Biodiversity Supplementary Planning Document (SPD) Consultation (22 February – 22 March 2023)
Schedule of Representations

9 Respondents

Who was consulted

Between 22 February – 22 March 2023, the draft Biodiversity SPD was published for consultation in accordance with Regulation 13 of the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended). The SPD was publicised through written / email consultations with statutory consultees, general consultees on our database, other relevant stakeholders, individuals and organisations who have expressed a wish to be consulted or have previously made comments, as set out in the Statement of Community Involvement.

Respondent	Obj/Sup	Representation (summary)	Response
Glossary			
Crest Nicholson	Comment	The definition of BNG is inconsistent with that used by Natural England and somewhat misleading. We would suggest it aligns with the Natural England definition that is 'Biodiversity Net Gain (BNG) is an approach to development, land and marine management that leaves biodiversity in a measurably better state than before the development took place'.	Agreed – definition of BNG amended.
Introduction			
Natural England	Support	We welcome the draft SPD which appears to have taken on board comments Natural England made in our response to the SPD's questionnaire (411252 dated 21 November 2022). Strategic Environmental Assessment / Habitat Regulations Assessment - It is our advice, on the basis of the material supplied with the consultation, that, in so far as our strategic environmental interests (including but not limited to statutory designated sites, landscapes and protected species, geology and soils) are	Support welcomed.

		concerned, that there are unlikely to be significant environmental effects from the proposed plan.	
Anglian Water	Support	Anglian Water is supportive of the aims of the SPD which aligns with our Purpose and long-term strategic ambitions. We welcome the positive strategy for biodiversity and the wider links to green and blue infrastructure to support future growth that is sustainable and resilient to the impacts of climate change. We would welcome a positive and proactive approach to applications that aim to deliver essential infrastructure to enable growth in the borough, whilst ensuring the environment is protected.	Support noted. The Climate Change SPD includes a section on water resources.
Colchester Natural History Society	Comment	Page 7 – CNHS notes CCC's intention to prepare a separate guidance note on biodiversity net gain. The separate guidance note on this integral feature of biodiversity protection must carry equal status/influence as the SPD	Comment noted. The Council is working with other Essex local authorities to prepare a template BNG SPD.
Historic England	Comment	As the Government's adviser on the historic environment Historic England is keen to ensure that the protection of the historic environment is fully taken into account at all stages and levels of the local planning process, and therefore welcome the opportunity to comment on these proposals. I can confirm that while we do not have any specific comments to make at this stage, we will be interested in receiving subsequent consultations on this and related projects.	Comment noted.
Essex Field Club – Peter Harvey	Comment	The Essex Field Club has several key comments to make on the draft Biodiversity SPD Consultation for the Biodiversity Supplementary Planning Document and Colchester City Council's Biodiversity SPD. There is currently no mention whatsoever of the need for fit-for-purpose desk studies to support planning applications affecting sites of potential nature conservation or geological interest or the need to follow the Essex Biodiversity Validation Checklist. It is stated that the Protected species decision	Chapter 4 makes reference to ecological surveys and an addition has been made to refer to invertebrate surveys and botanical surveys, with links to the standing advice referred to in this representation. Reference

		checklist flowchart will help DM Officers in decision making related to protected species but makes no mention of the importance of a desk study that should be provided by the applicants in order for crucial information to be available to DM Officers to enable them to effectively validate planning applications and make informed decisions. Ecological data and up-to-date survey and assessment of the ecological value of sites are only mentioned in Chapter 5: Mitigation hierarchy, but are of enormous importance for any sites with nature conservation value regardless of Protected Species being present. In addition, mitigation is a last resort and well before mitigation becomes relevant DM Officers need to be able to evaluate whether the planning applications should be validated and whether the required surveys have been undertaken and reported. Ecological surveys and Habitats and Species of Principle Importance are mentioned, but other than a focus on Protected Species there should also be a focus and checklist for other surveys which may well include botanical, invertebrate and other surveys for sites where desk studies indicate significant invertebrate assemblages, plants and rare or threatened species are present in the search areas. Invertebrate surveys should follow Natural England's Invertebrate Standard Advice for Essex as well as Natural England's standing advice for the wider country as a whole. It is also important that surveys have been undertaken and reported before applications are validated. An overall planning checklist would enable DM Officers to effectively validate planning applications and to be able to make informed decisions and we would urge that one is included. In our experience many planning applications affecting sites of nature conservation interest should not even reach the validation stage because they lack crucial information and survey reports.	and a link has also been made to the Essex Biodiversity Validation Checklist. The DM Team are considering incorporating the Essex Biodiversity Validation Checklist into the validation checklist. This is something that will be explored outside of this SPD.

Essex County Council – Late response	Comment	ECC supports the three SPD goals of communicating CCC's aspirations for all city development in terms of the climate emergency. Although the SPD does not identify a climate and ecological emergency, it would be beneficial to briefly reference the connection between biodiversity loss and climate change in the introduction to show how these are interconnected. For example: Many people agree that one of the causes of biodiversity loss is climate change. Few people are aware, however, that the decline in biodiversity is also hastening climate change by undermining nature's ability to regulate greenhouse gas (GHG) emissions and protect against extreme weather, altering weather patterns throughout the world. The earth's climate is influenced by almost every natural ecosystem (i.e. habitat, and animal). This explains why climate and ecological emergencies must be addressed together and not in isolation. We would also recommended in this introductory section that reference is made to the Essex Climate Action Commission (ECAC) which was established in 2020 to promote and guide climate and biodiversity action in the county and move Essex to net zero by 2050. It is an independent, voluntary, and crossparty body bringing together groups from the public and private sector, as well as individuals from other organisations. The Commission published its report Net Zero: Making Essex Carbon Neutral in July 2021 and its recommendations are relevant to all Essex local authorities, parish and town councils, as well as Essex businesses, residents, and community groups. The report covers a wide range of topic areas including land use, energy, waste, transport, plus the built and natural environments. It also provides key recommendations and actions related to biodiversity. The report's recommendations are now incorporated into a Climate Action Plan and a focused	The first suggested addition, which makes a link between biodiversity loss and climate change, has been added to the introduction. A paragraph (taken from the draft Climate Change SPD) has been added about the Essex Climate Commission. 'Multifunctional' has been added to the reference to green infrastructure. As the SPD does not include guidance on BNG, the additions about BNG will not be added to the SPD. The Council is working with other Essex local authorities to prepare a template BNG SPD.

		work programme over the coming years to ensure the effects of climate change can be mitigated. We recommend reference is made to multifunctional green infrastructure (GI) at the end of the first paragraph under the green box (starting “The 3 climate emergency SPDs…”), to ensure that in both rural and urban locations GI interventions are designed, planned, and implemented to improve multifunctionality and provide numerous benefits to people and wildlife: “An increase in biodiversity and multifunctional green infrastructure is good for people’s mental wellbeing.” Last paragraph, page 7 We welcome the commitment from CCC to produce a standalone guidance note on the secondary guidance and legislation to be released by the government. We agree that this will make it easier to adapt and adopt any guidance and legislation that is introduced by the government in the coming months. The SPD does not refer to the scale of the developments and we would recommend that it makes reference to BNG as follows: Major and large sites over 0.5 ha or 5,000sqm+, 10+ dwellings At present, the Environment Act identifies a minimum 10% gain required in biodiversity. Mandatory BNG is to become law in November 2023 including the following key components: • Minimum 10% gain required calculated using Biodiversity Metric 3.1. and approval of net gain plan	

		• It is anticipated that Defra will be publishing the finalised statutory Biodiversity Metric, version4.0 before November 2023. • Habitat secured for at least 30 years via obligations/ conservation covenant • Habitat can be delivered on-site, off-site or via statutory biodiversity credits • There will be a national register for net gain delivery sites • The mitigation hierarchy still applies of avoidance, mitigation and compensation for biodiversity loss • Will also apply to Nationally Significant Infrastructure Projects (NSIPs) o NSIPs will broadly follow the same process as TCPA and BNG requirement will come into force no later than November 2025. • Does not apply to marine development • Does not change existing legal environmental and wildlife protections The following guidance has already been produced to assist the calculation and delivery of biodiversity net gain: • an updated Biodiversity Metric 3.1 was published in April 2022. • Essex BNG Guidance Pack published in the Essex Design Guide, produced by the Essex Local Nature Partnership, BNG and Planning Working Group • CIEEM, IEMA and CIRIA have set out Good Practice Principles for Development and an associated Practical Guide and Case Studies • a British Standard on biodiversity net gain and development projects: BS 8683:2021 Process for designing and implementing BNG	

		For small scale sites (1-9 dwellings, sites area less than 0.5 ha or less than 5,000sqm or no priority habitat present within the development area (excluding hedgerows and arable margins) For residential sites less than 5,000sqm/ 0.5ha and for non-residential floor space is <1,00sqm it is recommended that the small sites metric – a simplified version of the Biodiversity Metric 3.1 is applied to take biodiversity into account. The Small Sites Metric are the standard methods for measuring biodiversity change which result from new development and will assist in demonstrating whether net gains in biodiversity have been achieved. The metrics are designed to quantify biodiversity to inform and improve planning, design and decision-making. They can support planning applications to calculate the losses and gains in biodiversity from their development. The consultation response document released by Defra in February 2023 confirmed that there would be an extension to the transition period to April 2024 for mandatory BNG on small sites. This gives LPAs such as Colchester an opportunity to learn from large sites, and allows systems for monitoring, offsite provision and any other complexities to be ironed out.	
Background and Context			
Colchester Natural History Society	Comment	Page 13C(i) – “Appropriate ecological surveys” should read “independent ecological surveys by suitable qualified experts”. Page 13C(ii) – Proposed sites should all have an ecology report which reflects presence of species, both flora and fauna, across optimum times during the annual cycle, taking into account	These comments relate to Policy ENV1 of the Local Plan. The plan is adopted and so the policy cannot be changed. However, these points will be taken into

		appropriate weather conditions. Planning applications must evidence that this has been done as prescribed at 13(Ci) above. Page 13C(iv) – This key element refers to connectivity which is essential. There should be a hyperlink to an overarching map of the sensitive sites and their connectivity (see 'general point' below). Page 13D – Add flower-rich grasslands and some brownfield sites as examples of 'irreplaceable habitats'. As compensation (i.e. off-setting) rarely works "wholly exceptional" should be emphasised as the absolute last resort by underlining.	account as part of the review of the Local Plan.
Anglian Water	Comment	We would welcome an approach that recognises the critical importance of providing water supply and water recycling infrastructure for existing communities and future/planned growth. As such we consider that it is essential infrastructure that should be positively determined as beneficial to new and existing homes and businesses and protecting the environment.	The Council agree that it is critically important to provide water supply and water recycling infrastructure for existing and planned communities. The Council consulted Anglian Water on the Local Plan and they were a key partner in the Water Cycle Study, which was part of the evidence base for the Local Plan. The Council will work with Anglian Water on the Local Plan Review to ensure that essential infrastructure is planned for.
Essex County Council	Comment	The Environment Act 2021	The comments on the Local Nature Partnership (LNP) are useful and the Council

		We welcome the way in which the Environment Act 2021 was introduced in chapter 2 and provide the following comments on some of the key aspects of the Act. Local Nature Recovery Strategies (LNRS) and the Essex Local Nature Partnership (LNP) page 10, box on LNRS We welcome the section that highlights the importance of LNRS in enhancing and protecting biodiversity within Colchester and beyond. We also welcome the addition of an information box about the Essex LNP. We do feel that there could be stronger emphasis on the importance of LNRS and the partnership with LNP. Commentary is provided below that could be included in the SPD. Essex has now established a LNP. The LNP contains three working groups – a community engagement group, a planning and biodiversity net gain working group, and a LNRS group. Moving forward, the studies, works and findings of these groups have the potential to influence and support the direction of nature recovery through the Neighbourhood/ Local Plan, and therefore through this SPD. The Essex LNP has committed to the delivery of four key targets: - 1. 25% of all land in Essex will enhance biodiversity and the natural environment by creating natural green infrastructure. (This is an Essex Climate Action Commission (ECAC) target that has been adopted by the LNP). Note: We welcome the reference to this objective within chapter 6, page 27, (creating space for nature design principles) of the SPD.	are keen to be involved in the preparation of the Local Nature Recovery Strategy. Reference has been made in the SPD to the LNP biodiversity net gain guidance. A target higher than 10% BNG cannot be set in SPD and the Local Plan target is ahead of mandatory BNG. However, a higher target is something the Council will consider as part of the Local Plan Review.

		2. 50% of all farmland in Essex will adopt sustainable land stewardship practices by 2030 (This is an SCAC target that has been adopted by the LNP). 3. Adopt the Wildlife Trust's 1-in-4 programme to engage residents with nature and achieve a 25% engagement level. 4. Accessible Natural Green Space Standards (ANGSt) target for everyone to have access to high quality natural space close to home and work. ECC is committed to ensuring these targets are embedded into relevant planning documents as they come forward. The Essex LNP Biodiversity and Planning Working Group are currently reviewing and exploring the feasibility for 20% Biodiversity Net Gain. CCC may wish to consider adopting a higher figure than the minimum 10% requirement within the Environment Act (2021). The LNP has published a very useful BNG Guidance pack, which can be accessed through the Essex Design Guide, or available here. It would be beneficial to sign post towards this and use its advice where necessary. Biodiversity Net Gain We welcome further references to 10% BNG within this chapter 2. Please see previous comments on how mandatory BNG can be addressed in this SPD.	
Colchester Context			

Colchester Natural History Society	Comment	Page 17 – The limited number of Local Nature Reserves is a concern. Opportunity should be taken to review this (see 'general point' below). Page 18 – Noted, there are more Local Wildlife sites. Need to try and link LNR's, and LoW's into green, blue infrastructure policies so conservation embraces connectivity (see 'general point' below).	This is an important point and embracing connectivity is something the Planning Policy team is working on through a Green-Blue Infrastructure Strategy as evidence for the Local Plan Review.
Essex County Council	Comment	Environmental Designations It is positive to see a chapter dedicated to environmental designations and the contextualisation for Colchester. We recommend that the SPD reference the Climate Focus Area that is a recommendation by the ECAC – see page 62. Relevant text is provided below. Climate Focus Area Much of the Colchester LPA falls within ECAC's recommended CFA, which is formed of the Blackwater and Colne River catchment areas (please see Figure 1 map on attachment). The objective of this recommendation is for the CFA to "accelerate [climate] action and provide exemplars, for learning and innovation: adopting Sustainable Land stewardship practices: 100% by 2030 and Natural Green Infrastructure: 30% by 2030" (ECAC, 2021). Among the objectives of the CFA are to achieve net zero carbon, biodiversity net gain, improve soil health and air quality, reduce flooding and urban heat island effect, and enhance amenity, liveability and wellbeing of Essex communities. It will achieve this by wholesale landscape change in rural areas and urban areas. The CFA will look to developments to contribute to these targets. Figure 1: Map of ECACs Climate Focus Area (see attachment)	Reference has been made to the Climate Focus Area but a map of the area has not been added to the Colchester context section as this section includes maps of nature conservation designations.

		CFA require local plans and neighbourhood plans to encourage developments and landowners to take into account the following requirements in in line with meeting the requirements outlined in NPPF and Environment Act, 2021: a) biodiversity net gain to enhance biodiversity and the natural environment by creating Natural Green Infrastructure contributing to the CFA 30% by 2030 target and the wider Local Nature Recovery Network/Strategy. b) flood and water management, for those properties at risk of flooding to include Integrated Water Management and Natural Flood Management techniques. c) In order to achieve urban greening of our towns and villages, new developments are necessary in terms of increasing greenspace creation, naturalizing existing green spaces, greening the public realm, and implementing sustainable drainage systems (SuDS). d) It is important to adopt sustainable land stewardship practices on arable land so that farmers will be able to produce public goods such as environmental protection, biodiversity, animal welfare, and climate change mitigation, in addition to food production.	
Protected species and ecological survey			
Crest Nicholson	Comment	We would expect the scope of ecological material to be agreed at the pre-application stage and if necessary pay for external input via the pre-application / PPA process. Subject to this we would not expect to make additional contributions to external consultants post-submission unless it specifically forms part of a PPA.	Noted, the SPD explains that where external expertise is required to review and validate ecological survey reports, applicants may be

			requested to reimburse the Council, arrangements will be discussed at the pre-application stage and may be secured through a Planning Performance Agreement.
Colchester Natural History Society	Comment	Page 19 – What counts as 'important species' etc, is not entirely clear. Are locally significant ones relevant or does this just mean Defra/ Natural England designations at national level? There should be a local/county designation as 'protected', e.g., Essex Field Club red data species. Hyperlinks should be used in the SPD for such sites. Page 19 – 4th line from bottom in penultimate paragraph, good that 'compensation' is last resort. This should be clearly emphasised. Page 20-22 Table 1 – Almost all of the examples are vertebrates. The significance of invertebrates is mentioned elsewhere and some should be mentioned here.	The word 'important' has been removed as it is accepted that this is not clear. Officers have spoken to the CNHS about preparing a list of locally important species, which will be published alongside this SPD. Reference has been made to this list in the SPD. Locally important species will also be considered as part of the LNRS and BNG Guidance. An addition has been made to refer to the need for invertebrate and botanical surveys and other surveys where the need is identified in the preliminary ecological appraisal. Invertebrates have been added to the protected species table, including a link to Natural England's standing advice.

Essex Wildlife Trust	Comment	Where the applicant's ecology report indicates that further surveys are required to support a planning application, the results of all such surveys and associated details of necessary mitigation measures need to be submitted prior to determination. This is necessary to provide the local authority with certainty of likely impacts and that effective and deliverable mitigation can be secured either by a condition of any consent or with a mitigation licence from Natural England. Where recommended protected species surveys have not been completed, the ecology report should not be regarded as sufficient to support a planning application. Table 1 Protected species, suitable habitats, and further advice Breeding birds (p. 21) Nesting habitat should be retained wherever possible and/or new nesting opportunities created Other protected species (p. 22) Further information needed here: • Dean, M., Strachan, R., Gow, D. and Andrews, R. (2016). The Water Vole Mitigation Handbook (Mammal Society Mitigation Guidance Series). Eds Fiona Matthews and Paul Chanin. Mammal Society, London. • Water voles: advice for making planning decisions - GOV.UK (www.gov.uk) • https://www.gov.uk/guidance/otters-advice-for-making-planning-decisions	The comments made have been added to this chapter.

		Protected species decision checklist (p. 23) For statutory designated sites consult Natural England. For non-statutory local wildlife sites, please consult Essex Wildlife Trust.	
Anglian Water	Comment	We would endorse a positive and proportionate approach to determining planning applications for critical water and water recycling infrastructure and EIA (Environmental Impact Assessment) screening by the Council, particularly in determining whether a proposal falls within the remit of the EIA regulations and subject to the EIA threshold table. As stated by Planning Practice Guidance, EIA should not be a barrier to growth and will only apply to a small proportion of projects under the T&CPA regime and consequently only a very small proportion of Schedule 2 development will require an EIA. We recognise the need for EIA where it is applicable to our capital projects and ensure we submit a robust Environmental Statement that is appropriate and proportionate to the proposal.	Noted, the Council will consider the need for EIA on a case by case basis.
Essex County Council	Comment	Biodiversity Check list, pages 23 – 24 To further support the biodiversity checklist the SPD could also signpost and make reference to the Biodiversity Validation Checklist within this chapter and included under Further Reading (page 35). This checklist, produced by Place Services, is used for all planning applications considered a major development as defined by Article 8(7) of The Town and Country Planning (General Development Procedure) Order 1995.	Reference, with a link, has been included to the Essex Biodiversity Validation Checklist.
Mitigation Hierarchy			
Crest Nicholson	Comment	Whilst we would seek to implement all the recommendations of ecology reports, it should be acknowledged that this is not always possible due to delivery constraints. We would suggest text be	This chapter refers to the mitigation hierarchy and the need to follow that, which includes ensuring that all

		amended to state recommendations to be implemented “subject to deliverability” We recognise the mitigation hierarchy. However, where compensatory measures are required the SPD does not reference a preference to these being on-site or off-site. We suggest that the SPD recognises that in some cases off-site provisions can be targeted to locations that will have the most positive beneficial impacts.	appropriate avoidance, mitigation, or compensation measures are designed into the development. It is accepted that in some cases compensation measures may be more beneficial offsite. This is something that will be explored on a case by case basis, compensation is a last resort and as such reference will not be made to this in the SPD.
Colchester Natural History Society	Comment	Page 25 – Raise awareness by emphasising ‘species-rich’ habitats’ which are almost always irreplaceable and the hierarchy must take account of that. Page 26 – Need to clarify what features of a site, or status of a species (or assemblage/community) are accorded protection by the SPD? That they are of ‘principal importance’ according to UK biodiversity action plan or Natural England designation leaves a lot of locally significant species/habitats without protection (see point at 19 above on ‘important species’).	Reference to ‘species rich’ habitats has been added to the SPD. Protected species and species/ habitats of principal importance are defined nationally. However, the CNHS make the good point that there are locally significant species and habitats that are not protected. Officers have spoken to the CNHS about preparing a list of locally significant species/ habitats. This list will be published

			alongside this SPD and reference has been made to the list in the SPD. Policy ENV1 says that "development will only be supported where it … will conserve or enhance the biodiversity value of greenfield and brownfield sites and minimise fragmentation of habitats…" (Part C, criteria iii). Locally significant species will also be considered as part of the LNRS and BNG Guidance.
Essex Wildlife Trust	Comment	To meet national policy requirements, submitted ecological reports must be expected to explain how the hierarchy of mitigation measures (Avoid, Mitigate, Compensate) has been embedded into the design of the development. Where impacts on habitats and species cannot be avoided, a clear explanation of why alternative sites are not feasible, and what proposed mitigation, and compensation measures are necessary to address all likely significant adverse effects should be required. Applicants must demonstrate that, in the design of their proposals, they have followed the mitigation hierarchy with respect to ecological impacts. The mitigation hierarchy aims to prevent net biodiversity loss and strict adherence to its principles is essential. This approach is included in the NPPF and also in ecological best practice guidelines. The approach to following the hierarchy should be informed by the ecological value of the habitats and species to be affected. Impacts to Priority habitats and species should always be	Paragraphs about irreplaceable habitats and more detail about the British Standard, as detailed in the representation, have been incorporated into the SPD.

		avoided, if possible, but mitigation or compensation for any species or habitats degraded or destroyed through the development process is also required. The easiest way to avoid a negative impact on species and habitats and to maximise the gain for biodiversity that can be achieved from a development is to select a site that has low existing ecological value and high strategic potential for habitat creation, buffering or connectivity. This could include sites that have been intensively managed or where land use has resulted in degraded habitats. Ecological value should be assessed by a suitably qualified professional and not judged on appearance, as sites that may appear to be degraded could include features of particular significance to certain species. Developers should be expected to avoid direct and indirect impacts on irreplaceable habitats and embed measures to achieve this within the design of any development proposal. Local authorities should refuse applications that would result in the loss, deterioration or fragmentation of irreplaceable habitats unless the need for, and benefits of, the development clearly outweigh the loss, and a suitable compensation strategy exists. In these situations, biodiversity net gain is not achievable. As per NPPF 2021, there would have to be wholly exceptional reasons for this to be the case with the burden of proof for these falling to developers to provide irrefutable evidence of these exceptional reasons. Irreplaceable habitats are defined in the National Planning Policy Framework as “habitats which would be technically very difficult (or take a very significant time) to restore, recreate or replace once destroyed, taking into account their age, uniqueness, species diversity or rarity.” In addition to Ancient Woodland and veteran	

		trees, other types of habitat such as unimproved grassland, lowland acid grassland and ancient hedgerows are also considered to be irreplaceable. The loss of these habitats cannot be compensated for by gains elsewhere and so they are excluded from Biodiversity Net Gain calculations. All development predicted to result in impacts on irreplaceable habitat should be accompanied by detailed survey information and clear evidence to support the exceptional reasons that justify such a loss. Compensation strategies should include contribution to the enhancement and management of the habitat. BS42020:2013 Biodiversity – Code of practice for planning and development (p. 26) This British Standard gives guidance on how development might affect biodiversity, provides recommendations on how to integrate biodiversity into all stages of the planning, design and development process, and provides a rigorous framework for assessing impacts and for securing mitigation, compensation and appropriate biodiversity enhancements. Compliance with the standard in the ecological information submitted by applicants can be seen as an indication of its validity and relevance to the determination process and should be encouraged. BS42020 states that high quality ecological information is important for effective decision making as well as for compliance with legal obligations and policy requirements and successful implementation of the practical conservation and biodiversity enhancement measures identified in the ecological reports submitted with planning applications. The standard identifies the ecological data required and considerations for its assessment, and its use in the	

		design of mitigation measures, to give certainty, clarity and confidence to those involved at all stages of the planning process. Compliance with this standard is an important and credible way to demonstrate the validity of ecological information provided in support of planning applications. Any deviations from this British Standard should be fully justified and open to challenge by the local authority or external consultees, which can lead to delays in the decision-making process.	
Essex County Council	Comment	We welcome the inclusion that underlines the mitigation hierarchy. It is positive that you are requesting evidence of management and maintenance for 30 years, although, the wording could be stronger to emphasise the importance of ensuring steps are taken to encourage biodiversity gain and reduce adverse ecological impacts. The SPD could be strengthened to highlight and emphasise this hierarchy by elevating, or emboldening the key words - avoid, mitigate, offset/compensate. We would expect development sites to deliver BNG in line with the Environment Act. The delivery of BNG is expected to take place on-site where possible, via the protection and retention of existing GI and provision of new features. However, it is recognised that this might not always be conceivable, and that off-site delivery could provide additional benefits and be used to protect areas of land that are of local natural and wildlife value.	It is not considered that the words avoid, mitigate, and compensate need to be highlighted. Reference is made in the representation to BNG but this is not included in this SPD.
Creating space for nature design principles			
Cllr Andrew Ellis	Comment	With regard the point on avoidance of use of artificial grass. Include after Why? Artificial grass delivers no biodiversity benefits whatsoever, delivers poor drainage, requires regular cleaning (often with chemicals), overheats in hot weather and destroys the	Amendments have been made to the SPD as suggested.

		soil life beneath it. Then under Core Requirements... Do not use Artificial turf. See... 17 reasons to avoid fake lawns – how bad is artificial grass for the environment? | Jack Wallington Garden Design Ltd.	
Crest Nicholson	Comment	We acknowledge this as a useful tool to achieve biodiversity net gain. However, new hedges will not be preferable in all locations such as rear garden boundaries due to security issues. We recognise many of the core requirements and their biodiversity benefits. However, the SPD should recognise that these won't be required in all circumstances as certain species may not be present on site	It is accepted that not all of the design principles will be suitable for all developments. A range of design principles is included in the SPD to suggest measures that could be incorporated into the design of development, some are very simple and low cost. The point about security and rear garden boundaries is understood and the words 'where appropriate' have been added.
Colchester Natural History Society	Comment	Page 27 – Bullet point 5, should be nectar and pollen and include nesting habitat for pollinators too – bee banks, bee 'hotels' etc. Page 28 – Tree planting and street trees are important but strong precaution needed regarding the application of the minimum 10% tree cover on open spaces. What counts as an important grassland site is open to interpretation, as is 'suitability' for tree planting. In general amenity and flower meadow creation should take precedence over arbitrary quantitative targets (95-97% of wildflower meadows have been lost in UK). Permanent grassland	The suggestions made have been incorporated into the SPD. Caution is raised about the 10% increase in tree canopy cover, however this target is set in the adopted Local Plan.

		is also important for Carbon storage, and new 'whip' planting offers little benefit for carbon sequestration in the short-term (especially when they don't survive). Where possible hedgerows should retain or have added a biodiversity buffer zone of at least 10m both sides of the hedgerow. Page 29 – Reference to solitary bee nesting habitat, yes to bee hotels but also habitat for ground nesting bees, including south-facing banks, e.g., along edges of car parks or on verges. Page 30 – Grass, not 'artificial grass' agreed, but better still wildflower mix. Good to see brownfield sites mentioned but may need expansion to help public understanding what they are and how they can become important for biodiversity.	
Essex Wildlife Trust	Comment	Policy ENV1 (Part C) (v) Biodiversity net gain (p 27) Pre-development biodiversity value must be calculated before any site clearance or other habitat management work has been undertaken, by the applicants or anybody else. However, if this is known to have happened on or after 30th January 2020, the condition of the site must be taken as the habitat baseline stated in Schedule 14 Part 1 paragraph 6 of the Environment Act 2021. This is consistent with existing good practice guidelines for ecological assessment, including CIEEM and BREEAM guidelines. Where previous surveys are not available, this should be established through existing biological records and habitat areas identified through aerial photographs. Where habitat conditions are not known, a precautionary approach must be applied as per CIEEM guidelines and a BNG score of 'good condition' should be assumed.	The comments made have been incorporated into the SPD where appropriate. The SPD does not include advice or guidance on SuDS as the Council have adopted the ECC SuDS Design Guide. Nor does the SPD include advice or guidance on BNG. The Council is working with other Essex LPAs on a BNG SPD template and will take into account the comments made in this representation.

		The local authority should secure measures to conserve and enhance biodiversity by applying a planning condition requiring the submission and approval of an Ecological Design Strategy or a species-specific Biodiversity Mitigation Strategy, which should include: a) The purpose and conservation objectives of the proposed works. b) A review of baseline conditions, site potential and constraints. c) Detailed designs and/or working methods to achieve stated objectives. d) The specific extent and location of proposed works shown on maps and plans at an appropriate scale. e) The type and source of materials to be used, where appropriate, such as specifying native species of local provenance or the type of bird box to be used. f) A timetable for implementation, demonstrating that works are aligned with any proposed phasing of development. g) The persons responsible for implementing the works. h) Details of initial aftercare and long-term maintenance. i) Details for monitoring and remedial measures. j) Details for disposal of any wastes arising from works. All development must already demonstrate measurable net gain for biodiversity, in line with the requirements of the National Planning Policy Framework. Although a mandatory requirement for 10% net gain in biodiversity value is mandated by the Environment Act 2021 and is expected to become law in November 2023, we recommend that a value of 20% is encouraged by local authorities as best practice in order to meet the Government's commitment to protect 30% of land by 2030.	

		Biodiversity Net Gain plans must include a mechanism for delivery of the target habitats, management, and monitoring of their condition, and an approach to remediation in the event of targets not being met. Core requirements (p. 27) Inclusion of sustainable drainage systems within a development site is the preferred approach to managing rainfall from hard surfaces and can be used on any site. They provide an opportunity to reduce the effects of development on the water environment. Good design and management of multi-functional open spaces can mitigate drainage impacts on wetlands via drains and ordinary watercourses as well as delivering biodiversity enhancements and attractive green spaces that can support Biodiversity Net Gain on site. SUDs should be designed to provide natural habitats appropriate to the surrounding landscape, using locally native species and managed to combine functionality and opportunities for biodiversity. The Royal Society for the Protection of Birds and the Wildfowl and Wetlands Trust have produced a guide to maximising the benefit to biodiversity from Sustainable Drainage Systems alongside other functions. The ARGUK Toads – Advice for Planners provides guidance on road, kerb and gully designs to limit impacts on amphibian populations. Developers should check details of Registered Toad crossings listed by Froglife, the national amphibian & reptile charity, in relation to the development site location and layout. This will help avoid direct impacts on known toad breeding populations from the discharge of the sustainable drainage systems constructed for the development. Similarly, well designed sustainable drainage	

		systems features are likely to attract breeding amphibians and future migration routes should be considered to avoid creating new road or drain fatality hotspots. While it can be possible to combine positive nature conservation management with public access, it should be noted that the potential impact of public access must be fully considered in determining the likely target condition of the biodiversity habitat and its value to any existing species populations. The use of low nutrient status soils to support diverse habitat mosaics with low maintenance requirements should be encouraged and applications within the B-Lines identified by Buglife should be expected to include sustainable landscaping features of value to invertebrates, especially pollinators, including flowering lawns. Natural timber and aggregate waste from the construction site should be retained and repurposed for habitat creation such as hibernacula and low nutrient banks wherever possible. Paving of surfaces is likely to contribute to surface water flooding. We advise local authorities to seek to avoid unnecessary paving of gardens by householders and encourage good design to ensure permeable surfaces remain and that there is no net loss in biodiversity. Any trees should be retained within paving and permeable surfaces used, potentially including planting within the design. Integral swift bricks (p. 28) There should be an equal number of integrated bird box features as dwellings for building-dependent birds (breeding Swifts, House Sparrows, Starlings and House Martins) provided individually or clustered in appropriate locations within the development. On	

		constrained sites, particularly those with a large number of apartments, practical consideration should be given to prioritising bird, bat or insect boxes in optimum areas of the site. All suitable commercial and community building applications should include integrated bird box features in keeping with the scale of development, i.e. minimum of 10 boxes for the first 1000 sqm footprint and one additional box for every 100 sqm. On residential housing developments, 25% of the dwellings/units should have integrated bat box features with provision for them to be clustered next to appropriate foraging habitats. Artificial grass (p. 30) Artificial grass does not provide any resources for wildlife. It restricts access to the soil beneath for burrowing insects and to the ground above for soil dwellers such as worms. It also restricts access to natural materials like leaf litter and grass clippings – essential for feeding soil organisms like worms and microscopic animals and for keeping the soil healthy. Artificial grass can reach significantly higher temperatures than natural grass under the same weather conditions. It can contribute to global warming by absorbing significantly more radiation than living grass and, to a lesser extent, by displacing living plants that could remove carbon dioxide through photosynthesis. Soil is a natural carbon store, especially if plants are growing in it, slowly taking carbon from the atmosphere and putting it back into the plants and the ground. Removing a large area of planting that is actively locking carbon into the ground releases that locked carbon back into the atmosphere. Artificial grass creates a large carbon footprint during a journey that includes the manufacturing,	

		transportation and installation of the product, while replacing soil with sand to create a stable bed for artificial grass releases more carbon dioxide stored in the earth. It is also more likely to cause surface run off after significant rainfall which may contribute to flooding. Artificial grass is made from polyethylene, polypropylene or nylon (polyamide), and fragments from this material can make their way into the soil, and beyond, in the form of microplastic pollution. The shelf life for artificial grass is estimated to be 10-20 years and the product is difficult to reuse. Although it can be recycled, this is not easy and can only be done at specialist plants after a specific cleaning process. Artificial grass is not totally maintenance free. It still needs to be cleaned of litter and moss growth, potentially replacing mowing with vacuuming.	
Anglian Water	Comment	We support the design principles for creating space for nature. We work in partnership with a number of environmental organisations to deliver positive outcomes for nature and nature recovery, including through our Get River Positive commitments. We particularly welcome reference to connections to green-blue infrastructure and the over-arching multi-functional benefits that can be achieved. Designing green and blue infrastructure as a framework for new development proposals should enable net gains in biodiversity whilst including minimising the risk of surface water flooding, and the integration of Sustainable Drainage Systems (SuDS) - including opportunities to retrofit SuDS in existing urban areas. We would welcome the SPD making reference to SuDS as part of the multi-functional benefits that can be achieved through the provision of well-designed green and blue infrastructure, whilst providing biodiversity net gains.	The SPD does not include advice or guidance on SuDS as the Council have adopted the ECC SuDS Design Guide. However, the SPD has been updated to make reference to SuDS as part of the multifunctional benefits that can be achieved through the provision of green-blue infrastructure and a link is include to the ECC SuDS Design Guide under the green-blue infrastructure design principle.

Essex County Council	Comment	Page 27 Further reference to 'multifunctional' green infrastructure should be made to the first creating space for nature design principle (second sentence). "Create new multifunctional green-blue infrastructure that is appropriate and proportionate to the size and location of the development proposal." We welcome the reference to the Essex GI Standards. It is noted that Colchester have not adopted, but rather recommend that developers have regard to these standards. The standards have now been added to the Essex Design Guide and please note the new link to update page 27 of the SPD and under further reading on page 34. Page 28 Under "Why?" reference can be made to the NPPF. Paragraph 131 states "Planning policies and decisions should ensure that new streets are tree-lined, …..that appropriate measures are in place to secure the long-term maintenance of newly-planted trees…". Another sustainable design principle to consider is the installation of dual-purpose street furniture /seating i.e., a bench or cycle rack including a planter/s. The design of street furniture and bin stores can contribute to the landscape character, reduce clutter of an area or street and act as small park/green corridor to the wider landscape scale GI network and enhance biodiversity.	The suggested additions have been incorporated into the SPD.
Householder Applications			
Essex Wildlife Trust	Comment	Householders and developers of small sites, where there may be unexpected risks of impacts to habitats and species, need to ensure that planning applications are supported by adequate	This chapter only applies to householder applications. The rest of the SPD is

		ecological information, using up to date desk studies and site assessment to inform survey methodologies sufficient in scope to allow the impact of a proposal to be appropriately assessed. Pre-development biodiversity value must be calculated before any site clearance or other habitat management work has been undertaken, by the applicants or anybody else. However, if this is known to have happened, on or after 30th January 2020 the condition of the site must be taken as the habitat baseline stated in Schedule 14 Part 1 paragraph 6 of the Environment Act 2021. This is consistent with existing good practice guidelines for ecological assessment, including CIEEM and BREEAM guidelines. Where previous surveys are not available, this should be established through existing records and habitat areas identified through aerial photographs. Where habitat conditions are not known, then a precautionary approach should be applied. Biodiversity net gain measures should be clearly identified in supporting information and illustrated on the relevant plans. Measures should be appropriate to the site's location and surroundings and should be focussed on supporting recognised nature conservation priorities. The Defra "small sites" Biodiversity Metric should be used to demonstrate net gain in these circumstances. Small sites should also include integrated bird, bat or insect box provision, hedgehog friendly fencing and habitats.	applicable to small scale development.
Planning application expectations			
Feering Parish Council	Comment	Feering Parish Council do not have specific comments to make on the consultation, however we have noted that the third paragraph, first sentence, of this section appears to have confusing wording and should be looked at again to give clarity to the sentence.	The wording has been reviewed and the grammar has been slightly amended.

Crest Nicholson	Comment	Where a Biodiversity Net Gain assessment has been started with a previous version of the metric and as the biodiversity units generated by each version of the metric are unique, it is important that the same metric is used across all elements / stages of a project. In these instances, it would be prudent to continue the assessments with the previous version of the metric. This is in line with current Natural England guidance. The monitoring period should reflect the 'time to target condition' of the relevant habitats e.g. where the time to target is 15 years, the monitoring period should also be 15 years.	Agree that there should be consistent use of a version of the metric and a sentence has been added to the SPD to make this clear. The Environment Act requires monitoring and maintenance of BNG for a period of 30 years. The Council has applied this 30 year period to mitigation measures too. However, it is accepted that there may be times when a shorter time to target may be appropriate, a sentence has been added to the SPD to acknowledge this.
Essex Wildlife Trust	Comment	The construction process often involves clearance of vegetation on site which has the potential for impacts on biodiversity and there is therefore a need to manage the risks to wildlife. A process is also needed to ensure that all of the essential mitigation measures identified within the Ecological Impact Assessment are put in place in the right way and at the right time. A Construction Environment Management Plan should be required by condition. It should include details of all necessary ecological mitigation measures, including protection of retained habitats and requirements for ecological supervision during works on site using a suitably experienced Ecological Clerk of Works.	The SPD has been updated to include the suggested text about Construction Environment Management Plans.

		Where habitats are retained and created within a development site boundary, local authorities should seek to secure their protection during the construction process and their long-term management via conditions of any consent. This should require relevant details to be provided within a Landscape and Ecological Management Plan, either at submission or secured by condition. This type of planning condition will need details of all ecological mitigation measures and should be illustrated together with other landscape measures and there should be no conflict between objectives. All management plans should include appropriate monitoring to ensure effectiveness and should include a process for remediation and review for any measures that have not been effective.	
Essex County Council	Comment	We welcome the guidance within chapter 8, which also signposts to DEFRAs 3.1 metric, as well as the biodiversity mitigation plan checklist. There is further opportunity to encourage the inclusion of other documents with planning applications that could improve future development proposals and encourage GI to be incorporated within phase 1 of development, which in turn can have a positive impact on biodiversity in Colchester. Therefore, we recommend that further documents/conditions are required to be submitted (and included within CCCs Validation Checklist), depending on the type and size of a development. • Green Infrastructure Strategy/Landscape Strategy (large 250+ dwellings / strategic sites) • CEMP (sites under 250 dwellings – can form part of a design and access or an environmental statement) • Green Infrastructure Plan (Projects 250+) • Landscape and Ecological Management and Maintenance Plan (to cover minimum10 years+, however it will be required through	This SPD does not include guidance on BNG. The other plans suggested, whilst helpful, are not directly related to this SPD.

		mandated biodiversity net gain that the habitat be safeguarded for at least 30 years through obligations/conservation covenant) • Yearly Maintenance Logs • Biodiversity enhancement/gain/net gain plans Biodiversity Gain Plans There will be a requirement for a BNG statement at planning application stage. Further, planning applications subject to mandatory BNG shall require a Biodiversity Gain Plan to be submitted to and approved in writing by the local planning authority. The Environment Act sets out that the biodiversity gain plan should cover: • How adverse impacts on habitats have been minimised • The pre-development biodiversity value of the onsite habitat • The post-development biodiversity value of the onsite habitat • The biodiversity value of any offsite habitat provided in relation to the development • Any statutory biodiversity credits purchased, plus • Any further requirements as set out in secondary legislation. Biodiversity Gain Plans (subject to guidance made available) set out the key ecological considerations relevant to the development proposals, the biodiversity management principles for new habitat creation areas and the enhancements that are likely to be achieved through such management. Like Landscape and Ecology Management Plan it aims to: 1. Verify the ecological baseline features of interest. 2. Identify ecological mitigation requirements; and, 3. Identify management and enhancement requirements relevant to the application area.	

		4. To enhance Protected and Priority Species/habitats and allow the LPA to discharge its duties under the s40 of the NERC Act 2006 (Priority habitats & species).	
Conclusion			
Colchester Natural History Society	Support	On a general point, this submission refers to the importance of connectivity between sites of biodiversity value, it is suggested that CCC, with other organisations takes the opportunity to review the relationships between designated LNR's, LoW's and SSSI sites to evaluate enhanced connectivity and if necessary add to those sites. A good example would be to highlight the Roman River Valley living landscape from Copford to the Colne which has two SSSI's and 20 LoW's along its length. Hyperlinks from the SPD to overarching maps of sites and their connectivity would further enhance the impact of the SPD. CNHS welcomes this very good, very necessary document and considers its implementation vital to the protection and enhancement of biodiversity in the landscape.	This is an important point and embracing connectivity is something the Planning Policy team is working on through a Green-Blue Infrastructure Strategy as evidence for the Local Plan Review.
Anglian Water	Comment	We are supportive of the Council's ambitions to becoming carbon neutral by 2030 and driving forward a significant programme of environmental stewardship to sustain and enhance biodiversity and invest in cleaner, greener, renewable energy projects. Anglian Water has a voluntary 10% biodiversity net gain on all our capital projects and ensuring environmental prosperity is a fundamental part of our duty and is embedded in our Articles of Association. We have a routemap to become net zero by 2030 and reduce our capital (embodied) carbon by 70% against a 2010 baseline. This means we look for innovative ways to reduce the embodied carbon in our projects whilst providing a robust and resilient infrastructure for water supply and water recycling for our customers.	Comment noted and support welcomed. The Council will continue to liaise with Anglian Water on all planning documents.