Appendix 5, further ensures this management in a legally enforced 106 Agreement.	None.

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BNG5	Historic England	-	No Comment	-		None.
BNG6	Claremont	Para 2.6, 4.1	SPD should acknowledge that the 10% minimum net gain requirement from the Environment Act, is not required to be delivered on every site until November 2023 and therefore identify transitional arrangements.	The SPD references the Environment Act within its footnotes so that any clarification required upon reading may be found within the Act document. The SPD does not specify this requirement as one that is currently enforced, instead stating 'The delivery of biodiversity net gain requires that any development delivers more and better-quality biodiversity than would exist without development taking place.'		None.
BNG7	Claremont	Para 3.9, 4.1, 4.3, 4.18	SPD should clarify whether discussions of habitat mitigation and compensation should take place as part of pre-application discussions or take place during the planning application process. If the Council intends for discussions around habitat mitigation and compensation to be undertaken at the pre-application stage, this should be clarified within the SPD but recognising that this should not be a mandatory requirement as these can also be agreed as part of the determination of the planning application. The SPD must ensure that planning permissions provide the opportunity to secure the necessary compensation but adopt a flexible approach as the principle and mechanism will need to be secured at outline stage, but with recognition that proposals will evolve through the design stage and accordingly mitigation or compensation mechanisms will also need to evolve.	Comment noted. Para 4.18 states that the planning pre-application service is strongly recommended to meet the habitat creation requirements, but this is not a mandatory requirement. To clarify this, 4.18 will be adjusted from 'the planning Pre-application Service' to 'Coventry City Councils' Pre-Application Service'.		Adjust 4.18 as outlined.
BNG 8	Claremont	Para 4.15	The SPD should note that including developments on an 'offset register' are only required through the Environment Act where there is off-site delivery and that there is no requirement to record on-site net gain delivery, despite this being an ambition of Natural England.	Comment noted. To get the best information regarding BNG throughout Coventry, the Council and SPD will align with Natural England's' ambition and incorporate on-site net gain into its recordings.		None.

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BNG9	Claremont	Para 4.12 – 4.20 Appendix 3 1.1.	The SPD should not be published until the ‘offset register’ is produced as the Council will be unable to provide an up-to-date record of offset sites.	Comment noted. Appendix 3: Coventry Offset sites 1.1, shows a list of sites that have already been identified, there is no requirement to add a more comprehensive list within this SPD. Any future lists will be a dynamic and evolving register.	None.
BNG10	Claremont	Para 4.16	The SPD should clarify how ‘expected demand’ has been estimated, whether it has just accounted for allocated sites, or whether any allowance has been made for windfall developments additionally.	Demand has been assessed through the 2017 Local Plan.	None.
BNG11	Claremont	Para 4.16	The SPD should clarify how the Council has calculated the need for offsetting, as some sites will be able to deliver BNG onsite, but there is a risk that the Council could be over-reliant on this. The Council must recognise the importance of maintaining an adequate supply of sites for off-setting to ensure that this will not delay potential developments.	While the SPD states that the Council has sufficient sites for future demand, the SPD also states that there are alternative methods of offsetting including through third party schemes or the purchase of Biodiversity Credits, and therefore should land become an issue, alternatives will be made available to support development demand.	None.
BNG12	Savills	Para 2.6	The SPD should more clearly state that it is only seeking for developments to achieve ‘net gains’ in accordance with the Local Plan, NPPF and PPG, not the 10% gain as stated in the Environment Act.	The SPD references the Environment Act within the footnotes, any clarification upon reading may be found within the Act document. The SPD does not specify this requirement as one that is currently enforced, instead stating ‘The delivery of biodiversity net gain requires that any development delivers more and better-quality biodiversity than would exist without development taking place.’ Therefore, should a developer wish to achieve the 10% gain which will soon be compulsory under the Environment Act then they are welcome to, the only requirement is that ‘any development delivers more and better-quality biodiversity than would exist without development taking place.’	None.
BNG13	Savills	Para 4.3	The SPD references several proposals within the Environment Act which have not yet been confirmed by	Regarding the first point, in Paragraph 4.3 the SPD states ‘All planning applications will be	None.

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			<p>DEFRA, including the requirement that planning applications should be supported by Biodiversity Gain and for the biodiversity value of a site to be measured by activity before 30th January 2020 if it has been lowered since that date, and the Council should clarify whether these are a requirement of BNG.</p>	<p>required to submit a biodiversity gain plan which provides information on the site and details how biodiversity will be enhanced.' Regarding the latter, in paragraph 4.8 the SPD clarifies that 'If the biodiversity value of a site has been lowered by any activity after 30th January 2020 (other than with planning permission) with the resulting loss of habitats in advance of a biodiversity metric calculation being undertaken the baseline for the metric is to be taken as the habitats present prior to site clearance. The biodiversity value of the habitats lost is to be estimated based upon a desk-based assessment and professional judgement. The precautionary principle is to be applied where the distinctiveness or condition of the habitats lost is uncertain.'</p>	
BNG14	Savills	Para 4.5	<p>The SPD states that ecological surveys 'should include the whole of the development boundary (red line) and adjacent land where direct or indirect impacts upon adjacent habitats are anticipated'. It is not normal practice for ecological surveys for all sites to include land outside of the red-line boundary particularly where this is in third party ownership. We therefore consider that this paragraph should be reworded to 'surveys should include the whole of the development boundary (red line)'.</p>	<p>Comment noted. However, the SPD specifies that adjacent land should only be surveyed where it may be impacted by said development. To clarify this Para 4.5 will be amended from 'The survey should include the whole of the development boundary (red line) and adjacent land where direct or indirect impacts upon adjacent habitats are anticipated.' To 'The survey should include the whole of the development boundary (red line) and adjacent land where direct or indirect impacts upon adjacent habitats are anticipated. On a case-by-case basis, applicants may be requested to undertake surveys of adjacent habitats, such as Local Wildlife Sites, where direct impacts are anticipated.' This is essential to prevent unrecorded and unaccounted for biodiversity loss.</p>	Amend 4.5 as outlined.

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BNG15	Savills	Para 4.20	<p>The SPD states that there is a preference for net gain to be achieved on site and sets specific requirements for what off-site mitigation will be accepted. The DEFRA 'Consultation on Biodiversity Net Gain Regulations and Implementation' document (January 2022) did not propose such restrictive off-site requirements (pdf page 55 of the consultation document). The SPD should not be proposing any requirement over the provisions already set out in the adopted Local Plan and NPPF. Additionally, off-site land identified by a developer that is considered to be in proximity to the development site and / or is evidenced as being able to deliver the required BNG should be considered acceptable by the Council. The SPD should be amended to remove the specific off-site requirements listed.</p>	<p>Comment noted. Paragraph 4.20 states that off-site habitat provision should be 'directed' to a list of areas. This does not suggest a compulsory requirement, just a preference to maximise BNG. Off-site land identified by the developer, and 'alternative methods of providing adequate offset through third party schemes or the purchase of Biodiversity Credits will also be considered acceptable in principle' as stated in Paragraph 4.16.</p>	None.
BNG16	Savills	Para 4.9	<p>The SPD is proposing to start using the DEFRA metric as opposed to the Warwickshire metric, additional information is required to justify why the DEFRA model should be used.</p>	<p>Warwickshire County Council, who initiated the Warwickshire metric no longer use it, and the DEFRA metric has been promoted as a national tool.</p>	None.
BNG17	National Highways	-	No comment	-	None.
BNG18	Resident	Para 1.2-1.4	<p>The document should be retitled to 'Nature Recovery and Biodiversity Net Gain Supplementary Planning Document' as this would widen its remit and provide an opportunity to cover all the aspects which impact on the planning process e.g., protected species. This could also be emphasised in the 'Aims and Objectives' section potentially, statement with a commitment to a 'biodiversity first' approach to policies where sites of low biodiversity are earmarked first for development would be useful especially if it could refer to the avoidance of discrimination against urban wastelands.</p> <p>At the moment, the SPD focuses on one aspect, biodiversity net gain, and does not take account of requirements for protected species. Yet, there are</p>	<p>Comment noted. The scope of this SPD is specifically, to clarify the impact of the new BNG principle outlined in the Environment Act and its impacts on the planning process for developers and planning officers.</p>	None.

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			crossovers in requirements for ecological surveys and information on protected species should be used to inform onsite biodiversity mitigation and compensation measures. A document which encompasses both would be less confusing for applicants and better serve the purpose of BNG which is to restore nature and halt the decline in species abundance.		
BNG19	Resident	Para 3.1-3.12	This title could be changed to 'relevant policy, legislation, guidance and best practice' to allow references to best practice examples and guidance within documents such as the Biodiversity Code of Practice for Planning and Development (BS 42020:2013). This Code of Practise should be acknowledged within this section in addition to a discussion of benchmarks such as the 'Building with Nature Standards Framework'. The use of best practice, standards and benchmarks could help streamline the planning process and ensure that all developments across the City are following the same principles, protecting against building-in new or adding to existing environmental inequalities. This section should signpost readers to further ecological resources and those relevant to development such as SuDS and the impacts of building materials. There should also be a section which highlights a requirement to use appropriately qualified and experienced ecologists.	Comment noted. The Council understands that there needs to be more guidance regarding best practises for nature conservation and future strategy, and this is within discussion. However, outlining the relationships between environmental protection, development and inequality is outside of the scope of this SPD. The Council will review our webpages to see if there is an opportunity to provide a more flexible list of resources.	None.
BNG20	Resident	Para 4.4 – 4.11	The SPD should outline the circumstances where a soil resource survey and plan are required and when soil should be covered within the site waste management plan as soils are an important aspect of sustainability but seem rarely to be considered especially in terms of biodiversity, so it is important to highlight the Government's code of practice for the sustainable use of soils on construction sites.	Comment noted. The SPD reflects the requirements of the Environment Act in reference to BNG, of which soil management is not mentioned.	None.

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BNG21	Resident	Para 4.3 Table 1	The wording ‘no information required’ could cause confusion as ecological surveys may be required under certain circumstances e.g., if a householder’s application were to disturb a Badger sett, a bat roost, House Martin nests, etc. without ecological surveys, the appropriate level of mitigation is unlikely to have been considered effectively for protected species either at the planning application stage for individual sites or earlier on when creating policies for strategic allocations or neighbourhood plans.	This section refers specifically to biodiversity offsetting and does not preclude the requirement for specific ecological consideration, which is enforced in other key pieces of legislation. This is specified in the SPD in Para 4.3 where it says ‘All planning applications will be required to submit a biodiversity gain plan which provides information on the site and details how biodiversity will be enhanced. The required amount of information submitted with the application will vary according to the application, see Table 1’. However, this can be clarified by changing ‘Table 1: Information required by applications’ to ‘Table 1: Biodiversity enhancement information required by applications’	Amend Table 1 label as outlined.
BNG22	Resident	Para 4.4 – 4.8	Within section 4, there should be an additional paragraph referring to Natural England’s standing advice for protected species.	Within the SPD below Table 1, it is stated that ‘Ecology information regarding net gain is independent of any information regarding legally protected species. All developments which may adversely impact on protected species (e.g., bats, badgers, great crested newts) are required to submit appropriate information with the application.’	None.
BNG23	Resident	Para 4.4	Outlining expectations for ecological surveys as early as possible in the process is essential as some surveys must be done at specific times of the year or over a prolonged period. Highlighting requirements early on helps to streamline the process and avoid delays later. In terms of strategic allocations in local plans, it would be useful if ecological surveys for protected species were conducted at the earliest possible opportunity so that their results could inform policies for sites and nature recovery more widely.	As noted above within this document, the place in which BNG is required within the planning system will be clarified, and this will outline the requirements suggested.	None.

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BNG24	Resident	Para 4.4-4.8	<p>There should also be a reference in this section to how long EclAs (including data searches) and ecological surveys will remain valid for and when they should be updated. This is essential for considering new biological records, legislation and guidance as well as changes within the conditions of a site itself. A section on the role of Warwickshire Biological Records Centre (WBRC) should also be included with details on how to obtain data searches through them. A requirement to submit the results of surveys to the WBRC within a specific timescale should also be outlined.</p>	<p>Due to the private nature of WRBC it is not universally accessible and therefore will not be referenced in the SPD.</p>	None.
BNG25	Resident	Para 4.12	<p>Due to the limitations of data searches, it is important to outline what should happen if evidence of protected species comes to light during the consultation process or later when clearance/construction is taking place on the site. For example, outlining the process for investigating evidence of protected species provided by residents.</p>	<p>The SPD states in Paragraph 4.12 'If an impact on an ecological asset is identified, applicants must propose how that impact will be avoided, mitigated, or compensated for in accordance with the mitigation hierarchy'. This SPD does not have the scope to outline the separate national frameworks for each relevant protected species.</p>	None.
BNG26	Resident	Para 4.4	<p>In addition to the BIA, there should be separate sections outlining when an EclA, CEMP and BEMP are required. CIEEM provide guidelines for EclAs which are regularly updated and so could be sign-posted within the SPD. The aims of the CEMP and BEMP/LEMP are to protect, enhance and increase the biodiversity value of a site post development and to provide evidence to support the BIA and associated calculations. They can be provided as part of the EclA or secured through planning conditions or obligations. However, it makes sense for these documents to be provided at the earliest possible opportunity within the planning application process.</p>	<p>Comment noted. However, the SPD does not have the scope to outline all methods and requirements of ecological surveying. The appropriate surveys will be requested on a case-by-case basis as needed.</p>	None.
BNG27	Resident	Para 4.3, 4.11	<p>Features such as hedgehog-friendly fencing and hibernacula, for insects and herptiles, should be added to the list in the last sentence. Expectations for commercial buildings in terms of providing</p>	<p>Comment noted. Table 1 Householder required information will be amended from 'Any mitigation is likely to be provided onsite through enhancements such as bat boxes, swift</p>	Amend Table 1 and Para 4.11 as outlined.

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			<p>nesting/roosting sites for birds and bats should also be outlined. Where the nature of construction or use of materials and lighting makes inclusion of these features within a building problematic, employment sites should be required to have wildlife towers. The wording of this section should be amended to make it clearer to applicants that protected species, which roost or nest in buildings, are considered and biodiversity enhancements for net gain would be in addition to any avoidance, mitigation and compensation measures.</p>	<p>bricks and wildlife-friendly planting' to 'Any mitigation is likely to be provided onsite through enhancements such as bird/bat boxes, hedgehog-friendly fences, hibernacula, swift bricks and wildlife-friendly planting'. Paragraph 4.11 will be amended from 'Features such as green walls, green roofs, containers and bird/bat boxes will provide appropriate benefits' to 'Features such as green walls, green roofs, hedgehog-friendly fencing, hibernacula, containers and bird/bat boxes will provide appropriate benefits'.</p>	
BNG28	Resident	Para 4.11	<p>This section should include information on brownfield sites as there are often misconceptions about them which can lead to negative impacts on biodiversity particularly in areas of deprivation.</p>	<p>Comment noted. As noted in the NPPF, we recognise that brownfield sites have biodiversity value and Para 4.11 will be amended to reflect this.</p>	<p>Amend 4.11 as outlined.</p>
BNG29	Resident	Para 4.17	<p>Is the phrase '...within the boundary of the City' both too wide and too narrow? Policy GE3 states that, '....compensatory provisions should be made as close to the original site as possible.' This principle should be incorporated within the SPD itself. If the purpose of BNG is for nature recovery, surely its use should always result in a net gain within a neighbourhood. However, uncontrolled, there is a real danger that biodiversity offsetting could become biodiversity asset stripping.</p>	<p>In Paragraph 2.4 the SPD states 'The delivery of on-site measures, made accessible to existing and new residents, is the Council's preferred outcome.' This should ensure that where possible neighbourhood biodiversity levels are not degraded over time. However, to clarify this, Para 4.20 will be changed from 'Where off-site habitat provision is necessary, this should be directed to the following areas:' to 'Where off-site habitat provision is necessary, this should be directed to the following areas as close to the original site as possible:'</p>	<p>Adjust 4.20 as outlined.</p>
BNG30	Resident	Para 4.17	<p>To fulfil the principles of section 1.4, within the Local Plan Policy GE3, an additional area should be added to the list to ensure that neighbourhoods which have the least green space and poorest levels of biodiversity within the City are prioritised over others e.g., <i>areas which have a quantity of green space per 1,000 population lower than the City's average (3.05 hectares)</i></p>	<p>Due to the nature of the SPD, it cannot introduce new policy such as this.</p>	<p>None.</p>

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			<i>per 1,000 population) will be prioritised.</i> This would help protect deprived areas from environmental inequalities being exacerbated by biodiversity offsetting. Maximising benefits for biodiversity will always need to be weighed against social, health and wellbeing outcomes for communities. It might be useful to also have a separate statement about this within Appendix 3 along with referencing the Sub-Regional Green Infrastructure Strategy 'Warwickshire, Coventry and Solihull Green Infrastructure Map' when wildlife corridors are mentioned.		
BNG 31	Resident	Appendix 2: Survey Season	To ensure consistency in approach, the diagram in Appendix 2 should follow the survey timetable (Table 2) as outlined in Natural England's standing advice for protected species. There are sections missing such as 'birds (migration)' and 'bats (foraging or commuting)'. As part of Appendix 2, there should be a reference to dependency on weather conditions when conducting surveys, otherwise, it could undermine the validity of the applicant's EclA, etc.	Comment noted. Appendix 2 will be amended to show the updated information provided by Natural England.	Amend Appendix 2 to include everything covered in Table 2 on the following link https://www.gov.uk/guidance/protected-species-how-to-review-planning-applications#when-to-survey
BNG 32	Resident	-	Opportunities for BNG may be hiding within the landscape and the use of historical maps could help reveal them. This is a relatively new concept but should be included within the SPD particularly to support the identification of appropriate onsite mitigation, compensation measures and potential offset habitat creation sites. In a similar way, historic maps should be used to identify ghost ponds and, if possible, they should	Comment noted. However, as discussed above the scope of this SPD is just to clarify the impact of the new BNG principle outlined in the Environment Act and its impacts on the planning process for developers and planning officers.	None.

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			be restored using the sediment from their original location. Historic maps should also be reviewed for locations where there was once woodland, orchards, woodland pasture, deer parks or pleasure gardens as it is possible that they may be suitable for tree planting schemes. The National Library of Scotland has a side-by-side georeferenced maps feature which allows you to look at a modern map/satellite image and historical maps at the same time.		
BNG 33	Resident	Para 2.1-2.3	Alongside woodland, the importance of soils, grassland, orchards and hedgerows in terms of carbon storage and sequestration also need to be highlighted within the SPD.	Comment noted. As discussed above in reference to the need for soil surveys, the importance of various ecosystem types to wider ecosystem functions than biodiversity is of the upmost importance to the Council, however, will need to be fully outlined by broader legislation as it is outside the scope of this SPD.	None.
BNG 34	Resident	Para 2.4, Para 4.20	Should the SPD outline the categories of land use which are excluded from biodiversity calculations due to their maintenance requirements? For example, should road verges and path edges, roundabouts, curtilage of commercial buildings and parking areas or space underneath electricity pylons, where there would be limitations on planting schemes and their management due to measures required for access, safety, security, visibility and/or operational requirements, be excluded? Some types of land use, such as B8, have requirements which would reduce opportunities for biodiversity net gain and this should be considered when assessing whether it is an appropriate land use for the site, whether a proposed floorspace within a masterplan is sustainable and making biodiversity calculations.	Comment noted. The SPD follows national policy and DEFRA's guidelines in reference to the land use categories suitable for biodiversity net gain. At the moment, this guidance is that anything larger than 1m ² should be required to provide gain, therefore this is the stance the SPD takes.	None.
BNG 35	Resident	Para 2.4 - 2.6	Other aspects which need to be accommodated such as air quality and climate change can also have an impact on BNG. Whether this is positive or negative depends upon how mitigations and compensatory measures are	Comment noted. As discussed above this is outside the scope of the SPD and broader interrelations between environmental issues	None.

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			<p>selected and implemented. Guidelines for developers should be provided so that urban form has a positive impact on the heat island effect, air quality and biodiversity. As part of this, the selection of plant species needs careful consideration as some species can create issues due to the biogenic volatile organic compounds and pollen they emit. Lighting schemes, building design and use of materials are also factors which could affect biodiversity.</p>	<p>will be discussed in length in future policy documents.</p>	
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