

# **Biodiversity Net Gain Supplementary Planning Document**

# **Calderdale Metropolitan Borough Council**

## **Consultation statement**

### **Introduction**

This is the 'Consultation Statement' for the Biodiversity Net Gain SPD as required by the Town and Country Planning (Local Planning) (England) Regulations 2012. This statement sets out how the public and other stakeholders were consulted upon the SPD.

### **Consultation regulations**

The SPD is produced in accordance with the Town and Country Planning (Local Planning) (England) Regulations 2012. The relevant regulations relating to the consultation process are explained below.

Regulation 12: Regulation 12(a) requires the Council to produce a consultation statement before adoption of the SPD, this must set out who was consulted, a summary of the issues raised, and how these issues were incorporated into the SPD. This statement is the 'Consultation Statement' for the adopted SPD as required by Regulation 12(a).

Regulation 12(b) requires the Council to publish the documents (including a 'consultation statement') for a minimum 4 week consultation, specify the date when responses should be received, and identify the address to which responses should be sent. The consultation statement that accompanied the draft SPD set out that information.

Regulation 13: Regulation 13 stipulates that any person may make representations about the SPD and that the representations must be made by the end of the consultation date referred to in Regulation 12. The consultation statement that accompanied the draft SPD set out that requirement.

Regulation 35: Regulation 12 states that when seeking representations on an SPD, documents must be made available in accordance with Regulation 35. This requires the Council to make documents available by taking the following steps:

- Make the document available at the principal office and other places within the area that the Council considers appropriate;
- Publish the document on the Council's website.

These measures were undertaken as part of the draft SPD consultation.

## **Statement of Community Involvement (SCI)**

The SCI was adopted in 2016 and reflects the 2012 Regulations, set out above. It also specifies additional measures that the Council will undertake in consulting upon draft SPDs and these have been reflected in the consultation process for the Biodiversity Net Gain SPD. As per the SCI, the Council has involved key stakeholders in the preparation of this draft SPD for consultation.

## **Biodiversity Net Gain SPD Consultation Information**

Consultation on the SPD has been carried out in accordance with the Town and Country Planning (Local Planning) (England) Regulations 2012. The draft SPD and Consultation Statement were made available for inspection by the public for a four-week period between Monday 23<sup>rd</sup> October 2023 and Monday 20<sup>th</sup> November 2023. Copies of the draft SPD and consultation statement (setting out how comments could be made) were available at the following locations:

- Calderdale Council Custom First offices at Horton Street, Halifax
- Public libraries at Halifax Central, Akroyd, Beechwood Road, Brighouse, Elland, Hebden Bridge, King Cross, Mixenden, Northowram, Rastrick, Sowerby Bridge and Todmorden

Copies of the draft SPD were available to view on the Council's website at <https://calderdale.gov.uk/spds>. Further information was available by contacting the Spatial Planning team by email at [spatial.planning@calderdale.gov.uk](mailto:spatial.planning@calderdale.gov.uk) or by telephoning 01422 288001.

The following measures were undertaken to inform persons of the draft SPD consultation and document availability:

- Approximately 4000 notification emails sent to all individuals, organisations or bodies that the Council considers will be affected or interested in the SPD or may be involved in the delivery of the SPD (including ward Councillors, Parish Councils, statutory consultees, developers, business, local voluntary organisations, and all other individuals who have previously participated in the Local Plan examination or other document consultations).
- Press release issued.
- Council's social media pages updated at outset and throughout.
- The SPD and details of the consultation were posted on the Council's website.

## **Summary of Issues Raised and the Council's Response**

61 representations on the draft SPD were received from external parties, including statutory agencies and housebuilders.

Table 1 below is a schedule of all the representations received together with the Council's response. A number of additional revisions have also been made to the SPD, including the re-drafting and re-organising of some sections, in order to improve its clarity and usability and building on experience to date. Since publication of the draft SPD for consultation the Government has published several documents concerning the introduction of statutory Biodiversity Net Gain. These include an updated National Planning Policy Framework and final version of the

associated Planning Practice Guidance on BNG, as well as secondary legislation. These are included in a new Appendix 5 'List of References'. The SPD has also been revised in order to accord with all current guidance and legislation. For example, the revised table on the planning process (Table 1 in the consultation draft, Table 4.2 in the revised version) reflects the process set out by current legislation. All references to reports mirror those in the legislation. As the introduction of BNG is new further documents and clarifications are anticipated from Government as experience of the system is gained and refinements made.

**Table 1: Biodiversity Net Gain SPD - Schedule of Representations Received and Revisions to SPD**

Consultation Point	Consultee	Comment	Council response and SPD Revision (where applicable)
Whole document	1122445 Ms Denise Walton	<p><b>18</b></p> <p>1. It is difficult to believe that this document has had input from anyone who truly cares about our natural environment. The opening comments referring to nature as ‘ecosystem services’ sets a totally inappropriate tone. It is not about manipulating/managing the ecosystem purely to service our needs but more about achieving ecosystem balance. In our (human) insatiable need for land as a result of our increasing population we are tipping the balance against other species we share space with which have as much right to exist in that space as we do.</p> <p>2. Looking at the Strategic Distinctiveness rating for areas within Calderdale alongside the Mitigation hierarchy it is apparent that there will be too many opportunities for offsetting as there are very few areas listed under the high and medium categories of distinctiveness and too much in low distinctiveness category. This categorisation will have a limiting effect in terms of the Local Nature Recovery Strategy which will probably ignore large areas which are equally precious for wildlife and landscape quality.</p> <p>3. We should have an Emergency Ecological Action Plan in place now but I cannot find it on the Council website. What are the aims and objectives of the above plan and will this document contribute to their achievement?</p> <p>4. The moorland areas are critical for climate change but current management has done little to promote the return of curlews and lapwings which were numerous in my youth. Will this document change this? Is it not the case that Walshaw Moor has the potential to become a very large wind farm?</p>	<p>Agree with the sentiments expressed but the SPD is concerned with the introduction of the statutory BNG system and must accord with the published Metric and associated User Guide as well as the legislation on BNG.</p> <p>Clearly everything should be done to avoid losing biodiversity in the first place. Successful implementation of BNG should bring about long-lasting and meaningful benefits for the environment, society and economy.</p> <p>The purpose of the SPD is to provide additional guidance on how a local plan policy should be implemented. The relevant Policy Is GN3 but the Local Plan was adopted prior to the introduction of BNG and so does not cover this specifically making the publication of the SPD all the more necessary. Having an SPD enables the approach to BNG to be applied consistently. It also provides advice on what is required from developers when submitting planning application and enables options for development to contribute to combined BNG initiatives.</p>

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		<p>5. Where is offsetting likely to occur? Will it definitely be within the Borough and will each Ward get a fair share? Will Calderdale get its fair share? What are the trading rules for each area of distinctiveness?</p> <p>6. The high/medium strategic distinctiveness list fails to identify special landscape areas including the numerous steep wooded valleys, and small cloughs around streams through fields which are not recognised under any national classification which are the only areas of interest of Natural England.</p> <p>7. Although a formal consultee Natural England very rarely responds to requests for opinion in respect of planning requests as apart from the moorlands and their fringes our 'low quality' environment does not feature on their radar.</p> <p>8. Although included in the high strategic significance category the wildlife habitat network within Calderdale is poorly mapped with no strict boundaries. Comparisons between the maps showing the network overlay from previous development plans and the current one show significant shrinkage and even recent planning approvals have allowed inappropriate impacts narrowing a wildlife corridor to between 3 - 5 metres.</p> <p>9. There are very few officially nominated Local Wildlife sites in Calderdale, especially natural rather than created. Public parks for people are not true wildlife sites. Shibden Park although labelled as a wildlife site is in reality a green space for people with the only wildlife in residence being that which is sufficiently resilient to cope with the consequences of the heavy footfall of humans and domestic pets.</p> <p>10. There are also too many areas of woodland key to the continuation of habitat networks without any protection despite the existence of a Tree and Woodland Strategy and</p>	<p>Representations received following consultation on the document have resulted in revisions which improve the SPD and its effectiveness in increasing levels of biodiversity. In order to make clear the importance of ecosystem balance paragraph 1.3 is revised as set out below.</p> <p><b>Revisions</b></p> <p>1.3 The natural environment provides vital benefits for our health, society and economy, known as 'ecosystem services'. The strength of these beneficial services is determined by the quality of the natural world and the biodiversity of the ecosystems within it. Biodiversity is defined as the variety of plants and animals living within an area or habitat, with different habitats contributing different functions or services for our environment. However, the UK has suffered a considerable decline in biodiversity over recent years, in turn causing a reduction in ecosystem service provision <u>and undermining ecosystem balance.</u></p>

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		<p>which are very easily given up to allow developers to have more space leaving an isolated section of trees to provide an attractive background to help market their developments.</p> <p>11. This document should have been produced before the LDP to inform the choice of sites. It is a bit like closing the stable door after the horse has bolted since the LDP includes many sites concentrated in an area where priority species are located and also those where specific recommendations from West Yorkshire Wildlife Trust have been ignored in relation to preservation of woodland some of which has already gone. This does not build confidence that this document will deliver anything different.</p> <p>12. There is too much reliance upon the developers to commission and pay Ecologists to produce all the reports required. This should be an independent function since developer main interest is to create profits for shareholders. Currently the Council says it cannot monitor compliance with conditions and if the council do not ask for evidence of discharge then the general public has no idea regarding compliance since private companies are not required to provide information of this nature to anyone else. How is the Council going to cope with all the additional workload and be accountable to the public? Has/will the council receive some funding from Defra to support this, how much will this be and how will they spend it? Is it possible there could be a delegated role here for local nature organisations whose advice is currently largely ignored?</p> <p>13. Desk top mapping of on-site biodiversity using records that may not be up to date is unacceptable.</p> <p>14. Without it being stated it is clear that this document is not written specifically for Calderdale which is quite different to other West Yorkshire Boroughs. There are significant risks</p>	

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		<p>that parts of the Borough will lose a lot of natural environment whilst other areas will benefit. The possibility that much of the benefit could be out of area is worrying.</p> <p>15. It is recognised that private gardens have a key role to play in supporting nature so it is disappointing that there is little opportunity to influence how these areas are treated even though all BNG will be required to be met in other areas of a development.</p> <p>However if hedgehog highways are created in garden fences or hedgerow boundaries to gardens by developers following the Design code how are these protected for the future? These responsibilities need to be passed on to residents by developers through site management plans. Failure to do this will forgo opportunities to deliver +10% BNG which many feel is too low anyway.</p> <p>16. Impacts upon rivers and streams are especially complex. How can improvement be made in one area being developed if there is a pollution source in a different part? How will this be dealt with? How likely is it that developers will come forward to develop land where opening up a culvert is required which they are likely to claim makes it financially unviable? What happens if the culvert is providing a bat roost?</p> <p>To conclude, this document does not feel like a strong 'green' print to deliver the critical improvements to nature required in the Borough. On the contrary it feels like more bureaucracy which developers will use to obfuscate compliance and which the general public has little chance of challenging when considered alongside all the other mire of policy documents. Although the Environment Act 2021 will give a legal standing I suspect that in practice it will be difficult to enforce just like</p>	

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		the current environmental protections which are not readily used to significant effect.	
Whole document	1138084 Melanie Lindsley (The Coal Authority)	<p><b>26</b></p> <p>The Coal Authority is a non-departmental public body sponsored by the Department for Energy Security and Net Zero. As a statutory consultee, The Coal Authority has a duty to respond to planning applications and development plans in order to protect the public and the environment in mining areas.</p> <p>As you will be aware our records indicate the presence of coal mining features at surface and shallow depth in the Calderdale area including; mine entries coal workings and reported surface hazards. These features pose a potential risk to surface stability and public safety.</p> <p>It is noted however that this current consultation relates to an SPD on Biodiversity Net Gain and I can confirm that the Planning team at the Coal Authority have no specific comments to make on this document.</p>	Noted
Whole document	1246329 James Langler (Historic England)	<p><b>28</b></p> <p>Area based habitats can contain many features of historic significance, and historic buildings, structures and landscapes can all be important biodiverse habitats. Proposals for biodiversity net gain can have both positive and negative implications for the significance of heritage assets depending on the nature of the measures proposed and the characteristics of the heritage asset involved. As such, we would encourage the Council to take a holistic approach to the determination and delivery of biodiversity net gain proposals.</p>	<p>Agree the SPD needs to refer to the historic environment.</p> <p><b>Revisions</b></p> <p>Add paragraph 2.4a (Section 2) as follows:</p> <p>The NPPF at paragraph 195 recognises that heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance,</p>



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		<p>Paragraph 189 of the National Planning Policy Framework recognises that heritage assets are an “irreplaceable resource and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations”. This includes both designated and non-designated heritage assets.</p> <p>Proposals for biodiversity net gain should therefore ensure that heritage assets are appropriately conserved, and where opportunities present themselves, enhanced.</p> <p>As currently drafted the Biodiversity Net Gain SPD gives no consideration as to how plans for biodiversity net gain interact with the historic environment. Where sites come forward which include, or are within the setting of, a designated heritage asset, due consideration needs to be given to the likely effect of plans for habitat creation or enhancement on the assets significance and be tailored accordingly. In order to do this it is vital that, where appropriate, proposals for biodiversity net gain are informed by a proportionate assessment of the historic and cultural significance of sites. For development proposals affecting designated heritage assets this information should already be required in support of the planning application.</p> <p>Sites identified to deliver off-site biodiversity gains should avoid locations where they would cause harm to the significance of a designated heritage asset. There may however also be opportunities for some off-site gains to be delivered in locations that could mutually benefit both biodiversity and the historic environment, where measures would better reveal or enhance the significance of a heritage</p>	<p>so that they can be enjoyed for their contribution to the quality of life of existing and future generations. This includes both designated and non-designated heritage assets.</p> <p>Add sub-section to Section 3 as follows:</p> <p><b>Respecting the Historic Environment</b> Where sites come forward which include, or are within the setting of, a designated heritage asset, due consideration needs to be given to the likely effect of plans for habitat creation or enhancement on the assets significance and be tailored accordingly. In order to do this it is vital that, where appropriate, proposals for biodiversity net gain are informed by a proportionate assessment of the historic and cultural significance of sites.</p> <p>Sites identified to deliver off-site biodiversity gains should avoid locations where they would cause harm to the significance of a designated heritage asset. There may however also be opportunities for some off-site gains to be delivered in locations that could mutually benefit both biodiversity and the historic environment, where measures would better reveal or</p>

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		asset or be of benefit to an assets ongoing conservation and management.	enhance the significance of a heritage asset or be of benefit to an assets ongoing conservation and management.
Whole document	1339007 Natasha Styles (The Planning Bureau on behalf of McCarthy Stone)	<p><b>49</b> Thank you for the opportunity to comment on Calderdale Council's Biodiversity Net Gain Supplementary Planning Document consultation ('draft SPD'), November 2023. McCarthy Stone is the leading provider of specialist housing for older people in the UK. Please find below our comments on the consultation.</p> <p>We are concerned that there are a number of areas of the draft SPD that go beyond either the Natural England Biodiversity Metric 4.0 user guide ('the Metric'), March 2023 or government guidance. Whilst we appreciate that a lot of government guidance is yet to be published and welcome that the Council is seeking clarification, we feel that the draft SPD should be reconsidered once all guidance is published. A couple of examples are detailed below.</p> <p><b>Recommendation</b> Several elements of the draft SPD, including those detailed above should be reconsidered and where they repeat or go beyond either the Metric or government guidance requirements, should be deleted as currently written the draft SPD is contrary to PPG.</p>	<p>Current revisions to the BNG guidance and legislation are ongoing and will be incorporated in the final version of the SPD where available. Whilst repetition of national documents is generally avoided there are instances where some repetition is useful for ease of reference.</p> <p><b>Revisions</b> The representations to specific parts of the SPD are addressed below under representation numbers 50, 51, 52 and 53.</p>
Whole document	228336 Yorkshire Wildlife Trust	<p><b>58</b> Yorkshire Wildlife Trust are supportive of the draft Biodiversity Net Gain Supplementary Planning Document (SPD), which provides clarity and guidance for developers and ecological</p>	Support Noted

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		<p>consultants on the requirements for Biodiversity Net Gain (BNG) in Calderdale.</p> <p>One of The Wildlife Trust's strategic aims is to make it normal practice for all residential, commercial and infrastructure development to contribute positively to nature's recovery on land and at sea. Biodiversity Net Gain, implemented in the right way, is therefore an important mechanism to help achieve The Wildlife Trusts' ambition. The provision of this SPD will support the planning of high quality BNG projects which will deliver habitat creation and enhancement in Yorkshire.</p> <p>The document includes a good level of detail, therefore providing clear guidance for developers and their ecological advisors. We appreciate the signposting to other relevant documentation, particularly the Good Practice Principles of BNG, and the requirement for applications to provide written evidence of alignment with these principles. We are particularly supportive of the inclusion of the mitigation hierarchy early in the document (Paragraph 3.3), which establishes its importance throughout the BNG design process. We are also pleased to see reference to the Lawton principles, and discussion of how BNG can contribute to Nature's Recovery in Yorkshire. We also full support the expectation that land dedicated to meeting the BNG requirement will be retained in perpetuity, which aligns with the Wildlife Trusts' aspirations for BNG.</p>	
Whole document	1346873 Hannah Langler	<p><b>59</b> It is noted that different terminology is used on occasion within the SPD. For clarity and consistency with national</p>	The SPD is being prepared at a time when many Government Documents

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	(Spawforths / Keyland)	guidance it would be helpful if requirements were consistently referred to throughout, with terminology that aligns with the requirements established within the Environment Act. For example, Biodiversity Net Gain Plan is referred to in paragraph 4.14, elsewhere a Biodiversity Net Gain Report or Statement and Biodiversity Management Plan, are referred to. It is assumed the latter is different to the “Biodiversity Gain Plan”, but this should be clarified. Each Statement and or Plan required should be clearly identified within the Application Process table provided in the SPD. It is also noted that the reference to National Planning Policy Framework at paragraph 2.3 requires updating. There are also some slight inconsistencies in the Mitigation Hierarchy, contained within the SPD and Guidance. <b>This should be revised for clarity.</b>	<p>including both policy and legislation are either being published, or existing documents revised and re-published. Consistency in wording is important for readers of the SPD and the adopted version should have addressed any issues of inconsistency.</p> <p><b>Revisions</b></p> <p>Ensure terminology is consistent with that produced by Government throughout the SPD.</p> <p>Revise Figure 3.1 The Mitigation Hierarchy to reflect the NPPF.</p>
Whole document	1341717 Rachel Flounders (ID Planning / Crest Nicholson / Redrow / Bellway)	<p><b>60 / 63 / 65</b></p> <p>The Futures Ecology representation highlights that requirements set out in the Draft SPD diverge from the Biodiversity Metric 4.0 (BM 4.0) User Guidance. The purpose of BM 4.0 is to provide a national standard to calculate biodiversity gains and losses and therefore the rules set out in the BM 4.0 User Guidance should dictate how Biodiversity Net Gain assessment are undertaken across the country including Calderdale. Where requirements in the SPD which diverge from the BM 4.0 User Guide this will have enormous implications on BNG calculations across the District with a consequential impact on viability and deliverability at a time when the Council needs allocated sites to come forward to be able to identify a rolling 5 year housing land supply.</p>	<p>The SPD is being prepared at a time when many Government Documents including both policy and legislation are either being published, or existing documents revised and re-published. Consistency is being sought with the relevant documents including the Metric User Guide which is in the process of being replaced by the version published in November 2023 (The Statutory Biodiversity Metric User Guide (draft)).</p> <p><b>Revisions</b></p>

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			Ensure approach to BNG correlates with that set out in the User Guide (referencing future iterations), unless specific local circumstances demand a different approach.
Whole document	1139625 Mark Jones (Barratt Homes / David Wilson Homes)	<p><b>66</b></p> <p>Overall this SPD needs to be clear in purpose, succinct and unambiguous in content and wording, so that applicants understand and can practically apply any more detail on BNG requirements at a local level to those set at a national level, noting that the SPD can provide further detail but not introduce effectively new policy requirements. Currently this SPD appears repetitive and conflates existing national guidance and requirements with complex and uncertain local BNG requirements which could be misinterpreted.</p> <p>Further work is required to make the document workable and relevant to the local level. It may be that this document pre-empted Government guidance and statutory instruments that are forthcoming. It would be appropriate to await the publication of the Local Nature Recovery Strategy (LNRS), as this would allow the local planning and BNG requirements to be combined in the LNRS document which could be more straightforward for applicants and all users.</p> <p>There is concern that planning applications and their delivery in Calderdale may be subject to unclear additional penalties, obligations and disproportionate reporting requirements, thus giving rise to a risk of developers incurring undue costs and delays.</p>	<p>The SPD is being prepared at a time when many Government Documents including both policy and legislation are either being published, or existing documents revised and re-published.</p> <p><b>Revisions</b></p> <p>References to policy, guidance and legislation are updated to reflect the current position. The version of the Metric used will be that current at the time of a planning application. Links to relevant documents are included in a new Appendix 5 'List of References'.</p>

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		<p><b>Duplication of effort between local guidance requirements and relevance to national guidance (industry and Government prepared)</b></p> <p>A straightforward approach at the local level is necessary for developers navigating any additional local BNG requirements to those required at the national level (i.e. the mandatory BNG requirements that arise from Environment Act 2021). The currently worded SPD risks unduly overcomplicating the BNG assessment process by combining and duplicating national and local requirements; this may have an unintended effect of delay to the planning process whilst issues are addressed and resolved. It is therefore recommended that any repetition between the SPD and national guidance is removed from the document. The following paragraphs identify specific points in the SPD where this issue occurs:</p> <p>In the Introduction or Section 2, it would be helpful for the reader (developers, stakeholders and the public alike) to provide advice as to how this SPD guidance will be applied, specifically on the relationship/correlation with other relevant industry and Government guidance. This is relevant because, when developers are preparing planning applications, and when the public is commenting on these, they will need to understand the relative weight that will be attached to local Council prepared guidance and to nationally prepared guidance. There is a risk that multiple or competing requirements of guidance will lead to a lack of certainty and clarity for developers, decision makers and the public.</p> <p>There is significant overlap and repetition between this document and existing industry and Government-prepared guidance. Text within the SPD (for example sections 3.17 and</p>	

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		<p>3.18) and Appendix 1 of the SPD repeats standard Biodiversity Metric requirements that are already set out in the Natural England User Guide; these are directly taken from the User Guide and not referenced as such and there is a risk that the Metric and associate documents including the User Guide will be updated in future, which will mean the SPD is out of date. Any direct extracts from other reference documents should be duly referenced for clarity and ease of use.</p> <p>The SPD specifically refers to Biodiversity Metric 4.0; it is understood, however, that the term “statutory metric”<sup>2</sup> will be referred to in the secondary Regulations to the Environment Act 2021 and that Rule 2 of the Metric User Guide advises that ‘biodiversity outputs are unique to this metric. The results of other metrics, including previous versions of this metric, are not comparable to those of this metric.’ This means that the rather than a specific version of the metric, the relevant version of the Metric should be used. Where there is a specific reference to one version, this could lead to confusion by an applicant or stakeholder that it is only version 4.0 that applies, which is not necessarily the case, see above.</p> <p>The SPD repeats many of the principles already set out in the document Biodiversity Net Gain Good Practice Principles for Development (Baker et al., 2016), particularly those in Appendix 2. For example, SPD Appendix 2 text about stakeholder consultation is akin to Baker et al., (2019) Principle 3; similarly, creating bigger, better and more joined up greenspace is akin to Principle 6.</p> <p>If the SPD advises that it requires all development applications to consider this document throughout the</p>	

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		<p>biodiversity net gain assessment and clearly show this within reporting, then this requirement can simply be stated and be sufficient. Appendix 2 of the SPD can therefore be made more concise.</p> <p>Given the above, when national BNG or Metric guidance is updated, the SPD has the potential to become out of date or to be in conflict with guidance changes or updates. A list of references used to inform the SPD and live-links to freely available national guidance would therefore be useful for applicants and would help avoid this risk.</p>	
Para 1.2 (Page 3)	1341476 Councillor Colin Hutchinson	<p><b>29</b></p> <p>This is a major but welcome change in planning regulation, and it will take time for the awareness of the required change in practice to become embedded. In the meantime, it is vital that applicants seeking planning permission should have clear guidance through the requirements stemming from the new policies.</p> <p>Reading this SPD from the perspective of a resident who may only ever make one Planning Application, I found the document confusing. It could be difficult for an applicant to decide which sections referred to themselves; which documents needed to be submitted; and where to find the required documents.</p> <p>I think it could also be difficult for Elected Members serving on the Planning Committee to come to a view as to the merit, or otherwise of any application in meeting the obligations of BNG, even with the training that is being proposed for Members.</p> <p>In my view:</p>	<p>The suggestions made in the representation will improve the usability of the SPD.</p> <p><b>Revisions</b> Additions made to the Glossary, an additional Appendix 'List of References' added to the SPD together with further hyperlinks and flow charts.</p>



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		<p>(a) the Glossary needs to be expanded considerably and to include the many acronyms that are used in the text</p> <p>(b) it would be helpful to include hyperlinks to the various documents and templates that are referred to in the text</p> <p>(c) a flow chart, or charts, could be useful to help applicants navigate their way through the various options that are determined by the nature of the proposed development</p> <p>(d) check lists could also be helpful to reduce the need for Planning Officers to contact applicants for missing documents</p>	
Para 1.2 (Page 3)	1139625 Mark Jones (Barratt Homes / David Wilson Homes)	<p><b>66</b></p> <p>Section 1.2 the SPD states “<i>The SPD sets out the required information to be submitted with planning applications</i>”. The role of an SPD is to provide guidance, whereas the validation checklist is the route by which to provide information on what information is required for a planning application. We therefore suggest that the SPD should provide further details on information which may be required to accompany a planning application.</p>	<p>Signposting to the principal sections in the SPD where information on the different aspects of implementing the BNG requirement can be found should be helpful to users of the document.</p> <p><b>Revisions</b> Reference the principal sections in the SPD where information on the different aspects of implementing the BNG requirement can be found</p>
Para 1.5 (Page 3)	1338968 Lizzy Walker (Environment Agency)	<p><b>27</b></p> <p><i>“To conserve our remaining biodiversity and reverse the recorded decline, the UK is moving towards enshrining a measurable 10% <u>Biodiversity Net Gain</u> throughout the planning process. The government will mandate through the Environment Act a requirement for new development to deliver <u>Biodiversity Net Gains</u>. This will ensure important ecosystem services are maintained and improved, as future developments look to not only conserve valuable habitats and</i></p>	<p>Subsequent references to Biodiversity Net Gain should be included in the document as BNG. The paragraph also requires updating.</p> <p><b>Revisions</b></p>

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		<p><i>species but enhance biodiversity via demonstrable and measurable net gains.</i>"</p> <p>We note that the BNG acronym has been defined and used in section 1.2. In subsequent sections such as Section 1.5 this has been written out in full (Biodiversity Net Gain). For consistency, we recommend these subsequent references to Biodiversity Net Gain are changed to BNG acronym.</p>	<p>Subsequent references to Biodiversity Net Gain are shown as BNG. Paragraph 1.5 now reads:</p> <p><i>"To conserve our remaining biodiversity and reverse the recorded decline, the UK has enshrined a measurable 10% BNG throughout the planning process. The government will mandate has mandated through the Environment Act a requirement for new development to deliver BNGs. This will ensure important ecosystem services are maintained and improved, as future developments look to not only conserve valuable habitats and species but enhance biodiversity via demonstrable and measurable net gains."</i></p>
Para 2.1 (Page 4)	1338968 Lizzy Walker (Environment Agency)	<p><b>27</b></p> <p>Section 2.1 states: <i>"A two-year transition period for this requirement is included in the Act, with provision for secondary legislation to set a date for the requirement to come into force. <u>This is expected to be November 2023</u>".</i></p> <p>It is unclear if this is referring to the expected date of the secondary legislation or the expected date for the requirement to come into force. If it is the latter, this line should be updated to reflect new timeline – "<i>...<u>expected to be in January 2024 (April 2024 for small sites)</u></i>".</p>	<p>The dates referenced require updating to reflect the current position in relation to government legislation.</p> <p><b>Revisions</b></p> <p>Following the publication of more recent information by the Government paragraph 2.1 is amended as follows:</p> <p>The Environment Act 2021 amends the Town and Country Planning Act 1990. It sets out that the majority of developments will be legally required to</p>

Consultation Point	Consultee	Comment	Council response and SPD Revision (where applicable)
		<p>Under the updated timetable set out by Government, developers in England will be required to deliver 10% “Biodiversity Net Gain” from January 2024 onwards when building new housing, industrial or commercial developments meaning by law they must deliver a net positive for the local environment, for example by creating new habitats and green spaces. Biodiversity Net Gain for small sites will still be applicable from April 2024, and implementation for Nationally Significant Infrastructure Projects remains planned for 2025.</p> <p>Any other references to the old date (November 2023) should be amended to reflect the change and any changes to guidance in response to the delay should be recognised within the document.</p>	<p>demonstrate a minimum net gain of 10% and secure those gains for a minimum of 30 years. The requirement to demonstrate net gains applies to all habitats within the red line, regardless of whether they are impacted or not. <del>A two-year transition period for this requirement is included in the Act, with provision for secondary legislation to set a date for the requirement to come into force. This is expected to be November 2023.</del></p> <p><u>Under the updated timetable set out by Government, developers in England will be required to deliver 10% “Biodiversity Net Gain” from 12<sup>th</sup> February 2024 onwards when building new housing, industrial or commercial developments meaning by law they must deliver a net positive for the local environment, for example by creating new habitats and green spaces. Biodiversity Net Gain for small sites will still be applicable from April 2024, and implementation for Nationally Significant Infrastructure Projects remains planned for 2025</u></p>
Para 2.1 (Page 4)	228336 Yorkshire Wildlife Trust	<b>58</b> Update to reflect new implementation timetable?	The new implementation timetable now needs including in the SPD.

Consultation Point	Consultee	Comment	Council response and SPD Revision (where applicable)
			<p><b>Revisions</b>            Include new implementation timetable. Paragraph 2.1 amended as per response to Rep 27 above.</p>
Para 2.2 (Page 4)	1242748 Claire Rutherford (Natural England)	<p><b>4</b>            Should refer to Defra’s most up to date version of the Biodiversity Metric  <a href="https://publications.naturalengland.org.uk/publication/6049804846366720">https://publications.naturalengland.org.uk/publication/6049804846366720</a> here and throughout in order to future proof the SPD.</p>	<p>Agree the most up to date version of the Metric should be referenced.</p> <p><b>Revisions</b>            Reference made to the current version of the Metric and to any future iterations.</p> <p>To measure net gains for biodiversity through development, the use of a Biodiversity Metric will be required. The Biodiversity Metric 4.0 has been co-developed with the input of industry, environmental non-governmental organisations, planners and land managers and therefore is regularly updated and reviewed in line with relevant practice. Its use provides a national standard by which biodiversity gains and losses may be calculated.  <i><u>The version of the Metric current at the time of a planning application will apply.</u></i>  <i><u>At the time of drafting the SPD this could be found at</u></i>  <a href="https://publications.naturalengland.org.uk/publication/6049804846366720">https://publications.naturalengland.org.uk/publication/6049804846366720</a>.</p>

Consultation Point	Consultee	Comment	Council response and SPD Revision (where applicable)
Para 2.2 (Page 4)	1338968 Lizzy Walker (Environment Agency)	<p><b>27</b> Section 2.2 states: <i>“To measure net gains for biodiversity through development, the use of a Biodiversity Metric will be required. The Biodiversity Metric 4.0 has been co-developed with the input of industry, environmental non-governmental organisations, planners and land managers and therefore is regularly updated and reviewed in line with relevant practice.”</i></p> <p>This may need updating to refer to the statutory Biodiversity Metric, particularly if statutory metric is published before SPD is published. Once the requirement comes into force (Jan 24), developers will be required to use the statutory version of the Biodiversity Metric.</p>	<p>Agree the most up to date version of the Metric should be referenced.</p> <p><b>Revisions</b> Reference made to the current version of the Metric and to any future iterations.</p> <p>To measure net gains for biodiversity through development, the use of a Biodiversity Metric will be required. The Biodiversity Metric 4.0 has been co-developed with the input of industry, environmental non-governmental organisations, planners and land managers and therefore is regularly updated and reviewed in line with relevant practice. Its use provides a national standard by which biodiversity gains and losses may be calculated. <i><u>The version of the Metric current at the time of a planning application will apply. At the time of drafting the SPD this could be found at</u></i> <a href="https://publications.naturalengland.org.uk/publication/6049804846366720">https://publications.naturalengland.org.uk/publication/6049804846366720</a>.</p>
Para 2.2 (Page 4)	1139625 Mark Jones (Barratt Homes / David Wilson Homes)	<p><b>66</b> Section 2.2 reference is made to “<i>The Biodiversity Metric 4.0</i>”, but we are expecting this to change once further guidance is published to a Secretary of State Metric rather than Defra. To prevent the SPD having a short shelf life, we</p>	<p>Agree the most up to date version of the Metric should be referenced.</p> <p><b>Revisions</b></p>

Consultation Point	Consultee	Comment	Council response and SPD Revision (where applicable)
		would encourage the Council to make reference to the new metric but with a caveat to allow for any replacement or updated metric to apply.	<p>Reference made to the current version of the Metric and to any future iterations.</p> <p>To measure net gains for biodiversity through development, the use of a Biodiversity Metric will be required. The Biodiversity Metric 4.0 has been co-developed with the input of industry, environmental non-governmental organisations, planners and land managers and therefore is regularly updated and reviewed in line with relevant practice. Its use provides a national standard by which biodiversity gains and losses may be calculated.</p> <p><i><u>The version of the Metric current at the time of a planning application will apply. At the time of drafting the SPD this could be found at</u></i></p> <p><a href="https://publications.naturalengland.org.uk/publication/6049804846366720">https://publications.naturalengland.org.uk/publication/6049804846366720</a>.</p>
Para 2.3 (Page 4)	228336 Yorkshire Wildlife Trust	<b>58</b> Should this refer to the Sept 23 version of the NPPF?	<p>Reference should be to the version of the NPPF published 19<sup>th</sup> December 2023 and following consultation on the SPD.</p> <p><b><u>Revisions</u></b> Update reference to December 2023 NPPF version.</p>

Consultation Point	Consultee	Comment	Council response and SPD Revision (where applicable)
			<p>Paragraph <u>180 (d)</u> of the National Planning Policy Framework (NPPF) <u>December 2023</u> requires planning polices and decisions to contribute to and enhance the natural and local environment by:</p> <p>d) minimising impacts on and providing net gains for biodiversity, including <u>by</u> establishing coherent ecological networks that are more resilient to current and future pressures;</p> <p>Additionally the reference in paragraph 2.4 of the Draft SPD to paragraph 179 (b) of the NPPF requires updating to paragraph <u>185 b).</u></p>
Para 2.8 (Page 4)	1139625 Mark Jones (Barratt Homes / David Wilson Homes)	<p><b>66</b> Section 2.8 says “<i>Neighbourhood Plans may include their own requirements for biodiversity gains based on assessments of the area</i>”. Any such requirement via a Neighbourhood Plan should align and not seek a higher target than anything stipulated locally and nationally, such as anything higher than 10%.</p>	<p>Agree requirements via a Neighbourhood Plan should align with national targets (10%) unless there is justification for a higher target taking into account all relevant planning considerations.</p> <p><b>Revisions</b> Amend paragraph 2.8 as follows:</p> <p>Neighbourhood Plans may include their own requirements for biodiversity gains based on assessments of the area <u>but these should only exceed the national</u></p>

Consultation Point	Consultee	Comment	Council response and SPD Revision (where applicable)
			<u>requirement of 10% where fully justified and all relevant planning consideration have been taken into account.</u>
Section 2	N/A	<p>Following consultation on the SPD the Government published numerous documents in relation to BNG. It is therefore appropriate to update Section 2 accordingly as follows:</p> <p>The relevant primary legislation for the statutory framework for biodiversity net gain is principally set out under <b>Section 90A and Schedule 7A (Biodiversity Gain in England) of the Town and Country Planning Act 1990</b>. This legislation was inserted into the Act by Schedule 14 of the Environment Act 2021 and includes amendments made by the Levelling Up and Regeneration Act 2023 and the Biodiversity Gain (Town and Country Planning) (Consequential Amendments) Regulations [2024].</p> <p>The relevant biodiversity net gain regulations most directly relevant to planning are:</p> <ul style="list-style-type: none"> <li>• <b>The Environment Act 2021 (Commencement No. 8 and Transitional Provisions) Regulations [2024]</b> which commence biodiversity net gain for most types of new planning applications and provides transitional arrangements for section 73 permissions.</li> <li>• <b>The Biodiversity Gain Requirements (Exemptions) Regulations [2024]</b> which prescribe exemptions for categories of development to which biodiversity net gain does not apply.</li> <li>• <b>The Biodiversity Gain (Town and Country Planning) (Modifications and Amendments) (England) Regulations [2024]</b> which amend the Town and Country Planning (Development Management Procedure) (England) Order 2015 and the Town and Country Planning (Section 62A Applications) (Procedure and Consequential Amendments) Order 2013 to include provisions related to planning applications and the Biodiversity Gain Plan, as well as modifications for phased development.</li> <li>• <b>The Biodiversity Gain Requirements (Irreplaceable Habitat) Regulations [2024]</b> which set out the modifications for irreplaceable habitat.</li> </ul> <p>In addition, there are regulations for the Biodiversity Gain Site register established under section 100 of the Environment Act 2021 for registered offsite biodiversity gains.</p>	



Consultation Point	Consultee	Comment	Council response and SPD Revision (where applicable)
The Mitigation Hierarchy (Page 5)	1139625 Mark Jones (Barratt Homes / David Wilson Homes)	<p><b>66</b> Section 3.1 says “<i>It is expected that any Medium and High Distinctiveness habitats should be retained and enhanced on-site</i>”. Some Medium distinctiveness habitats can be common and widespread, so the proposed wording may predicate fears of total retention and enhancement. This is likely to be impractical and unrealistic for development, as it is adding a penalty to developers and a level of complexity to applying the Metric that is beyond the requirements of both the Metric and forthcoming legal requirements. Thus, a pragmatic view by the LPA will be necessary. We therefore suggest that this is re-worded accordingly.</p>	<p>This is a principle by which applications will be judged. However, the practicalities of applying this rigidly will be assessed on a case by case basis.</p> <p><b><u>Revisions</u></b></p> <p>Amend paragraph 3.1 as follows: It is expected that any Medium and High Distinctiveness habitats should be retained and enhanced on-site <u><i>in principle but the specific circumstances of individual development sites will be taken into consideration by the local planning authority. The principle of retaining habitats of medium distinctiveness or above aligns with provisions made by the Biodiversity Gain Hierarchy and its effect for the purpose of the statutory framework for biodiversity net gain as set out in Articles 37A and 37D of the Town and Country Planning (Development Management Procedure) (England) Order 2015.</i></u></p> <p>Add in Figure 3.2 Biodiversity Gain Hierarchy.</p>

Consultation Point	Consultee	Comment	Council response and SPD Revision (where applicable)
The Mitigation Hierarchy (Page 5)	1139625 Mark Jones (Barratt Homes / David Wilson Homes)	<p><b>66</b> Section 3.3 says “<i>Written evidence that all 10 Principles have been considered and whether they are met or not must be submitted with every application</i>”. In what form is the written evidence required? The BNG Plan draft template doesn’t explicitly cover these, so we would suggest an addendum to the BNG Design Stage Report or similar.</p> <p>It should be recognised that professional judgement will be relevant to evidence supplied for the 10 principles as it may not always be possible or appropriate to rigidly apply or adhere to all of them for every development or for every development that delivers more than 1 biodiversity unit in Calderdale. For example, there is no distinction between development size and types in Section 3.3.</p>	<p>Agree clarification required.</p> <p><b>Revisions</b> Amend Para. 3.3 as follows:</p> <p>.....Written evidence that all 10 Principles have been considered and whether they are met or not must be submitted with <u>the majority of applications every application</u>. <u>This information should be included in the Biodiversity Net Gain Strategy pr Draft Biodiversity Gain Plan.</u></p>
The Mitigation Hierarchy (Page 5)	1139625 Mark Jones (Barratt Homes / David Wilson Homes)	<p><b>66</b> The statement ‘it is expected that any Medium or High Distinctiveness habitats should be retained and enhanced on-site’ (section 3.1) is likely to be impractical and unrealistic for development; it is adding a penalty to developers and a level of complexity to applying the Metric that is beyond the requirements of both the Metric and forthcoming legal requirements. The mitigation hierarchy is embedded within the National Planning Policy Framework (NPPF) 2023 and cited in the aforementioned Biodiversity Net Gain Good Practice Principles for Development (Baker et al., 2019).</p> <p>The wording of Section 3.3 of the SPD states that ‘importantly all 10 principles must be adhered to in a demonstrable way. It should, however, be recognised that professional judgement will be relevant to evidence supplied for the 10 principles as it may not always be possible or appropriate to rigidly apply or adhere to all of them for every development or for every</p>	<p>The responses to paragraphs 3.1 and 3.3 address the comments made here which amplifies the points.</p> <p><b>Revisions</b> As per the responses to the comments made in relation to paras. 3.1 and 3.3 by Mark Jones (Barratt Homes/David Wilson Homes)</p>

Consultation Point	Consultee	Comment	Council response and SPD Revision (where applicable)
		<p>development that delivers more than 1 biodiversity unit in Calderdale.</p> <p>For example, there is no distinction between development size and types in Section 3.3; as such written evidence may be disproportionate for some developments. The Baker et al., (2019) guidance advises that the 10 principles are ‘good practice’ to be applied ‘as one approach’, hence, it may not always be possible to provide separate and different evidence for each principle.</p> <p>It should be acceptable for a developer to be able to combine principles and evidence as appropriate in their submission. In reality, it may not always be possible for a development application to be “additional” (Principle 7) or “create a legacy” (Principle 8); this will depend on multiple factors around land availability, development type and density, the Local Plan allocation, and developer control.</p> <p>There are roles for the local planning authority in the successful delivery of the 10 principles, for example, since Principle 3 will require engagement between stakeholders and developers, it may be reliant on receiving responses or advice from key stakeholders hence, evidence of contact can be provided but it is not within a developer’s control as to whether engagement takes place or a consultation or liaison response is given.</p>	
Para 3.1 (Page 5)	1242748 Claire Rutherford (Natural England)	<p><b>6</b> Refers to application of the mitigation hierarchy which is welcome however the categorisation used is different to the standard format quoted in the National Planning Policy Framework (NPPF) and National Planning Policy Guidance</p>	Agree wording should correspond with NPPF para 186 (December 2023 version).

Consultation Point	Consultee	Comment	Council response and SPD Revision (where applicable)
		(NPPG) to; avoid, mitigate, compensate, which may result in confusion for applicants. <u>Paragraph 180</u> of the NPPF states “avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for”.	<p><b>Revisions</b> Amend Par 3.1 as follows:</p> <p>Applications must first demonstrate appropriate application of the mitigation hierarchy <u>set down in the NPPF (para 186)</u>. <del>by avoiding on-site loss, mitigating loss if it cannot be avoided, remediating lost or damaged biodiversity on-site and as a last resort, compensating for on-site loss off-site, as detailed below.</del> <u>This requires that if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused as shown in Figure 3.1 below.</u> <del>detailed below.</del></p>
Para 3.1 (Page 5)	1338968 Lizzy Walker (Environment Agency)	<p><b>27</b> Section 3.1 states: <i>“It is expected that any Medium and High Distinctiveness habitats should be retained and enhanced on-site.”</i></p> <p>Why have Very High Distinctiveness habitats been omitted from this sentence? To reflect their importance, and to provide consistency with Biodiversity Metric terminology &amp; user guidance, we suggest reference to Very High Distinctiveness habitats is also made here (as has been done in section 3.2).</p>	<p>Agree Very High Distinctiveness Habitats should also be included here.</p> <p><b>Revisions</b> Amend para 3.2 as follows:</p> <p><i>It is expected that any Medium, <del>and High</del> <u>and Very High Distinctiveness</u> habitats should be retained and enhanced on-site.</i></p>

Consultation Point	Consultee	Comment	Council response and SPD Revision (where applicable)
Para 3.1 (Page 5)	1341476 Councillor Colin Hutchinson	<p><b>30</b></p> <p>There is also considerable value to public health from living close to nature, including green and blue infrastructure, so the need to deliver as much BNG on-site as possible requires to be stressed and implemented.</p>	<p>Stressing the health benefits of nature adds to the importance of achieving BNGs.</p> <p><b><u>Revisions</u></b> Add the following wording to para 3.2:</p> <p>Given the considerable value to public health from living close to nature, including green and blue infrastructure, it is imperative to deliver as much BNG on-site as possible.</p>
The Biodiversity Metric (Page 6)	1139625 Mark Jones (Barratt Homes / David Wilson Homes)	<p><b>66</b></p> <p>We would suggest reviewing the content of this paragraph 3.8 in line with draft irreplaceable habitats guidance issued by DEFRA. Presence of Irreplaceable Habitats is required to be specified within Metric 4.0 and likely to be in subsequent versions. Their presence is required to be noted within the irreplaceable habitats tab and within the on-site baseline (where applicable) with a line reference to ensure cross checks are possible.</p> <p>It is positive that the LPA is considering habitats beyond DEFRA's original list, however, the Irreplaceable Habitats list may increase, so a separate section for these and the statutory/non-statutory designated sites may be useful for applicants and the LPA.</p>	<p>Agree that the SPD needs to align with the Metric 4.0 and any future iterations.</p> <p><b><u>Revisions</u></b> Amend para 3.9 as follows:</p> <p>Losses to irreplaceable habitats, including habitats within Special Protection Areas (SPA), Special Areas of Conservation (SAC), Sites of Special Scientific Interest (SSSI), or Local Wildlife Sites and Local Geological Sites and the Habitat Network, Ancient Semi-natural woodland, Plantations on Ancient Woodland sites and other habitats considered to be of <u>Very High</u> Distinctiveness (such as Priority</p>

Consultation Point	Consultee	Comment	Council response and SPD Revision (where applicable)
			Habitats including blanket bogs, upland hay meadows) should <del>not</del> be accounted for within the metric <u>under the relevant tab</u> and in all such cases the requirement for bespoke compensation will need to be discussed with all relevant bodies, including the LPA.
Para 3.4 (Page 6)	1346873 Hannah Langler (Spawforths / Keyland)	<b>59</b> Paragraph 3.4 supports the use of the DEFRA produced Biodiversity Metric. Keyland support the use of the Biodiversity Metric, as produced by DEFRA, this is consistent with National Planning Practice Guidance which considers the use of a Metric to be a pragmatic approach.	Noted
Para 3.6 (Page 6)	228336 Yorkshire Wildlife Trust	<b>58</b> <i>'Use of the Government's Biodiversity Metric must adhere to all 8 Principles and 6 Rules of the Metric'</i> . Unclear which eight principles this refers to, as there are ten Good Practice Principles. Also, not sure what the six metric rules refer to – can a reference be added here?	Agree clarity on the Rules and Principles to be applied should be given and that these should correspond with the latest available guidance.  As there has been variation in the numbers of Principles and Rules in different iterations of the Metric the text needs to be generalised to take account of future revisions to the Metric.  <b>Revisions</b> Amend para 3.7 as follows:  Use of the Government's Biodiversity Metric must adhere to <del>all 8</del> <u>the</u>

Consultation Point	Consultee	Comment	Council response and SPD Revision (where applicable)
			Principles and 6 Rules <u>set out within</u> of the Metric.
Para 3.8 (Page 6)	1338968 Lizzy Walker (Environment Agency)	<p><b>27</b> Section 3.8 states:</p> <p><i>“Losses to irreplaceable habitats, including habitats within Special Protection Areas (SPA), Special Areas of Conservation (SAC), Sites of Special Scientific Interest (SSSI), or Local Wildlife Sites and Local Geological Sites and the Habitat Network, Ancient Semi-natural woodland, Plantations on Ancient Woodland sites <u>and other habitats considered to be of High Distinctiveness</u> (such as Priority Habitats including blanket bogs, upland hay meadows) should not be accounted for within the metric and in all such cases the requirement for bespoke compensation will need to be discussed with all relevant bodies, including the LPA.”</i></p> <p>The sentence underlined above we think this sentence is meant to say “...and other habitats considered to be of <b>Very High Distinctiveness</b>”. Suggest this is updated to reflect the Biodiversity Metric guidance.</p> <p>The Biodiversity Metric 4.0 guidance suggests that losses of Very High Distinctiveness Habitat are not permitted within the metric and bespoke assessment and compensation are required for these habitats. However, worth noting this applies to Area Units and Watercourse Units, but not Hedgerow Units – Losses of Very High Distinctiveness Hedgerow habitat “must be replaced with hedgerow units of the same habitat type”. This nuance should be captured here – unless Calderdale Council are requiring bespoke</p>	<p>Change to Very High Distinctiveness to reflect Biodiversity Metric Guidance.</p> <p><b>Revisions</b> 3.8 Losses to irreplaceable habitats, including habitats within Special Protection Areas (SPA), Special Areas of Conservation (SAC), Sites of Special Scientific Interest (SSSI), <del>or Local Wildlife Sites and Local Geological Sites and the Habitat Network</del>, Ancient Semi-natural woodland, Plantations on Ancient Woodland sites and other habitats considered to be of <u>Very High Distinctiveness</u> (such as Priority Habitats including blanket bogs, upland hay meadows) should not be accounted for within the metric <u>under the relevant tab</u> and in all such cases the requirement for bespoke compensation will need to be discussed with all relevant bodies, including the LPA.</p>

Consultation Point	Consultee	Comment	Council response and SPD Revision (where applicable)
		compensation for losses of Very High Distinctiveness habitat regardless of whether they are area, hedgerow, or watercourse?	
Para 3.8 (Page 6)	1341717 Rachel Flounders (ID Planning / Crest Nicholson / Bellway)	<p><b>60 / 65</b></p> <ul style="list-style-type: none"> <li>Habitats mapped within the Calderdale Wildlife Habitat Network should not be stated to be irreplaceable.</li> </ul> <p>We object to the statement in paragraph 3.8 that states that the habitats mapped under the Calderdale Wildlife Habitat Network (WHN) are irreplaceable. These habitats are in a favourable location and help link areas of good habitat together but can be physically replaced. The DEFRA website sets out what constitutes an irreplaceable habitat which are those with high biodiversity value and very difficult to recreate such as ancient woodland and blanket bogs.</p> <p>The statement in paragraph 3.8 does not align with paragraphs 5.7-5.8 which states that areas mapped within the Calderdale WHN should be assigned high strategic significance within the metric. Futures Ecology confirm they agree with this approach.</p> <p><u>Paragraph 3.8 should therefore be amended to remove reference to the Habitat Network as it is not an irreplaceable habitat.</u></p>	<p>Agree – definitions need to align with the Statutory Biodiversity Metric and Planning Practice Guidance to ensure consistency within the document.</p> <p><b>Revisions</b></p> <p>3.8 Losses to irreplaceable habitats, including habitats within Special Protection Areas (SPA), Special Areas of Conservation (SAC), Sites of Special Scientific Interest (SSSI), or <del>Local Wildlife Sites and Local Geological Sites and the Habitat Network</del>, Ancient Semi-natural woodland, Plantations on Ancient Woodland sites and other habitats considered to be of High Distinctiveness (such as Priority Habitats including blanket bogs, upland hay meadows) should not be accounted for within the metric and in all such cases the requirement for bespoke compensation will need to be discussed with all relevant bodies, including the LPA.</p>



Consultation Point	Consultee	Comment	Council response and SPD Revision (where applicable)
Para 3.8 (Page 6)	1341717 Rachel Flounders (ID Planning / Crest Nicholson / Redrow / Bellway)	<p><b>60 / 63 / 65</b></p> <p>With regards to paragraph 3.8, which states “Losses to irreplaceable habitats, including habitats within ...the Habitat Network... should not be accounted for within the metric and in all such cases the requirement for bespoke compensation will need to be discussed with all relevant bodies, including the LPA.” We do not agree that habitats mapped under the Calderdale Wildlife Habitat Network (CWHN) are irreplaceable. These are located in a favourable location and help to link areas of good habitat together; however, they can be physically replaced. The Government website lists habitats that are irreplaceable, and these are England’s most valuable habitats, with high biodiversity value and are very difficult to recreate e.g. ancient woodland and blanket bogs (<a href="https://defralanduse.blog.gov.uk/2023/10/05/irreplaceable-habitats-and-bng-what-you-need-to-know/">https://defralanduse.blog.gov.uk/2023/10/05/irreplaceable-habitats-and-bng-what-you-need-to-know/</a>). The BM 4.0 takes into account strategic value through the ‘Strategic Significance’ multiplier. Therefore, habitats mapped within the habitat network should be dealt with within the metric. The entire LP0978 Allocation Site falls within the Calderdale Wildlife Habitat Network.</p> <p>We note that the above may be a discrepancy as paragraphs 5.6 – 5.7 go on to state that areas mapped within the Calderdale Wildlife Habitat Network should be assigned High’ Strategic Significance within the metric. We agree with this approach and believe that such habitats should be dealt with within the BM 4.0.</p>	<p>Definitions need to align with the Statutory Biodiversity Metric and Planning Practice Guidance to ensure consistency within the document.</p> <p><b>Revisions</b> As per response above to representation 60/65 (Rachel Flounders – ID Planning).</p>
Small Sites Metric (Page 6)	1139625 Mark Jones	<p><b>66</b></p> <p>Section 3.11 says “The habitat survey and assessment on sites using the Small Sites Metric <b>must</b> still be carried out by</p>	<p>Agree – the SPD should reflect guidance in the Statutory Biodiversity Metric – Small Sites Metric.</p>

Consultation Point	Consultee	Comment	Council response and SPD Revision (where applicable)
	(Barratt Homes / David Wilson Homes)	<i>a Suitably Experienced Ecologist.</i> This contradicts paragraph 1.3.4 of the small sites metric user guide.	<p><b>Revisions</b> 3.11 The habitat survey and assessment on sites using the Small Sites Metric <del>must still</del> <i>should</i> be carried out by a <del>Suitably Experienced Ecologist.</del> <i>competent person as set out on page 6 of the Small Sites Metric.</i></p>
Para 3.11 (Page 6)	1242748 Claire Rutherford (Natural England)	<p><b>7</b> States that the small Sites Metric must still be carried out by a Suitably Experienced Ecologist however the small sites metric User Guide states in paragraph 1.3.4: “The developer is responsible for selecting the competent person for completing the SSM. The competent person does not need to be an ecologist for the SSM. The Local Planning Authority does not need to verify the competent person.”</p>	<p>Agree – the SPD should reflect guidance in the Statutory Biodiversity Metric – Small Sites Metric.</p> <p><b>Revisions</b> 3.11 The habitat survey and assessment on sites using the Small Sites Metric <del>must still</del> <i>should</i> be carried out by a <del>Suitably Experienced Ecologist.</del> <i>competent person as set out on page 6 of the Small Sites Metric.</i></p>
Para 3.11 (Page 6)	228336 Yorkshire Wildlife Trust	<p><b>58</b> Would inclusion of a definition of a Suitably Experienced Ecologist provide additional clarity here?</p>	<p>As per the Revisions in respect of representations 68 and 7 above the wording needs to reflect the Small Sites Metric User Guide.</p>
Paras 3.12, 3.13 & 3.14 (Pages 6-7)	1338968 Lizzy Walker (Environment Agency)	<p><b>27</b> We support the inclusion of sections 3.12, 3.13 &amp; 3.14. Clarification of the use of the Small Site Metric (SSM) with watercourse habitats is valuable and will help avoid misuse of the SSM.</p>	<p>Agree – acronyms should be added as appropriate to aid clarity for the reader and any references to river units should be amended to watercourse units in</p>

Consultation Point	Consultee	Comment	Council response and SPD Revision (where applicable)
		<p>We recommend the acronym for SSM is included next to the heading Smalls Sites Metric to make it clearer to the reader.</p> <p>Section 3.14 states (&amp; others):  <i>“Canals, culverts, and ditches can be retained, and then enhanced to any medium distinctiveness river type (i.e. canals or ditches) within the SSM. The SSM does not account for any gain in <u>river units</u> from enhancing a culvert to a high or very high distinctiveness habitat (i.e. rivers and streams and Priority Habitat rivers). In this scenario, a gain in <u>river units</u> must be assessed using the Biodiversity Metric”.</i></p> <p>References to ‘river units’ should be updated to ‘watercourse units’ to reflect the terminology of the latest version of the Biodiversity Metric. All references to ‘river units’ throughout the document should be updated.</p>	<p>accordance with the latest guidance on biodiversity net gain.</p> <p><b>Revisions</b>  <del>SSM</del> <u>Small Sites Metric (SSM)</u> and Watercourses</p> <p>Canals, culverts, and ditches can be retained, and then enhanced to any medium distinctiveness river type (i.e. canals or ditches) within the SSM. The SSM does not account for any gain in <del>river</del> <u>watercourse</u> units from enhancing a culvert to a high or very high distinctiveness habitat (i.e. rivers and streams and Priority Habitat rivers). In this scenario, a gain in <del>rivers</del> <u>watercourse</u> units must be assessed using the Biodiversity Metric.</p>
Para 3.14 (Page 7)	1341476 Councillor Colin Hutchinson	<p><b>32</b>  Can the Glossary include a definition of Priority Habitats and the other terms used in this section?</p>	<p>Agree the suggestion would aid the usability of the SPD.</p> <p><b>Revisions</b>  The following terms are added to Appendix 5 Glossary:</p> <ul style="list-style-type: none"> <li>• Priority Habitats</li> <li>• Competent Person</li> </ul>

Consultation Point	Consultee	Comment	Council response and SPD Revision (where applicable)
Accounting for Degraded Sites (Page 7)	1139625 Mark Jones (Barratt Homes / David Wilson Homes)	<p><b>66</b> Section 3.15 says “<i>If a habitat has been cleared, destroyed or degraded <b>previously</b>, and an earlier baseline should be used, assessors must use the following approach in the Metric.</i>” Clarification is sought on the definition of “<i>Previously</i>”? When? How many years ago? Reference to the 30th January 2020 date?</p> <p>Sections 3.17 and 3.18 repeat standard Biodiversity Metric requirements as set out in the Natural England User Guide. This should be referenced and flexible to withstand any change on this aspect in national guidance.</p>	<p>Agree clarification would be useful for readers. The SPD para 3.16 references 30<sup>th</sup> January 2020 but will be reworded to make it absolutely clear that this is the date that applies. Paragraphs 3.17 and 3.18 repeat requirements set out in the Metric but it will be made clear that future iterations of the Metric will apply.</p> <p><b>Revisions</b> 3.16 Within Schedule 14 of the Environment Act, which sets out the biodiversity gain condition for development, measures are included that allow LPAs to recognise any habitat degradation since 30 January 2020 and to take the earlier habitat state as the baseline for the purposes of Biodiversity Net Gain. <u><i>This is the date to be applied through this SPD and the relevant date as it was the day the Bill entered Parliament.</i></u> To ascertain the habitat’s present condition and that on 30 January 2020, aerial imagery or data sets from that time should be used. <del>30 January 2020 is the relevant date as it was the day the Bill entered Parliament.</del></p> <p>3.16 Data records, imagery, and historic field surveys may be used to determine pre-degradation habitat types. Use a</p>

Consultation Point	Consultee	Comment	Council response and SPD Revision (where applicable)
			<p>precautionary approach when assigning condition scores. For example, assign a higher condition score in the absence of contrary evidence.</p> <p>3.17 If there is evidence a woodland has been felled, then use the classification "Woodland and Forest: Felled" when woodland is deemed to be the appropriate baseline.</p> <p><u>3.17aThe requirements of paragraphs 3.16 and 3.17 address the requirements of the current Metric but any revisions in future iterations of the Metric will take precedence.</u></p>
Para 3.15 (Page 7)	1346874 Robert Frewen (Country Land and Business Association)	<b>62</b> An earlier baseline should only be used where the habitat has been destroyed or degraded as a result of present proposals. Otherwise there is a risk that sites that are in effect brownfield and developed many years previously will be drawn in with unmeasurable outcomes.	Noted – this is in line with national legislation
Para 3.16 (Page 7)	1338968 Lizzy Walker (Environment Agency)	<b>27</b> We support the inclusion of a reference to the 30 January 2020 date for accounting for degraded sites. Inclusion of this date, and reference to the relevant section(s) of the legislation, helps to provide clarity to developers and those commenting on planning applications.	Yes will be checked by LPA.  <b>Revisions</b> Add para 3.17 <u>If details of any degradation are provided in a planning application then these will be checked at the validation</u>

Consultation Point	Consultee	Comment	Council response and SPD Revision (where applicable)
		Is this something the Local Planning Authority (LPA) will be routinely checking as part of their planning application validation and/or approval process?	<u>stage, and where details are not provided, the condition of the site including any degradation will be addressed during the consideration of the planning application.</u>
Para 4.1 (Page 8)	1338968 Lizzy Walker (Environment Agency)	<b>27</b> Section 4.1 states:  <i>“It is important that information, as specified in this document, is submitted to the <u>Local Planning Authority (LPA)</u> for planning applications to be determined in a timely manner”.</i>  The LPA acronym has been defined & used in section 3.7. We recommend that all subsequent references to ‘Local Planning authority’ are changed to ‘LPA’ acronym.	Agree this should be changed for consistency.  <b>Revisions</b> Amend all subsequent reference to Local Planning Authority to LPA after Section 3.7.
Para 4.1 (Page 8)	1341476 Councillor Colin Hutchinson	<b>34</b> Flow charts and checklists could assist applicants to achieve complete applications in a timely fashion.	Agreed.  <b>Revisions</b> Flow chart depicting a simplified BNG process when submitted planning applications added as Figure 4.1.
Paras 4.1, 4.15 & 4.16 (Pages 8-9)	1338968 Lizzy Walker (Environment Agency)	<b>27</b> The Government have now published a DRAFT Biodiversity Gain Plan template, and associated guidance for developers & LPAs – <a href="https://www.blog.gov.uk/2023/03/27/the-biodiversity-gain-plan-draft-template-and-guidance-land-use-policies-and-framework/">The biodiversity gain plan: draft template and guidance - Land use: policies and framework (blog.gov.uk)</a> .	<b>Revisions</b> SPD revised to reflect latest Biodiversity Gain Plan template and guidance.

Consultation Point	Consultee	Comment	Council response and SPD Revision (where applicable)
		<p>Please note, this draft Biodiversity Gain Plan also requires details of off-site habitat creation and/or enhancement proposed, including the Biodiversity Gain Register reference number and details (evidence) of associated legal agreement that secures the off-site habitat for 30 years (S106 or Conservation Covenant).</p> <p>We recommend the wording of these paragraphs is checked to make sure it aligns with the recently published draft Biodiversity Gain Plan template &amp; guidance.</p>	
<p>Para 4.3 (Page 8)</p>	<p>1338968 Lizzy Walker (Environment Agency)</p>	<p><b>27</b> Section 4.3 states:</p> <p><i><u>“The Environment Act 2021 exempts the following types of development from the 10% BNG...”</u></i></p> <p>Please check the underlined wording above is correct? Does the Environment Act 2021 set out the exemptions, or does it make provision for exemptions to be set out (which will actually be set out in the upcoming secondary legislation)? So far, I think the exemptions have only been set out in the <u>Governments 2023 consultation response</u>.</p> <ul style="list-style-type: none"> <li>• <i>“Permitted Development (development not requiring an express application for planning permission)</i></li> <li>• <i>Development impacting habitat of an area below a de minimis threshold of 25 sq m, or 5 m for <u>linear habitats</u> such as hedgerows</i></li> <li>• <i>Biodiversity gain sites (where habitats are being enhanced for wildlife)</i></li> <li>• <i>Householder development</i></li> </ul>	<p>Update to reflect Statutory Instrument 2024 No. 47 “Environmental Protection, England Town and country Planning, England” - The Biodiversity Gain Requirements (Exemption) Regulations 2024.</p> <p><b>Revisions</b> <u>The Environment Act 2021 Biodiversity Gain Requirements (Exemptions) Regulations 2024 (Statutory Instrument 2024 No. 47) “came into force on 12<sup>th</sup> February 2024. The following is a summary of</u> <del>exempts the following</del> the types of development <u>exempt</u> from the 10% BNG. Please refer to the statutory Instrument of full details.</p> <ul style="list-style-type: none"> <li>• <del>Permitted Development (development not requiring an</del></li> </ul>

Consultation Point	Consultee	Comment	Council response and SPD Revision (where applicable)
		<ul style="list-style-type: none"> <li>• Change of use of buildings</li> <li>• <i>Some small-scale self and custom housebuilding</i></li> </ul> <p>We recommend bullet point two (above) is updated</p>	<p>express application for planning permission)</p> <ul style="list-style-type: none"> <li>• <del>Development impacting habitat of an area below a <i>de minimis</i> threshold of 25 sq m, or 5 m for linear habitats such as hedgerows</del></li> <li>• <u><i>De minimis exemption: where the development does not impact on an onsite priority habitat, the development impacts less than 25 square metres of onsite habitat that has biodiversity value greater than zero and less than 5 metres in length of onsite linear habitat</i></u></li> <li>• <b>Biodiversity gain sites:</b> <u><i>(where habitats are being enhanced for wildlife) planning permission for development which is undertaken solely or mainly for the purpose of fulfilling, in whole or in part, the biodiversity gain planning condition which applies in relation to another development</i></u></li> <li>• <b>Householder development applications:</b> <u><i>within the meaning of Article 2 (1) of the Town and Country Planning (Development management</i></u></li> </ul>



Consultation Point	Consultee	Comment	Council response and SPD Revision (where applicable)
			<p><u>Procedure) (England) Order 2015</u></p> <ul style="list-style-type: none"> <li>• <del>Change of use of buildings</del></li> <li>• Some small-scale <b>Self build and custom build applications:</b> where the development consists of no more than 9 dwellings, is carried out on a site which has an area no larger the 0.5 hectares and consists exclusively of dwellings which are self-build or custom housebuilding</li> </ul> <p>Although exempt, these small-scale developments will still be required to make notable contribution of nature recovery, e.g. bat boxes and rain gardens, etc. This will not normally need to be quantified via the use of the Defra Biodiversity Metric and are not considered further in this document. Any other types of development need to adhere to BNG criteria in full.</p>
Para 4.3 (Page 5)	1341476 Councillor Colin Hutchinson	<p><b>31</b> When is the 10% Biodiversity Net Gain Not Required? Might this section be better sited nearer the beginning of the document, and emphasised, to make it clear when the requirements for BNG are not required? Possibly in a section near the start of the Document, where its scope is described.</p>	<p>Agree section better positioned at the start of the document.</p> <p><b><u>Revisions</u></b></p>

Consultation Point	Consultee	Comment	Council response and SPD Revision (where applicable)
			Move this section to Section 1 'Purpose and Status of Supplementary Planning Documents (SPDs)'.
Para 4.4 (Page 8)	1341476 Councillor Colin Hutchinson	<b>35</b> Should there be links to detailed suggestions of measures that could be helpful for applicants? How will these be expressed? Through applying standard and enforceable conditions attached to planning approval?	Yes, they will be applied via planning conditions.  <b>Revisions:</b> 4.4 Although exempt, these small-scale developments will still be required to make notable contribution of nature recovery, e.g. bat boxes and rain gardens, etc. This will not normally need to be quantified via the use of the Defra Biodiversity Metric and are not considered further in this document. <u>Any requirements will though be the subject of conditions attached to planning permissions.</u>
BNG Information Required for Validation (Page 8)	1139625 Mark Jones (Barratt Homes / David Wilson Homes)	<b>66</b> Section 4.7 – a PEA  Section 4.10 – We would suggest that the requirement for a report is aligned with the relevant CIEEM templates which would help to provide clarity and consistency. For e.g. Feasibility Stage for Outline and Design Stage for Full/Reserved Matters Application.	Agreed the requirement for a “biodiversity net gain report” should aligned with government and CIEEM guidance. For clarity and consistency, the BNG report required to accompany a planning application will be known as a “Biodiversity Net Gain Strategy” or a Draft Biodiversity Gain Plan. The requirement for this will be dependent on the type of planning application.

Consultation Point	Consultee	Comment	Council response and SPD Revision (where applicable)
			<p><b><u>Revisions</u></b></p> <p>Add in definition of a Biodiversity Net Gain Strategy/Draft Biodiversity Gain Plan below table of validation requirements in Section 4.</p>
Para 4.7 (Page 8)	1341476 Councillor Colin Hutchinson	<p><b>36</b></p> <p>Is there a template for the PEA? If so, can a link be provided so applicants can easily find it?</p> <p>The term 'negligible impact' seems very subjective. Should there be clearer guidance of when an EclA is, or is not, required?</p>	<p>BNG information will be required separately from the PEA report to aid validation as set out in the local list.</p> <p>CIEEM provides guidance on the content of a PEA which should be in accordance with this. The local list makes it clear when a EclA is required, “negligible impact” is standard ecological terminology when no further surveys or mitigation is required.</p>
Para 4.7 (Page 8)	228336 Yorkshire Wildlife Trust	<p><b>58</b></p> <p>As CIEEM guidelines have been referenced for EclA at 4.8, should they be referenced here for PEA - <a href="#">Guidelines for Preliminary Ecological Appraisal (GPEA)   CIEEM</a>?</p>	<p>Agree – guidelines for PEA should be referenced.</p> <p><b><u>Revisions</u></b></p> <p>Add reference to new para 4.37:</p>

Consultation Point	Consultee	Comment	Council response and SPD Revision (where applicable)
			PEAs should comply with CIEEM. <a href="#">Guidelines for Preliminary Ecological Appraisal (GPEA)   CIEEM.</a>
Para 4.9 (Page 8)	1338968 Lizzy Walker (Environment Agency)	<p><b>27</b> Section 4.9 states (&amp; others): This section is titled “<i>Biodiversity Net Gain Metric</i>”. Recommend this is updated to reflect terminology of the metric and guidance – i.e. “<i>Biodiversity Metric</i>”.</p> <p><i>“See Appendix 1 of this SPD for guidance for the application of the <u>BNG metric</u> in Calderdale”.</i></p> <p>Again, recommend this underlined text is updated to reflect terminology – i.e. “...<i>application of the <u>Biodiversity Metric</u> in Calderdale</i>”.</p>	<p>Agree the most up to date version of the Metric should be referenced.</p> <p><b>Revisions</b> Reference made to the current version of the Metric and to any future iterations.</p> <p>To measure net gains for biodiversity through development, the use of a Biodiversity Metric will be required. The Statutory Biodiversity Metric 4.0 has been co-developed with the input of industry, environmental non-governmental organisations, planners and land managers and therefore is regularly updated and reviewed in line with relevant practice. Its use provides a national standard by which biodiversity gains and losses may be calculated. <u>The version of the Metric current at the time of a planning application will apply.</u> <u>At the time of drafting the SPD this could be found at <a href="#">Biodiversity Metric</a></u></p>

Consultation Point	Consultee	Comment	Council response and SPD Revision (where applicable)
Para 4.10 & Appendix 2 (Pages 8 & 22)	1339007 Natasha Styles (The Planning Bureau on behalf of McCarthy Stone)	<p><b>50</b></p> <p>Net Gain Report Para 4.10 and Appendix 2 of the draft SPD identifies what should be included within a 'Net Gain Report' or (Net Gain Plan') however since the draft SPD was published the government on 26th October published a draft template and guidance for the biodiversity net gain plan (available from <a href="https://defralanduse.blog.gov.uk/2023/10/26/the-biodiversity-gain-plan-draft-template-and-guidance/">https://defralanduse.blog.gov.uk/2023/10/26/the-biodiversity-gain-plan-draft-template-and-guidance/</a>). The new government guidance should be relied upon rather than the council trying to set their own requirements in order to create consistency and certainty to all.</p> <p>Recommendation Remove Para 4.10 and Appendix 2 from the draft SPD and instead rely upon government guidance.</p>	<p>Agreed the requirement for a "biodiversity net gain report" should aligned with government and CIEEM guidance. For clarity and consistency, the BNG report required to accompany a planning application will be known as a "Biodiversity Net Gain Strategy" or a Draft Biodiversity Gain Plan. The requirement for this will be dependent on the type of planning application.</p> <p>This is a requirement in order to allow the LPA to determine the planning application. The BNG Planning Practice Guidance states that it may be appropriate for LPAs to ask for further information for this purpose. BNG PPG Para: 013 Reference ID: 74-013-20240214.</p> <p><b><u>Revisions</u></b></p> <p>Add in definitions below table of validation requirements.</p>
Para 4.11 (Page 9)	1341476 Councillor Colin Hutchinson	<p><b>37</b></p> <p><b>BNG Information Required for Determination</b> 'non-GIS' needs explanation here or in the Glossary</p>	<p>This was unclear in the SPD and has been replaced by "A habitat map showing pre- and post-development habitats." Therefore a definition is no longer required.</p>

Consultation Point	Consultee	Comment	Council response and SPD Revision (where applicable)
			<p><b>Revisions</b> Heading above paragraph 4.18 in revised SPD replaced:</p> <p><b>Habitat Mapping (non-GIS)</b></p> <p><b><u>A habitat map showing pre- and post-development habitats.</u></b></p>
Para 4.12 (Page 9)	1341476 Councillor Colin Hutchinson	<p><b>38</b> 'GIS' shapefiles is a term that is not in common usage. Can this be included in the Glossary</p>	<p><b>Revisions</b> Definition included in Glossary</p>
Para 4.12 (Page 9)	1178615 James Copeland (National Farmers Union)	<p><b>25</b> <i>“GIS shapefiles for pre- and post-development habitats, for on-site and off-site (where necessary), should be provided with applications. This is required to allow the size of area and linear habitats presented in the metric and mapping to be confirmed. GIS mapping for developments is also required for the LPA and Natural England to monitor the contribution of BNG to the Local Nature Recovery Strategy.”</i> Will GIS Shapefiles also fall under the same provisions as BNG Metric raw data “unless accompanied by information justifying its exclusion”, and if so, can this be included.</p>	<p>GIS shape files will be required for all “significant” on-site and all off-site net gains.</p> <p>Shapefiles will not be released into the public domain and will be used for internal monitoring purposes by the LPA.</p> <p><b>Revisions</b> Add the following to paragraph 4.20 in the revised SPD:</p> <p>“GIS mapping for developments is also required for the <i>Internal use of the</i> LPA and Natural England to monitor the contribution of BNG to the Local Nature Recovery Strategy.”</p>

Consultation Point	Consultee	Comment	Council response and SPD Revision (where applicable)
Para 4.13 (Page 9)	1341476 Councillor Colin Hutchinson	<b>39</b> Where can you obtain these Condition Assessment Sheets?	The condition assessment sheets are a component of the Statutory Biodiversity Metric and can be accessed from Gov.uk.
Para 4.13 (Page 9)	1338968 Lizzy Walker (Environment Agency)	<p><b>27</b> <b>Section 4.13 states</b> <i>“Condition assessment sheets should be completed and submitted, identifying which criteria are currently met by on-site habitats. Additional detail and explanation should be provided to justify decisions about habitat condition. Where habitat of varying condition is found within a site it should be clear which areas and mapped polygons or lines correspond to different condition assessments (see Appendix 3)”.</i></p> <p>This paragraph seems to focus on area habitats. It’s not clear if you are expecting condition sheets for watercourses to be provided – i.e. MoRPh survey sheets (for ‘priority river habitat’ ‘other rivers &amp; streams’ &amp; ‘canals’) and/or ditch condition sheets (for ‘ditches’), or details of the condition score assigned to watercourse habitat (river condition indicator scores and reference to river condition class thresholds). Update to make explicit?</p> <p>For transparency purposes, it would be good to require tables showing the river condition indicator scores and overall river condition score for each sub-reach (for ‘priority river habitat’ and ‘other rivers &amp; streams’).</p>	<p>Agree that the information required to support the condition assessment for watercourse habitats should be clear and align with the River Condition Assessment surveys.</p> <p><b>Revisions</b> Add new paragraphs and heading in section 4:</p> <p><b><u>Spreadsheet of the river condition indicator scores:</u></b></p> <p><i>River condition is assessed using 32 condition indicators that are automatically extracted from MoRPh5 field surveys once the data have been uploaded into the information system. Each river condition indicator is assigned a score of 0 to +4 (positive indicators) or 0 to -4 (negative indicators). These river condition indicator scores are automatically extracted from MoRPh5 field surveys and provide the preliminary condition score for a MoRPh5 subreach</i></p>

Consultation Point	Consultee	Comment	Council response and SPD Revision (where applicable)
			<p><i>before it is translated into a final condition score according to the river type.</i></p> <p><i>The excel spreadsheets of these 32 indicator scores will be required during determination where a River Condition Assessment has been undertaken. If the final condition score has been reduced due to the channel being considered overdeep, this will need to be supported by the professional judgement of a Geomorphologist.</i></p> <p><i>The optimal survey season for rivers, streams, canals, and ditches is April to September inclusive and it is expected that surveys will take place within these months.</i></p>
Biodiversity Gain Plan (Page 9)	1139625 Mark Jones (Barratt Homes / David Wilson Homes)	<p><b>66</b> We suggest that this is renamed slightly to avoid confusion with the BNG Plan template being issued by DEFRA, as much of the detail being requested here is more focussed around design stage and associated habitat management and monitoring plan. Looking at the content listed within section 4.15, is this not likely to be more applicable to the as yet unpublished Habitat Management and Monitoring Report template?</p>	Agreed the requirement for a “biodiversity net gain report” should aligned with government and CIEEM guidance. For clarity and consistency, the BNG report required to accompany a planning application will be known as a “Biodiversity Net Gain Strategy” or a Draft Biodiversity Gain Plan. The requirement for this will be dependent on the type of planning application.



Consultation Point	Consultee	Comment	Council response and SPD Revision (where applicable)
			<p>Agreed that the content of this reflects what should be known as a Habitat Management and Monitoring Plan (HMMP).</p> <p><b>Revisions</b></p> <p>See previous response to (Barratt Homes / David Wilson Homes) on Para 4.1.</p> <p>Added in a definition for a Habitat Management and Monitoring Plan (HMMP) beneath Table 4.1.</p>
Para 4.16 (Page 9)	1242748 Claire Rutherford (Natural England)	<p><b>8</b></p> <p>Mentions that the Biodiversity Gain Plan should include a Monitoring and Reporting Plan which details a programme of monitoring visits over the minimum 30-year period including a programme for the provision of reports to the LPA which is welcomed. It may be useful to set out the minimum expectation for the frequency of monitoring and reporting required and whether these are different dependant on habitat or if they are on or off-site.</p>	<p>Agreed, an indication of the monitoring requirements in different scenarios should be outlined within the SPD.</p> <p><b>Revisions</b></p> <p>Table 5.1 (The monitoring schedules required for habitats with different distinctiveness values) added to New Section 5.</p>
Para 4.16 (Page 9)	228336 Yorkshire Wildlife Trust	<p><b>58</b></p> <p>Will the frequency of proposed monitoring be required at validation stage e.g. years 1, 2, 5, 10 etc.?</p>	<p>Agreed, an indication of the monitoring requirements in different scenarios should be outlined within the SPD.</p>

Consultation Point	Consultee	Comment	Council response and SPD Revision (where applicable)
			<p><b>Revisions</b> Table 5.1 (The monitoring schedules required for habitats with different distinctiveness values) added to New Section 5.</p>
Application Process (Page 10)	1139625 Mark Jones (Barratt Homes / David Wilson Homes)	<p><b>66</b> Whilst we think that further tweaks are required, we support the principle of including a table of stages in the SPD to help provide clarity on what is expected and when from an applicant/developer. We acknowledge that the SPD is to guide a range of development and not just housing, we would recommend looking at some of the work carried out by the Future Homes Hub and the Planning Advisory Service which may be helpful in devising this SPD.</p> <p>Stage 1 – Point 3 – Reference to “<i>Defra Biodiversity Metric</i>”. This is likely to be updated and rebranded as the Secretary of State Metric. Notwithstanding this, it could be renamed/amended in the future, so it needs to be worded in a way which will ensure that it reflects the latest national metric.</p> <p>“<i>Stage 3: Masterplan and Ecological Impact Assessment</i>” Stages 1 to 3 align more closely to a feasibility assessment rather than detailed design, unless considering full applications. Detailed landscaping is unlikely to be proposed until the Reserved Matters Stage. These stages could be made clearer with a possible process flow based on existing detail within stages.</p> <p>Stage 5 – Point 12 – Concern that requiring both documents (Construction Environmental Management Plan and</p>	<p>Agree that the stages of submitting a major development outlined in Table 1 do not reflect the most up to date guidance and should be amended to provide clarity on the process and the required documents to be submitted.</p> <p><b>Revisions</b> Insert amended Table 4.2 into SPD.</p>

Consultation Point	Consultee	Comment	Council response and SPD Revision (where applicable)
		<p>Landscape &amp; Ecology Management Plan) is unnecessary and is likely to result in duplication of reporting.</p> <p>Stage 5 – Point 12 “<i>Landscape &amp; Ecology Management Plan (LEMP)</i>” Will this be superseded by a Habitat Management and Monitoring Plan in time?</p> <p>Stage 5 – Point 13 “<i>Monitor on-site and off-site Biodiversity Net Gain features to ensure habitats are managed effectively and achieve target condition within 30 years from the date they are created or development works completed.</i>” Will this be a CIEEM Audit Report? How frequently should one be conducted and completed? Plus whom should this information be shared with?</p>	
Table 1 (Page 10)	1242748 Claire Rutherford (Natural England)	<p><b>11</b> Stage 4 should include a requirement for a biodiversity net gain statement or Biodiversity Net Gain Plan, as previously referred to from Paragraph 4.14 and as outlined within Government’s Response to the Biodiversity Consultation.</p>	<p>Agree that the stages of submitting a major development outlined in Table 1 do not reflect the most up to date guidance and should be amended to provide clarity on the process and the required documents to be submitted.</p> <p><b><u>Revisions</u></b></p> <p>Insert amended Table 4.2 into SPD.</p>
Table 1 (Page 10)	1242748 Claire Rutherford (Natural England)	<p><b>12</b> Stage 5 should include the requirement to set up a legal agreement for off-site gains and the process of registering these on BNG register. It should also include the discharge of the condition for the final gain plan to be submitted, including</p>	<p>Agree that the stages of submitting a major development outlined in Table 1 do not reflect the most up to date guidance and should be amended to</p>

Consultation Point	Consultee	Comment	Council response and SPD Revision (where applicable)
		all management and monitoring arrangements prior to commencement of development. The planning advisory service (PAS) have provided several <u>best practice BNG process flows</u> which may be helpful to refer to.	provide clarity on the process and the required documents to be submitted.  <b>Revisions</b>  Insert amended Table 4.2 into SPD.
Table 1 (Page 10)	1338968 Lizzy Walker (Environment Agency)	<b>27</b> Table 1 doesn't refer to the submission (& approval) of a Biodiversity Gain Plan or a Habitat Management & Monitoring Plan – both of which will be required before the BNG pre-commencement condition can be discharged and the development can commence. Suggest the table is updated to include these steps.  Table 1 should also refer to the need for off-site habitat to be registered and secured for 30 years.	Agree that the stages of submitting a major development outlined in Table 1 do not reflect the most up to date guidance and should be amended to provide clarity on the process and the required documents to be submitted.  <b>Revisions</b>  Insert amended Table 4.2 into SPD.
Approach for Phased Development and Outline Applications (Page 11)	1346873 Hannah Langler (Spawforths / Keyland)	<b>59</b> Keyland welcomes the acknowledgement at paragraph 4.20 that where early phases of development secure an excess of biodiversity units, they may be counted towards the requirements for subsequent phases. However, Keyland is concerned that the SPD appears to require each phase of a phased development to reach 10% net gain. This is inconsistent with current guidance. PAS guidance highlights that information on biodiversity gain should set out how biodiversity net gain will be achieved across the 'whole' site on a phase by phase basis, not how at least 10% will be delivered on each phase.	Agree SPD should be consistent with Government Guidance on phased development.  Outline applications are still required to submit information on BNG in accordance with the National Validation List. Where landscaping or layout are up for consideration then further information will be required in accordance with Calderdale's Local List.

Consultation Point	Consultee	Comment	Council response and SPD Revision (where applicable)
		<p>Whilst it may be desirable to ensure that 10% is achieved at each phase, this may not be possible due to site constraints/conditions/viability, however a net gain of at least 10% may be still achievable across the whole site. It is for a comprehensive masterplan and the required biodiversity gain plan to provide sufficient information to demonstrate the ability to deliver across the 'whole' site. Both of which can be effectively conditioned. <b>Paragraphs 4.19 and 4.21 should be revised for clarity.</b></p>	<p><b>Revisions</b>  Change paragraph 4.19 to:</p> <p>For phased developments, it must be demonstrated in the <u>Overall Biodiversity Gain Plan</u> how <del>each phase overall development</del> will reach 10% Biodiversity Net Gain. <u>Applicants are encouraged to seek pre-application advice from the LPA in regards to the strategy to deliver biodiversity net gain (including the balance between onsite and off-site gains). The strategy should front-load the delivery of biodiversity net gain where possible to reduce the risk of not meeting the 10% BNG objective later in the project time line. With each subsequent Phase Biodiversity Net Gain Plan it will be necessary to provide an update on the Overall BGP including whether the proposals are on target to deliver the biodiversity units as approved. The Biodiversity Gain Plan cannot should not rely on the creation of units based on projections for phases which have not yet been granted planning permission. Planning permission can only be granted for phases when the required 10% uplift has been confirmed and secured and this is not the case</u></p>

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			<p>when the design of subsequent phases has yet to be finalised and agreed.</p> <p>Change paragraph 4.21 to: For outline applications, where layout and landscaping are reserved matters, the Biodiversity Net Gain Report must include a suitable level of detail describing the approach to delivery of Net Gain. Whilst all detail relating to delivery of Net Gain may not be available at this time, <u>however</u> enough information should be provided to allow the LPA to confidently determine that the development will be able to deliver 10% Net Gain <u>and the subsequent approvals required to secure this.</u></p> <p><u>The approval of reserved matters for outline planning permissions is not subject to the biodiversity gain condition (as it is not a grant of planning permission) however, the Biodiversity Gain Plan should be prepared and submitted alongside the Reserved Matter approvals.</u></p>
Approach for Phased Development and Outline Applications	1341717 Rachel Flounders (ID Planning / Crest Nicholson	<b>60 / 63 / 65</b> We support the reference in the document which provides a clear approach for each phase to have responsibility to demonstrate a 10% net gain whilst acknowledging that where early phases have secured an excess of biodiversity units,	Noted

Consultation Point	Consultee	Comment	Council response and SPD Revision (where applicable)
(Page 11)	/ Redrow / Bellway)	they may be counted towards the requirements for subsequent phases.	
Approach for Phased Development and Outline Applications (Page 11)	1341717 Rachel Flounders (ID Planning / Redrow / Bellway)	<p><b>63 / 65</b></p> <p>In terms of Paragraphs 4.19-4.21, we agree with this approach to phased developments. Woodhouse Garden Community will have multiple phases and therefore a clear approach, based on each phase having responsibility to demonstrate a 10% net gain in biodiversity will simplify the process, especially as the phases will be brought forward at different times.</p>	Noted
Phased Developments (Page 11)	1139625 Mark Jones (Barratt Homes / David Wilson Homes)	<p><b>66</b></p> <p><i>Section 4.19 – “For phased developments, it must be demonstrated in the Biodiversity Gain Plan how each phase will reach 10% Biodiversity Net Gain. The Biodiversity Gain Plan cannot rely on the creation of units based on projections for phases which have not yet been granted planning permission. Planning permission can only be granted for phases when the required 10% uplift has been confirmed and secured and this is not the case when the design of subsequent phases has yet to be finalised and agreed.”</i></p> <p>It is unreasonable for LPAs to ask for 10% uplift on each phase of a development. There will be instances where different parts of the site are more sensitive than others, plus with mixed use developments, it may be more feasible to provide the net gain on site in a particular area of the site but not in a manner which would ensure that there is a 10% uplift per phase. We understand the reason for the LPA suggesting this approach, to ensure that a situation doesn't arise where</p>	See above response to 59 Hannah Langler (Spawforths / Keyland).

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		<p>later phases are not started/completed, thus potentially leaving the wider area short on an approved net gain. However, this needs to be addressed in a different manner and will need further consideration. Assistance on this matter may be provided when further guidance is issued by DEFRA.</p>	
<p>On-Site Delivery of BNG (Page 12)</p>	<p>1338968 Lizzy Walker (Environment Agency)</p>	<p><b>27</b> We recommend that a line is added to reiterate that Calderdale Council's preference is for habitat to be delivered on-site, rather than off-site, and that this supports the fundamental risk multipliers built into the Biodiversity Metric.</p>	<p>Agree that the mitigation hierarchy and BNG hierarchy should be reiterated throughout the SPD.</p> <p><b><u>Revisions</u></b></p> <p>Add the following to paragraph 5.1:</p> <p>Any delivery of on-site Biodiversity Units is equally important as delivery of off-site Biodiversity Units <i><u>and on-site delivery is preferred in the first instance in accordance with the BNG Hierarchy.</u></i> Therefore, good design, assurance of long-term implementation, monitoring and reporting - all carried out to a high standard - will be required.</p>
<p>On-Site Delivery of BNG (Pages 12-15)</p>	<p>1139625 Mark Jones (Barratt Homes / David Wilson Homes)</p>	<p><b>66</b> There are factual errors in Section 5 of the SPD in relation to the use of the Biodiversity Metric. It is imperative for the Council to acknowledge that everything counts within a given site and the site areas before and after development need to match for the Metric to be satisfied that there are no errors. Habitats that are counted in the Biodiversity Metric include</p>	<p>It is agreed that the SPD should not require an alternative methodology to utilise the Statutory Metric to the one specified in the User Guide. The SPD should also detail how some on-site habitats will be considered to be</p>



Consultation Point	Consultee	Comment	Council response and SPD Revision (where applicable)
		<p>each bulleted item (except the last item) in the list at Section 5.4 of the SPD titled 'Areas of Land Not Acceptable to Contribute to BNG'. These areas may also therefore be subject to the monitoring requirement subsequently identified at Section 5.23 'for any parcel of land delivering one or more Biodiversity Units on-site.' This is inconsistent and therefore makes it unclear for a developer to understand what is required and where.</p> <p>There is an inconsistency between Sections 5.4 and 5.19; the latter refers to management responsibilities 'for the ongoing on-site greenspace management'; typically the greenspace management will be undertaken by a management company appointed by the developer and in this instance, all the items identified at Section 5.4 including SuDS, formal play areas, amenity grassland et cetera, would be part of this package. Clarification is needed here if it is intended that areas of land identified at Section 5.4 are not intended to be subject to the 30-year management requirement by the Council because they are not considered to be significant on-site BNG delivery (N.B. see the Environment Act 2021 at Schedule 14 (9) which refers to significant on-site gains to be subject to a 30-year agreement with significance being determined by the local planning authority).</p> <p>At Section 5.21 there is a requirement to confirm 'how a copy of the BNG Management Plan will be provided to every resident.' In principle, the reasoning is unclear behind why both a BNG Management Plan and a Biodiversity Gain Plan are required. From our perspective, there would be a significant cost in supplying a detailed technical document that is not really suitable for the lay person to use (Section 5.20 acknowledges that the Plan may be complex or too</p>	<p>"significant" on-site gains and therefore need to be legally secured and managed for a minimum of 30 years.</p> <p>The inconsistencies in regard to on-site management are noted and it is agreed that a clear consistent approach to these should be outlined.</p> <p>The comments on watercourse units are noted, however the requirements for these in the SPD are in accordance with national requirements.</p> <p><b><u>Revisions</u></b></p> <p>Remove section 'Areas of Land Not Acceptable to Contribute to BNG'.</p> <p>Add in Section on 'Significant on-site gains'</p> <p>Amend section on long-term implementation as follows:</p> <p>As well as ensuring good design for the establishment phase, it is essential to consider the subsequent on-site implementation of the <u>BNG Habitat Management and Monitoring Plan (HMMP)</u>. <u>Before approving a Biodiversity Gain Plan, the LPA will</u></p>

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		<p>technical) because it has a planning delivery and land management function. Furthermore, the BNG Management Plan would already be in the public domain and accessible should a resident want to view it, via the planning application on public access.</p> <p>It would be more appropriate for the Residents Management Plan (RMP) to make reference to the BNG Management Plan, as the RMP is something that is already provided to new residents. Similarly, the provision of interpretation panels as identified at 5.21 may also be disproportionate to the BNG benefits and financial costs including replacements over time.</p> <p>There is a significant risk of delay and unintended consequences associated with the application of the river metric. As you will be aware and state at Appendix 1, the presence of a watercourse within a development site or that lies within 10 m of bank top means that a river metric is to be completed; this means that the river metric has to be completed regardless of there being no impact. It is essential that Calderdale Council re-considers the guidance given at Appendix 1. Flexibility in the completion of the river metric is essential because the river environment is often not under developer control and there are multiple consenting processes with the Environment Agency and other stakeholders such as Internal Drainage Boards that could prevent changes to the river environment being undertaken. The requirements at A1.18 and A1.19 have the potential to become a significant showstopper for development. Similarly, any 'river restoration interventions and anticipated channel responses' (Section 5.19 of the SPD) would need to be formally agreed with the Environment Agency and/or relevant stakeholders which could add significant delay or be refused.</p>	<p><u>need to have security that the HMMP can be funded and delivered for a minimum of 30-years or the lifetime of the development where it is being delivered alongside Public Open Space POS. This will depend on who is expected to pay for the ongoing management and whether they consider the cost is affordable and acceptable value for money.</u> In a residential situation it will be the new residents (or possibly a management company appointed by the developer) who are expected to pay for the ongoing on-site greenspace management, rather than the developer, applicant, or landowner (who may be responsible for the establishment phase only).</p> <p>The <u>BNG Management Plan HMMP</u> <del>needs to</del> <u>should</u> be written in a way that can be easily understood by the general public and by new residents. <del>Where the Management Plan needs to include complex information but is considered too technical to be easily understood, there</del> <u>Any New Resident Pack (or similar equivalent)</u> <del>should include</del> <u>be</u> a summary of the Plan, <del>which could be an appendix, showing a clear map of where and when</del> <u>different on-site</u> management actions need to take place each year. It</p>

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		<p>The risk is the potential to sterilise land for development, including land that may already be allocated for development in the Calderdale Local Plan; clarification and certainty that this risk has been addressed by the Council needs to be provided.</p>	<p>is important that residents understand the content <u>and potential costs associated with</u> of the Plan because they could be responsible for funding its implementation and it being delivered successfully each year.</p> <p><del>An annual progress report by an appropriately qualified ecological consultant will need to be sent to the LPA at the end of each year with confirmation of progress against the annual management actions; where remedial measures are required these should be clearly stated.</del></p>
<p>On-Site Delivery of BNG (Pages 12-15)</p>	<p>1139625 Mark Jones (Barratt Homes / David Wilson Homes)</p>	<p><b>66</b> There is an inconsistency between Sections 5.4 and 5.19; the latter refers to management responsibilities 'for the ongoing on-site greenspace management. Further clarity is required for Section 5.4 regarding future management of land .</p>	<p>Agree is it not clear what the management responsibilities are in relation to green space, this will depend on whether it is considered a "significant" on-site net gain, which is required to be legally secured, maintained and monitored for 30 years.</p> <p>Habitat enhancements deemed to be non-significant will not require this same level of commitment, but may still require a standard landscape management condition.</p> <p><b>Revisions</b></p>

Consultation Point	Consultee	Comment	Council response and SPD Revision (where applicable)
			See response above to 66 1139625 Mark Jones (Barratt Homes / David Wilson Homes).
Para 5.3 (Page 12)	1242748 Claire Rutherford (Natural England)	<b>13</b> It is unclear what a new 'on-site nature reserve area' is. Is this referring to adopting new local nature reserves or the typology of Public Open Space (POS) provided within a development as required as part of the local plan?	<p>Agreed that clarity in regard to what would constitute an on-site nature reserve and where this would be appropriate should be provided.</p> <p><b><u>Revisions</u></b></p> <p>Amend Paragraph 5.3 to read:</p> <p>On-site areas managed for BNG can also provide wider societal benefits such as better health and wellbeing for new residents, employees and the local community when such areas have some degree of public access. Provision of on-site greenspace that also fulfils BNG is encouraged <u>where appropriate</u>.</p> <p>Where size allows, there should be <del>identification of new on-site nature reserve areas as part of the on-site greenspace provision</del> <u>areas set aside as natural greenspace</u>. Sites with 2 ha or more of informal greenspace will more easily fulfil this function, but even areas down to 0.5 ha could be labelled on</p>

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			<p>planning submission plans as a nature reserve or nature area <u>include specific areas intended for wildlife</u>. Such an approach makes <u>Labelling these areas with the correct typology</u> makes it clear which parts of the site will be managed with biodiversity as the priority to deliver BNG. <u>Although public access to on-site natural greenspace is encouraged, it may be necessary to restrict access to certain areas or habitats (particularly during certain times of the year) and this should be indicated on planning submission plans and management plans.</u></p>
<p>Para 5.3 (Page 12)</p>	<p>1178615 James Copeland (National Farmers Union)</p>	<p><b>24</b>  <i>“Where size allows, there should be identification of new on-site nature reserve areas as part of the onsite greenspace provision. Sites with 2 ha or more of informal greenspace will more easily fulfil this function, but even areas down to 0.5 ha could be labelled on planning submission plans as a nature reserve or nature area. Such an approach makes it clear which parts of the site will be managed with biodiversity as the priority to deliver BNG.”</i>            Whilst we can see the benefits of recording areas as ‘nature reserves and nature areas’, but what thought has been given to the types of agreements and limitations such a measure may bring. Also, what consideration has been given to such measures and developing legalisation that may require such sites to be managed beyond the minimum of 30 years?</p>	<p>See answer to 13 1242748            Claire Rutherford (Natural England) regarding “New Nature Reserves”.</p> <p>Agreed that the requirement to manage habitats for biodiversity net gain beyond the 30-year period will be dependent on the circumstances of the site and the habitats to be delivered.</p> <p><b><u>Revisions</u></b></p> <p>Add text to Section 5 on length of management and monitoring plan:</p>

Consultation Point	Consultee	Comment	Council response and SPD Revision (where applicable)
			<p><u>A Habitat Management and Monitoring Plan (HMMP) will be required for Significant on-site net gains and all off-site net gains for a minimum of 30-years. In some circumstances they will be required for a longer period of time such as :</u></p> <ul style="list-style-type: none"> <li>• <u>Where Significant on-site gains are also being managed as Public Open Space (POS) they must be managed for the lifespan of the development (further information is provided within Section 6: Long-term implementation).</u></li> <li>• <u>Where the habitats to be created/enhanced will take in excess of 30 years to reach the target habitat or condition. Sufficient evidence and professional ecological judgement will need to be supplied to determine the appropriate length of the HMMP.</u></li> </ul>
Para 5.3 (Page 12)	1185995 Beth Yeadon (Persimmon Homes)	<b>17</b> Paragraph 5.3 notes that where size allows, new on-site nature reserve areas should be provided as part of the on-site green space provision. Further clarity is sought on the typology of an on-site nature reserve, and whether this would be covered as part of the Natural/ Semi Natural Green Space Standards set out in Table 20.8 of the Local Plan.	See answer to 13 1242748 Claire Rutherford (Natural England) regarding "New Nature Reserves".

Consultation Point	Consultee	Comment	Council response and SPD Revision (where applicable)
Para 5.3 (Page 12)	228336 Yorkshire Wildlife Trust	<b>58</b> Supportive of this approach, though would not want to encourage areas with high levels of recreational use being labelled as nature reserve areas? May need some more clarification?	See answer to 13 1242748 Claire Rutherford (Natural England) regarding "New Nature Reserves".
Para 5.3 (Page 12)	1346873 Hannah Langler (Spawforths / Keyland)	<b>59</b> Paragraph 5.3 notes where size allows there should be the identification of new on-site nature reserve areas as part of the on-site greenspace provision. The intended aim of this requirement is to make it clear which sites will be managed with biodiversity as the priority to deliver BNG. Keyland does not consider that this is consistent with the requirements established within the Local Plan through Policy GN6, Table 20.8. It is unclear what status these 'Nature Reserves' would have, whether this is a new typology of open space, or forms part of an existing typology as set out in Table 20.8 of the Local Plan. <b>This should be removed, or further clarity and justification for its inclusion provided.</b>	See answer to 13 1242748 Claire Rutherford (Natural England) regarding "New Nature Reserves".
Para 5.4 (Page 12)	1185995 Beth Yeadon (Persimmon Homes)	<b>17</b> Paragraph 5.4 highlights areas of land which are not acceptable to contribute towards onsite Biodiversity Metric Calculation, including land in private ownership, for example, front and rear gardens. This is inconsistent with the guidance published by Natural England (Paragraph 6.21 of The Biodiversity Metric User Guide), and the DEFRA Metric which attributes a low value to private gardens.  Whilst it is appreciated that appropriate planting and ongoing management cannot be secured in the long-term and planting may be removed by residents, this has already been reflected	See response above to 66 1139625 Mark Jones (Barratt Homes / David Wilson Homes).

Consultation Point	Consultee	Comment	Council response and SPD Revision (where applicable)
		<p>in the low value. As such, these areas of land should not be allocated a zero score as per paragraph 5.5.</p> <p>Paragraph 5.4 highlights that areas of land less than 0.25ha which are isolated from other parcels delivering BNG units will not be accepted, further information is sought on whether the Council may consider the inclusion of these areas in instances where a scheme features a minor deficiency of BNG units onsite, given that if a mixture of both on and off-site is required, offsite locations will need to be a minimum size of 0.25ha (paragraph 6.4). As in these cases, the Mitigation Hierarchy, as detailed in the NPPF (2023, paragraph 180), highlights that compensating for onsite loss offsite should be a last resort.</p> <p>We would support a degree of flexibility in where land for on-site BNG can be located in cases where only a minor number of units are required off-site, as within other local authority areas, we have found that smaller quantities of units were not as attractive to landowners.</p>	
Para 5.4 (Page 12)	1341476 Councillor Colin Hutchinson	<p><b>40</b> <b>Areas of Land Not Acceptable to Contribute to BNG</b> Discussions at Place Scrutiny Board on 16/11/2023 suggested that there is insufficient understanding amongst developers and possibly some officers that gardens and amenity areas are not acceptable contributions to BNG. How can these exclusions be given greater prominence?</p>	As outlined by Natural England the Statutory Biodiversity Metric accounts for the risk that gardens may be removed by homeowners and therefore allocates a very low value to gardens created post-development. Gardens and amenity areas of low value would not be considered a Significant on-site gain and therefore are unlikely to achieve a 10% net gain post development.



Consultation Point	Consultee	Comment	Council response and SPD Revision (where applicable)
			<p>Therefore, this section has been removed, as it is a contradiction to National Biodiversity Net Gain legislation.</p> <p>The section “Demonstrating on-site delivery of BNG” has been amended to set out expectations on the type of provisions for BNG that development over 0.5 should include and the balance between on and off-site provision in accordance with the BNG PPG.</p>
Para 5.6 (Page 12)	1139625 Mark Jones (Barratt Homes / David Wilson Homes)	<p><b>66</b> For the above reasons, we object to Section 5.5 which says “<i>The Metric calculations will need to be allocated a zero score for the above areas of land, and a different category used which scores zero such as “Urban: Developed Land; sealed surface” and a comment made to explain this.</i>”</p>	See response above to 66 1139625 Mark Jones (Barratt Homes / David Wilson Homes).
Para 5.6 (Page 12)	1341476 Councillor Colin Hutchinson	<p><b>41</b> This paragraph is not very clear to a lay person.</p>	<p>Agree further clarity should be added to explain strategic significance within BNG.</p> <p><b><u>Revisions</u></b></p> <p>Add following text to paragraph 5.6: <u>Habitats are scored higher within the Statutory Biodiversity Metric if they are formally identified in a local strategy, this</u></p>

Consultation Point	Consultee	Comment	Council response and SPD Revision (where applicable)
			<p><i>is known as their “strategic significance”.</i>  <del>On-site</del> The location score for Strategic Significance in the Biodiversity Metric is based on the geographical importance of the site’s biodiversity value. In Calderdale the designated nature conservation sites are the most important locations for biodiversity, followed by the Wildlife Habitat Network (WHN).</p>
<p>Areas of Land Not Acceptable to Contribute to BNG (Page 12)</p>	<p>1342496  Sarah Rochelle (Gleeson)</p>	<p><b>2</b>  Currently the DEFRA metric does allow a (low) value for gardens – therefore this suggestion does not accord with the current guidance from DEFRA.  Currently gardens are already assigned a particularly low value – with no condition associated with it – and this already takes into account that some gardens may be lost as they are in private ownership. The planning advisory service offers guidance to local authorities on BNG and this is specifically discussed.  (<a href="https://www.local.gov.uk/pas/topics/environment/biodiversity-net-gain-local-authorities/biodiversity-net-gain-faqs">https://www.local.gov.uk/pas/topics/environment/biodiversity-net-gain-local-authorities/biodiversity-net-gain-faqs</a>)  As a result, no monitoring or compliance checks could raise or lower this score - thus monitoring is not required.  As a side note - while it is clearly the case that these areas would be of low value (as in the DEFRA metric) – it is very unlikely to be the case that they offer no value at all and to allow no value seems disproportionate and will be beyond even what DEFRA have set and what PAS advise after consultation with DEFRA.</p>	<p>See response above to 66 1139625 Mark Jones (Barratt Homes / David Wilson Homes).</p>

Consultation Point	Consultee	Comment	Council response and SPD Revision (where applicable)
		<p>Additionally for - sites where the baseline is sports pitch/or for dog walking - will it also be acceptable to set the baseline as zero here to keep these in line with the above?</p> <p>Further query – how will land where areas of 0.25 of habitat to be retained be classified given the above? Will this also be zero value also as this seems to remove some incentive to retain smaller areas? While it's very likely the case that these areas, if isolated may lose value, it seems disproportionate for them to have no value at all?</p>	
<p>Areas of Land not Acceptable to Contribute to BNG (Page 12)</p>	<p>1242748 Claire Rutherford (Natural England)</p>	<p><b>14</b></p> <p>It is noted that Section 5 of the SPD includes a list of types of land which are not considered acceptable to contribute to the Biodiversity Metric calculations including private gardens and amenity grassland. Natural England highlight that, although it is recognised that private gardens cannot be legally secured for the 30-year period and therefore it is likely that a high proportion may be lost post-development, the Biodiversity Metric recognises this and assigns them a proportionate biodiversity value as a result. Despite their future uncertainty, gardens can and do provide locally important spaces for biodiversity and people, and the retention and incorporation of vegetated gardens into design is to be encouraged, hence their inclusion in the metric.</p> <p>Paragraph 6.21 of <u>The Biodiversity Metric User guide</u> (quoted below) provides guidance on the inclusion of gardens within Metric calculations, and the SPD should reflect this.</p> <p><i>“Suburban housing is a mosaic of developed land and vegetated gardens habitats. When entering post-intervention predictions for areas where there will be a small-scale mosaic</i></p>	<p>See response above to 66 1139625 Mark Jones (Barratt Homes / David Wilson Homes).</p> <p>Agreed that there is inconsistency in the terminology of the different reports mentioned throughout the SPD.</p> <p>Government has now provided further guidance on Significant on-site gains and therefore a local definition has been added to the SPD.</p> <p><b>Revisions</b></p> <p>Changes to Table 4.2 and definitions for all documents required within Section 4 beneath Table 4.1.</p> <p>Add Section “Significant on-site gains”</p>

Consultation Point	Consultee	Comment	Council response and SPD Revision (where applicable)
		<p><i>of developed and natural surfaces, such as housing and gardens in suburban areas, the assessor should use a ratio for developed land of 70:30 for sealed surface to vegetated garden (see Box 6-3) unless detailed landscaping information is available. For particularly high- or low-density developments this ratio may be altered accordingly. However, this must be evidenced and justified in the 'Assessor comments', and any deviation from the 70:30 ratio should be agreed with the determining body."</i></p> <p>There is no scope for adding any other habitat as well as/instead of vegetated garden. If a developer wants to try and deliver habitats other than garden through BNG on-site, then it should be in the public realm with an appropriate management plan and commitment to deliver and maintain this.</p> <p>Although the distinction between private and public land in the SPD is welcomed, the current approach outlined does not follow Natural England's published guidance on the Biodiversity Metric and should be amended to reflect this. Please note that the Government has committed to providing further guidance on the threshold for significant on-site gains, which will require appropriate management secured for a minimum of 30 years.</p> <p>The interim guidance provided on strategic significance for on and off-site habitats is welcomed and provides clarity for applicants on how the metric should be filled in within Calderdale.</p> <p>Throughout the document there is inconsistency within the terms used to refer to the various documents required to evidence and secure biodiversity net gain. For consistency the following are the terms used within the Environment Act and subsequent guidance from Government, Biodiversity Net</p>	<p><u>Significant on-site gains are areas of habitat enhancement which contribute significantly to the proposed development's overall BNG and therefore must be legally secured, managed and monitored for a minimum of 30 years (see long term implementation for further guidance) in order to ensure long-term benefits for wildlife and communities.</u></p> <p><u>In Calderdale the following guidance for significant on-site gains has been set</u></p> <p><b><u>Major applications:</u></b></p> <ul style="list-style-type: none"> <li>• <u>Any habitats that will be created or enhanced with a minimum size of 0.25 ha/25m or which contribute to a minimum score of 1 Biodiversity Unit (when all habitat types are combined) excluding the following:</u> <ul style="list-style-type: none"> <li>○ <u>Any habitats within private ownership which must be entered as vegetated garden.</u></li> <li>○ <u>Ground level planters</u></li> <li>○ <u>Introduced shrub</u></li> <li>○ <u>Actively worked sand pit quarries</u></li> </ul> </li> </ul>

Consultation Point	Consultee	Comment	Council response and SPD Revision (where applicable)
		Gain Statement, Biodiversity Net Gain Plan, Habitat Management and Monitoring Plan.	<ul style="list-style-type: none"> <li>○ <u>Artificial unvegetated surfaces</u></li> <li>○ <u>Non- native and ornamental hedgerows</u></li> <li>• <u>Any habitat of Medium Distinctiveness or higher</u></li> <li>• <u>Any habitats provided as mitigation for Protected or Calderdale/UK Priority Species</u></li> <li>• <u>Any habitats within the Calderdale Wildlife Habitat Network or Local Wildlife Site (LWS)</u></li> </ul> <p><b><u>Small sites:</u></b></p> <ul style="list-style-type: none"> <li>• <u>Any Calderdale/UK Priority Habitats</u></li> <li>• <u>Any habitat of High Distinctiveness or higher</u></li> <li>• <u>Any new woodland creation</u></li> <li>• <u>Any habitats provided as mitigation for Protected or Calderdale/UK Priority Species</u></li> <li>• <u>Any habitats within the Calderdale Wildlife Habitat Network or Local Wildlife Site</u></li> </ul> <p><u>Habitats may be determined to be significant or not outside of the above criteria at the discretion of the LPA,</u></p>

Consultation Point	Consultee	Comment	Council response and SPD Revision (where applicable)
			<p><u>where circumstances dictate this is appropriate.</u></p> <p><u>All Significant on-site habitats will need to be included in the Habitat Management &amp; Monitoring Plan (HMMP) detailing their initial enhancement/creation, on-going management and monitoring schedule. Where units consist of retained habitats, these will require construction protection measures set out in the HMMP and should correspond with any other plans for the site (such as the Construction and Ecological Management Plan or Arboricultural Method Statement). In addition, management and monitoring to ensure retained habitats maintain their existing value post-development will be required.</u></p> <p><u>Where the habitats on-site are determined to be not significant, a condition for a standard Landscaping Management Plan will be sufficient where one would normally be employed.</u></p>
Areas of Land Not Acceptable to Contribute to BNG	1339007 Natasha Styles (The Planning Bureau on behalf of	<b>51</b> <b>Para 5.4</b> the draft SPD seeks to identify 'Areas of Land Not Acceptable to Contribute to BNG' and looks to prevent biodiversity net gain units being delivered on parcels of land that are less than 0.25 ha and not consisting of front and rear	See response above to 66 1139625 Mark Jones (Barratt Homes / David Wilson Homes).

Consultation Point	Consultee	Comment	Council response and SPD Revision (where applicable)
(Page 12)	McCarthy Stone)	<p>gardens, hedges between gardens or green roofs on privately owned houses. <b>Para 5.5</b> of the draft SPD directs that for such areas, the 'Metric' calculation will need to receive a zero score. This is contrary to the Metric and the Council should note that Principle 8 confirms that 'The metric does not enforce a minimum habitat size ratio for compensation of losses. However, proposals should aim to: maintain habitat extent (supporting more, bigger, better and more joined up ecological networks) and ensure that proposed or retained habitat parcels are of sufficient size for ecological function' and Principle 6 (table 3.3) of the Metric identifies that 'Habitat interventions need to be realistic and deliverable with relevant project timeframes'. Section 3.3 of the Metric also confirms the detail of 'Rule 5'. 'Rule 5 allows for deviation from the metric methodology. Its use is not appropriate for the majority or projects'. Para 3.3.3 of the Metric continues to confirm that 'Rule 5 should only be used if there are rare and exceptional ecological circumstances, and the metric does not fully reflect the ecological benefit provided by specific interventions'. The introduction by the Council of areas of land not acceptable to contribute to BNG is therefore contrary to Principle 6 and 8 of the Metric and should be deleted.</p> <p><b>Recommendation</b> Remove the section on 'Areas of Land non acceptable to contribute to BNG' as restricting the parcel of land size or type of BNG that can be delivered is against Rule 5 and Principle 6 and 8 of the Metric.</p>	
Areas of Land Not Acceptable to	1346860 Kate Haymes	<p><b>54</b> I disagree with the above restrictions as, where appropriate, the Biodiversity Metric (BM) 4.0 has taken into account the</p>	See response above to 66 1139625

Consultation Point	Consultee	Comment	Council response and SPD Revision (where applicable)
Contribute to BNG (Page 12)	(Futures Ecology)	<p>limitations of these habitats for providing biodiversity enhancements and has given them appropriately low scores within the metric.</p> <p>For areas that are privately owned, such as private gardens, the metric provides an automatic habitat condition of 'N/A (Urban: Vegetated Garden)'. This automatic condition limits the multiplier of the habitat, limiting its overall unit score. This low score takes into account the wide range of biodiversity value privately owned gardens contribute. This will range from little-to-no biodiversity value (hard landscaping, artificial lawns) up to high biodiversity value (wildlife ponds, pollinator friendly planting etc). In terms of amenity grassland used for recreation, again this habitat is given a lower unit score in the metric to reflect its low distinctiveness (Modified grassland) and the habitat condition score also reflects its ongoing maintenance and disturbance so users can select the most appropriate value (Poor/Moderate). The third bullet point also unfairly punishes smaller schemes or schemes where multiple, smaller areas of Public Open Space (POS) have been included to create a greener space for residents to live. 0.25ha is a large area to exclude from calculations. Inputting these areas as 'Urban: Developed land; sealed surface' is inaccurate and out of line with the soon to be statutory guidance.</p>	Mark Jones (Barratt Homes / David Wilson Homes).
Areas of Land Not Acceptable to Contribute to BNG (Page 12)	1346873 Hannah Langler (Spawforths / Keyland)	<p><b>59</b></p> <p>In the light of the SPD's support for the use of DEFRA's Biodiversity Metric, Keyland is concerned that paragraph 5.4 of the SPD that highlights areas of land not acceptable to contribute to BNG, which is inconsistent with the DEFRA Metric, User Guide, and Practice Guidance.</p>	See response above to 66 1139625 Mark Jones (Barratt Homes / David Wilson Homes).



Consultation Point	Consultee	Comment	Council response and SPD Revision (where applicable)
		<p>Paragraph 5.4 identifies that land in private ownership which forms part of a dwelling space, such as front and rear gardens, hedges between gardens, green living roof spaces on privately owned residential houses, as the LPA cannot monitor or enforce compliance. This is not consistent with the DEFRA Metric User Guide or Defra Metric, which recognises the issues that affect private gardens, and reflects this through the assignment of a proportionate value. Paragraph 6.21 of the User Guide (associated with Defra Metric 3.1) and Section 8 of the latest User Guide continues to set out how to account for and record vegetated garden habitats.</p> <p>Furthermore, Biodiversity Metric 4.0 Case Study 1, DEFRA 2023 applies the approach set out in the guidance and accounts for vegetated gardens. Keyland consider that whilst there may be difficulties monitoring private garden land, that vegetated gardens, provide important space for people and flora and fauna. Whilst accepting that the value of this habitat may be lower than others, Keyland does not accept that these spaces are not capable of contributing to BNG. It is entirely unlikely that all private gardens within a development will be of no value. NPPG Paragraph 023 also recognises the role of Green Roofs and Walls and does not distinguish between public and private ownership. <b>Keyland does not consider that the approach set out in the SPD is consistent with guidance.</b></p> <p>Keyland is concerned that the SPD considers that amenity grassland used for formal recreation such as dog walking cannot contribute towards BNG. It is noted that there will be some habitats that public access and dog walking may not be compatible with in terms of long-term management. However, this should not equate to zero value, and zero value should</p>	

Consultation Point	Consultee	Comment	Council response and SPD Revision (where applicable)
		<p>not be applied to all areas with public access or ability for dog walking universally. Existing guidance does not seek to preclude such spaces. Instead this would be reflected through the condition and value assigned. The Draft SPD recognises that spaces can be multifunctional, and areas of public access can also contribute to BNG, paragraph 5.2 states that “<i>On site areas managed for BNG can provide wider societal benefits such as better health and wellbeing for new residents, employees and the local community when such areas have some degree of public access. Provision of on site greenspace that also fulfils BNG is encouraged.</i>”.</p> <p>Keyland also note that if the Council maintain that such spaces cannot contribute to BNG, that this would need to be consistently applied when considering the baseline position.  <b>Keyland does not consider that the approach set out in the SPD is consistent with guidance.</b></p> <p>Furthermore, the SPD excludes Sustainable Drainage System (SuDS) features, where there is no confirmation of that the proposed biodiversity features will be managed. Whilst it is accepted in this circumstance that there would be some uncertainty, it is highly unlikely that the habitat/feature would have the equivalent of no value. The suggested approach to ascribe zero value to such features is unreasonable, when SuDs are acknowledged by NPPG, paragraph 23, to support the delivery of BNG.</p> <p>The exclusion of areas less than 0.25 hectares where they are isolated from other parcels, disincentivises such provision and does not appear to be consistent with NPPG paragraph 23, which notes that “relatively small features can often achieve important benefits for wildlife”. Whilst Keyland accept</p>	

Consultation Point	Consultee	Comment	Council response and SPD Revision (where applicable)
		<p>that small parcels in isolation may not be as beneficial as a small parcel that connects to wider provision, it should not equate to zero value.</p> <p><b>Keyland consider that the exclusions should be revised to reflect guidance and that it is incorrect and improbable that these areas will not make a contribution to BNG.</b></p>	
<p>Areas of Land Not Acceptable to Contribute to BNG (Page 12)</p>	<p>1341717 Rachel Flounders (ID Planning / Crest Nicholson / Redrow / Bellway)</p>	<p><b>60 / 63 / 65</b></p> <ul style="list-style-type: none"> <li>The SPD allocates a zero-score using “urban Developed Land; sealed surface” for private gardens, amenity grassland used for formal recreation, or areas of land less than 0.25 ha isolated from other parcels delivering Biodiversity Units.</li> </ul> <p>The BM 4.0 has accounted for the limitations of these habitats for providing biodiversity enhancements and has given them appropriately low, but not zero, scores in the metric. As highlighted in paragraph 1.1 of the Draft SPD, the document should not add unnecessarily to the financial burden of development. The proposed restrictions on what constitutes BNG land as set out in Section 5 and Appendix 1, will add unnecessarily to the financial burden of development. The restrictions do not align with the BM 4.0 User Guide which provide consistency across the country in how BNG Assessments are undertaken and are expected to become mandatory under The Environment Act 2021 and associated secondary legislation.</p> <p>The divergence between the SPD and the national standard set out in BM 4.0 will have additional financial implications for developers and would impact on the number of homes that</p>	<p>See response above to 66 1139625 Mark Jones (Barratt Homes / David Wilson Homes).</p>

Consultation Point	Consultee	Comment	Council response and SPD Revision (where applicable)
		<p>can be delivered on each site and therefore hinder delivery and impact on viability.</p> <p><u>The SPD should therefore be amended to ensure that the areas of land that can contribute to the BNG calculation fully aligns with BM 4.0 and does not place an increased burden on developers in excess of national standards.</u></p>	
<p>Areas of Land Not Acceptable to Contribute to BNG (Page 12)</p>	<p>1341717 Rachel Flounders (ID Planning / Crest Nicholson/ Redrow / Bellway)</p>	<p><b>60 / 63 / 65</b> Paragraph 5.4 of the SPD outlines areas of land not acceptable to contribute to BNG:</p> <ul style="list-style-type: none"> <li>• <i>“Any land in private ownership that forms part of a dwelling space, such as front and rear gardens, hedges between gardens or green / living roof spaces on privately owned residential houses. The LPA will not be able to monitor or enforce non-compliance in such areas.</i></li> <li>• <i>Amenity grassland that is used for formal recreation such as sports pitches or for dog-walking.</i></li> <li>• <i>Areas of land less than 0.25 ha isolated from other parcels delivering Biodiversity Units...</i></li> </ul> <p><i>...The Metric calculations will need to be allocated a zero score for the above areas of land, and a different category used which scores zero such as “Urban: Developed Land; sealed surface” and a comment made to explain this.”</i></p> <p>We disagree with the above restrictions as, where appropriate, the Biodiversity Metric (BM) 4.0 has taken into account the limitations of these habitats for providing biodiversity enhancements and has given them appropriately low scores within the metric.</p>	<p>See response above to 66 1139625 Mark Jones (Barratt Homes / David Wilson Homes).</p>

Consultation Point	Consultee	Comment	Council response and SPD Revision (where applicable)
		<p>For areas that are privately owned, such as private gardens, the metric provides an automatic habitat condition of 'N/A (Urban: Vegetated Garden)'. This automatic condition limits the multiplier of the habitat, limiting its overall unit score. This low score takes into account the wide range of biodiversity value privately owned gardens contribute. This will range from little-to-no biodiversity value (hard landscaping, artificial lawns) up to high biodiversity value (wildlife ponds, pollinator friendly planting etc). In terms of amenity grassland used for recreation, again this habitat is given a lower unit score in the metric to reflect its low distinctiveness (Modified grassland) and the habitat condition score also reflects its ongoing maintenance and disturbance so users can select the most appropriate value (Poor/Moderate). The third bullet point also unfairly punishes smaller schemes or schemes where multiple, smaller areas of Public Open Space (POS) have been included to create a greener space for residents to live. 0.25ha is a large area to exclude from calculations. Inputting these areas as 'Urban: Developed land; sealed surface' is inaccurate and out of line with the soon to be statutory guidance.</p> <p>Appendix 1 (Paragraph A1.17) states "<i>Only post-development habitat areas included in the Biodiversity Gain Plan (and subsequent BNG Management Plan and Monitoring Plan) should be included in the biodiversity unit calculation. Areas outside the gain plan cannot be guaranteed to be managed and monitored in order to reach and maintain the required condition. This means that in Calderdale, residential gardens...in private ownership should not be included in post-development calculations unless a clear and robust statement about their continued maintenance and monitoring in</i></p>	

Consultation Point	Consultee	Comment	Council response and SPD Revision (where applicable)
		<p><i>condition can made.</i>” Again, we disagree with this statement as gardens will always be gardens, even if they are not managed or monitored. The BM 4.0 assigns a low value, with a ‘N/A (Urban: Vegetated Garden)’ condition assessment so this limitation has already been compensated for. Instead, the BM 4.0 score reflects that private gardens do not require ongoing management and monitoring and instead recognises that a residential development is not 100% hardstanding.</p> <p>Furthermore, Paragraph A1.24 of the SPD states “<i>It should be noted that where private gardens are created, any tree planting within the created garden should not be included within post-development sheets of the metric. The habitat type ‘Urban – Vegetated garden’ should be used.</i>” This is in line with the BM 4.0 guidance, and we agree with this statement. However, it contradicts Paragraph 5.4 and A1.17 as it alludes to private gardens being classified as ‘Urban – Vegetated garden’ rather than ‘Urban – Developed Land; sealed surface’.</p> <p>Paragraph 1.1 states “<i>Supplementary Planning Documents...should not add unnecessarily to the financial burden on development.</i>” However, the implementation of restrictions on what constitutes BNG land, as stipulated in Section 5 and Appendix 1, will add unnecessarily to the financial burden on development. These restrictions are out of line with the Biodiversity Metric (BM) 4.0 User Guide and ultimately what is expected to become mandatory under The Environment Act 2021 and associated secondary legislation.</p> <p>As per Paragraph 2.2 of the SPD, the purpose of the BM 4.0 is to “[provide] a national standard by which biodiversity gains</p>	

Consultation Point	Consultee	Comment	Council response and SPD Revision (where applicable)
		<p><i>and losses may be calculated.</i>" therefore rules stipulated in the BM 4.0 User Guide should dictate what habitats do or do not count towards the BNG score post-development. The above restrictions will have enormous implications on BNG calculations within the district and ultimately discourage developers from bringing forward already allocated housing sites.</p>	
<p>Areas of Land Not Acceptable to Contribute to BNG (Page 12)</p>	<p>1139625 Mark Jones (Barratt Homes / David Wilson Homes)</p>	<p><b>66</b> The bullet points are wholly impractical, some of which is contrary to Natural England guidance. Many of these areas will deliver no more than 1.93 units/per hectare when classified as modified grassland in poor condition. This would be less than arable agricultural land if that was the site baseline. The Planning Advisory Service (PAS) guidance suggests gardens can be included. Amenity grassland area biodiversity value would likely be as above due to the intensity of their management. For formal play areas, these comprise artificial surfaces, it makes sense to exclude them. However should any part of a formal play area involve vegetated areas, then they should not be automatically excluded. Meaning that whether to exclude them or not, is subject to details on a site by site basis. A site area of 0.25ha is still a reasonably significant area. Research undertaken by the RSPB at a Barratt-David Wilson site in Kingsbrook suggests that the benefit that pocket parks can have for biodiversity is underestimated, so we don't understand why they would automatically be excluded without further consideration. The research undertaken relates to a comparative 2015 and 2021 survey conducted by the RSPB</p>	<p>See response above to 66 1139625 Mark Jones (Barratt Homes / David Wilson Homes).</p>

Consultation Point	Consultee	Comment	Council response and SPD Revision (where applicable)
		<p>before and after construction at Oakfield Village at Kingsbrook. The survey results showed which species had increased in number following the completion of works and which areas needed further improvements.</p> <p>SuDS if sown with an amenity grassland mix would score as above but have the potential to be much more valuable for wildlife and residents, particularly where designed to be ephemerally or permanently wet or sown with a wet-tolerant grass mix.</p> <p>On small, relatively dense sites, this part of the SPD would leave practically nothing for on-site BNG.</p>	
<p>Areas of Land Not Acceptable to Contribute to BNG (Page 12)</p>	<p>1139625 Mark Jones (Barratt Homes / David Wilson Homes)</p>	<p><b>66</b></p> <p>The areas of land currently being proposed to contribute to BNG are limited and do not preclude smaller, denser sites being able to contribute any of their POS to their BNG.</p> <p>The current approach would lend itself primarily to significantly large type sites with a significant POS provision, the majority of which could be designed and managed for biodiversity as a primary objective. Notwithstanding, managing access to the point of no public access being permissible, or being limited to residents or employees is contradictory to the green infrastructure principles and BNG principles which seek to make areas for nature, amongst other things, accessible.</p> <p>The approach currently being proposed lends itself better to remote offset delivery. Not only is the offset market nascent, making the contribution to such projects difficult, the strategic delivery of large scale offsets is likely to require the LNRS at the sub-region level to identify suitable opportunities.</p>	<p>See response above to 66 1139625 Mark Jones (Barratt Homes / David Wilson Homes).</p>



Consultation Point	Consultee	Comment	Council response and SPD Revision (where applicable)
Para 5.7 (Page 12)	228336 Yorkshire Wildlife Trust	<p><b>58</b> Think the category 'Medium = Immediately adjacent to the above locations' could be open to interpretation. Does this mean the site itself is immediately adjacent or could it be taken to mean a block of habitat within the site itself, and the rest categorised as low?</p>	<p>Agreed that further clarity is required as to whether it is the parcel of habitat or the development site itself which should be categorised as medium strategic significance.</p> <p><b><u>Revisions</u></b></p> <p>Amend paragraph 5.7 to read:</p> <p>Medium = <u>Any habitat</u> immediately adjacent to the above locations</p>
Strategic Significance (Page 12)	1139625 Mark Jones (Barratt Homes / David Wilson Homes)	<p><b>66</b> As a company we are pleased to see a local steer on what constitutes strategically significant, as we don't always see this being addressed by some other LPA's.</p> <p>Section 5.7 appears to be contradictory between on and off site delivery. At Section 5.7 high strategic significance applies to Wildlife Habitat Network and nature conservation designations, specifically Local Wildlife Sites, Sites of Special Scientific Interest (SSSI), Special Areas of Conservation (SAC), whereas in relation to off-site land, high strategic significance applies to a "designated nature conservation site" or "Habitat of Principal Importance" only.</p>	<p>Agree that there should be consistency between the terms used when referring to strategic significance on- and off-site.</p> <p><b><u>Revisions</u></b></p> <p>Amend paragraph 6.7 to read:</p> <ul style="list-style-type: none"> <li>• High = <u>A Calderdale/Priority habitat or within the Wildlife Habitat Network or nature conservation designation: a designated nature conservation site or Habitat of Principal Importance</u> <ul style="list-style-type: none"> <li>○ <u>Local Wildlife Site (LWS)</u></li> </ul> </li> </ul>

Consultation Point	Consultee	Comment	Council response and SPD Revision (where applicable)
			<ul style="list-style-type: none"> <li>○ <u>Site of Special Scientific Interest (SSSI)</u></li> <li>○ <u>Special Area of Conservation (SAC)</u></li> <li>○ <u>Special Protection Area (SPA)</u></li> <li>● Medium = <u>Any semi-natural habitats</u> immediately adjacent to the above locations, or <del>within/</del> immediately adjacent to the <del>Wildlife Habitat Network</del> <u>in a location that forms a new strategic connection between two separate parts of the Network</u></li> <li>● Low = <del>Outside the Wildlife Habitat Network but in a location that forms a new strategic connection between two separate parts of the Network</del> <u>Everywhere else in the district</u></li> </ul>
Para 5.8 (Page 13)	1341476 Councillor Colin Hutchinson	<b>42</b> Is there any indication how soon this might be published?	The Government have designated Responsible Authorities (in West Yorkshire this is West Yorkshire Combined Authority) to prepare the Local Nature Recovery Strategies. These are expected to be prepared and

Consultation Point	Consultee	Comment	Council response and SPD Revision (where applicable)
			published with 12-18 months so are expected to be available early 2025.
Expectations for Riverine Net Gain (and/or to offset losses) (Page 13)	1178615 James Copeland (National Farmers Union)	<p><b>23</b></p> <p>The section would benefit from the inclusion of wider regulations or bylaws, such as the Land Drainage Act including Section 66 of the Land Drainage Act 1991 where IDBs can make Byelaws that control all activities within a certain distance (usually 9 metres, but varies) of all watercourses within their district (other than main river).</p>	<p>Agree the additional information suggested would be of benefit.</p> <p><b>Revisions</b></p> <p>5.15a There are a number of other regulatory systems or bylaws which could assist in facilitating BNG. One example is the <a href="https://www.legislation.gov.uk">Land Drainage Act 1991 (legislation.gov.uk)</a> where Section 66 allows internal drainage boards to make byelaws that control all activities within a certain distance of all watercourses within their district (other than main rivers).</p>
Expectations for Riverine Net Gain (and/or to offset losses) (Page 13)	1341476 Councillor Colin Hutchinson	<p><b>44</b></p> <p>Watercourse Units are given a lot of weight in this SPD, but there is little mention of how to avoid or offset losses to Hedgerow Units. Why?</p>	<p>Watercourse units are more complex than area or hedgerow units to reflect the dynamic systems and factors which influence rivers and streams, therefore an additional level of accreditation is required to undertake watercourse assessments. Given the complexity of assessing watercourses further guidance specific to these is required within the SPD.</p>

Consultation Point	Consultee	Comment	Council response and SPD Revision (where applicable)
			<p>However, agree that some further mention of the importance of hedgerows would be of benefit.</p> <p><b>Revisions</b> Amend para 5.4:</p> <p>Strategic Significance categories apply equally to Hedgerow Biodiversity Units as well as Habitat Biodiversity Units. <u>In Calderdale, all native hedgerows are considered to be a Calderdale Priority Habitat.</u></p>
<p>Expectations for Riverine Net Gain (and/or to offset losses) (Page 13)</p>	<p>228336 Yorkshire Wildlife Trust</p>	<p><b>58</b> Should there be a section here regarding the need to be appropriately qualified? This is referenced in Appendix 1 but not in the main text.</p>	<p>Agree it would also be useful to reference the requirement for appropriately qualified persons in the main text.</p> <p><b>Revisions:</b> 5.10 The River Condition Assessment Information System can be used to support scenario modelling of proposed changes to inform potential mitigation options. To forecast predicted post-intervention condition scores, re-run the river condition assessment with planned river restoration interventions and anticipated channel responses. Alternatively, look at the values of the 32 positive and negative 'Condition</p>

Consultation Point	Consultee	Comment	Council response and SPD Revision (where applicable)
			Indicator' scores to help understand which features can be changed to achieve BNG and then adjust the scores to take account of the impacts of the proposed interventions. <u>Assessments must be undertaken by persons trained and accredited in the River Condition Assessment Methodology.</u>
Expectations for Riverine Net Gain (and/or to offset losses) (Page 13)	1341717 Rachel Flounders (ID Planning / Redrow / Bellway)	<b>63 / 65</b> Paragraphs 5.9 – 5.14 set out the expectations for net gains in terms of River Units. We agree with this approach as it mirrors the guidance within the BM 4.0 User Guide and the River Condition Assessment (RCA).	Noted
Expectations for Riverine Net Gain (and/or to offset losses) (Page 13)	1139625 Mark Jones (Barratt Homes / David Wilson Homes)	<b>66</b> There is a significant risk of delay and unintended consequences associated with the application of the river metric.	Noted – the SPD accords with national requirements
Paras 5.9 – 5.17 (Pages 13-14)	1338968 Lizzy Walker (Environment Agency)	<b>27</b> We support the inclusion of sections 5.9 to 5.18. This additional clarity on the expectations for riverine habitats and the priorities associated with enhancing them is welcome & useful for developers and those commenting on planning applications. That said, we recommend a few changes / updates:  <b>Section 5.9 states</b> <i>“River condition can be improved in <u>two</u> ways:</i>	Clarifications and additional information accepted.  <b>Revisions:</b> <del>River condition</del> <u>Watercourse Units associated with river</u> habitat can be improved in <del>two</del> <u>several ways</u> including: <ul style="list-style-type: none"> <li>Enhancing (improving) the condition of the same type of river (e.g. an ‘other rivers and streams’ river goes from poor to moderate condition).</li> </ul>

Consultation Point	Consultee	Comment	Council response and SPD Revision (where applicable)
		<ul style="list-style-type: none"> <li>• <i>Enhancing (improving) the condition of the same type of river (e.g. an ‘other rivers and streams’ river goes from poor to moderate condition).</i></li> <li>• <i>Enhancing the river to a higher distinctiveness river type (e.g., a culvert to an ‘other rivers and streams’ or an ‘other rivers and streams’ to a ‘Priority Habitat’ river), in this scenario the condition can be equivalent or better in the enhanced river type.”</i></li> </ul> <p>The current wording is confusing / incorrect. We recommend that this wording (underlined) is updated, and that additional qualifying bullet points are added.</p> <p>Enhancing a watercourse to a higher <b>distinctiveness</b> habitat doesn’t necessarily improve <b>condition</b> (it improves distinctiveness – which is a factor affecting the total number of Watercourse Units).</p> <p>We recommend changing the wording to “<u>Rivers can be improved in several ways: ...</u>”. Or “<u>Watercourse Units associated with river habitat can be achieved in several ways: ...</u>”. This wording accounts reflects that river condition uplift is only one way in which watercourse units can be achieved...</p> <p>As well as enhancing (improving) the condition of the same type of river (e.g. poor to moderate condition) and/or enhancing the river to a higher distinctiveness river type (e.g. culvert to ‘other rivers &amp; stream’), Watercourse Units associated with river habitat can <b>also</b> be achieved through other means – i.e.</p> <ul style="list-style-type: none"> <li>- Improvements to in-watercourse and/or riparian encroachment multipliers. This is reflected in the watercourse module of the Biodiversity Metric which includes two separate columns for ‘Watercourse Encroachment’ &amp; ‘Riparian</li> </ul>	<ul style="list-style-type: none"> <li>• Enhancing the river to a higher distinctiveness river type (e.g., a culvert to an ‘other rivers and streams’ or an ‘other rivers and streams’ to a ‘Priority Habitat’ river), in this scenario the condition can be equivalent or better in the enhanced river type.”</li> <li>• <u>Improvements to in-watercourse and/or riparian encroachment multipliers. This is reflected in the watercourse module of the Biodiversity Metric which includes two separate columns for ‘Watercourse Encroachment’ &amp; ‘Riparian Encroachment’.</u> <u>Technically, reduced watercourse or riparian encroachment alone could result in additional Watercourse Units being achieved, without the need for changes to ‘condition’ or ‘distinctiveness’.</u></li> <li>• <u>Increases in watercourse length associated with interventions that promote natural function and processes (for example, reinstating a previous natural course or channel realigned to reinstate sinuosity / meanders that would be naturally expected to occur) would yield additional Watercourse Units.</u></li> </ul>

Consultation Point	Consultee	Comment	Council response and SPD Revision (where applicable)
		<p>Encroachment'. Technically, reduced watercourse or riparian encroachment alone could result in additional Watercourse Units being achieved, without the need for changes to 'condition' or 'distinctiveness'.</p> <p>- Increases in total watercourse length. Increases in watercourse length associated with interventions that promote natural function and processes (for example, reinstating a previous natural course or channel realigned to reinstate sinuosity / meanders that would be naturally expected to occur) would yield additional Watercourse Units.</p> <p><b>Section 5.12 states</b>  <i>"<u>Enhancement</u> (BNG) must be of adequate scale to offset the ecological <u>impacts</u> of any <u>losses</u>, e.g. Himalayan balsam control is not enough on its own to provide BNG if a culvert is being introduced with subsequent ecological impacts on connectivity and river ecosystem function".</i>  We support the sentiment of this paragraph. That said, the terminology used is confusing – is this referring to enhancement, or compensation (off-setting biodiversity losses associated with new physical modifications)?</p> <p><b>Section 5.13 states</b>  <i>"<u>Expectations</u> for enhancement must be realistic. Change in condition level should be supported by forecast scores from the River Condition Assessment Information System. River enhancement will require a specialist contractor or involvement of a nature conservation organisation for delivery".</i></p>	<p>Agree changes required to add clarity to the SPD.</p> <p><b>Revisions:</b>  Enhancement <u>Compensation</u> (BNG) must be of adequate scale to offset the <u>any</u> ecological impacts of any losses, e.g. Himalayan balsam control is not enough on its own to provide BNG if a culvert is being introduced with subsequent ecological impacts on connectivity and river ecosystem function.</p> <p>Proposed change accepted to add clarity to the SPD.</p> <p><b>Revisions:</b>  <u>Expectations Proposals</u> for enhancement <u>and forecast condition</u></p>

Consultation Point	Consultee	Comment	Council response and SPD Revision (where applicable)
		<p>The above wording is slightly confusing / vague. We recommend updating the wording (underlined) to <i>“Proposals for enhancement and forecast condition must be realistic”</i>.</p> <p><b>Section 5.14 states</b>  <i>“Provide information on how the habitat enhancement will be carried out. Demonstrate how it will be done, that it is feasible (including assessment of flood risk and impact on flood risk assets where required), that constraints have been considered, and the risks to achieving habitat of a certain quality. Set out which condition elements are being aimed at in the enhancement, and what change to which indicators will demonstrate that condition improvement is achieved”</i>.</p> <p>Is this something Calderdale Council will be requiring as part of their validation and/or approval? We recommend that the wording is updated to make the ask / requirement explicit. For example, <i>“Applicants must provide information...”</i> and <i>“Applicants must demonstrate how it will be done, that its feasible...”</i> and <i>“Applicants must set out which condition elements are being aimed at in the enhancement...”</i>.</p>	<p>must be realistic. Change in condition level should be supported by forecast scores from the River Condition Assessment Information System. River enhancement will require a specialist contractor or involvement of a nature conservation organisation for delivery.</p> <p>This information will be required at the validation stage. Agree the proposed changes to the wording will make the SPD clearer.</p> <p><b>Revisions:</b>  <i>Applicants must pProvide information on how the habitat enhancement will be carried out <u>and</u> dDemonstrate how it will be <del>done</del> <u>undertaken</u>, that it is feasible (including assessment of flood risk and impact on flood risk assets where required), that constraints have been considered, and the risks to achieving habitat of a certain quality. <u>Applicants must</u> sSet out which condition elements are being aimed at in the enhancement, and what change to which indicators will demonstrate that condition improvement is achieved.</i></p>



Consultation Point	Consultee	Comment	Council response and SPD Revision (where applicable)
		<p><b>Section 5.16 states</b>            We support paragraph 5.16. Though, does Calderdale Council need to qualify what this means in practice? Are Calderdale Council placing greater weight to these proposals, and if so, how will this be reflected in the metric / the number of Biodiversity Units? Is weir removal and/or de-culverting going to be classed as having a higher strategic significance? If so, this needs to be stated.</p> <p><b>Section 5.17 states</b>  <i>“Weir removal is preferred rather than installation of a fish easement or fish pass. The Biodiversity Metric uses physical habitat as a proxy for biodiversity and so construction of a fish pass yields no units within the metric; it does not alter or improve the physical habitat of a river. This is not to say that fish passage construction is discouraged where it is the only feasible option or best option for a site given wider environmental or other consideration”.</i></p>	<p>Support noted and implications of this approach for the Metric reflected in revised text.</p> <p><b>Revisions:</b>            5.16 River habitat enhancement proposals that include deculverting of watercourses and removal of weirs will be viewed especially favourably due to the benefits to the river ecosystem. <u><i>This is a requirement of Local Plan policy GN3 part 1 (m) which states that the Council will seek to achieve better management of Calderdale’s natural environment including, where opportunities arise, taking water bodies out of culvert, or daylighting them if not possible, and physical barriers made passable to fish species.</i></u></p> <p>Support noted. Agree additional clarification would benefit the SPD.</p> <p><b>Revisions:</b>            5.17 Weir removal is preferred rather than installation of a fish easement or fish pass. The Biodiversity Metric uses physical habitat as a proxy for biodiversity and so construction of a fish pass is <u><i>unlikely to yields Watercourse</i></u> Æ Units within the metric <u><i>in most</i></u></p>

Consultation Point	Consultee	Comment	Council response and SPD Revision (where applicable)
		<p>We support paragraph 5.17, and the preference for weir removal over fish pass installation where possible. However, for clarity, we recommend that the wording is updated to reflect that fish pass installation is <i>unlikely</i> to yield Watercourse Units in the metric in <i>most</i> instances. There <i>might</i> be situations where a fish pass intervention – such as a bypass channel (rather than a technical fish pass like a Larinier) – could yield units. For example, if there was space for a natural bypass channel (with natural features etc.) to be constructed around the weir, then it may yield Watercourse Units).</p>	<p><i>instances</i>; it does not alter or improve the physical habitat of a river. <del>That is not to say that</del> fish passage construction is <i>not necessarily</i> discouraged where it is the only feasible option or best option for a site given wider environmental or other considerations. <u><i>There may be situations where a fish pass intervention, such as a bypass channel (rather than a technical fish pass like a Larinier) could yield units. For example, if space existed for a natural bypass channel (with natural features) to be constructed around a weir, then it may yield Watercourse Units.</i></u></p>
Para 5.18	CMBC Revision		<p>Para 5.18 deleted as new culverts will not be acceptable where BNG is applied.</p>
Para 5.10 (Page 13)	1341476 Councillor Colin Hutchinson	<p><b>43</b> Can a link or source be provided to make it easier to access this information system?</p>	<p>Agree appropriate reference would be useful to readers of the SPD. Add link to text and Appendix 6 'List of References'.</p> <p><b>Revisions:</b> 5.10 The River Condition Assessment Information System <a href="#">River Condition Assessment for appraisals &amp; Biodiversity Net Gain calculations – Modular River Survey</a> can be used to</p>

Consultation Point	Consultee	Comment	Council response and SPD Revision (where applicable)
			<p>support scenario modelling of proposed changes to inform potential mitigation options. To forecast predicted post-intervention condition scores, re-run the river condition assessment with planned river restoration interventions and anticipated channel responses. Alternatively, look at the values of the 32 positive and negative 'Condition Indicator' scores to help understand which features can be changed to achieve BNG and then adjust the scores to take account of the impacts of the proposed interventions.</p>
<p>Long-term Implementation (Page 14)</p>	<p>1341476 Councillor Colin Hutchinson</p>	<p><b>46</b> The success in achieving BNG is entirely down to effective monitoring and enforcement of BNG Management Plans over a much more prolonged period than most other obligations on developers. I have serious concerns that sufficient funding and personnel might not be forthcoming to achieve these goals as the monitoring workload increases over 30 years, particularly as resources for Planning Enforcement have been so constrained in recent years. Without effective enforcement the policy will fall into disrepute.</p>	<p>Noted - the Council recognises that on-going monitoring over 30 years will require additional resourcing and funding to support it. In recognition of this the Council plans to charge an additional monitoring fee when significant on-site and any off-site Biodiversity Net Gain is delivered in order to pay for monitoring software and additional officers.</p> <p><b>Revisions</b></p> <p>Add additional section "Monitoring, Reporting and Enforcement" which applies to both on and off-site BNG.</p>

Consultation Point	Consultee	Comment	Council response and SPD Revision (where applicable)
			<p>Combine text from previous Paragraphs 5.23, 5.24, 5.25, 5.26 and 6.14.</p> <p><u>In order for the LPA to audit the delivery of Biodiversity Units approved within the Biodiversity Gain Plan and check that the management plan is being complied with, A BNG Monitoring Plan Reports will be required for any parcel of land delivering one or more Biodiversity Units on-site all on-site significant net gain and all off-site net gain. The schedule and methodology for monitoring should be included within the HMMP.</u></p> <p><u>The HMMP will be secured either via a planning condition, Section 106 Agreement or Conservation Covenant, which is separate to the General Biodiversity Condition.</u></p> <p><u>Monitoring reports will need to be submitted to the LPA at the required intervals and will need to include whether the target number of Biodiversity Units is being achieved over the agreed length of the HMMP and allow reporting as part of the Environment Act 2021., whether the HMMP has been implemented effectively and if adaptive</u></p>

Consultation Point	Consultee	Comment	Council response and SPD Revision (where applicable)
			<p><u>management or remedial action is required.</u></p> <p><u>The frequency of monitoring will depend on the complexity of habitats in the HMMP. Monitoring schedules will be set according to the highest distinctiveness habitat to be created or enhanced on the site. See the table below in order to determine the appropriate monitoring schedule to be used.</u></p> <p>Add Table 5.1</p> <p><u>The first monitoring report will need to be submitted immediately after the initial habitat creation or enhancement works to confirm these have been completed. This “completion of the development” will mark the start of Year 1 of the legally secured management and monitoring time period and should be clearly defined within the HMMP. For the purposes of defining ‘completion’ for the purposes of biodiversity net gain, traditional indicators may not be appropriate, for example for on-site habitats this might be the completion of any soft landscaping works or for off-site habitats this might be the planting of new trees. If there are delays to habitat</u></p>

Consultation Point	Consultee	Comment	Council response and SPD Revision (where applicable)
			<p><u>creation or enhancement this may result in a new Biodiversity Metric Calculation and submission of a new Biodiversity Gain Plan.</u></p> <p><u>Any remedial measures or adaptive management required at any of the fixed monitoring intervals should be included within the monitoring report and an updated Habitat Management and Monitoring Plan submitted to the LPA. If significant changes to the plan are required as result of the monitoring outcomes, for example those which would result in alternative habitat outcomes to be delivered, then the condition or Section 106 Agreement may require varying which will require approval from the LPA. We would encourage early discussions with the LPA to take place in these circumstances, this may be charged as pre-application advice.</u></p> <p>The Environment Act 2021 requires the LPA to carry out enforcement where the Biodiversity Units are not being delivered to the <u>satisfaction of the Local Planning Authority</u>. Where the <u>BNG Management Plan HMMP</u> is not being implemented satisfactorily or <u>monitoring</u></p>

Consultation Point	Consultee	Comment	Council response and SPD Revision (where applicable)
			reports are not submitted, enforcement action will be taken.
Long-term Implementation (Page 14)	1139625 Mark Jones (Barratt Homes / David Wilson Homes)	<p><b>66</b> Section 5.20 – Reference is made to a BNG Management Plan regarding long term implication of on-site delivery of BNG. How does this differ and relate to the Biodiversity Gain Plan and the LEMP? Need to be careful that applicants are not being asked to provide duplicate information in different reports resulting in unnecessary extra work for both applicants preparing the information, plus officers at the LPA who then have to review the same thing twice or three times.</p> <p>Section 5.20 – <i>“Where the Management Plan needs to include complex information but is considered too technical to be easily understood, there should be a summary of the Plan, which could be an appendix, showing a clear map where different management actions need to take place each year.”</i></p> <p>The above is a sensible approach which we would advocate and support, subject to this applying to a document which is not causing unnecessary duplication, as per our comment above.</p> <p>Section 5.21 says <i>“An annual progress report by an appropriately qualified ecological consultant will need to be sent to the LPA at the end of each year with confirmation of progress against the annual management actions; where remedial measures are required these should be clearly stated.”</i></p>	<p>Agree that the SPD needs to be specific about the different types of report required and the content of these.</p> <p>Agreed, an indication of the monitoring requirements in different scenarios should be outlined within the SPD.</p> <p><b>Revisions</b> Added in definitions of the different reports and the expected content of these below Table 4.1.</p> <p>Table 5.1 (The monitoring schedules required for habitats with different distinctiveness values) added to New Section 5.</p>

Consultation Point	Consultee	Comment	Council response and SPD Revision (where applicable)
		<p>How does this differ and relate to the monitoring and reporting plan that is referenced as part of the biodiversity gain plan content?</p> <p>If, as noted in the SPD, many areas don't contribute to BNG, how does this impact on the requirement for an annual report? Would a monitoring frequency for longer term habitats for e.g. woodland of greater than 1 year be suitable after the first five years as less is likely to be required post-establishment?</p>	
<p>Para 5.19 (Page 14)</p>	<p>1178615 James Copeland (National Farmers Union)</p>	<p><b>22</b> <i>“As well as ensuring good design for the establishment phase, it is essential to consider the subsequent on-site implementation of the BNG Management Plan. This will depend on who is expected to pay for the ongoing management and whether they consider the cost is affordable and acceptable value for money. In a residential situation it will be the new residents (or possibly a management company appointed by the developer) who are expected to pay for the ongoing on-site greenspace management, rather than the developer, applicant, or landowner (who may be responsible for the establishment phase only).”</i></p> <p>It would be useful to understand what lessons the LPA and Council has learnt from the 'management' of SuDS, and how such lessons may help the management of BNG sites. For example, Durham County Council have implemented a 'deed' systems to safeguard all parties - <a href="https://www.durham.gov.uk/article/7363/Sustainable-drainage-systems">https://www.durham.gov.uk/article/7363/Sustainable-drainage-systems</a></p>	<p>Noted</p>



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Para 5.20 (Page 14)	1341476 Councillor Colin Hutchinson	<p><b>47</b></p> <p>How will the policies described in this SPD ensure that the cost of the long-term management of BNG assets is met out of the profits gained by the developer, rather than being passed on to the home-owners who buy these properties? The original developer is likely to have no long-term interest in the land once the last unit has been sold and they may well have ceased to trade. How can we avoid a re-run of the current leasehold scandal?</p>	<p>Paragraph 4.33 (bullet point 8) of the SPD in setting out the requirements of the Habitat Management and Monitoring Plan covers the issue of how funding has been agreed to deliver the management of biodiversity net gains.</p> <p>Local Plan Policy IM7 Masterplanning at paragraph VII also addresses the issue of how such assets will be maintained and managed following the completion of development.</p> <p>Coincidentally, the Competition and Markets Authority (CMA) in their report “Housebuilding Market Study” published February 2024, examines the role of private management of public amenities on housing estates and associated issues and thus may be an issue that Government considers further.</p> <p>The representation raises an important point and is noted. It is, however, beyond the scope of the SPD to stipulate in detail where funding should come from, and so no further revisions are made to the SPD.</p> <p><b>Revisions</b></p>

Consultation Point	Consultee	Comment	Council response and SPD Revision (where applicable)
			For the reasons set out above no revisions are made to the SPD.
<p>Information Required for Land Parcels Delivering Biodiversity Units</p> <p>(Page 14)</p>	<p>1139625</p> <p>Mark Jones</p> <p>(Barratt Homes / David Wilson Homes)</p>	<p><b>66</b></p> <p>3rd bullet point says “<i>Confirmation of how a copy of the BNG Management Plan will be provided to every resident</i>”. This is unreasonable as it is adding an unnecessary burden on the sales team, who have to supply a lot of detailed information to every new customer. The BNG Management Plan will be technical and complex, so won’t be an easy document to understand, plus it will already be in the public domain as part of the planning application/discharge of conditions application. We therefore suggest that this requirement is deleted.</p> <p>5th bullet point says “<i>Confirmation that all parcels of land over 0.5 ha will be entered into a conservation covenant, including a timescale for this and confirmation to the LPA when done.</i>”</p> <p>The above needs mentioning earlier in the section covering on-site deliver of BNG. Consideration also needs to be given to using S106 agreements instead of a conservation covenant, especially as S106 agreements are a well understood legal tool by planners, developers and ecologists. Until organisations become responsible bodies and mechanisms to secure land by way of a conservation covenant, S106 is likely to remain an important part of the planning process for such applications. 0.5ha of land may not deliver a significant number of biodiversity units. Would a better measure of uplift be the number of biodiversity units?</p>	<p>Agree that providing the full Habitat Management and Monitoring Plan is a technical document however it is important that new residents understand the habitats provided on site which are providing significant net gains and the management actions which will be required to maintain them. Therefore, a summary of this information should be included within the new resident information packs with a link to where they may find the full plan.</p> <p>Agreed that S106s are likely to remain an important tool to secure biodiversity net gain and that Conservation Covenants are not yet regularly used.</p> <p><b><u>Revisions</u></b></p> <p>Amend Information Required for Land Parcels Delivering Biodiversity Units:</p> <ul style="list-style-type: none"> <li>Confirmation of how <del>a copy of the BNG Management Plan will be provided</del> <u>a summary of significant on-site gains and their required management actions</u></li> </ul>

Consultation Point	Consultee	Comment	Council response and SPD Revision (where applicable)
		Noting that such a recommendation may be contradictory to the currently proposed areas that cannot contribute to BNG.	<p><u>will be communicated</u> to every resident.</p> <ul style="list-style-type: none"> <li>On parcels of land over 0.5 ha delivering Biodiversity Units, interpretation panels will be required which include information on the key biodiversity features present and confirmation that a BNG Management Plan has been approved and where to get a copy from.</li> <li><del>Confirmation that all parcels of land over 0.5 ha will be entered into a conservation covenant, including a timescale for this and confirmation to the LPA when done.</del></li> <li><u>Details of how on-going management and monitoring of any 'significant' on-site habitats will be secured.</u></li> </ul>
Biodiversity Unit Monitoring (Pages 14-15)	1346873 Hannah Langler (Spawforths / Keyland)	<b>59</b> National guidance requires monitoring to be proportionate, further clarity with respect to the monitoring requirements is required to ensure that they are not unduly onerous.	Agreed, an indication of the monitoring requirements in different scenarios should be outlined within the SPD.  <b>Revisions</b> Table 5.1 (The monitoring schedules required for habitats with different

Consultation Point	Consultee	Comment	Council response and SPD Revision (where applicable)
			distinctiveness values) added to New Section 5.
Biodiversity Unit Monitoring (Pages 14-15)	1139625 Mark Jones (Barratt Homes / David Wilson Homes)	<p><b>66</b> There is ambiguity in the reporting terminology used and the reporting requirements; this may lead to a risk of protracted Council liaison to clarify and manage expectations from the pre-application stage onwards. The potential consequences are delays in submission timescales, additional upfront costs and delays in decision making of developments.</p> <p>The overall ability for developers to satisfy the reporting requirements in the SPD is considered to be hard to achieve given the number of reports and plans required, lack of clarity in the current text and varied reporting terms used. The following plans and reporting terms are used in the SPD, highlighted in bold, each of which requires definition and clarification as to how they relate to BNG:</p> <ul style="list-style-type: none"> <li>• Ecological Impact Assessment (EclA) clarity is required in relation to when CIEEM reporting guidelines apply and the distinction between the level of assessment required for non- Environmental (Impact) Assessment (EA) EclA, and formal EclA which requires the preparation of an Environmental Statement with an Ecology chapter (the relationship between BNG reporting and ES preparation is not referred to in the SPD).</li> <li>• Biodiversity Net Gain Report explanation is required as to how this report relates to the Environment Act 2021 biodiversity gain reporting requirement and content. It is possible that the secondary regulations will supersede the provision of this BNG report.</li> </ul>	<p>Agree that the SPD needs to be specific about the different types of reports required to accompany a planning application and the expected content of these.</p> <p>Agreed, a clear indication of the monitoring requirements in different scenarios should be outlined within the SPD.</p> <p><b><u>Revisions</u></b></p> <p>Added in definitions of the different reports and the expected content of these below Table 4.1.</p> <p>Remove inconsistencies around monitoring requirements for on- and off-site gains by merging these sections into new Section 5 “<i>Monitoring, Reporting and Enforcement</i>”.</p> <p>Table 5.1 (The monitoring schedules required for habitats with different distinctiveness values) added to New Section 5.</p>

Consultation Point	Consultee	Comment	Council response and SPD Revision (where applicable)
		<ul style="list-style-type: none"> <li>• Biodiversity Gain Plan explanation is required as to how this report relates to the national Habitat Management &amp; Monitoring Plan (HMMP) template and content in preparation by NE or whether these reports will effectively meet that requirement.</li> <li>• Table 1 under section 4.17 Stage 5 refers to Construction Environmental Management Plan (CEMP) and Landscape &amp; Ecology Management Plan (LEMP); explanation is required in relation to appropriate ecology matters for inclusion so as to avoid duplication of reporting effort. For example, at present habitat management is required to be detailed in the Biodiversity Gain Plan, as at Section 4.15, and there is significant overlap between this plan and the LEMP. It is suggested that the LEMP includes the Biodiversity Gain Plan as an attachment and that any additional habitat or species measures are detailed in the LEMP so that repetition is avoided and all long-term information is supplied to the local planning authority together.</li> <li>• At Section 5.20 a BNG Management Plan is referenced. Explanation is required as to how this differs and relates to the Biodiversity Gain Plan and the LEMP.</li> <li>• At Section 5.21 an annual progress report is referenced. Explanation is required as to how this differs and relates to the Monitoring and Reporting Plan that is referred to as part of the Biodiversity Gain Plan content, see also separate observation about 5.21 below.</li> </ul> <p>It is recommended that these matters are addressed and that the local-level reporting requirements are simplified because the statutory instruments that will accompany the Environment Act 2021 will provide a national legal minimum</p>	

Consultation Point	Consultee	Comment	Council response and SPD Revision (where applicable)
		<p>reporting template and fixed reporting terms, titles and content requirements. There appears to be a high risk of disproportionate reporting requirements which will be at developer expense and that will add significant time and delay to the discharge of pre-commencement conditions and site work commencing.</p> <p>At Section 5.21 an annual progress report is required of developers for on-site BNG, whereas Section 6.11 refers to monitoring reports being required at Years 1, 3, 5, 10, 20 &amp; 30. The reporting effort appears to be inconsistent between the on- and off-site options. Clarification is required.</p> <p>At Section 5.24 of the SPD, on-site BNG reporting is referred to as “being the responsibility of the local planning authority” whereas monitoring and associated reporting will be required, presumably by the developer, as stated at Section 5.23 for “any on-site BNG that delivers more than 1 biodiversity unit”. Clarification is required as to whether the reporting referenced at Section 5.24 means reporting back to central Government is the responsibility of the local planning authority using data supplied by developers on a per-development basis.</p>	
Para 5.21 & 6.11 (Pages 14 & 17)	1242748 Claire Rutherford (Natural England)	<p><b>9</b></p> <p>It is noted that Paragraph 5.21 requires an annual progress report and Paragraph 6.11 requires monitoring reports to be submitted to the Council in Years 1, 3, 5, 10, 20, &amp; 30, it is recommended that reporting on progress to the council should align with the management and monitoring programme of the project.</p>	<p>Agreed, an indication of the monitoring requirements in different scenarios should be outlined within the SPD and reporting on progress should align with this schedule.</p> <p><b><u>Revisions</u></b></p>

Consultation Point	Consultee	Comment	Council response and SPD Revision (where applicable)
			Table 5.1 (The monitoring schedules required for habitats with different distinctiveness values) added to New Section 5.
Off-Site Delivery of BNG (Pages 16-18)	1139625 Mark Jones (Barratt Homes / David Wilson Homes)	<p><b>66</b> Clarification is required in relation to strategic significance recognition between on- and off-site delivery so that developers completing the Metric as part of their applications understand the strategic significance multiplier that can be attained for a given location (as considered in the example below).</p> <p>At Section 5.7 high strategic significance applies to Wildlife Habitat Network and nature conservation designations, specifically Local Wildlife Sites, Sites of Special Scientific Interest (SSSI), Special Areas of Conservation (SAC), whereas in relation to off-site land, high strategic significance applies to a “designated nature conservation site” or “Habitat of Principal Importance” only.</p> <p>At Section 6.4 of the SPD, the final bullet point advises that off-site locations for delivery of BNG ‘will normally need to have a minimum size of 0.25ha.’ This new size requirement is applying an additional obligation to the developer and is considered to be inappropriate. The BNG legal requirement is to deliver 10% either on-site, through a combination of on- and off-site, or off-site alone. There is no legal requirement to deliver a minimum of 0.25ha for off-site.</p> <p>It is also noted that habitat banks will offer the sale of biodiversity units that may be relatively small in area, but that</p>	<p>Agree that there should be consistency between the terms used when referring to strategic significance on- and off-site.</p> <p>Noted regarding the minimum size of off-site biodiversity net gain. Agreed that this is at the discretion of the Local Planning Authority and is part of a wider list of criteria that will be taken into account when assessing suitability of an off-site location and drafting a legal agreement (if required). If the off-site location is part of a wider habitat bank/ecological network, then this would be taken into account during assessment.</p> <p>Agreed that the requirement to manage habitats for biodiversity net gain beyond the 30-year period will be dependent on the circumstances of the site and the habitats to be delivered.</p> <p><b><u>Revisions</u></b></p> <p>See response to 66 1139625</p>

Consultation Point	Consultee	Comment	Council response and SPD Revision (where applicable)
		<p>form part of a larger piece of land and the developer contributes based on their deficit so that they meet 10%.</p> <p>At Section 6.7 the low strategic significance category applies to land 'outside the Wildlife Habitat Network but in a location that forms a new strategic connection between two separate parts of the Network.' Clarity is required for the rationale behind categorising this as being of low strategic significance. This is because land at this location could provide the means for nature recovery by restoring or creating connections for species movement and consolidating parts of the Wildlife Habitat Network. Might it be that the text is missing words and that low strategic significance is intended to be for land that does not form a new strategic connection?</p> <p>At Section 6.14 the SPD states the expectation that 'any off-site land dedicated to meeting the Biodiversity Net Gain requirement will be retained in perpetuity, given the significance attached to addressing the climate emergency.' This new requirement or obligation is not in accordance with the national requirement for 30 years and may not always be appropriate or within a developer's control given that the land tenure may be with a third party or could revert to the original landowner/landholder who may have other requirements for this land in future. It is noted that any future development activity that requires planning permission under the Town and Country Planning Act would be subject to BNG mandate in any event and, as such, the relevant future baseline value would be based on the habitats present at that time, and valued accordingly in BNG terms.</p>	<p>Mark Jones (Barratt Homes / David Wilson Homes) above.</p> <p>See response to 24 1178615 James Copeland (National Farmers Union).</p>



Consultation Point	Consultee	Comment	Council response and SPD Revision (where applicable)
Biodiversity Unit Monitoring (On-Site) (Page 14)	1139625 Mark Jones (Barratt Homes / David Wilson Homes)	<b>66</b> Section 5.23 says “A BNG Monitoring Plan will be required for any parcel of land delivering one or more Biodiversity Units on-site.” What if the land parcel delivering one or more units is less than 0.25ha?	Agree further clarity is required on the threshold for habitats to be considered “significant” on-site gains.  <b>Revisions</b>  Definition for “significant” on-site gain to be added to Section 5 On-Site Delivery of BNG.
Enforcement (On-site) (Page 15)	1139625 Mark Jones (Barratt Homes / David Wilson Homes)	<b>66</b> Typing error in Section 5.25 “ <i>The Environment Act 2021 requires the LPA to carry out enforcement where the Biodiversity Units are not being delivered to the <u>its</u> satisfaction</i> ”.	Typing error to be corrected  <b>Revisions</b>  Amend paragraph 5.25 to read:  The Environment Act 2021 requires the LPA to carry out enforcement where the Biodiversity Units are not being delivered to the satisfaction of the <u>local planning authority</u> .
Location (Page 16)	1139625 Mark Jones (Barratt Homes / David Wilson Homes)	<b>66</b> We request further clarity regarding Section 6.4 “ <i>The location for off-site provision <b>must have the agreement of the Local Planning Authority</b>, which will take into account the following factors (unless otherwise agreed).</i> ”  At what point in time would the agreement be required? For example if conversations with an offset provider advance to a point that the offset is all but secured but the LPA has not	The list of criteria that the local authority will take into account when approving off-site provision are not an exhaustive list and will be assessed on a case-by-case basis. Many of these checks will be to ensure all of these elements have been factored into any submitted metric

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		<p>confirmed its position or support, than this could result in a lot of abortive work.</p> <p>The 7th bullet point below Section 6.4 says “Within the Local Planning Authority boundary” whereas off-site provision can be outside of the LPA boundary. We therefore suggest that this is amended in a way which encourages it to be within the LPA administrative boundary or National Character Area boundary but does not exclude nor penalises the applicant in anyway if off-site provision is to be delivered outside of Calderdale, particularly with the currently nascent offset market. Given that a developer is not restricted to only providing off-site gain within the same local authority boundary as its application.</p> <p>At Section 6.4 of the SPD, the final bullet point advises that off-site locations for delivery of BNG ‘will normally need to have a minimum size of 0.25ha.’ This new size requirement is applying an additional obligation to the developer and is considered to be inappropriate. Please refer to page 3 of the accompanying letter for further information. There is no legal requirement to deliver a minimum of 0.25ha off site.</p>	<p>calculation, for example the spatial and strategic significance multipliers, and that a legal agreement can be formed on the land. The Local Authority may also have knowledge of off-site BNG better suited to deliver benefits in proximity to the site and be in a position to offer this advice to the applicant where appropriate. Where sites do not adhere to all of the criteria, provided adequate justification is given, this would not necessarily preclude the LPA from approving the Biodiversity Gain Plan.</p> <p>See response above to 66 1139625 Mark Jones (Barratt Homes / David Wilson Homes) in regard to the minimum size limit for offsetting sites.</p> <p>If securing off-site biodiversity net gain as part of the planning approval (as opposed to purchasing units from an already secured habitat bank) the agreement would likely be required during determination in accordance with Paragraph: 015 Reference ID: 74-015-20240214 of the BNG PPG.</p>

Consultation Point	Consultee	Comment	Council response and SPD Revision (where applicable)
Para 6.4 (Page 16)	1178615 James Copeland (National Farmers Union)	<p><b>21</b>  <i>“The location for off-site provision must have the agreement of the Local Planning Authority, which will take into account the following factors (unless otherwise agreed):... Within land mapped in the West Yorkshire Local Nature Recovery Strategy... Land subject to a biodiversity land banking agreement with an organisation approved by the Local Planning Authority.”</i></p> <p>Whilst we can see the benefits of this, LNRS must also work across boundaries. As such, for a site on the boundary of the WYLNRS, it would be beneficial to allow the placement of BNG on a neighbouring LNRS area, where such a site is favourable for the delivery of BNG. We would also welcome more details on ‘land banks agreement’. Is land only considered if it is within a land bank agreement, and how does this allow landowner private agreements. Should it be that specific land within a land bank agreement can only be via an approved organisations, what are the criteria e.g. does the LPA accept and liabilities?</p>	<p>Agreed that Local nature Recovery Strategies are designed to work across LPA boundaries in order to contribute the National Nature Recovery network.</p> <p>Land for off-site gains can only be considered if it is capable of being legally secured and managed to achieve those gains for a minimum of 30 years.</p> <p>The criteria listed under Paragraph 6.4 are an indication of the information the LPA will consider when assessing whether an offsetting site is suitable to enable them to approve the Biodiversity Gain Plan and that the best outcomes for nature are being delivered based on the availability of off-site provision.</p> <p><b>Revisions</b>  Amend paragraph 6.4 to read:</p> <ul style="list-style-type: none"> <li>• Within land mapped in the West Yorkshire Local Nature Recovery Strategy <u>or an adjacent strategy.</u></li> <li>• Land <del>subject to a biodiversity land banking agreement with an organisation approved by the Local Planning Authority</del> <u>capable of being legally secured and managed for a minimum of 30</u></li> </ul>

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			<u>years by a person or management company with sufficient experience and skills.</u>
Para 6.4 (Page 16)	1339007 Natasha Styles (The Planning Bureau on behalf of McCarthy Stone)	<p><b>52</b> The location for off-site provision <b>Para 6.4</b> of the draft SPD attempts to set ‘that the location for off-site provision must have the agreement of the Local Planning Authority’. <b>Para 6.4</b> then lists a number of factors that should be considered including proximity to the proposal site, being within the local planning authority boundary, and set minimum size thresholds. This in effect sets a sequential approach to delivering off-site Biodiversity Net Gain (‘BNG’). The Council should note that section 7.4 of the Metric identifies a spatial risk multiplier that ‘reflects the relationship between the location of on-site biodiversity loss and the location of off-site habitat compensation’ (para 7.4.2). Para 7.4.2 confirms that: ‘It affects the number of biodiversity units provided to a project by penalising proposals where off-site habitat is located at distance from the impact site’.</p> <p>Table 7.1 of the Metric then identifies the spatial risk score to be used for each habitat group depending on the location of the compensation site in comparison to the development site. For example, within the Local Planning Authority (LPA) Area or National Character Area (NCA) of the impact site the spatial risk score would be 1, if the compensation is outside LPA or NCA of impact site, but in neighbouring LPA or NCA the spatial risk score is 0.75. The Metric therefore already accommodates the distance away from the development site that the off-site BNG is proposed, with more BNG units being</p>	Noted – although the biodiversity metric does accommodate for the spatial risk factor when delivering biodiversity units off-site, the local authority must approve the final Biodiversity Gain Plan and be satisfied that both the mitigation hierarchy and biodiversity gain hierarchy have been applied and that the spatial and strategic significance multipliers have been applied correctly to any off-site habitats to be delivered.

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		<p>required the further away the compensation site is from the development site.</p> <p><b>Recommendation:</b> Section 6.4 in directing a sequential approach to BNG delivery should therefore be removed with the Council relying on Natural England's Metric instead.</p>	
<p>Para 6.7 (Page 16)</p>	<p>1139625 Mark Jones (Barratt Homes / David Wilson Homes)</p>	<p><b>66</b> The 3rd bullet point under Section 6.7 says "<i>Low = Outside the Wildlife Habitat Network but in a location that forms a new strategic connection between two separate parts of the Network.</i>"</p> <p>We consider that the above could also equate to medium as it would contribute to the Lawton principles of 'bigger, better and more joined up'. Beginning to create connections of Green Infrastructure at the landscape scale arguably contributes above simply maintaining the status quo.</p> <p>Clarity is required for the rationale behind categorising this as being of low strategic significance .</p>	<p>Agreed that habitats in this scenario should be considered of medium strategic significance.</p> <p><b>Revisions</b></p> <p>Amend paragraph 6.7 to read:</p> <ul style="list-style-type: none"> <li>• High = <u>A Calderdale/Priority habitat or within the Wildlife Habitat Network or nature conservation designation: a designated nature conservation site or Habitat of Principal Importance</u> <ul style="list-style-type: none"> <li>○ <u>Local Wildlife Site (LWS)</u></li> <li>○ <u>Site of Special Scientific Interest (SSSI)</u></li> <li>○ <u>Special Area of Conservation (SAC)</u></li> </ul> </li> </ul>

Consultation Point	Consultee	Comment	Council response and SPD Revision (where applicable)
			<ul style="list-style-type: none"> <li>○ <u>Special Protection Area (SPA)</u></li> <li>● Medium = <u>Any semi-natural habitats</u> immediately adjacent to the above locations, or <del>within/</del> immediately adjacent to the <u>Wildlife Habitat Network</u> <u>in a location that forms a new strategic connection between two separate parts of the Network</u></li> <li>● Low = <del>Outside the Wildlife Habitat Network but in a location that forms a new strategic connection between two separate parts of the Network</del> <u>Everywhere else in the district</u></li> </ul>
Para 6.9 (Page 16)	1119998 Simon Tucker (Canal & River Trust)	<p><b>16</b> Within Calderdale, our network (comprising of the Rochdale Canal and Calder &amp; Hebble Navigation) runs East-West, and provides an important wildlife corridor within the District, forming part of the wider strategic Green (and Blue) network.</p> <p>We wish to highlight that canals are an excellent wildlife corridor linking other areas of wildlife importance as well as having their own intrinsic value.</p> <p>The principle of Biodiversity Net Gain is considered positive, as it has the potential to ensure that development sites next</p>	Noted – the network of canals throughout Calderdale are all either designated Local Wildlife Sites or within the Calderdale Wildlife Habitat Network (CWHN) and therefore already have a higher strategic significance as outlined within the SPD.

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		<p>to our network seek net-gain to biodiversity, which could help strengthen our network.</p> <p>Where off-setting is required, we do believe that account should be given towards the potential for canals in the District to be an appropriate location for off-site provision.</p> <p>The Trust are open to considering proposals from developers to deliver net gains on its land (be these watercourse units or other habitat types) on a case-by-case basis. In doing so, the Trust will have regard to Defra's 'Sell biodiversity units as a land manager' guidance.</p> <p>Within section 6 of the draft Biodiversity Net Gain document, section 6.9 refers to watercourse strategic significance. <b>However, we believe that reference to the canal network should also be included</b>, especially as our network in Calderdale runs parallel to the River Calder, being interlinked hydraulically. This would help make the document more effective, as it would help signpost developers and decision makers to the potential use of our habitat. Without specific reference to canals, there is a risk that developers and decision makers may only consider other forms of watercourses, which in some circumstances may offer less potential for net gain enhancement.</p>	
Steps Which Need to be Taken for Off-Site BNG Provision (Page 17)	1139625 Mark Jones (Barratt Homes / David Wilson Homes)	<p><b>66</b></p> <p>The 2nd bullet point on page 17 says "<i>Have opening discussions about the sites' location with Planning Department and District Ecologist</i>" which we support, but it would be helpful to have a steer on when the timing of such discussions should take place. We would anticipate that this</p>	Agreed that pre-application discussions would be best placed for the timing of this but would be dependant on the impacts on the site. The Council's <a href="#">Pre-application advice service</a> sets out detail

Consultation Point	Consultee	Comment	Council response and SPD Revision (where applicable)
		would be as early as possible, including at the pre-application enquiry stage.	on where pre-application advice should be sought. In cases where non-priority habitats or habitats of lower distinctiveness are impacted these discussions would be undertaken during determination.
Watercourse Biodiversity Offsetting Contributions and Habitat Banks (Page 17)	1139625 Mark Jones (Barratt Homes / David Wilson Homes)	<p><b>66</b></p> <p>Section 6.10 says “<i>Biodiversity Offsetting contributions will not be accepted for the loss of any sort of Watercourse Units.</i>”</p> <p>We think that this will need to be reconsidered in practice due to, in some cases, necessary work required to satisfy statutory consultees, development objectives and industry standards. The ‘river’ portion of the metric also includes ditches, the total retention of which will not always be possible. Similarly, the river assessment requires assessments of rivers within 10m of the site boundary. Where discharge of SuDS to a watercourse not within the red line boundary is required, this would trigger a river assessment but the river would not necessarily be within the control of the applicant. Furthermore, the existence of the statutory credit scheme and the inclusion of rivers within this, indicates the government’s understanding that river offsets will in some cases be required.</p>	<p>Noted – In this case the paragraph refers to Calderdale Council selling watercourse units for offsetting purposes.</p> <p><b>Revisions</b></p> <p>Amend paragraph 6.10 to read:</p> <p>Biodiversity Offsetting contributions <u>to the Council</u> will not be accepted for the loss of any sort of Watercourse Units. In cases where Watercourse Units are likely to be required as part of a development, it is recommended linking in with the Environment Agency planning advice service as early as possible when planning a development for advice on Watercourse Habitats and BNG. <u>If off-site watercourse units are required these will usually need to be provided by the applicant, a 3<sup>rd</sup> party habitat bank or via the purchase of Statutory Credits (where the LPA approves of this).</u></p>



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Options for Off-Site BNG provision (Page 17)	1139625 Mark Jones (Barratt Homes / David Wilson Homes)	<p><b>66</b></p> <p>The 3rd bullet point under Section 6.11 says “<i>Conditions to secure long term implementation of BEMP and timing of monitoring reports to be submitted to the Council in Years 1, 3, 5, 10, 20, &amp; 30 to achieve uplift in Biodiversity Units.</i>” This reflects our previous comments about the frequency of monitoring and whether it is justified to have as a default a requirement for every site to report on an annual basis. If a more infrequent reporting strategy can be applied to off-site BNG provision, why can't the same approach be adopted for on-site BNG provision?</p> <p>For consistency, we would suggest that the same approach is taken such as the one suggested for off-site provision.</p> <p>In paragraph 6.12, we support this joined up thinking and working together between the West Yorkshire Local Authorities to set up a West Yorkshire Habitat Bank.</p>	<p>Agreed, an indication of the monitoring requirements in different scenarios should be outlined within the SPD.</p> <p><b>Revisions</b> Table 5.1 (The monitoring schedules required for habitats with different distinctiveness values) added to New Section 5.</p>
Para 6.13 (Page 18)	1185995 Beth Yeadon (Persimmon Homes)	<p><b>17</b></p> <p>Paragraph 6.13 describes how the delivery of off-site BNG will be secured either through a condition, S.106 agreement or a conservation covenant. We would welcome BNG schemes being approved alongside planning permissions rather than deferred to discharge a planning condition as this would streamline the approval process enabling us to commence onsite quicker and provide greater certainty for site acquisition.</p>	<p>Noted – this is in accordance with National BNG legislation</p>

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Para 6.13 (Page 18)	1178615 James Copeland (National Farmers Union)	<p><b>20</b>  <i>“Conditions, Section 106 agreements and conservation covenants will be used to secure the provision of necessary information and fees.”</i>            Can you confirm that either a Section 106 OR a Conservation Covenant will be used and both and not required?</p>	<p>Correct, either a Section 106 Agreement or a Conservation Covenant will be required to secure the management of land for BNG purposes.</p> <p>A Section 106 Agreement will always be required for sites with “significant” on-site gains or off-site gains to facilitate the Council processing monitoring reports submitted over the 30 year timespan of the agreement.</p> <p><b><u>Revisions</u></b></p> <p>Remove para 6.13</p> <p>Add para 5.28:</p> <p><u>The HMMP will be secured either via a planning condition, Section 106 Agreement or Conservation Covenant, which is separate to the General Biodiversity Condition.</u></p>
Para 6.14 (Page 18)	1178615 James Copeland (National Farmers Union)	<p><b>19</b>  <i>The Environment Act 2021 requires off-site BNG for a minimum of 30 years, but this has the risk of some land reverting to an alternative use after the initial 30 years has elapsed. In Calderdale it will be expected that any off-site land dedicated to meeting the Biodiversity Net Gain requirement will be retained in perpetuity, given the</i></p>	<p>Noted – the whole SPD has been approved by councillors and will be subject to the relevant democratic structure.</p>

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		<p><i>significance attached to addressing the nature emergency</i>". Can you kindly indicate the reasoning behind this decision and if such a decision has been approved by the Councillors and the relevant democratic structure?</p>	<p>Agreed that the requirement to manage habitats for biodiversity net gain beyond the 30-year period will be dependant on the circumstances of the site and the habitats to be delivered.</p> <p><b><u>Revisions</u></b></p> <p>See response to 24 1178615 James Copeland (National Farmers Union).</p>
<p>Para 6.14 (Page 18)</p>	<p>1339007 Natasha Styles (The Planning Bureau on behalf of McCarthy Stone)</p>	<p><b>53</b> Minimum period of 30 years <b>Para 6.14</b> of the draft SPD states 'The Environment Act 2021 requires off-site BNG for a minimum of 30 years, but this has the risk of some land reverting to an alternative use after the initial 30 years has elapsed. In Calderdale it will be expected that any off-site land dedicated to meeting the Biodiversity Net Gain requirement will be retained in perpetuity'. Requiring sites to be retained into perpetuity for BNG goes beyond the Environment Act 2021 and a minimum of 30 years figures should be used instead.</p> <p>With respect to the above considerations, the Council should note that paragraph: 008 Reference ID: 61-008-20190315 of PPG on Plan Making states 'Supplementary planning documents (SPDs) should build upon and provide more detailed advice or guidance on policies in an adopted local plan. As they do not form part of the development plan, they cannot introduce new planning policies into the development plan.....They should not add unnecessarily to the financial burdens on development'.</p>	<p>Agreed that the requirement to manage habitats for biodiversity net gain beyond the 30-year period will be dependant on the circumstances of the site and the habitats to be delivered.</p> <p>Significant on-site gains will need to be retained and managed in for the lifespan of the development, this is already a requirement for areas of open space provided within new development and therefore not considered to be an additional financial burden.</p> <p><b><u>Revisions</u></b></p> <p>See response to 24 1178615 James Copeland (National Farmers Union).</p>

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		<p>The above examples identify a number of areas of BNG delivery that introduces a more onerous requirement for BNG delivery beyond that provided for within the Metric. This in effect introduces new planning policy and will add unnecessarily financial burden to development. It is therefore contrary to PPG Paragraph: 008 Reference ID: 61-008-20190315 and is a further justification for the draft SPD being reconsidered once all government guidance has been published.</p> <p>In addition, Paragraph: 004 Reference ID: 23b-004-20190901 of PPG on Planning Obligations states 'Policies for planning obligations should be set out in plans and examined in public. Policy requirements should be clear so that they can be accurately accounted for in the price paid for land.' As the Council confirms in <b>para 6.14</b> of the draft SPD that it is intending to secure off-site BNG via a S106 agreement, the detail of the requirements of the draft SPD should be part of a Local Plan rather than SPD.</p>	
Para 6.14 (Page 18)	1346874 Robert Frewen (Country Land and Business Association)	<p><b>64</b> We have significant concerns at the concept of requiring BNG in perpetuity rather than 30 years. Developers have no obligation to pay beyond the 30 year point so a farmer or landowner at that point has an area of land with permanently changed land value, a legally binding management requirement which is likely to involve annual cost and with no revenue to balance the cost. This risks being a huge disincentive to farmers and landowners to bring any land forward at all to provide the offsite BNG in the first place.</p>	See response to 24 1178615 James Copeland (National Farmers Union).

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Para 6.14 (Page 18)	1139625 Mark Jones (Barratt Homes / David Wilson Homes)	<p><b>66</b> At Section 6.14 the SPD states the expectation that ‘any off-site land dedicated to meeting the Biodiversity Net Gain requirement will be retained in perpetuity, given the significance attached to addressing the climate emergency.’ This new requirement or obligation is not in accordance with the national requirement for 30 years and may not always be appropriate or within a developer’s control given that the land tenure may be with a third party or could revert to the original landowner/landholder who may have other requirements for this land in future .</p>	See response to 24 1178615 James Copeland (National Farmers Union).
Fees (Page 18)	1139625 Mark Jones (Barratt Homes / David Wilson Homes)	<p><b>66</b> We are concerned about the frequency at which the Council are proposing to review the BNG unit fee, which could lead to an increase in cost every 6 months. There needs to be some stability to allow developers to factor in relevant costs when bidding and acquiring sites.</p> <p>A live-link to the Council’s website would be helpful to include in the SPD so that any costs are up to date.</p>	Noted – this is in accordance with the frequency of which the Government has set out the review periods for statutory credits.
Fees (Page 18)	1139625 Mark Jones (Barratt Homes / David Wilson Homes)	<p><b>66</b> Does the fee of £25,000 include or exclude VAT?  Also has the Council undertaken an EVA to demonstrate that the above cost is viable for development in Calderdale?  In the supporting text accompanying the fees, it says that the fees will be index linked and reviewed every 6 months. Landowners and Developers need greater certainty of costs, especially given the extreme challenges ahead to deliver 10% BNG, which in most cases will be unachievable on site. Thus,</p>	<p>Noted – this is in accordance with the frequency of which the Government has set out the review periods for statutory credits.</p> <p>Currently, the Council is not required to charge VAT when selling biodiversity units, however this may be subject to change dependant on how any future habitat bank is set up and managed by</p>

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		<p>for many, paying an off-site contribution will be the only means to achieving a 10% gain.</p> <p>To potentially change and increase the costs every 6 months does not provide sufficient certainty in the lead up to submitting and obtaining planning permission. There can be significant lead in time prior to this, including bidding on a site and undertaking pre-application enquiries etc. The frequency of this cost potentially changing every 6 months will cause developers in Calderdale with an issue. Also this will put pressure on internal resource for the Council, having to review the cost and ensure that any increase in cost is justified and feasible.</p> <p>Furthermore, there needs to be clarity that the cost of credits will be fixed at the point of submission to ensure that developers are faced with unknown and increased costs later down the line.</p>	<p>the Council, for example via an arm's length company. The current fees charged for biodiversity units and whether VAT is required will be set out on the Council's website rather than within the SPD.</p> <p>The Council will not be able to direct developers to purchase biodiversity units from them in preference to other ecologically equivalent suppliers and therefore an EVA is not required. Developers should undertake research into the cost and availability of Biodiversity Units within Calderdale as part of their viability analysis.</p>
Appendix 1			<p>In response to a number of representations highlighting that a significant amount of the text contained within Appendix 1 replicates information contained within the Biodiversity Metric User Guide. As this information is subject to change when new iterations of the metric are released and therefore there is a risk that the information in the SPD could be become out of date or conflict with national legislation. Therefore, Appendix 1 has been removed and any sections which remain</p>

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			relevant (such as information on red/blue line boundaries) have been moved into the main body of the document.
Para A1.16 (Page 20)	1242748 Claire Rutherford (Natural England)	<p><b>15</b> Paragraph A1.16 states “<i>Where the blue line boundary is aligned with the red line development area, habitat creation and enhancement may be classed as on-site. Any separation of the blue and red line boundaries means that habitats within the blue line should be classed as off-site.</i>”</p> <p>The Biodiversity Metric User Guide is clear that on-site means within the red line boundary and off-site land is outside of the on-site boundary, regardless of proximity or ownership.</p>	<p>Agreed, any habitat creation or enhancement within the blue line boundary must be classed as off-site as per the Statutory Metric User Guide.</p> <p><b><u>Revisions</u></b></p> <p>Information on red/blue line boundaries moved into Section 6.</p> <p>Amend text as follows:</p> <p>All habitats within a development site are required to be included in the Biodiversity Metric calculation whether or not they will be directly affected and are subject to the same 10% Net Gain requirement.</p> <p><u>Only habitats within the red-line boundary may be classed as on-site. If habitat creation or enhancement is to be delivered anywhere outside of this, including within an adjacent blue-line boundary, this must be classed as</u></p>

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			<p><u>off-site and will require an appropriate legal agreement to secure.</u></p> <p><u>It is important that watercourses on the boundary of development sites are not excluded from BNG assessments. Where the red line boundary of the development falls within the riparian zone (within 10m of a watercourse), the watercourse must be included within the baseline and post-development BNG calculations.</u></p> <p><u>It is recognised that scheme designs may change throughout determination it is essential to clearly define the development boundary and any areas set aside for habitat creation or enhancement. However, with any iteration of the design a revised metric must be provided with corresponding dates and issue numbers. Submitted layout and landscaping plans must correspond with the BNG calculations. This will ensure that the correct calculations for pre- and post-development can be identified with the appropriate scheme design.</u></p> <p><u>Only post-development habitat areas included in the Biodiversity Gain Plan (and subsequent BNG Management</u></p>



Consultation Point	Consultee	Comment	Council response and SPD Revision (where applicable)
			<p><del>Plan and Monitoring Plan</del> should be included in the biodiversity unit calculation. Areas outside the gain plan cannot be guaranteed to be managed and monitored in order to reach and maintain the required condition. This means that in Calderdale, residential gardens and green or brown roofs in private ownership should not be included in post-development calculations unless a clear and robust statement about their continued maintenance and monitoring in condition can made.</p>
<p>Para A1.16 (Page 20)</p>	<p>1341717 Rachel Flounders (ID Planning / Crest Nicholson)</p>	<p><b>60</b> <b>Defining Boundaries (Red and Blue Lines)</b> Appendix 1, paragraph A1.16 states <i>“Where the blue line boundary is aligned with the red line development area, habitat creation and enhancement may be classed as on-site. Any separation of the blue and red line boundaries means that habitats within the blue line should be classed as offsite.”</i> Futures Ecology object to this approach because including blueline area habitat creation and enhancements as onsite, would also mean including these areas within the site baseline. This will increase the baseline value and therefore the target for achieving a 10% biodiversity net gain.</p> <p>The proposed approach does not align with the Environment Act 2021, Schedule 14, Part 1, Section 12(1) which states <i>“Onsite habitat means habitat on the land in which the planning permission relates.”</i> This is a fundamental issue as</p>	<p>See answer to 15 1242748 Claire Rutherford (Natural England) above.</p>

Consultation Point	Consultee	Comment	Council response and SPD Revision (where applicable)
		<p>blue line land is not proposed for development and is merely included for biodiversity benefits.</p> <p>For site allocation LP0978 the implications of blue line land being treated as on-site is that it is outside the control of the developer and would be subject to negotiation with the landowner and a separate legal agreement.</p> <p><u>The SPD should align with the approach set out in the Environment Act 2021, Schedule 14, Part 1 where onsite habitat only relates to the habitat on the land for which the planning permission relates (the red line area).</u></p>	
Para A1.17 (Page 20)	1346860 Kate Haymes (Futures Ecology)	<p><b>55</b></p> <p>I disagree with this statement in terms of residential gardens as the BM 4.0 assigns a low value, with a 'N/A (Urban: Vegetated Garden)' condition assessment so this limitation has already been compensated for. Instead, the BM 4.0 score reflects that private gardens do not require ongoing management and monitoring and instead recognises that a residential development is not 100% hardstanding.</p>	See response above to 66 1139625 Mark Jones (Barratt Homes / David Wilson Homes).
Para A1.17 (Page 20)	1139625 Mark Jones (Barratt Homes / David Wilson Homes)	<p><b>66</b></p> <p>Section A1.17 says “<i>This means that in Calderdale, residential gardens and green or brown roofs in private ownership should not be included in post-development calculations unless a clear and robust statement about their continued maintenance and monitoring in condition can made.</i>”</p> <p>We object to this part of the SPD as it is possible for these to be included in post-development calculations, albeit we recognise that they have a limited score/impact. Nevertheless</p>	See response above to 66 1139625 Mark Jones (Barratt Homes / David Wilson Homes).

Consultation Point	Consultee	Comment	Council response and SPD Revision (where applicable)
		they can contribute towards the total post development calculation.	
Para A1.24 (Page 20)	1346860 Kate Haymes (Futures Ecology)	<p><b>56</b> This is in line with the BM 4.0 guidance, and I agree with this statement. However, it contradicts Paragraph 5.4 and A1.17 as it alludes to private gardens being classified as ‘Urban – Vegetated garden’ rather than ‘Urban: Developed Land; sealed surface’.</p>	<p>Agree that vegetated gardens should be classified as such. As this line replicates information within the Biodiversity Metric User Guide, it has been removed along with the majority of Appendix 1.</p> <p>Paragraph 5.4 has also been removed in response to a number of other representations.</p> <p>However, guidance in regard to “significant on-site gains” on the treatment of vegetated gardens has been added to Section 6.</p>
Para A1.24 (Page 20)	1139625 Mark Jones (Barratt Homes / David Wilson Homes)	<p><b>66</b> Section A1.24 says “<i>It should be noted that where private gardens are created, any tree planting within the created garden should not be included within post-development sheets of the metric. <b><u>The habitat type ‘Urban – Vegetated garden’ should be used.</u></b></i>”</p> <p>The highlighted section above contradicts Section A1.17 of the SPD, but supports our comments that private garden areas should not automatically be ruled out from contributing towards a post-development calculation. They can contribute towards it albeit it limited.</p>	See response above to 66 1139625 Mark Jones (Barratt Homes / David Wilson Homes).

Consultation Point	Consultee	Comment	Council response and SPD Revision (where applicable)
Appendix 2 (Page 22)	228336 Yorkshire Wildlife Trust	<b>58</b> Very supportive of this level of detail to confirm exact requirements.	Noted.
Appendix 3			In response to a number of representations highlighting that a significant amount of the text contained within Appendix 3 replicates information contained within the Biodiversity Metric User Guide and the Condition Assessment Spreadsheets. As this information is subject to change when new iterations of the metric are released and therefore there is a risk that the information in the SPD could become out of date or conflict with national legislation. Therefore, Appendix 3 has been removed and any sections which remain relevant (such as information on assessing grassland and rivers) have been moved into the main body of the document.
Para A3.1 (Page 23)	1342496 Sarah Rochelle (Gleeson)	<b>1</b> This paragraph is not in line with the most up to date guidance.  Currently the BNG Metric 4.0 – User guide Technical Annex 2 states modified grassland should be assessed using UKhab classification – not NVC. The most recent UKhab	Agreed, habitat assessment must be undertaken in accordance with UKHab classification. However, where justification for habitat classification or condition is unclear from the submitted information further survey effort may be required. This could include quadrat

Consultation Point	Consultee	Comment	Council response and SPD Revision (where applicable)
		<p>classification (July 2023) also does not reference NVC in relation to the classification.</p> <p>The definition for modified grassland using UKhab (2023) states that this definition also includes “species poor grasslands that have occurred through natural succession where cover of rye grasses is less than abundant”. The section on “other neutral grassland” also specifically excludes “species poor swards that were previously classifications were included within species poor semi-improved grasslands” and directs the user back to “modified grassland”.</p> <p>Suggest clarifying/amending in line with most recent UKhab.</p>	<p>surveys or NVC surveys particularly where there is doubt regarding the number of species recorded per m2 or whether the habitat could be classified as a Calderdale/National priority habitat.</p> <p>Agreed that habitats should be classified in accordance with the latest UKHab guidance.</p> <p><b><u>Revisions</u></b></p> <p>Text moved from Appendix 3 to Section 4 and amend as follows:</p> <p><del>Only Grassland which is equivalent to the National Vegetation Classification (NVC) system MG7 (Lolium perenne leys and related grasslands) will be accepted as being Modified Grassland.</del></p> <p><u>Botanical surveys must have been undertaken under appropriate conditions and time of year, for example between May - September for grassland and prior to any mowing/cutting or heavy grazing. Where Modified Grassland is being assigned to a grassland, sufficient evidence including quadrat survey data to demonstrate species diversity and abundance will be required. If there is uncertainty regarding the habitat classification or</u></p>

Consultation Point	Consultee	Comment	Council response and SPD Revision (where applicable)
			<p><u>survey methods is may be required that the habitat area it must be assessed against its NVC community type to NVC survey methodology with supporting evidence to demonstrate this. All other NVC grassland community types must be assigned to Medium Distinctiveness or higher.</u></p>
<p>Para A3.1 (Page 23)</p>	<p>1346860 Kate Haymes (Futures Ecology)</p>	<p><b>57</b> I do not agree with this statement as the grassland habitat classifications within the BM 4.0 User Guide and Habitat Condition Assessments relate to UK Hab2 (g4 Modified Grassland) rather than NVC communities. The grassland type / distinctiveness should be based on the same criteria stipulated in the BM 4.0 Technical Guidance, i.e. UK Hab, rather than NVC, otherwise this will unnecessarily overcomplicate the process. Furthermore, NVC surveys are usually only commissioned for more diverse grasslands, whereas this would require NVC surveys to be undertaken on all sites with species-poor grasslands. This is a waste of resources for ecological consultants and a waste of money for developers when a perfectly adequate system for classifying grasslands (UK Hab) is available and suitable for use with the BM 4.0.</p>	<p>See answer to 1 1342496 Sarah Rochelle (Gleeson) above.</p>
<p>Para A3.1 (Page 23)</p>	<p>1341717 Rachel Flounders (ID Planning / Crest Nicholson)</p>	<p><b>60 / 63 / 65</b></p> <ul style="list-style-type: none"> <li>Using National Vegetation Classification (NVC), rather than UK Hab to classify low distinctiveness, modified grasslands.</li> </ul>	<p>See answer to 1 1342496 Sarah Rochelle (Gleeson) above.</p>

Consultation Point	Consultee	Comment	Council response and SPD Revision (where applicable)
	/ Redrow / Bellway)	<p>Paragraph A3.1 states that modified grassland should be assessed against the NVC. The grassland type / distinctiveness should be based on the same criteria stipulated in the BM 4.0 Technical Guidance which relate to UK Hab and not NVC. Futures Ecology highlight that NVC surveys are usually only commissioned for diverse grasslands, yet the SPD would require NVC surveys to be undertaken on all sites with species poor grasslands. Again, this will have financial implications for developers and is a waste of resources for ecological consultants when the UK Hab system is available and suitable for use with BM 4.0.</p> <p><u>Paragraph A3.1 should be amended to refer to UK Hab to align the SPD with the grassland habitat classifications within the BM 4.0 User Guide and Habitat Condition Assessments which relate to UK Hab and not NVC Communities.</u></p>	
Para A3.1 (Page 23)	1341717 Rachel Flounders (ID Planning / Crest Nicholson / Redrow / Bellway)	<p><b>60 / 63 / 65</b></p> <p>Within Paragraph A3.1 the SPD states “<i>Only Grassland which is equivalent to the National Vegetation Classification (NVC) system MG7 (<u>Lolium perenne</u> leys and related grasslands) will be accepted as being Modified Grassland. Where Modified Grassland is being assigned to a grassland area it must be assessed against its NVC community type with supporting evidence to demonstrate this. All other NVC grassland community types must be assigned to Medium Distinctiveness or higher.</i>”</p> <p>We do not agree with this statement as the grassland habitat classifications within the BM 4.0 User Guide and Habitat Condition Assessments relate to UK Hab2 (g4 Modified Grassland) rather than NVC communities. The grassland type</p>	See answer to 1 1342496 Sarah Rochelle (Gleeson) above.

Consultation Point	Consultee	Comment	Council response and SPD Revision (where applicable)
		/ distinctiveness should be based on the same criteria stipulated in the BM 4.0 Technical Guidance, i.e. UK Hab, rather than NVC, otherwise this will unnecessarily overcomplicate the process. Furthermore, NVC surveys are usually only commissioned for more diverse grasslands, whereas this would require NVC surveys to be undertaken on all sites with species-poor grasslands. This is a waste of resources for ecological consultants and a waste of money for developers when a perfectly adequate system for classifying grasslands (UK Hab) has been adopted by DEFRA / Natural England to inform calculations using their Biodiversity Metric Tool.	
Appendix 4 (Page 24)	1139625 Mark Jones (Barratt Homes / David Wilson Homes)	<b>66</b> We note that this is left blank and is to be added when published. We therefore look forward to seeing this and reserve comment at this time.	Noted.  Representations indicated that it would be useful to those less familiar with the BNG process to have flow diagrams. As a result, Appendix 4: Biodiversity Net Gain Checklist has been removed and replaced with a series of flow diagrams, which was considered more user friendly than a checklist format.
Appendix 5 Glossary		A number of representees suggested adding items to the Glossary	Additions made to Glossary
New Appendix 'List of References'		A number of representees made comments regarding clarity and related information.	New Appendix 'List of References' added to the SPD
Section 5	CMBC Revision		Added in "Section 5 - BNG Delivery in Calderdale", and merged information



Consultation Point	Consultee	Comment	Council response and SPD Revision (where applicable)
			relating to both on and off-site BNG into a single section, to avoid repetition and conflicting requirements for the delivery of both types of BNG highlighted by the representations. Sections which apply to both on and off-site BNG include strategic significance, expectations around riverine net gain and the monitoring/reporting of net gain.
Section 4	CMBC Revision		Merged Information required for Validation and Determination to reflect that different applications will require information at different stages. Inserted Table 4.1 to outline the information required for validation to reflect the introduction of the National Validation Information by the BNG PPG, and provide greater clarity for applicants on the information required.
Section 6 Areas of Land Acceptable to Contribute to BNG	CMBC Revision		Amended “Areas of Land Acceptable to Contribute to BNG” to “Demonstrating on-site delivery of BNG” to align with BNG legislation and new Planning Practice Guidance on how the balance of on-site gains should be considered when determining planning applications.  Amended text in this section as follows:

Consultation Point	Consultee	Comment	Council response and SPD Revision (where applicable)
			<p>The retention and delivery of biodiversity units on-site is preferred in the first instance, and this is supported both by the National Biodiversity Gain Hierarchy and Calderdale's local approach. The overall balance of the expected on-site gains, the significance of these and how these interact with other nature-based policies within Calderdale will need be considered during determination. In accordance with the NPPF (para 186), developments will need to demonstrate how opportunities to improve biodiversity have been integrated into their design and in particular developments of over 0.5 ha should aim to include:</p> <ul style="list-style-type: none"> <li>• On-site <u>public</u> greenspace where biodiversity is the main reason for management</li> <li>• <u>High distinctiveness or good condition habitats</u> Land where there is no public or limited access, provided it is managed primarily for biodiversity, <del>i.e. communally-owned private land with access for residents or employees only</del></li> <li>• Green walls or green/living roof spaces on communally owned buildings or industrial units</li> </ul>

Consultation Point	Consultee	Comment	Council response and SPD Revision (where applicable)
			<ul style="list-style-type: none"> <li>• Natural play areas where features specifically providing biodiversity and being managed by a company with experience of such features</li> <li>• SUDS features where water quality and biodiversity features are both delivered</li> <li>• <u>Connected green infrastructure, which contributes to Local Plan Policies GN1 and/or GN2</u></li> <li>• <u>Habitats to support Calderdale/UK Priority species where appropriate</u></li> <li>• <u>Habitats which buffer, expand or connect the Calderdale Wildlife Habitat Network.</u></li> <li>• <del>Any area that will form part of the BNG Management Plan</del></li> </ul>
Section 7	CMBC Revision		<p>Changed the title of “Location” to “Criteria” within Section 7 to reflect that not all the details which must be considered by the LPA when approving off-site biodiversity net gain are related to the location. Removed and added in additional criteria to reflect Gov.uk guidance on <a href="#">“What you’ll need to agree with the LPA or responsible body”</a>.</p>

Consultation Point	Consultee	Comment	Council response and SPD Revision (where applicable)
Section 7	CMBC Revision		<p>Changed the title of “Fees” within Section 7 to “Calderdale Council Habitat Bank” for clarity and context. Removed reference to the fee the Council will charge applicants when purchasing Biodiversity Units from the Council Habitat Bank as these will be published on a separate webpage due to the frequent updates expected.</p> <p>Amended text within para 7.9 to give greater clarity on the circumstances the LPA are able to sell units.</p> <p><u>The Council will not accept Biodiversity Offsetting contributions will not be accepted for the loss of any sort of Watercourse Units or habitats that it cannot provide on its land holding.</u> In cases where Watercourse Units are likely to be required as part of a development, it is recommended linking in with the Environment Agency planning advice service as early as possible when planning a development for advice on Watercourse Habitats and BNG. <u>If habitats of high distinctiveness or above are likely to be impacted by the development, then seeking pre-application advice with the Biodiversity Net Gain Officer is highly recommended.</u></p>

Consultation Point	Consultee	Comment	Council response and SPD Revision (where applicable)
			<p>Amended the planning process set out within Table 4.2 to reflect the process now set out by the legislation and ensure all references to the reports are named the same as the legislation and throughout the SPD for clarity.</p> <p>Amended the text within “Steps Which Need to be Taken for Off-Site BNG Provision” and “Options for Off-Site BNG provision” to reflect the processes established by the secondary legislation in November 2023.</p> <ul style="list-style-type: none"> <li>• Identify sites for off-site BNG provision which have potential for agreement with the landowners for the next 30 years</li> <li>• Have opening discussions about the sites’ location <del>with Planning Department and District Ecologist</del> <u>the Council BNG Officer</u></li> <li>• Undertake a baseline habitat survey and condition assessment following the <del>Defra</del> <u>BNG Statutory Biodiversity Metric</u></li> <li>• Consider options for BNG with ecological consultants and discuss these with the Council BNG officer</li> </ul>

Consultation Point	Consultee	Comment	Council response and SPD Revision (where applicable)
			<ul style="list-style-type: none"> <li>• Agree the off-site BNG contribution to the development and input this into the <u>Statutory Biodiversity Metric Calculation</u></li> <li>• <u>Legally</u> secure land option with landowner for a minimum of 30 years</li> <li>• Prior to discharging the <u>General Biodiversity Condition</u>, register the site on the <u>National Biodiversity Gain Site Register</u> and allocate the agreed units to the development.</li> <li>• Include off-site provision within the <u>Biodiversity Enhancement Management Plan (BEMP) a Habitat Management and Monitoring Plan (HMMP)</u> to be submitted <del>with the planning application</del> <u>with the Biodiversity Gain Plan</u>. This should include commencement dates for <u>initial habitat creation/enhancement actions, long-term</u> and management, <del>ecological</del> monitoring and biodiversity unit targets with time scales. It should also include details of who will be responsible for achieving these targets.</li> </ul>

Consultation Point	Consultee	Comment	Council response and SPD Revision (where applicable)
			<ul style="list-style-type: none"> <li>• <del>After planning permission has been granted, secure the land and</del> <u>Land manager to implement the BEMP HMMP and submit monitoring reports at agreed intervals.</u></li> </ul> <p>Land which they own outside of the red line boundary of the development, <u>which will need to provide the following:</u></p> <ul style="list-style-type: none"> <li>• <del>BNG Report (baseline metric and conditions assessment)</del></li> <li>• 30 Year Biodiversity Enhancement Management Plan (BEMP) HMMP to deliver minimum 10% net gain on offset site</li> <li>• <del>Conditions</del> <u>Legal agreement</u> to secure long term implementation of BEMP HMMP and timing of monitoring reports to be submitted to the Council according to the schedule as indicated within Section 5 in <del>Years 1, 3, 5, 10, 20, &amp; 30</del> to achieve uplift in Biodiversity Units</li> <li>• Section 106 agreement for payment of <u>a</u> monitoring fee per unit to the Council up front (fees may be reviewed)</li> </ul>

Consultation Point	Consultee	Comment	Council response and SPD Revision (where applicable)
			<ul style="list-style-type: none"> <li>• <del>Sites where units delivered will be registered on</del> <u>Registration on Sites the National Biodiversity Gain Site</u></li> <li>• Register <u>prior to approval of the Biodiversity Gain Plan</u> <del>within 12 months of commencement of BNG works;</del></li> <li>• Sum paid by developer <u>prior to</u> on commencement of development to cover cost of planning assessment, BNG Report and management plan, habitat works and long term monitoring.</li> <li>• Land will be identified at the time of approval of the <del>BNG</del> Biodiversity Gain Plan and allocated to the developer on the <del>BNG</del> National Biodiversity Gain Site Register. Any delay in commencement of habitat enhancement will need to be accounted for in the metric which results in a reduction in unit value.</li> </ul>



Consultation Point	Consultee	Comment	Council response and SPD Revision (where applicable)
			<p>Private land put forward within a habitat bank <u>which will need to provide the following:</u></p> <ul style="list-style-type: none"> <li>• <del>BNG Report (baseline metric and conditions assessment)</del></li> <li>• 30 Year Biodiversity Enhancement Management Plan (BEMP) <u>HMMP</u> to deliver minimum 10% net gain on offset site</li> <li>• <del>Conditions to secure long term implementation of BEMP and timing of monitoring reports to be submitted to the Council in Years 1, 3, 5, 10, 20, 30 to achieve Uplift in Biodiversity Units</del></li> <li>• <u>Confirmation that set has been registered on the National Gain Site Register and allocated to the development.</u></li> <li>• <del>Include timescales for adding site to national register and confirming work has commenced (12 months)</del></li> <li>• Section 106 agreement for payment of monitoring fee per unit to the Council up front</li> </ul>

Consultation Point	Consultee	Comment	Council response and SPD Revision (where applicable)
			<p>National BNG Credit Scheme <u>which will need to provide the following:</u></p> <ul style="list-style-type: none"> <li>• Evidence to demonstrate that there is no other local solution</li> <li>• <del>BNG Report (baseline metric and conditions assessment)</del></li> <li>• Evidence to demonstrate that appropriate national credits have been purchased <del>prior to commencement of development to be secured through conditions approval of the Biodiversity Gain Plan</del></li> </ul>