

Planning Cabinet Advisory Group Biodiversity Supplementary Planning Document

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Purpose

1. To inform CAG members of the draft Biodiversity Supplementary Planning Document (SPD) which has been prepared by the Public Realm team with support provided by officers in Development Plans Team. To seek comments on the draft before it proceeds to a public consultation which would be followed by adoption.

Background

2. The Biodiversity SPD is aimed at individuals and organisations involved in submitting a planning application as well as those involved in the determination and enforcement of planning applications. Once adopted, it will become a material consideration in the determination of planning applications.
3. The SPD is not a policy itself, but is intended to provide technical guidance and step-by-step advice throughout the planning process and supplements the policies within the Environment, Biodiversity and Geodiversity chapter of Plan:MK. The SPD will enable the implementation of Policy NE2, NE3 and other policies Plan:MK and will provide guidance on biodiversity and nature conservation for development applicants concerned with the conservation of biodiversity in development.

Issue/implications/key considerations:

4. Policy NE2 of the Plan:MK underlines the importance of protecting species and habitats. It does state that on sites that contain priority species or habitats, development should wherever possible promote their preservation, restoration, expansion and/or re-creation in line with Policy NE3.
5. Policy NE3 addresses the biodiversity and geological enhancement matters and requires development proposals to maintain and protect biodiversity and geological resources, and where possible deliver a measurable net gain in biodiversity. If significant harm to biodiversity resulting from a development cannot be avoided, adequately mitigated or, as a last resort, compensated for then planning permission should be refused. The council requires all development proposals of 5 or more

dwellings or non-residential floorspace in excess of 1,000m² losses/gains to the biodiversity value occurring to a site through development to be measured.

6. The SPD is a guide for working with protected and priority species and habitats which are likely to be impacted upon by proposed developments. The SPD details the Council's requirements for applicants to build nature conservation features into developments, ensuring that a measurable net-gain to biodiversity is achieved in accordance with Plan:MK and national planning policies. The SPD provides guidance for the construction phase, monitoring and future management of the sites.
7. This SPD highlights the importance of protecting and enhancing existing nature conservation features within proposed developments, following best practice guidance and the mitigation hierarchy. Where this is not possible the SPD details requirements for a developer to consider when incorporating ecological compensation (including Biodiversity Offsets) within their development scheme or for off-site provision.
8. Where habitat is to be lost, its value must first be calculated to ensure any compensatory habitat creation is of greater value. The SPD provides information on calculating compensation in a measurable way which allows demonstrating that a net-gain to biodiversity value is likely to be achieved by a development (when this is delivered beyond the site boundaries, guidance on biodiversity offsetting is provided).
9. Informal engagement with critical friends has been undertaken, responses have been received from the Natural Environment Partnership and MK Forum. Where appropriate these responses have been taken into consideration.

Next steps

10. Following consideration by CAG and any feedback given on the document, the draft Biodiversity SPD is planned to be taken to Delegated Decision on 8th September 2020 to approve the document for an eight week consultation period over Autumn/Winter 2020, with adoption of the SPD towards the end of the 2020 or early 2021.