

# STATEMENT OF REPRESENTATIONS PROCEDURE AND CONSULTATION STATEMENT

Last updated: 18 February 2021 by Simon Meecham, Lead Local Plan Consultant

Version: Final

## 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<br>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<br>Policy CP10: Green Infrastructure and the Natural Environment<br>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: [planning consultation portal](#);
- via Your Voice Bucks to our planning consultation portal : [Your Voice Bucks](#); or
- via email to [planningpolicyteam.bc@buckinghamshire.gov.uk](mailto: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. Due to limited numbers of staff being in the offices there is limited scope to provide hard copies. If a hard copy of the consultation material is necessary, please make the request through the Council's switchboard [0300 131 6000](tel:03001316000).

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

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, the Strategic Environmental Assessment and the**

**Habitats Regulations Assessment must be received no later than 11.59 PM on 19 March 2021.**

After the end of the consultation period, any comments received will be considered by the 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. The Council's privacy statement can be found here at the end of this document.

## **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 and planning policy 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 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 25<sup>th</sup> 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.

The Environment Agency did not comment.

### **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.

## Privacy and Planning Policy and Compliance

Buckinghamshire Council's Planning Policy and Compliance team collects, uses and is responsible for certain personal information about you.

When we collect personal information we are regulated under the General Data Protection Regulation which applies across the European Union (including in the United Kingdom) and we are responsible as 'controller' of that personal information for the purposes of those laws.

If you have questions about data or privacy please contact our Data Protection Officer can be contacted at Buckinghamshire Council, The Gateway, Gatehouse Road, Aylesbury, HP19 8FF or email [dataprotection@buckinghamshire.gov.uk](mailto:dataprotection@buckinghamshire.gov.uk).

## The personal information we collect

### Information collected by us

The work for which we collect personal information includes:

- producing, reviewing and monitoring planning policy and guidance documents (these include local plans, neighbourhood plans and supplementary planning documents, and non-statutory supplementary planning guidance)
- keeping registers such as the self-build and custom housebuilding register and brownfield land register
- monitoring development
- producing a housing and economic land availability assessment and, from time to time, undertaking a "call for sites" and other evidence-based reports as appropriate
- collecting, spending and administering the community infrastructure levy
- responding to allegations of unlawful development

In order to fulfil these functions, it is necessary that we collect the following personal information:

- your name

- your phone numbers
- your email address
- your home address

At times, we may need you (or you may want) to supply other personal information such as your date of birth, marital status, gender, ethnic status, information on family members, medical, health or details on vulnerabilities and financial information regarding yourself or your existing or proposed business interests.

The type of information we collect will depend on the nature of the enquiry and we will never ask for more personal data than is necessary in order to deal with your enquiry or response on planning documents.

### **Information collected from other sources**

We also obtain personal information from:

- other services within Buckinghamshire Council
- other government partners and agencies
- other third-party partners

### **How we use your personal information**

In order to ensure that we are able to deliver the highest quality service to you, we use your personal information in the following ways:

- for the purposes of the production, review and monitoring of planning policy documents, including local plans, SPDs and neighbourhood plans
- for the purposes of undertaking a referendum in relation to a neighbourhood plan
- for the purposes of keeping and updating registers, such as self-build and custom housebuilding registers and brownfield land registers
- for the purposes of making development management decisions, including the determination of planning applications and planning appeals, and producing planning agreements

### **Who we share your personal information with**

In order to carry out the above activities in an efficient way, we routinely share personal data with other service departments within Buckinghamshire Council, such as the Development Control, Electoral, Economic Development, Finance,

Housing and Legal. We may also share personal data with other government partners and agencies, such as:

- the District Valuer
- Environment Agency
- Historic England
- Natural England

In relation to statutory plan-making processes we may share your personal data with independent planning inspectors and examiners. This data sharing enables us to ensure the best service is delivered.

We do not anticipate that our data-transferring arrangements will involve a transfer outside of the European Economic Area (EEA). We do not sell your information to other organisations. We will not share your personal information with any other third party.

On occasion we may be required to share personal information with law enforcement or other authorities if required by applicable law. Where this occurs we will ensure that appropriate safeguards are in place

## **Whether information has to be provided by you and, if so, why?**

The provision of the personal data (as set out above) is required from you to enable us to deliver our services. We will inform you at the point of collecting information from you whether you are required to provide the information to us.

Failing to provide information may result in:

- us not being able to consult with you or deal with a response you have made in relation to a draft planning policy document
- you not being able to participate in a referendum in relation to a neighbourhood plan
- you not being included on a register, such as self-build and custom housebuilding registers or brownfield land register
- your views not being taken into account in development management decisions.

## **How long your personal information will be kept**

We will hold the personal data provided by you until the relevant matter is concluded. In the case of planning policy documents, we may keep personal

data until the relevant document is superseded. For auditing and accountability purposes we routinely hold information for a period of six years from conclusion or resolution of a matter, or longer if we have an obligation to retain this information.

## **Reasons for collecting and using your personal information**

We rely on planning legislation (such as regulations relating to consultation on planning policy documents and the collection, administration and spending of CIL) as the lawful basis on which we collect and use your personal data.

## **Redaction ('blanking things out')**

We are required, as a part of the process of developing planning policies, neighbourhood plans, and other documents, to publish any responses received to consultations.

We operate a policy where we routinely redact the following details before making forms and documents available online:

- personal contact details (e.g. telephone numbers and email addresses)
- signatures
- special category data (e.g. information about health conditions or ethnic origin)
- information agreed to be confidential

If you are submitting information which you would like to be treated confidentially or wish to be specifically withheld from the public register, please let us know as soon as you can - ideally in advance of your submission. The best way to contact us about this issue is by email: [planningpolicyteam.bc@buckinghamshire.gov.uk](mailto:planningpolicyteam.bc@buckinghamshire.gov.uk).

## **Complaints and problems**

If you need to make a complaint specifically about the way we have processed your data, you should email us at [dataprotection@buckinghamshire.gov.uk](mailto:dataprotection@buckinghamshire.gov.uk).