

## **Introduction**

Public consultation took place on the updated Design of Housing Supplementary Planning Document for a period of four weeks between Monday 3<sup>rd</sup> July 2023 to Tuesday 8<sup>th</sup> August 2023. A total of 83 comments were received from 20 respondents.

## **Who we consulted**

- Duty to Cooperate Bodies
- Bodies and organisations with a topic specific interest
- Developers and Agents active in the Borough
- Housing Associations active in the Borough
- Parish Councils
- Equality Forums

## **How we consulted**

- Emails or letters sent to the above consultees
- Press advert in the Barnsley Chronicle
- Press Releases (including use of the Council's social media) and press coverage through the course of the consultation period.
- Documents were made available on the Council's website
- Documents were made available at Library@the Lightbox and Branch Libraries across the Borough (online and paper form)

## Response to Consultation

The tables below set out the main issues raised during consultation. They summarise the main points and any key changes made to the documents as a result of comments received.

### General/ overarching comments

MAIN ISSUES RAISED	HOW THE ISSUES HAVE BEEN ADDRESSED
No comments (3 organisations)	Noted
Encouraged to see that geodiversity has been included wherever possible and that it accurately reflects concerns for the care of geological and geomorphological sites in the Borough.	Noted
SPD quite long which may deter people from reading it	Noted
Question regarding whether ecological surveys have ever been done at Locke Park. There seems to be quite a lot of natural wetland areas within in when specific pond for it all to run into.	Noted
A good document	Noted
Praise for the approach used to update the SPD both in terms of the changing legislative and policy environment and in making explicit just what is required in planning applications and indeed delivery on the ground	Noted

**BIODIVERSITY AND GEODIVERSITY SPD**

**Key changes made as a result of comments:** Reference to 10% Biodiversity Net Gain; general updates for clarity

MAIN ISSUES RAISED	HOW THE ISSUES HAVE BEEN ADDRESSED
4.1 Queries the term 'biological geodiversity' (4 comments)	Noted, changed within SPD to " <u>biological geodiversity</u> "
Paragraph 6.15 reference to the West Yorks LGAP as an example, in the absence of one for Barnsley, and have partially deleted reference to an LGAP for Rotherham being in preparation. The LGAP for Rotherham is in preparation, but may still be a long way off.	Noted
G11 bullet point 5. Suggests addition of "geodiversity" to biodiversity (although accepts that the section is mainly about green matters) (2 comments)	Comments relate to Local Plan policy G11, this cannot be changed through SPD.
Green roofs/living walls. The requirement for all flat/<25degree pitch roofs above 25m2 seems to be low threshold, 25m2 is not a particularly large roof area, less than most residential garages. The tables say that living walls should be considered as a possible option to mitigate visual impact. If a living wall was considered but rejected, in what circumstances would BMBC request or condition a living wall? Living walls can be costly to install and maintain and plants within the wall may fail or die back.	Text should be consistent with adopted Sustainable Construction SPD.  The SPD states that they "should" be considered, not that they "must" be. The request for a living roof/wall would be assessed on a case by case basis.
Table 1 – Outlines green roofs as a measure to contribute achievement of 10% BNG which is welcomed; however, it is highlighted that only roofs for which the continued management and monitoring can be secured for a minimum of 30 years (for example those not under private residential ownership) can contribute to achievement of a Biodiversity Net Gain.	Noted
<p>Table 1 Minimum Requirement Green Roofs/Living Walls</p> <p>All new roofs of more than 25m2, which are flat or have a pitch of less than 25 degrees, should be a suitable type and design of living roof, unless conflicting with the rooftop provision of solar panels.</p>	

SPDs should not add unnecessarily to the financial burdens of development. Considers as currently written, the requirement to have a suitable type/design of living roof on new roofs more than 25m<sup>2</sup> with a pitch of less than 25 degrees, or a living wall, would impact developments in terms of:

Living walls should be considered as a possible option on buildings, though especially if needed to help mitigate visual impact on otherwise unacceptably blank and/or architecturally unrelieved façades.

- Guarantees: The perceived risk of premature corrosion caused by the excessively damp environment beneath the green roof means that no guarantee would be given on standard roof specifications. This, in turn, impacts upon how the building can be funded, marketed, and occupied. Bespoke systems would add to the cost of building.

- Weight: Additional loading requirement on foundations/frame (with associated additional carbon requirements because of additional materials). The steel frame may need to be significantly upgraded to cater for the additional loading of the green roof, which can be in excess of +100kg/m<sup>2</sup> (1kN/m<sup>2</sup>) when fully saturated.

- Embodied Carbon: any additional upgrades to the steel frame (reduced purlin spans, increased purlin gauge etc) to cater for the additional weight of the green roof system can greatly increase the embodied carbon content of the project.

- Fire: The addition of the green roof system will need constant maintenance and if left to dry out can become a serious fire risk. As such, there would be a requirement to install an additional irrigation system on the roof, or at least provide provision for water at roof level. In addition to this, the green roof system will negate all current fire certification for the

<p>River-Therm® roof system (LPS 1181 etc).</p> <ul style="list-style-type: none"> <li>- Maintenance: Irrigation systems can be costly and add even more weight to the roof structure. The sedum matting will also require regular maintenance and green roofs can be prone to additional (unplanned) foliage contamination from birds / wind, which can take root within the sedum matting and impact on the integrity of the roofing system over time.</li> <li>- Traversing the roof: Extensive green roof systems are not generally intended for access and as such, dedicated walkways across the green roof may need to be installed. This would increase weight and cost.</li> <li>- Limited roof space: Green roof systems can limit usable space for PV/Rooflights</li> </ul> <p>This is not something that was considered as part of the examination of the Local Plan, or taken into account as part of the viability testing and therefore the SPD should confirm that this requirement is an option to achieve the 10% Net Gain rather than a requirement beyond this:</p> <p>“As an option to provide 10% BNG, aAll new roofs of more than 25m2, which are flat or have a pitch of less than 25 degrees, cshould be investigated for the potential to provide a suitable type and design of living roof, unless conflicting with the rooftop provision of solar panels and roof lights.</p> <p>Living walls cshould be considered as a possible option on buildings, though especially if needed to help mitigate visual impact on otherwise unacceptably blank and/or architecturally unrelieved façades.”</p>	
<p>7.7 (Table 1. Minimum Mitigation Requirements)</p> <p>Section 7 sets out that a minimum 10% Net Gain should be provided within</p>	<p>It will be a statutory requirement for the majority of developments to provide a minimum 10% net gain in</p>

<p>developments. Landscaping will play a large part in this. Table 1 then sets out the minimum mitigation requirements for developments in Barnsley.</p> <p>What is not clear from the SPD is whether this provides a series of options to provide the 10% Net Gain, or if all are requirements that must be followed. If it is the latter then the SPD would place a series of specific requirements on schemes which is beyond the scope of the Local Plan/Environment Act, which requires a 10% Net Gain, but gives flexibility as to how this can be achieved. Considers the SPD should reflect this flexibility to provide the Net Gain on-site. Not all requirements (i.e. green roofs) may be required to meet this figure. Suggests paragraph 7.7 is amended to read:</p> <p>“7.7 The below mitigation requirements within Table 1 below should be taken into account in seeking to achieve the 10% BNG. Details regarding the minimum mitigation requirements for developments in Barnsley are detailed in Table 1 below.”</p> <p>Alternatively suggest splitting out Table 1 to show what requirements are required in addition to the 10% Net Gain, and which are options that could be utilised.</p> <p>Considers many of these minimum requirements in table 1 have no basis in their ‘parent’ policies. The NPPG is clear that SPDs should not provide new policies.</p>	<p>biodiversity. The name of the table has been changed to “<b>mitigation requirements</b>”.</p> <p>The size and type of the development would dictate which elements of the mitigation measures should be implemented. This is applicable for the following comments.</p>
<p>Considers the numbers of bat/bird boxes seem to be disproportionate when considering a large commercial development, for example a warehouse. Gives example calculations to illustrate point. The requirements for bat/bird boxes do not take into account the proportionality of the existing local bat/bird populations and may also lead to being used preferentially by species more likely to use boxes at the detriment to those species that do not (e.g. blue tits). Integrating bat/bird boxes into commercial structures can be problematic as proprietary bat/bird box products</p>	<p>Greater Cambridge Shared Planning SPD adopted in February 2022 includes the provision of a minimum of 10 boxes for the first 1000 sqm footprint and one additional box for every 100 sqm for suitable commercial developments. However, it is appreciated that a development of 50,000 sqm would result in a total of 500</p>

<p>are mostly made for inclusion within brickwork. Queries how they should be integrated into different types of development.</p>	<p>boxes and this may be disproportionate to the level of impact from the development. As such, the SPD has been updated to reflect this with developers to provide additional boxes per 1000sqm. Developers should include the provision of nesting/roosting boxes proportionate to the level of habitat loss and the final number can be agreed with the council's planning ecologist, where there is uncertainty. Where nesting/roosting boxes cannot be fitted to buildings, for example single skinned buildings, provision should be made on/adjacent to the development site to ensure the provision of nesting/roosting habitat within the area.</p> <p>The most recent state of nature report (2023) indicates that the abundance indicator for common breeding birds declined by 14% and the UK Wild Bird Indicator shows that within this group, farmland birds have suffered particularly strong declines of on average 58%. Therefore, it is imperative that we do our utmost to provide adequate mitigation for breeding birds within the borough through the planning process, be this through the provision of nesting boxes and the creation of high value nesting and foraging habitat.</p>
<p>Bat and Bird Boxes - 100% of all new dwellings to include integrated bat and bird boxes. In respect of birds, swift boxes are advised as these are also used by other common nesting species. On constrained sites, practical consideration should be given to prioritising boxes within optimum areas of the site.</p> <p>Hybrid/Commercial/public service infrastructure/householder/permitted development applications etc...will include integrated bat and bird boxes in keeping with the scale of</p> <ol style="list-style-type: none"> <li>1. The requirement for a specific minimum amount of bid/bat boxes will create a situation where a vastly disproportionate number of boxes are required compared to the size of the Site for large scale developments. For example, for a 78,000sqm building 780 boxes would be required. Therefore the SPD should be amended to provide flexibility and a proportionate approach.</li> <li>2. The provision of integral boxes on commercial developments can be problematic in terms of building envelope/modern construction methods.</li> </ol> <p>Considers the wording should be amended to remove the requirement for these to be integrated, or clarification should be provided that externally affixed boxes are suitable.</p> <ol style="list-style-type: none"> <li>3. The wording should clarify what is meant by commercial, and if this includes strategic-scale industrial development.</li> </ol>	

<p>4 CPV (May 2019), Local Plan Viability Testing – Update</p> <p>development, i.e. minimum of 10 boxes for the first 1000 sqm footprint and one additional box for every 100 sqm.</p> <p>Proposes the following amendments:</p> <p>“100% of all new dwellings to include integrated bat and bird boxes. In respect of birds, swift boxes are advised as these are also used by other common nesting species. On constrained sites, practical consideration should be given to prioritising boxes within optimum areas of the site.</p> <p>Hybrid/(non-strategic) Commercial/public service infrastructure/householder/permitted development applications etc...will include integrated bat and bird boxes in keeping with the scale of development, i.e. minimum of 10 boxes for the first 1000 sqm footprint and one additional box for every 100 sqm, capped at a reasonable level.”</p>	
<p>Suggests that the benefits of bee bricks is not yet fully proven, therefore prescribing them in all dwellings may be premature as some research suggests they can lead to the spread of mites, disease, and encourage non-native species, or encourage certain species at the detriment of others. While other research suggests bee bricks can be beneficial</p>	<p>Noted, based on evidence provided this requirement has been removed from the SPD. However, once more detailed research has been provided and concludes that they are beneficial they will be a requirement within residential dwellings. As an alternative invertebrate mitigation such as boxes on trees, bee banks and brash pile should be included within development proposals. SPD updated to state the following  <b><u>Invertebrate boxes to be installed on suitable trees within development sites, alongside the provision of bee banks and brash piles.</u></b></p>
<p>Section 4 and appendix c Would like to see a reference to allotments and suggests they are protected from development.</p>	<p>Allotments are one of the categories of Green Space in our Green Space strategy. They are protected by Local Plan policy GS1.</p>



<p>Generally welcomes SPD and particularly pleased to see the following:</p> <ul style="list-style-type: none"> <li>• The inclusion of a requirement for integrated bat boxes in 100 % of new dwellings</li> <li>• The requirement for a 20 m buffer either side of new watercourses</li> <li>• The promise of a new Criteria When Protected Species Surveys Are Required (Appendix E) – although not yet been produced</li> </ul>	<p>Noted. Information relating to the timing of protected species surveys is located with the updated local validation checklist, and as such will not be located within the SPD.</p>
<p>6. Biodiversity Net Gain • Good that it makes clear that BNG does not replace the mitigation hierarchy (6.2) and the consideration needed for protected species (7.8).</p>	<p>Noted</p>
<p>In Section 6.6 the initialism LNRS is given before being written out in full.</p>	<p>LNRS is written in full in paragraph 2.3</p>
<p>In relation to Section 6.7, apparently it is now known that the responsibility for the LNRS in South Yorkshire will fall to the SYMCA, although it is considered that the role of BMBC in relation to the SYMCA should be noted</p>	<p>Noted, and amended to <b><u>SYMCA were officially appointed as the responsible authority for the LNRS in July 2023. Barnsley Council, alongside City of Doncaster Council, Sheffield City Council, Rotherham Metropolitan Borough Council, Peak District National Park Authority and Natural England were listed as supporting authorities.</u></b></p>
<p>In Section 6.13 it is considered there should be a link provided to Barnsley BAP.</p>	<p>Noted and added. <a href="http://www.barnsleybiodiversity.org.uk/introduction.html">http://www.barnsleybiodiversity.org.uk/introduction.html</a></p>
<p>Section 7.1 - It is considered the word 'minimum' should be added into the sentence 'a requirement of a minimum of 10% BNG is required'</p>	<p>Noted and added in <b><u>minimum.</u></b></p>
<p>Section 7.3 – noted that in most cases front and rear gardens will be created, rather than retained.</p>	<p>Noted and changed to <b><u>creation.</u></b></p>
<p>Suggests a reference to the Council's qualified ecologists in 8.2/8.3.</p>	<p>Noted and added in the following... <b><u>with the council's Planning Ecologists</u></b></p>
<p>8.15 suggests noting that this SPD will need to be reviewed when Govt finally publish all the BNG secondary legislation and guidance.</p>	<p>Noted. Added in the following.. <b><u>When the secondary legislation and guidance for BNG is made available, this SPD will be updated accordingly.</u></b></p>
<p>9. Further information suggests commentary text added to say what the links are</p>	<p>Noted and added information on the links.</p>
<p>Appendix A – the Dearne Valley NIA is still included but all the associated text (pgs 19-21) has been deleted.</p>	<p>Noted</p>

<p>Considered that Appendix C did include some helpful stuff which it is a shame to lose.</p>	<p>This appendix was considered to be lengthy and has been, where possible included within the main body of the SPD.</p>
<p>Appendix D/B (Page 46). This should refer in the title to the NPPF 2021 (text set out looks to be from the 2021 version though). It would be useful if this Appendix could be broadened to encompass the circular 06/2005 (which as far as I know is still extant as the 2021 NPPF still references it) and in particular paragraphs 98 and 99 and their relevance for protected species in a development context. •</p>	<p>New NPPF published December 2023, all references to be updated to reflect latest version. Reference is made to the NPPF which encompasses the Government Circular.</p>
<p>A number of new appendices (C: Additional details on Policy GI1, D: Ecological Survey Calendar and E: criteria where protected species surveys are required) are referred to that have not been included in the document. Has a particular interest in Appendix E, as there is a feeling the current requirements from BMBC for bat surveys in association with development are far too limited.</p>	<p>Removed the relevant Appendix titles.</p> <p>Additional text added to SPD <b><u>Details regarding the types of survey required and when to undertake them can be found within the Local Validation Checklist</u></b> <b><u><a href="https://www.barnsley.gov.uk/media/26092/local-validation-requirements-20230519.pdf">https://www.barnsley.gov.uk/media/26092/local-validation-requirements-20230519.pdf</a></u></b></p>
<p>Regarding s4.5: suggests checking date of Dearne Valley Wetlands SSSI designation. Content with the proposed removal of appendices A, B and C. Considers proposed new Appendix D is sparse, it is at least more up to date and relevant now. Generally satisfied with the approach and proposals of the SPD update.</p>	<p>Comments noted.</p> <p>Natural England confirmed Dearne Valley Wetlands SSSI under section 28 of the Wildlife and Countryside Act 1981 on 4 February 2022.</p>
<p>Welcomes the scope of the SPD to provide additional detail particularly in respect to achieving a 10% biodiversity net gain by development in Barnsley and the information required to accompany planning applications.</p>	<p>Noted</p>
<p>6.3 – Should consistently refer to the latest version of Defra’s Biodiversity Metric.</p>	<p>Where the metric is referred to within the SPD <b><u>statutory</u></b> has now been added to ensure the most recent, and statutory version of the metric will be used.</p>
<p>6.4 – Welcomes that development exempt from biodiversity net gain will still be required to provide biodiversity enhancements to meet planning policy BIO1.</p>	<p>We cannot ask for greater than 10% BNG on relevant</p>

<p>Highlights that sites which have a very low or nil biodiversity value as measured by the metric may need to provide a greater increase in biodiversity than 10% and recommend that a clear local approach for these sites, which are not exempt from BNG, which currently possess a negligible biodiversity is outlined. This could include setting a small target improvement utilising the metric via features such as rain gardens, natural SuDS, green roofs or native soft planting around the site or a specific biodiversity unit increase rather than a percentage gain (which can be difficult to quantify in these circumstances).</p>	<p>applications.</p> <p>Added in additional information on what would be required when the baseline value is zero.</p> <p><b><u>Where the baseline value of a site is zero the site is legally exempt from mandatory BNG. In this instance mitigation delivered as part of development proposals should be agreed with the council's planning ecologists and will be determined on a site-by-site basis. However, we would expect to see, as a minimum, features such as rain gardens, SuDs and other wildlife friendly features that will maximise the biodiversity value of a site.</u></b></p>
<p>6.6 – Reference that applicant must have regard to LNRS when delivering off-site biodiversity net gain is welcomed, it is noted that there is no specific guidance on how the strategic significance value in the Biodiversity Metric should be applied. The Biodiversity Metric applies a higher biodiversity unit score to habitats identified of strategic importance to that local area, further information relating to strategic significance can be found in the Biodiversity Metric 4.0 User Guide Paragraphs 5.16-5.24. Development should be encouraged to target habitat enhancement where it will have the greatest local benefit and avoid impacts where they will be particularly detrimental to local biodiversity, therefore clear guidance should be provided on the relevant local priorities which should be considered for example; future Local Nature Recovery Strategies (as already mentioned), Habitats of Principal Importance, local ecological networks, National Character Area priorities, River Basin Management Plans and Catchment Plans.</p>	<p>Current strategic areas in Barnsley comprises the Dearne Valley Green Heart NIA; when further guidance is published and there is a South Yorkshire LNRS more detail can be provided within an updated version of the SPD, on which sites are located within areas of strategic significance. The metric user guide defines strategic significance and provides guidance on which significance value to apply to a development site.</p>
<p>6.7 – The Responsible Authorities for the preparation of the Local Nature Recovery Strategies (LNRS) have now been announced with South Yorkshire Mayoral Combined Authority the Responsible Authority for South Yorkshire, including Barnsley.</p>	<p>Noted</p>
<p>7.6 – It is welcomed that the SPD encourages landscape features appropriate with the local context, would also welcome future local design codes or guidance for different areas/specific sites (the Dearne Valley Green Heart for example), which</p>	<p>Comment noted, will consider as part of future work on Design Codes.</p>

set out further detail on implementing biodiversity net gain and wider Green Infrastructure. Linkage to the Green Infrastructure Planning and Design Guide, which would be specifically relevant from Paragraph 6.16, and then 6.2 Biodiversity Net Gain and Green Infrastructure Standards, is encouraged.	
8.15 – Refers to a habitat management and monitoring plan (HMMP) being legally secured for biodiversity gain sites which is welcomed however, it will also be a requirement for significant on-site gains to be managed and maintained for a minimum of 30 years and this will need to be secured via a planning condition, planning obligation or conservation covenant. Clarity regarding the requirement for HMMPs both on and off-site would be beneficial. In addition, as set out in Government’s response to the 2022 BNG consultation, the expectation is that suitable arrangements for ongoing management should be made for all proposed gains, including those deemed ‘not significant’, as is normal practice.	Noted and amended. A Habitat Management and Monitoring Plan ( <u>HMMP</u> ) will be secured by a legal agreement/ <u>planning condition</u> to secure <u>on/offsite gains</u> <del>the gain site</del> and will need to be approved prior to commencement of development works. Information required within the <u>HMMP</u> will include;
Appendix B – Refers to the National Planning Policy Framework 2018, but should refer to the fact the National Planning Policy Framework was revised on 20 July 2021.	Noted and amended to latest version of NPPF December 2023 release.
Welcomes the references to green infrastructure and the framework. Natural England’s Green Infrastructure Framework can be used to develop GI policy and we recommend that plans refer to the 15 GI principles which set out the why, what and how to do good GI. The principles in conjunction with the Green Infrastructure Mapping Database - Beta Version 1.1 can be used to assist in planning GI strategically and inform policy.	Noted
(2.1) Welcomes emphasis in 2.1 for biodiversity enhancements to be seen as a way of adding value to developments and providing broader benefits for people as well as wildlife.	Noted
(3.1) 3.1 supports that it is restated that the conservation of biodiversity is imperative and given clear reasons for this in terms of habitat loss and species decline.	Noted
(4.1) The word biodiversity, is coined from biological diversity.	Noted

<p>(4.3) Although noting the change in the wording to emphasise ‘protected and notable species, many of which are rare or threatened’, many common species such as the House Sparrow and Starling have declined in numbers and are priority species — and would have been included in the previous wording. It is perhaps not clear that these too are notable species in the use made of the term here. A glossary of terms would be beneficial.</p>	<p>We would consider species such as house sparrow and starling to be notable species as they are Section 41 Species of Principal Importance (NERC Act, 2006). The following footnote has been added to denote this.</p> <p><b><u>Priority Species are those included within the list prepared under Section 41 of the Natural Environment and Rural Communities Act, Schedule; those relevant species included within the Wildlife and Countryside Act 1981 and all European Protected Species.</u></b></p>
<p>(4.4) It would be useful if paragraph 4.4 made clear the numbers of sites entirely or almost entirely in Barnsley and where information on the specific type of sites can be found online.</p>	<p>The SPD noted that all, or part of eight LNR’s are located within Barnsley. We felt this the most succinct way to summarise this. Paragraph 4.4. contains links to where the sites can be found on MAGIC and the local plan.</p>
<p>(6) Welcomes the helpful new section on Biodiversity Net Gain</p>	<p>Noted</p>
<p>(6.2) Pleased that paragraph 6.2 includes both the statements:</p> <ul style="list-style-type: none"> <li>• [BNG] does not replace or undermine the mitigation hierarchy for the consideration for the conservation of biodiversity within a development.</li> <li>• Where there are no anticipated impacts, developments should still secure a minimum 10% BNG.</li> </ul>	<p>Noted</p>
<p>(6.4) It would be helpful if paragraph 6.4 gave the main examples of development that are exempt from mandatory net gain. Is this paragraph meant to cover the situations where the baseline biodiversity value is negligible (zero), and a 10% net gain cannot be calculated? If so, this might be made more explicit and advice given as to Council expectations.</p>	<p>Noted and information provided on those sites exempt from BNG. Added in additional information on what would be required when the baseline value is zero.</p>
<p>(6.5) Pleased that changes in legislation allow the statement about ensuring that biodiversity net gain is assessed on the baseline biodiversity value immediately prior to any destruction or degradation of habitats that have taken place.</p>	<p>Noted</p>
<p>(6.6) Welcomes the principle of ‘local first’ in 6.6, namely that BNG should be provided on-site or nearby in the first instance, creating functional habitats that increase connectivity for wildlife.</p>	<p>Noted</p>

Local Nature Recovery Strategy (6.7) Following recent announcements this section will need to be updated.	Noted and amended – refer to comment No. 13.
Nature Improvement Area (6.10) Although the NIA is still important, supports the slimmed down statement. Good practice should apply throughout Barnsley and there are areas outside the specific NIA where opportunities for nature recovery exist.	Noted
Nature Based Solutions (6.22) Whilst the section on Nature Based Solutions is a useful addition, there may be developments where this is not possible. Should this be a requirement or an expectation where possible/appropriate. It would be useful if some examples could be given including onsite issues that nature can provide the solution to.	Nature based solutions will be dealt with on a site-by-site basis.
7. Integrating Biodiversity into Developments in Barnsley This is a very useful section.	Noted
(7.3) appears to add a further element to the mitigation hierarchy: <i>avoid, mitigate, compensate, offset</i> . Elsewhere in the document <i>management</i> is added to the mitigation hierarchy. Clearly achieving BNG is also a step to be taken once the actions to achieve the requirements of the mitigation hierarchy are completed. Management should be a requirement for mitigation and compensation as well as BNG. Offset or off-site compensation or for BNG is discussed elsewhere and does not fit with the other content of 7.3 (-7.7).	Noted
(7.7) Table of minimum mitigation requirements Supports the principle of having robust and ambitious requirements in this table which seems to reflect not just mitigation but also possible compensation and net gain actions.	Noted
(7.8) Supports the statement BNG does not alter the protection afforded to protected/notable species and habitats The use of the term notable needs clarification either in this paragraph or in a glossary. Similarly, it would be useful to explain further what is meant by the key ecological features of the site and the fact that BNG does not substitute for attention being paid to the functions of the key ecological features.	Footnote added to define what is considered notable. The key ecological features of a site are determined on a site-by-site basis. For example a site may comprise a variety of habitats and species (woodland, GCN, bats etc..) and those features may all be classed as a key ecological feature. However, a smaller, more urban site may have a small areas of individual young trees adjacent to modified grassland; within the context of that site the

	key features would comprise the scattered young trees, however, on a larger more complex site this may not be the case.
<p>8. Information Required to Support an Application</p> <p>(8.1) It would be useful to give a stronger statement in 8.1 on the applications that would not be supported (in line with the NPPF). For example:</p> <ul style="list-style-type: none"> <li>• where loss or deterioration of irreplaceable habitats (such as ancient woodland or veteran trees) would result from development</li> <li>• development on land within or outside a SSSI and which is likely to have an adverse effect on it Local Wildlife Sites</li> <li>• if significant harm to biodiversity resulting from a development cannot be avoided, adequately mitigated, or, as a last resort, compensated for</li> </ul>	This is covered under paragraph 180 within the NPPF.
(8.5) It would be useful if information on the locations of specific type of sites can be found online. In addition it would be very useful for developers and their consultants for a map to be produced for the BMBC website, which can be updated, showing both statutory and locally designated sites, and distinguishing between the different types. The Local Plan map does not do this.	Noted
It would be useful to cover the implications of potential impacts on a locally designated site such as a Local Wildlife Site and how this should be assessed and dealt with.	This is covered within policy BIO1 in that development which may harm a biodiversity or geological feature or habitat, including ancient woodland and aged or veteran trees found outside ancient woodland, will not be permitted unless effective mitigation and/or compensatory measures can be ensured
(8.14) Queries whether Local Validation Requirements need further updating in relation to this SPD and BNG.	The local validation requirements have been updated and undergone public consultation and link added to SPD.
(8.15) Supports the requirement for reports in years one, three, five, ten and every five year thereafter.	Noted
(8.23 to 8.34) Supports the deletion under the heading Nature Improvement Area, of paragraphs 8.23 to 8.34, and the associated appendices. The content is dealt with adequately elsewhere and the good practice identified should apply across the borough and not just in the NIA.	Noted

<p>(9) The further Information links would be helped by some subheadings and titles.</p>	<p>Noted and updated to include titles of each document/website</p>
<p>Appendix B The references are to NPPF 2021 not 2018. It would be useful to include the subheadings used in the NPPF</p>	<p>Noted and amended.</p>
<p>Only one subheading is included in the contents page. If a glossary is included the page references to the terms used in the subheadings could be included there.</p>	<p>Noted</p>
<p>6.5 Degradation and/or destruction of habitats</p> <p>Paragraph 6.5 sets out that where degradation and/or destruction of habitats is undertaken prior to a baseline survey being completed, the pre-development biodiversity value of a site should be taken to be its baseline biodiversity valued immediately prior to the destruction/degradation of habitats; this is applicable to any works undertaken on or after the 30th January 2020.</p> <p>Prior to land coming forward for development, it needs to be managed and maintained. This can be done outside of the planning system. We consider that Paragraph 6.5 needs to take this into account and should be amended to read:</p> <p>“6.5 As per Schedule 14 of the Environment Act 2021, where deliberate degradation and/or destruction of habitats is undertaken prior to a baseline survey being completed, the predevelopment biodiversity value of a site should be taken to be its baseline biodiversity value immediately prior to the destruction/degradation of habitats; this is applicable to any works undertaken on or after the 30th January 2020.</p> <p>2 Paragraph: 008 Reference ID: 61-008-20190315</p> <p>3 Recent appeal APP/K3605/W/22/3309746 is clear that a SPD is guidance rather than policy.</p>	<p>The wording in the SPD is in line with that described within the Environment Act. The Act is clear in that where destruction/degradation of habitats has been undertaken on or after the 30<sup>th</sup> January 2020, then the pre development biodiversity value of the onsite habitat is to be taken to be its biodiversity value immediately before the carrying on of the activities.</p>



<p>This would exclude any normal management/maintenance of the habitat as part of ongoing management regime. Any impact of habitat as a result of a separate planning permission (or different consenting regime) should also be discounted”.</p> <p>Considers that as currently written this paragraph is ambiguous. This updated wording would ensure that any ongoing management/maintenance of land is not penalised as part of the metric calculations. It would also ensure that works consented under a different planning permission/regime will be discounted from any assessment to ensure there is no double counting.</p>	
<p><b>Water Framework Directive (WFD)</b>          Consulted on an earlier version in 2019 and provided this comment:  <i>“There is no mention of the Water Framework Directive (WFD) in this document. Developments adjacent to waterbodies may need to complete a WFD assessment in order to determine impacts to the waterbody and suitable mitigation. Mitigation and net gain associated with these developments will need to be in line with the Humber River Basin Management Plan and mitigation measures associated with individual waterbodies.”</i>          No reference to WFD in this version of the SPD. Needs to refer to the legislative title, which is The Water Environment (Water Framework Directive) (England and Wales) Regulations 2017.          Given Section 5 (legislation, policies &amp; strategies) makes reference to the relevant local planning policies, also recommends that Section 5 is updated to include Policy CC5 (Water Resource Management) – as this is the local planning policy that makes reference to the WFD (both in the Policy CC5 wording &amp; the supporting text):</p>	<p>Comment noted. Suggested text to be added.</p>
<p>Supports the inclusion of Section 6 (Biodiversity Net Gain) in this SPD. Paragraph 6.3 highlights that the metric needs to be completed by a suitably qualified &amp; experienced ecologist. Agrees and recommends that that this paragraph is updated to highlight that the river condition assessment (which includes undertaking a site survey using the MoRPh survey methodology) requires assessors to be trained and accredited. E.g. <i>Where watercourse habitat falls within a development site, it must be assessed within the watercourse module of the</i></p>	<p>Noted. BNG is a statutory requirement, and as such developers are required to manage created and/or enhanced habitats for a minimum of 30 years. This is explicit within the statutory guidance.</p>

*biodiversity metric. River condition is assessed using the River Condition Assessment (MoRPh survey methodology) and this requires a suitably qualified person who is trained and accredited in undertaking surveys in line with the MoRPh survey methodology.*

Recommends updating the wording in paragraph 6.6 to be stronger – i.e.

- the created/enhanced habitats should **must** be secured for at least 30 years via planning obligations or conservation covenants; &
- **oAs a last resort option, and only** where a minimum 10% BNG cannot be secured via on or off-site options, developers can secure the required biodiversity losses **net gains** through the emerging statutory biodiversity credit scheme.

Paragraph 6.6 highlights that prior to the release of the statutory credit scheme anticipated in November 2023, developers being able to pay the council a BNG contribution per biodiversity unit.

Suggests prices per unit is included in the SPD. Recommends that any price the council sets for biodiversity units should differ depending on the broad habitat type / habitat distinctiveness in question. For example, watercourse habitat (watercourse units) are assessed and reported separately within the biodiversity metric.

Therefore, it would not be appropriate to apply the unit cost pricing strategy for another broad habitat type (unit) to watercourse habitat. It is recognised that the cost of delivering *watercourse units* are likely to outweigh the costs of delivering other habitat (unit) types, such as terrestrial area-based *habitat units*.

Recommends adding a paragraph to make explicit reference to situations where developers will need to apply the watercourse module of the biodiversity metric in scenarios where watercourse habitat falls within or immediately adjacent to a proposed development site's red line boundary – e.g. *The riparian zone is an intrinsic part of the ecological functioning and natural processes occurring in the river. Where the red line boundary of the development encompasses the riparian zone of a watercourse, either whole or in part, but excludes the channel of the watercourse, the watercourse module of the biodiversity metric must be applied. i.e. If the site boundary crosses into the riparian zone, adjacent lengths of the watercourse must be included within the metric assessment.*

Recommends that this section includes a paragraph to flag the importance of assessing each of the three broad habitat types (types of biodiversity unit)

The council currently charges £25k per unit, however reference to this sum within the SPD will not be relevant once BNG becomes mandatory.

All applications that fall within 10 m of a relevant watercourse will require assessment using the rivers metric/MoRPh survey by an accredited surveyor. As per the guidance, the following text has been added to the SPD.

**the rivers section of the metric must also be completed by a qualified MoRPh surveyor.**

<p>separately within the metric. The three types of biodiversity units generated by the metric (area, hedgerow &amp; watercourse) cannot be summed, traded or converted between modules – i.e. a minimum 10% BNG must be achieved separately for each of the three types of habitat present on a development site. For sites that include a watercourse (including the watercourse’s riparian zone), the BNG assessment must include the watercourse module of the metric and the development must deliver at least 10% BNG for this habitat type.</p>	
<p>Supports the inclusion of the text referring to LNRS, specifically that LNRS will map areas where there is an opportunity to improve habitat connectivity and functionality and the local environment to guide BNG. Recommends that the document outlines the other policies, plans and strategies that should be used to determine strategic significance (i.e. steer BNG delivery). Refers to text in the biodiversity metric guidance and recommends that this SPD highlights the relevance of these alternative plans, particularly River Basin Management Plans (RBMPs), catchment plans and actions outlined in catchment planning systems.</p>	Noted..
<p>Paragraph 7.7 - Table 1</p> <p><b>Watercourses</b> – support for inclusion of a 20m wide buffer either side of watercourses. Seeks clarity on if this buffer zone will be free from development, and queries where will the buffer zone be measured from. Considers this should be from the top of the riverbank.</p>	Noted
<p>Table 1 – Regarding the proposed 20 m buffer on either sides of a watercourse, consider this might benefit from more wording around appropriate use of this buffer (i.e. 15m must comprise riparian habitat/exclude footpaths/cycleways etc.). Tying into the ‘Bats and Lighting’ section there is also a specific issue around the lighting of bridging points over rivers, that might merit mention in this section. We would also note that in relation to bats and lighting there should be a reference to the latest BCT/ILP bats and lighting guidance.</p>	<p>Reference to the updated bats and lighting guidance note has been included within the relevant section of the SDP and a footnote to the reference added.</p> <p><b><u>Developers should refer to the most up to date bats and lighting guidance<sup>2</sup> to ensure impacts to bats are kept to minimal levels.</u></b></p>
<p>Watercourses - 20 m wide buffer either side of watercourses in the borough. Seeks clarification. For example, it needs to be clear if any infrastructure/access roads are permitted within the buffer zone. It stands to reason that they must be so as not to sterilise areas of land which may</p>	<p>Developers should adhere to best practice when development occurs close to other watercourses in the</p>

<p>be otherwise developable.</p> <p>Seeks confirmation of what is meant by a 'watercourse' needs to be confirmed. For example, considers that drainage ditches should not be included, and this should be confirmed.</p> <p>The BNG metric distinguishes between Priority Habitats; Other Rivers and Streams; Ditches; Canals; and Culverts. Also, the River Condition Assessment used to inform BNG calculations considers 10m from the bank top of a watercourse to be the "riparian zone". Therefore considers the zone should be reduced.</p> <p>The rationale behind the 20m buffer should be provided. It is perfectly feasible that a scheme can be delivered which meets with the requirements of policy/guidance with a smaller/no buffer. Considers that flexibility should be included within the wording here. Suggests the following wording: "Seek to provide a 120 m wide buffer either side of natural watercourses in the borough unless justified otherwise."</p>	<p>borough, and negative impacts to other watercourses should be avoided where possible. SPD changed to...</p> <p><b><u>Development proposals should include a 10 m</u></b> buffer from the bank tops of <b><u>main</u></b> watercourses (<b><u>Rivers Dove, Don and Dearne</u></b>), excluding footpaths, cycleways, roads etc... <b><u>taking into account the riparian zone. Developers should apply caution when working within 10m of all other watercourses and scheme design should follow good ecological practice and the mitigation hierarchy.</u></b></p>
<p>Section 7 row regarding "watercourses" would like clarity on whether this is a main river, or any flowing water. Considers a 40m buffer with a tiny drain would seem disproportionate. On smaller development sites this buffer may be restrictive or may prevent any development. Queries evidence for distance. Environment Agency works requiring a permit are usually 10m from a main river. Provides examples of other Council's policies (e.g. Buckinghamshire <a href="https://www.buckinghamshire.gov.uk/planning-and-building-control/planning-policy/watercourse-advice-note-aylesbury-vale-area/4-good-design/">https://www.buckinghamshire.gov.uk/planning-and-building-control/planning-policy/watercourse-advice-note-aylesbury-vale-area/4-good-design/</a>) which use a 10m buffer, this is double the distance.</p>	
<p>Table 1 – Welcomes the wording around prioritising optimal areas for bird and bat boxes</p>	<p>Noted</p>
<p>Bats – would like to see a specific mention of the importance of river corridors as key linear foraging and commuting habitat here, e.g. Sensitive lighting schemes to</p>	<p>Noted and added to the table.</p>

<p>be developed where additional lighting from the development will impact habitats such as woodland edges, hedgerows, waterways and wetlands.</p>	
<p><b>Paragraph 8.12</b> – The Metric should be applied at the site selection stage, i.e. even before outline design.</p>	<p>Paragraph 7.1 states the following <b><u>Considering biodiversity and geodiversity at project inception stage and ensuring proposals are supported with appropriate evidence, where relevant, is necessary and will help enable efficient and effective decision-making and help to achieve a minimum 10% BNG. The LPA will not support applications that would damage the NRN, or developments that do not provide a minimum 10% BNG.</u></b></p>

**SPD 'Biodiversity and Geodiversity SPD'**

Consultation with the Youth Council on proposed changes to SPD ,

**Youth Council 17/7/23**

**Supplementary Planning Document Consultation**

**Notes**

Attendees: Ella Farrell; Paula Tweed; 2 Youth Voice Participation Coordinators; 7 Youth Council representatives

Ella talked through the slides on the 3 SPD's currently out to consultation:

Financial Contribution to Educational Provision; Biodiversity and Geodiversity and House Extensions and other domestic alterations.

Questions and discussion

- What is an annex? Ella explained that an annex is a building that provides additional living space. It can be joined to or associated with the main building. An annex does not have all the elements to make it a separate self contained dwelling.
- Query re. 45% rule and whether it is measured from upper floor windows, Ella answered it could be but usually measured from ground floor window
- Query re. how BNG is monitored over 30 years. Our current understanding is that it is responsibility of the developer to provide monitoring reports to the local authority periodically. Question regarding enforcement. The enforcement team wouldn't be responsible for monitoring but may be involved to take enforcement action if the site is not retained for biodiversity purposes. PT explained that the 10% BNG is new and we are still working out how it will be monitored and hoping for further Government guidance on detail.
- Are hard copies available of the SPD's? There are reference copies in the libraries. Agreed to provide 3 copies of each SPD for the Youth Voice Participation workers to take out with them. **Action** Ella to organise copies.