

Kirklees Council Biodiversity Net Gain Technical Advice Note

Consultation Statement – June 2021

1. Introduction

- 1.1 The Biodiversity Net Gain Technical Advice Note provides detailed guidance on how Local Plan policy LP30 (Biodiversity & Geodiversity), to achieve a biodiversity net gain, should be implemented in determining planning applications. This Consultation Statement sets out the early engagement and public consultation carried out to inform the preparation of the Biodiversity Net Gain Technical Advice Note.
- 1.2 The Consultation Statement has been prepared in accordance with Town and Country Planning (Local Planning) (England) Regulations 2012 to support the adoption of the Biodiversity Net Gain Technical Advice Note and the council's Statement of Community Involvement (SCI). The SCI outlines how the council will work with local communities and stakeholders in developing planning policy documents.
- 1.3 In accordance with the Regulations, this consultation statement sets out:
- who was consulted during the preparation of the technical advice note,
 - how they were consulted,
 - a summary of the main issues raised during the consultation.
 - how those issues have been addressed in the adopted technical advice note.

2. Timetable of Technical Advice Note Production

- 2.1 The technical advice note was prepared by a project team led by the council's Biodiversity Officer, involving other internal specialisms including Planning Policy, Parks and Green Spaces Officers, Landscape Architect and Conservation and Design team.
- 2.2 The production of the Biodiversity Net Gain Technical Advice Note has followed a number of stages. The timetable for the production of the technical advice note is set out below.

Table 1: Technical Advice Note Timetable

Dates	Stage or Consultation Topics/Event
23 rd June 2020 - 31 st July 2020	Evidence gathering and early internal stakeholder engagement
19 th October 2020 – 14 th December 2020	Public consultation on the Biodiversity Net Gain Technical Advice Note

3. Early Engagement on the preparation of the Technical Advice Note

- 3.1 Early engagement on the preparation of the Biodiversity Net Gain Technical Advice Note was undertaken with internal and external stakeholders to understand their expectations and priorities to help inform the scope and content of the technical advice note. This period of internal officer engagement was held from 23rd June 2020 until 31st July 2020.
- 3.2 The following council specialisms were consulted as part of the preparation and initial drafting of the technical advice note:
- Biodiversity
 - Policy
 - Parks and Green Spaces
 - Conservation and Design
 - West Yorkshire Ecology Service
 - West Yorkshire Ecological Advisory Group
- 3.3 Early engagement with the project team, wider internal specialisms and members identified several issues which are set out in the tables below together with the council’s response on how the draft technical advice note has dealt with this issue.

Table 2: Draft Biodiversity Net Gain Technical Advice Note: Internal Early Engagement

Main Issue	How Issue Dealt with in the TAN
Strengthen wording referring to encouraging a 10% net gain.	Added the words “a minimum of 10% net gain in biodiversity is required.” In line with the forthcoming environment bill.
Lack of local evidence regarding background biodiversity information.	Added background information on the production of Biodiversity Opportunity Zones and the Kirklees Wildlife Habitat Network.
Stated that minor applications will not need to utilise the biodiversity metric to demonstrate a net gain but there may be instances where applicant states there will be net gain, but you disagree and using the metric would help.	Changed wording to state minor applications will not normally need to utilise the metric.
No information regarding the outcomes should monitoring identify that the condition of habitats is not providing adequate net gains.	Added text to state that remedial measures will be required where reports show that required targets are not being met else appropriate enforcement action may be taken.

4 Public Consultation on the Biodiversity Net Gain Technical Advice Note

4.1 Public consultation on the draft Biodiversity Net Gain Technical Advice Note took place initially for a 6-week period from 19th October to 30th November 2020. This was extended for an additional two weeks to the 14th December 2020 (8 weeks in total). The consultation was available on-line and through email and postal comments.

4.2 In compliance with regulations 12, 13 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012, the following actions were undertaken:

- The draft Biodiversity Net Gain Technical Advice Note was published on the council's online consultation portal.
- Details of the consultation and details of how to obtain hard copies of the documents was displayed in the windows of the customer service centres in Huddersfield and Dewsbury, on the council's web page and on the council's social media platforms.
- Statutory consultees, organisations and private individuals that expressed an interest in planning policy and future publication of SPDs (see Appendix 1) were contacted directly by letter or email with details about the consultation, where to view the document, how to obtain hard copies and how to comment.
- A press notice was published in the Huddersfield Examiner on 23rd October and the Dewsbury Reporter on 22nd October highlighting the consultation process.
- A feature space was placed on the council website on 19th October advertising the consultation.
- A press release was posted on Kirklees Together on 19th October and on the Council's social media platforms from 19th October.
- A notification email was sent to all councillors on 16th October detailing the start of the consultation.

4.3 During the public consultation the council also held two presentations to the Agents Forum on 3rd November 2020 and PLC developers/Registered provider 17th November 2020 to raise awareness of the SPDs and the consultation process.

5. Main Issues Raised and The Council's Response

5.1 A total of 56 comments (from 16 consultees) were received to the public consultation on the Biodiversity Net Gain Technical Advice Note. The number of consultees by group is shown in table 3 below.

Table 3: Number of Consultees

Consultee Group	Number of Consultees
Regional/Local Organisations	5
National Organisations	4
Residents/Individuals	3

Developers/Planning Agents	2
Town/Parish Councils	1
Local Planning Authorities/Councils	1

5.2 Comments were received from the following:

- Barratt & David Wilson Homes
- Coal Authority
- Environment Agency
- Forestry Commission
- Holme Valley Parish Council
- Holme Valley Vision Network
- Huddersfield Civic Society
- Natural England
- Private individual x 3
- Redrow
- Trans Pennine trail
- Wakefield Council
- West Yorkshire Ecology service
- Yorkshire Wildlife Trust

5.3 A full list of public consultation comments received and the council's responses to these can be found in Appendix 2. A summary of the main issues raised during consultation, including those from internal stakeholders, is set out below. It summarises the main points and the council's response to how these issues have been addressed in the technical advice note.

Table 4: Summary of Main Issues and Council Response

Summary of Main Issue	Council Response
<p>10% Net Gain Threshold</p> <p>1. The 10% requirement is not consistent with LP30, and the TAN does not have the ability to introduce new policy or supplementary policy Whilst the Environment Bill remains in Draft, a 10% net gain cannot be reasonably be sought and the TAN should as a minimum acknowledge that in the interim, only the requirements of the policy will be sought.</p>	<p>1. No Change.</p> <p>The requirement for development to achieve a biodiversity net gain is set out in the adopted Local Plan policy LP30 (Biodiversity and Geodiversity).</p> <p>The requirement for a 10% biodiversity net gain post-development is in line with the forthcoming national legislation and neighbouring local authorities. The introduction of</p>

<p>2. Should clarify that the principle of 10% net gain applies to all individual habitats and linear features and should not just represent an overall gain.</p>	<p>this target within Kirklees it to aid the transition during the interim period until the introduction of the Environment Bill. The requirement for a measurable net gain is not the creation of new policy rather a new method of quantifying net gain consistently across developments and districts.</p> <p>The TAN will be reviewed and updated in line with the latest government guidance when available.</p> <p>2. Proposed changes</p> <p>Agree that best practice in accordance with the Biodiversity Net Gain 2.0 guidance would be to result in a 10% net gain in each baseline broad habitat (if above medium distinctiveness) or linear feature. Add additional sentence to paragraph 3.1.1. to read “The change in biodiversity value will be calculated and demonstrated using the Biodiversity Metric 2.0 <u>and must apply to both baseline habitat and linear feature units on the site.</u>”</p> <p>Add additional paragraph to section 7.1 to read “<u>7.1.4 In addition to a 10% biodiversity net gain overall on the site (in both habitat units and linear features, depending on the ecological baseline of the site), a 10% gain should be achieved in each broad habitat type identified on the site with a distinctiveness of medium or above.</u>”</p>
<p>Tariff</p>	<p>No Change.</p>

<p>Clarify what tariff has been set by the LPA for each Biodiversity Unit, as is the approach taken by other LPA's nationwide to ensure there is not a favourable bias towards some sites or developers.</p>	<p>The tariff per biodiversity unit is subject to change frequently with fluctuations in land prices and local market demand. In addition, there is current market research on-going on the local value of biodiversity units by local authorities and government bodies in preparation for the introduction of the Environment Bill. Therefore, in the interim period this guidance applies to, each application will be assessed on a case-by-case basis by the LPA and a commuted sum devised based on the most recent relevant evidence. This will be subject to review when further information is forthcoming or when an update of the guidance is undertaken.</p>
<p>Timescale</p> <p>Concerns about the timescale for implementation and when will net gain be a requirement on all planning applications.</p>	<p>No Change.</p> <p>The timescale for the implementation of this guidance note is immediately following its adoption. The timescale for the implementation of the Environment Bill is following Royal Assent in 2021. A biodiversity net gain is already a requirement for all planning applications in Kirklees as part of Local Plan Policy LP30 (referenced in paragraph 1.4.1) which was adopted in 2019.</p>
<p>Net Gain On-Site</p> <p>The emphasis for on-site provision could be stronger to demonstrate that all net gains should be delivered on site wherever possible, with off-site compensation a last resort.</p>	<p>Proposed Change.</p> <p>Provide additional paragraph above 3.4.1 stating that <u>“3.4.1 A biodiversity net gain achieved within the development site is the preferred option within Kirklees. The method of achieving a biodiversity net gain should be</u></p>

	<p><u>integrated early into the design process and the mitigation hierarchy followed to assist in this.</u></p> <p>Change paragraph 3.4.1 to read “<u>3.4.2 In the event a development proposal is unable to demonstrate a biodiversity net gain within the application area, following the correct application of the mitigation hierarchy and justification using the metric <i>In exceptional circumstances where it can be demonstrated that on-site compensation methods have been exhausted</i>, it will be necessary to secure biodiversity net gain off-site”.</u></p>
<p>30 Year Management and Monitoring of Habitats</p> <p>1. The guidance should include that those habitats that have a time to condition of over 30 years will usually not be accepted, as this is often beyond the lifetime of the development.</p> <p>2. It should be clear whether that 30 years starts from when the target condition is achieved or from when it is created.</p>	<p>1. Proposed Change.</p> <p>Agreed that habitats which take longer than 30 years to establish will not usually be considered acceptable. Add additional sentence to paragraph 3.5.1 to read “...maintenance of biodiversity. <u>Therefore, any proposed habitat creation or enhancement which is predicted by the metric to take longer than 30 years to reach the target condition will not usually be accepted for biodiversity net gain purposes</u>”.</p> <p>2. Proposed Change.</p> <p>Agree that further clarity regarding the point from which the 30-year management and monitoring regime begins could be included.</p>

<p>3. Monitoring should utilise the same version of the metric as was utilised at the planning application stage. It should also include provision for the revision of the EDS with scope for remedial or retrospective works/habitat creation should the habitats be found to not be meeting the required condition stated in the initial application.</p>	<p>Amend Table 1 to read “Monitor on-site and off-site biodiversity net gain features to ensure habitats are managed effectively and achieve target condition for a minimum 30-year period <u>from the date they are created or development works completed.</u>”</p> <p>3. Proposed Changes.</p> <p>Agreed that the monitoring should utilise the same version of the metric as was utilised within the planning application. Add additional sentence to paragraph 3.5.3 to read “...Biodiversity Metric 2.0. <u>The monitoring of sites should utilise the same version of the metric as accompanied the planning application.</u>”</p> <p>Agree that provision for remedial measures or changes to the management regime should be included. Add sentence to paragraph 3.5.4 to read “...may be taken. <u>Revisions may be required to original management accompanying the planning application in this instance and this should be accompanied adequate evidence and justification for the proposed changes.</u>”</p>
<p>The Metric</p> <p>1. It should be specified that monitoring should utilise the same version of the metric as was utilised at the planning application stage. It should also include provision for the revision of the EDS with scope for remedial or retrospective works/habitat creation to be undertaken or changes in management strategies applied, should the habitats be</p>	<p>1. Proposed Change.</p> <p>Agreed that the monitoring should utilise the same version of the metric as was utilised within the planning application. Add additional sentence to paragraph 3.5.3 to read “...Biodiversity Metric 2.0. <u>The monitoring of sites should utilise the same</u></p>

<p>found to not be meeting the required condition stated in the initial application.</p> <p>2. Reference should made to the use of the updated versions of the Defra Beta Biodiversity Metric as and when they are released. Clarification for why this metric is favoured may also be beneficial.</p>	<p><u>version of the metric as accompanied the planning application.</u></p> <p>Agree that provision for remedial measures or changes to the management regime should be included. Add sentence to paragraph 3.5.4 to read “...may be taken. <u>Revisions may be required to original management accompanying the planning application in this instance and this should be accompanied adequate evidence and justification for the proposed changes.</u>”</p> <p>2. Proposed Change.</p> <p>Agree that further clarification regarding the version of the metric to be utilised, particularly any future updates, should be included. Add additional text to paragraph 1.3.2 to state “...most likely the <u>latest version of the Biodiversity Metric 2.0</u> will be required.”</p>
<p>Small Sites</p> <p>As the metric is proportional to the habitats lost, it is still appropriate to apply these principles to minor developments. Defra are expected to release a ‘small site metric’ for such circumstances which is expected late 2020/early 2021. Minor developments should therefore still be included within this policy and advice note.</p>	<p>No Change.</p> <p>Although the introduction of the Environment Bill will mandate all development covered by the Town and Country Planning Act to achieve a measurable net gain. At the time of writing, a ‘small site’ metric had not been released by DEFRA and therefore minor developments are currently not required to utilise a metric. All development is expected to follow the ecological mitigation hierarchy and achieve a biodiversity net gain in line with</p>

	Local Plan policy LP30 regardless as stated within paragraph 4.3.2.
<p>Mitigation for Designated sites and Irreplaceable Habitats</p> <p>All mitigation and compensation for designated sites and protected species must be undertaken prior to the application of biodiversity net gain which is considered to be additional.</p>	<p>Proposed Change.</p> <p>Agreed that mitigation for designated sites and irreplaceable habitats is additional. Add sentence to paragraph 6.2.2 to read “...of the EclA. <u>Bespoke compensation or mitigation required for impacts to designated sites and irreplaceable habitats must be determined prior to application of the metric, which is considered to be additional</u>”</p>
<p>UK Habitat Classification System</p> <p>Highlight the preferential approach of utilising UK Habitat Classification system, rather than converting from NVC or Phase 1, and how condition assessments must be undertaken during the site visit.</p>	<p>Proposed Change.</p> <p>Agree that reference that the metric requires input from the UK Habitat Classification should be included. Add sentence to paragraph 2.1.1 to read “<u>The metric is based on the UK Habitat Classification system however a conversion tool allows translation from Phase 1 JNCC habitats</u>”.</p> <p>Add additional paragraph to 6.2 to read “<u>Habitat type identification during ecological surveys should be completed through the use of UK Habitat Classification System to allow direct input into the metric. This removes the need to translate habitats from alternative habitat recording systems such as Phase 1 JNCC, which may not be directly comparable, and ensures data is directly comparable on a national scale.</u>”</p>
<p>Temporary loss of habitats</p>	Proposed Change.

<p>It should be made clear that any temporary loss of habitats due to construction should be considered permanent due to the time to recreate these habitats on site.</p>	<p>Agree that clarification that the temporary loss of habitats needs to be considered as a loss, should be incorporated into the TAN.</p> <p>Add additional paragraph to section 7.1 to read <u>“7.1.5 Where temporary habitat losses are set to occur as a result of the proposals, these must be classed as permanent and any reinstated habitats recorded as newly created within the metric. This is to account for the time taken for habitats to re-establish following damage and the risk of failure.”</u></p>
<p>Residential Gardens</p> <p>1. As the Defra biodiversity metric has a number of options which might be proposed within the domestic curtilage of dwellings, covenants will be required in the deeds to ensure that these measures can be covered by on-going enforceable monitoring and management prescriptions.</p> <p>2. Clarify that it is most acceptable for residential curtilages, including gardens, be included within the metric as ‘Urban – Unvegetated Garden’ or ‘Urban – Developed/Sealed Surface’.</p>	<p>1. Proposed Changes.</p> <p>It is agreed that the options to enhance biodiversity within the curtilage of residential gardens will need to be legally secured.</p> <p>Add new sentence to paragraph 7.3.1 to read “...or “Urban-Vegetated Garden”. <u>If any habitat enhancements within domestic curtilages are to be included, these will require methods to ensure long term monitoring and management which is legally enforceable by the planning authority.”</u></p> <p>2. No Change.</p> <p>The inclusion of vegetated gardens or other biodiversity net gain features within the curtilage of residential gardens will be considered on a case-by-case basis provided these are considered realistic or can be secured through an appropriate legal agreement.</p>

<p>Ecological Networks</p> <p>Highlight that biodiversity decline, through habitat loss and fragmentation, requires significant enhancement of the ecological network, and the wider green infrastructure network, to repair and re-connect habitats, to buffer more sensitive sites and to make these more resilient to growth and development pressures.</p>	<p>Proposed Change.</p> <p>Agree that further information on the purpose and function of the network could further highlight the importance of enhancement of the network.</p> <p>Add additional sentence to paragraph 1.4.3 to read “...where opportunities exist. <u>Enhancement of ecological networks should be a priority within development schemes to repair and re-connect habitats, buffer sensitive sites and aid biodiversity resilience to development and climate change pressures.</u>”</p>
<p>Strategic Significance</p> <p>As the metric is based on national data sets, it would be useful for the LPA to highlight those habitats which are of additional local value than is represented within the metric. This is touched upon in paragraph 1.4.2 with reference to Biodiversity Opportunity Zones, however focuses on compensatory habitat creation rather than initial avoidance of these locally important features.</p>	<p>Proposed Change.</p> <p>Agree that habitats of principal importance within Kirklees should be highlighted as possessing additional value. Add additional sentence to paragraph 1.4.2 to read “... website under Biodiversity. The UK Habitats of Principal Importance relevant to Kirklees are included in Table 1 which identifies their associated biodiversity opportunity zone. Habitats included within this table are considered of higher local ecological value and should be considered for retainment, enhancement or creation within developments located in the associated Biodiversity Opportunity Zone.”</p> <p>Insert new table which identifies the habitats of principal importance table and the Biodiversity Opportunity Zones.</p>

<p>Riverine Habitat</p> <p>For the avoidance of doubt, and to highlight the key difference between the original metric and the Biodiversity Metric 2.0, we would very much welcome the recognition of river habitat.</p>	<p>Proposed Changes.</p> <p>Agree that recognition of river units should be included. Add additional words to paragraph 2.1.1 to read “linear habitats measured in length (such as hedgerows <u>and rivers</u>).”</p>
---	---

- 5.4 All comments on to the public consultation have been considered in preparing the final technical advice note. None of these require significant changes to the overall approach. A number of comments supported the preparation of the technical advice note and specific guidance.
- 5.5 The main changes to the technical advice note as a result of comments received are summarised as follows:
- Strengthening the clarification that biodiversity net gain should be achieved in the first instance where possible with offsetting as a last resort.
 - Defining that Habitats of Principal Importance within the relevant Biodiversity Opportunity Zone within Kirklees should be included at strategically significant within the metric along with a table illustrating these habitats.
 - Clarification that a 10% net gain in biodiversity must apply to all habitat types present on the site.
 - Definition that the 30-year management of habitats begins from the date of creation.
 - Clarification that the UK Habitat Classification system should be used to assess development sites to input into the metric.
 - The exclusion of protected sites from offsetting biodiversity from development.
 - Clarification that monitoring of habitat condition post-development should utilise the same version of the metric as was submitted with the planning application.

Appendix 1: Consultee List

Adjoining Authorities	
Barnsley Metropolitan Council Bradford Metropolitan District Council Calderdale Council City of York Council High Peak Borough Council	Leeds City Council Oldham Council Peak District National Park Authority Wakefield Council
Town & Parish Councils	
Cawthorne Parish Council Denby Dale Parish Council Dunford Parish Council Gunthwaite and Ingbirchworth Parish Council High Hoyland Parish Council Holme Valley Parish Council Kirkburton Parish Council	Meltham Town Council Mirfield Town Council Morley Town Council Ripponden Parish Council Saddleworth Parish Council Sitlington Parish Council Tintwistle Parish Council West Bretton Parish Council
Organisations	
Age UK BL Ecology British Telecom Brooks Ecological Calderdale and Huddersfield NHS Canal & River Trust Coal Authority Crestwood Environmental Environment Agency Environment Kirklees FCS Consultants Fields in Trust Foundation Trust Connect Housing CPRE Dewsbury Matters England Hockey English Cricket Board Forestry Commission England Greater Huddersfield Clinical Commissioning Group Highways England Historic England Holme Valley Vision Network Homes and Communities Agency House Builders Federation	Metro Middleton Bell Ecology Mid Yorkshire Hospitals NHS Trust Natural England National Grid National Trust Network Rail Newsome Ward Community Forum NHS Property Services Northern Gas Network North Kirklees Clinical Commissioning Group NTL Group Ltd Play England Quants Environmental RDF Ecology Rugby Football League Rugby Football Union Sheffield Football Association Spenn Valley Civic Society Sport England South West Yorkshire Foundation Trust Sustrans Trans Pennine Trail UDVET UK Active Unity Housing Association

<p>Huddersfield and District Archaeological Society Huddersfield Birdwatchers Club Huddersfield Civic Society Huddersfield University JCA Ltd Keep Our Rural Spaces Kirkheaton Future Kirklees Active Leisure Kirklees Badger Group Kirklees Neighbourhood Housing Locala Local Enterprise Partnership Leeds City Region Mab Environment and Ecology Ltd</p>	<p>West Riding Football Association West Yorkshire Archaeology Advisory Service West Yorkshire Bat Group West Yorkshire Combined Authority West Yorkshire Ecology West Yorkshire Police Authority Yorkshire Water Services Yorkshire Sport Yorkshire Wildlife Trust Whitcher Wildlife Ltd Wildscenes Woodland Trust WYJS Yorkshire Housing</p>
Planning Agents & Developers	
<p>Acumen Architects AHJ Architects A N Designs Avant Homes Yorkshire Avison Young Bailey Smailes Solicitors Bamford Architectural Barratt Homes Bartle & Sons Barton Willmore Bellway B K Designs BNP Paribas Real Estate UK Bradley Stankler Planning Bramleys Carter Jonas Chris Thomas LTD Conroy Homes Dacre, Son & Hartley Darren Smith Homes Deloitte Design Line Architectural DK Architects ELG Planning Fairhurst Farrar Bamforth Associates Ltd F M Lister & Sons Gladmans Hallam Design Associates Harron Homes</p>	<p>Kirkwells K Rouse Malcolm Sizer Planning Limited Martin Walsh Architectural MD Associates MWP Planning NLP Planning NJL Consulting One17 Chartered Architects Paul Butler Planning Paul Matthews Architectural Persimmon Homes Peacock and Smith QUOD Rapleys LLP RG P LTD Riva Homes Robert Halstead Chartered Surveyors & Town Planners Robertshaws Chartered Surveyors Rouse Homes Sanderson Weatherall LLP Savills SB Homes Limited Spawforths SSA Planning Limited Steven Abbott Associates LLP Strata Storrie Planning Taylor Wimpey</p>

<p>Hawdon Russell Heppendsalls Hourigan Connolly Iain Bath Planning Ian Baseley Associates I D Planning Indigo Planning JWPC Chartered Town Planners</p>	<p>Tetlow King Planning Limited Turley Associates Vernon and Co Wake Architects Walton and Co Planning Lawyers Yorkshire Country Properties Younger Homes</p>
<p>Private Individuals</p>	
<p>Approximately 580 individuals were invited to comment, including other organisations and community groups not listed above.</p>	

Appendix 2: Comments Received on the Public Consultation and the Council's Response

Ref No.	Organisation	Document Section/ Page	Comment	Change(s) required	Council Response & Proposed Changes
SPD_BNG1	Private Individual	1.3	I agree with this document, however what is the timescale for implementation? how long until net gain biodiversity is a requirement of all planning applications in Kirklees?		<p>No change.</p> <p>Support for document noted and welcomed.</p> <p>The timescale for the implementation of this guidance note is immediately following its adoption. The timescale for the implementation of the Environment Bill is following Royal Assent in 2021. A biodiversity net gain is already a requirement for all planning applications in Kirklees as part of Local Plan Policy LP30 (referenced in paragraph 1.4.1) which was adopted in 2019.</p>
SPD_BNG2	Private Individual	Preservation of green space	<p>In the case of new development on wooded and green field sites in Kirklees, the planning committee and tree protection officers may use TPOs to preserve existing trees, however often developers cut down trees before planning has been agreed or before TPOs can be issued.</p> <p>Even with TPO protection trees are felled and there seems to be no enforcement action taken, or oversight to ensure protected trees are not felled during construction. The environmental impact of removing mature trees cannot be mitigated against by planting sapling trees and hedgerows, immature hedgerows and sapling trees offer little habitat for wildlife and will take many years to establish. This seems like a way to make building</p>	The term for the natural environment as 'ecosystem services' needs to be changed.	<p>No change.</p> <p>The TAN highlights the importance of following the mitigation hierarchy when designing development (outlined within section 2.2), which is a requirement of national and Local policy through the Local Plan. This ensures that features important to biodiversity should be retained in the first instance. Comments regarding Tree Protection Orders noted.</p> <p>The term 'ecosystem services' is used to reference the benefits the natural environment provides rather than the</p>

Ref No.	Organisation	Document Section/ Page	Comment	Change(s) required	Council Response & Proposed Changes
			on green belt, green field and wooded sites less objectionable in a climate emergency. Rather, we preserve all green undeveloped spaces, allow established or fledgling woodland to flourish, and look to increase green space and manage it sympathetically to encourage greater biodiversity. Building on green belt, green fields and woodland will under no circumstances increase biodiversity and will increase the risk of flooding and sewage waste overflow into streams and rivers. I maintain that the best way to increase biodiversity is not to build on it.		natural environment itself and therefore is considered appropriate within the context.
SPD_BNG5	Natural England	Table 1 point 13 and at 3.4.2	it should be clear whether that 30 years starts from when the target condition is achieved or from when it is created. These points describe it slightly differently.		Proposed Change. Agree that further clarity regarding the point from which the 30-year management and monitoring regime begins could be included. Amend Table 1 to read "Monitor on-site and off-site biodiversity net gain features to ensure habitats are managed effectively and achieve target condition for a minimum 30-year period <i>from the date they are created or development works completed.</i> "
SPD_BNG6	Natural England	3.4.3	It might be worth noting that compensation schemes within protected sites (i.e. SSSI, SPA, SAC etc.) will not be considered appropriate.	It might be worth noting that compensation schemes within protected sites (i.e. SSSI, SPA, SAC etc.) will not be considered appropriate.	Proposed Change. Agree to add additional text regarding sites to be excluded from compensation schemes. Amend paragraph 3.4.3 to read "Offsite compensation schemes that involve land allocated for development within the

Ref No.	Organisation	Document Section/ Page	Comment	Change(s) required	Council Response & Proposed Changes
					Kirklees Local Plan, including safeguarded land, <i>or within protected sites</i> will not be considered appropriate compensation for development impacts occurring within the district.”
SPD_BNG7	Natural England	1.2.2	Natural England agrees this draft Biodiversity Net Gain Technical Advice Note provides clarity and is helpfully divided into two parts, A: Guidance for developers and B: Guidance for ecological consultants. It provides clear instruction on how to achieve biodiversity net gain through development within Kirklees and supports national and local legislation.		No Change Support noted and welcomed.
SPD_BNG8	Natural England	3.1.1	It sets out helpful guidance on how biodiversity should be considered throughout the development process, including the utilisation of Defra's Biodiversity metric to demonstrate a 10% net gain in biodiversity which is due to be mandated by the Environment Bill.	It sets out helpful guidance on how biodiversity should be considered throughout the development process, including the utilisation of Defra's Biodiversity metric to demonstrate a 10% net gain in biodiversity which is due to be mandated by the Environment Bill.	No Change Support noted and welcomed.
SPD_BNG9	Natural England	1.4.3	We welcome recognition of the importance of Kirklees valuable wildlife resource and the need to protect and enhance the ecological networks via the Kirklees Wildlife Habitat Network, to enable wildlife to flourish, particularly in light of climate change. It would be helpful if this could highlight that biodiversity decline, through habitat loss and	Highlight that biodiversity decline, through habitat loss and fragmentation, requires significant enhancement of the ecological network, and the wider green	Proposed Change. Welcome recognition that the SPD highlights the importance of the Kirklees Wildlife Habitat Network. Agree that further information on the purpose and function of

Ref No.	Organisation	Document Section/ Page	Comment	Change(s) required	Council Response & Proposed Changes
			fragmentation, requires significant enhancement of the ecological network, and the wider green infrastructure network, to repair and re-connect habitats, to buffer more sensitive sites and to make these more resilient to growth and development pressures.	infrastructure network, to repair and re-connect habitats, to buffer more sensitive sites and to make these more resilient to growth and development pressures.	the network could further highlight the importance of enhancement of the network. Add additional sentence to paragraph 1.4.3 to read "...where opportunities exist. <i><u>Enhancement of ecological networks should be a priority within development schemes to repair and re-connect habitats, buffer sensitive sites and aid biodiversity resilience to development and climate change pressures.</u></i> "
SPD_BNG10	Wakefield Council		Wakefield Council have no specific comments on this document. The Council supports and welcomes its introduction.		No Change. Support noted and welcomed.
SPD_BNG11	West Yorkshire Ecology Service	3.1.1	We support the use of the minimum measurable net gain of 10%. It is likely that any less than this will result in a net loss. This is because of the negative impacts of land use change, at least in the short to medium term, on the building blocks of the ecosystem which we are unable to economically measure such as fungi, bacteria and invertebrates.		No Change. Support for minimum measurable net gain of 10% noted and welcomed.
SPD_BNG12	West Yorkshire Ecology Service	3.3.3, Stage 3, bullet 9	"If biodiversity cannot be achieved on-site" needs to be changed.	"If sufficient, measurable biodiversity cannot be achieved on-site"	Proposed Change. Agree there should be reference to measurable biodiversity net gains. Amend Table 1, stage 3 to read "If <i><u>sufficient measurable</u></i> biodiversity cannot be achieved on-site, provide evidence and determine best option to achieve Biodiversity Net Gain off-site"

Ref No.	Organisation	Document Section/ Page	Comment	Change(s) required	Council Response & Proposed Changes
SPD_BNG13	West Yorkshire Ecology Service	3.5.1 on going management, maintenance and monitoring	<p>As the Defra biodiversity metric, at the time of writing, has a number of options which might be proposed within the domestic curtilage of dwellings covenants will be required in the deeds to ensure that these measures can be covered by on-going enforceable monitoring and management prescriptions.</p> <p>The advice note should indicate that such measures should only be used where other options have been exhausted.</p> <p>This point needs to be considered in the context of 7.3.1 which deals with the same issue.</p>	<p>Suggested additional sentence to paragraph 3.5.1.</p> <p>"Habitat enhancements within domestic curtilages will require methods to ensure long term monitoring and management which is legally enforceable by the planning authority."</p>	<p>Proposed Change.</p> <p>It is agreed that the options to enhance biodiversity within the curtilage of residential gardens will need to be legally secured.</p> <p>Add new sentence to paragraph 7.3.1 to read "...or "Urban- Vegetated Garden". <u><i>If any habitat enhancements within domestic curtilages are to be included, these will require methods to ensure long term monitoring and management which is legally enforceable by the planning authority.</i></u>"</p>
SPD_BNG14	West Yorkshire Ecology Service	6.2.3 Ecological assessment reporting	<p>This paragraph should also make it clear that all data used in the assessment process should be lodged with the Local Ecological Records Centre in electronic format to make it available for on-going monitoring and management.</p>	<p>Extra sentence at end of 6.2.3</p> <p>"All data used to populate the metric should be lodged with the Local Ecological Records Centre and made freely available for on-going monitoring and strategic biodiversity enhancement plans."</p>	<p>Proposed Change.</p> <p>Agree that data should be made available to the local record centre to aid future monitoring.</p> <p>Add additional paragraph below 6.2.3 to read "<u><i>6.2.4 To facilitate future on-going monitoring and strategic biodiversity enhancement plans, all data used to populate the metric should be lodged with the Local Ecological Records Centre and made freely available.</i></u>"</p>

Ref No.	Organisation	Document Section/ Page	Comment	Change(s) required	Council Response & Proposed Changes
SPD_BNG15	Huddersfield Civic Society		<p>Huddersfield Civic Society (HCS) welcomes the opportunity to comment on four guidance documents published by Kirklees Council in October 2020 as Supplementary Planning Documents (SPD), which it hopes “will encourage a higher standard of design of residential developments in the area”, these being:</p> <ul style="list-style-type: none"> • Open Space SPD • Housebuilders Design Guide SPD • House Extensions and Alterations SPD • Biodiversity Net Gain in Kirklees Technical Advice Note <p>We note a government summary of the purpose of SPDs at https://www.gov.uk/guidance/plan-making:</p> <p><i>“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 are however a material consideration in decision-making. They should not add unnecessarily to the financial burdens on development.”</i></p>		<p>No change</p> <p>Comments noted.</p>

Ref No.	Organisation	Document Section/ Page	Comment	Change(s) required	Council Response & Proposed Changes
			<p>Introduction and Comments applying to all documents</p> <p>HCS applauds the intentions underlying many of the proposals contained in the SPDs regarding how national and local planning policies, as stated in the Local Plan, should be interpreted in Kirklees. However, we are concerned that, in their current – or similar - form, we believe they may well fail to achieve their objectives.</p> <p>There is much general or introductory text which may fit better in a planning textbook rather than in an SPD, eg “Food Growth: Green space on the site can be used to grow food and could form part of a wider urban agriculture scheme” and “a Design Code can set out a set of rules regarding the scale and massing of new homes; but allow for a rich diversity in architectural styles”.</p> <p>Whilst some text is specific to Kirklees much is not, so does it belong in a Kirklees SPD? Also, some important items are omitted, eg a requirement for consultation on major residential developments with affected residents in neighbourhoods nearby and to state how this should be done.</p> <p>In attempting to cover the application of policies to many different development circumstances it becomes difficult to follow what does, or does not, apply in any one specific circumstance, eg in a conservation area or in a space-constrained site. Which advice items here can be ignored if they</p>		<p>No Change.</p> <p>The purpose of the SPD is to provide detailed guidance to developers, members of the public and interested parties on the implementation on policies set out in the Local Plan.</p> <p>The council’s Development Management Charter sets out the process for consulting on planning applications.</p>

Ref No.	Organisation	Document Section/ Page	Comment	Change(s) required	Council Response & Proposed Changes
			<p>conflict with a requirement stated in the relevant Conservation Area Appraisal? What happens if the shape or slope of a site does not allow 35+ dwellings per hectare?</p> <p>The coverage of a large number of local and national policy items, many of which are imprecise as well as advisory, potentially results in a higher level of subjectivity in how many of these advisory items might be interpreted – and therefore assessed - for approval or rejection. This may result in an increase in the number of Planning disputes and appeals. We also note several advisory items have examples which appear to ‘water down’ NPPF policy statements.</p> <p>HCS also finds it hard to see what, in some of these items, might help and inspire an individual, business or hoped-for Developer to come to Kirklees and improve our built and natural environment, rather than go to another district that might offer either greater simplicity of guidelines or more certainty of outcome. Many of the images that accompany sections of the guide refer to commendable developments outside Kirklees, e.g. by CITU in Leeds, but do not necessarily map clearly to a specific requirement for a developer to include in a typical development in Kirklees.</p> <p>It is also unclear how these SPDs might fit with possible changes that may be proposed along the lines of the government’s recent “Planning for the</p>		

Ref No.	Organisation	Document Section/ Page	Comment	Change(s) required	Council Response & Proposed Changes
			<p>Future” White Paper and whether time might be better spent now on matters such as preparing the type of Design Guide mentioned in the White Paper.</p> <p>HCS sees three possible approaches to address these concerns:</p> <ul style="list-style-type: none"> • Specifying requirements in more detail and with precision – an applicant then knows exactly what it will have to do and can therefore be more certain what will, or will not, be approved. Example: an applicant must show how new housing will be oriented so that xx% of the volume of houses will be supplied from onsite renewable energy, stating how this percentage will be met. • Covering a much smaller number of key local plan policy items of specific importance in Kirklees, stating clearly which will be the key factors when a submission is assessed. • Removing the duplication with other documents, retaining text that points to the relevant clauses in those documents and then making clear the clarifications specific to Kirklees. <p>We appreciate that these alternative solutions might themselves introduce further complications, the first because care would be needed not to fall foul of the legal requirement (referenced</p>		<p>No Change.</p> <p>The Government’s response to the Planning White Paper will be reviewed when its published.</p> <p>No Change.</p> <p>Comments noted.</p>

Ref No.	Organisation	Document Section/ Page	Comment	Change(s) required	Council Response & Proposed Changes
			<p>previously) for an SPD not to “introduce new planning policies” and the second because of there possibly not being an agreed single set of priority items that covers all common planning applications. The third, while meaning there needs to be more cross referencing, would potentially mitigate some of the issues with the first two and could provide a more focused approach to Kirklees requirements. However, this only goes to show why we think an attempt to use SPDs to provide an additional layer of guidance across the full scope of the approved Local Plan policies leaves the door open to ambiguity.</p> <p>Biodiversity Net Gain in Kirklees Technical Advice Note</p> <p>i) Mitigation</p> <p>We support the Local Plan (LP30) requirement for development proposals to “provide net biodiversity gains through good design by incorporating biodiversity enhancements and habitat creation”. In particular, we support the requirement that developers apply the Mitigation Hierarchy. In our opinion, this requirement (currently embedded in para 2.2.1 of the Technical Advice Note) should be given higher prominence and emphasis, namely:</p> <p>“The NPPF and policy LP 30 both require development proposals to apply the ecological mitigation hierarchy in order to result in no</p>		<p>No Change.</p> <p>Support for Local Plan Policy LP30 and the application of the ecological mitigation hierarchy in development noted and welcomed.</p> <p>The requirement to apply the mitigation hierarchy is referenced within the NPPF, Local Plan and throughout the TAN in Table 1 and paragraphs 3.2.3, 3.3.1, 3.4.1, 4.3.2 and 6.1.2. Therefore, it is considered that sufficient weight has been given to its application.</p>

Ref No.	Organisation	Document Section/ Page	Comment	Change(s) required	Council Response & Proposed Changes
			<p>significant ecological harm. Through the hierarchy, significant harm should be avoided in the first instance, mitigated where impacts cannot be avoided and compensated for only as a last resort.”</p> <p>ii) Validation</p> <p>We support the clear delineation of the Stages of submitting major development applications within Kirklees (Table 1 in para 3.3.3), but flag the following concern regarding the proposed validation process (Fig 3 in para 3.3.4): There is no doubt that developers will need to ‘invest’ significant time, effort and expertise in navigating the guidance in, and connected with this Technical Advice Note. Whilst Biodiversity Metric 2.0 has our full support, its use in calculating Baseline and Future Biodiversity Units to determine Biodiversity Net Gain (or Loss) is a complex process. This in turn raises the risk that some developers will seek to avoid this ‘investment’ by leapfrogging early steps in the Mitigation Hierarchy, i.e.the ‘Avoid’ and ‘Mitigate’ steps. For example, by leaping straight into off-site compensation schemes, developers may see cost and time advantages to their projects, at the expense of on-site biodiversity. This leapfrogging route should be blocked and reflected in a revised Validation Process Flowchart (fig 3).</p>		<p>No Change.</p> <p>Support for the delineation of application stages noted and welcomed.</p> <p>It is considered that the TAN sets out clearly that following the mitigation hierarchy is a key component of the validation process, and this is highlighted by the corresponding boxes on the flow chart (Figure 3.) which developments must progress through before the application is deemed acceptable on biodiversity grounds.</p>

Ref No.	Organisation	Document Section/ Page	Comment	Change(s) required	Council Response & Proposed Changes
			<p>iii) Supporting Documentation</p> <p>Although they sit outside the Biodiversity Net Gain in Kirklees Technical Advice Note, we offer feedback on two documents crucial to its success: a) The Kirklees Biodiversity Strategy, and b) the Biodiversity Opportunity Zones Map. Both seem to us to be valuable assets, not just for SPD purposes, but for wider public awareness of our local landscape and biodiversity in the context of the Council's Declaration of Climate Emergency.</p> <p>a) The Kirklees Biodiversity Strategy:</p> <p>We support this document and recommend developing it further with public engagement, and subsequent wider communication.</p> <p>b) Biodiversity Opportunity Zones Map:</p> <p>We support its aim and intended use but identify the need to see the mapping at a larger scale which sits behind it. As a very high level, small scale summary map it doesn't provide the site detail for developers or the public to pinpoint the location of proposed infrastructure / housing developments. As it stands, it risks inaccurate assumptions / assessments being made about the location and biodiversity impacts of these.</p> <p>The colour coded Legend for distinct Biodiversity Opportunity Zones is well supported by definitions</p>		<p>No Change.</p> <p>Support for Kirklees Biodiversity Strategy and Biodiversity Opportunity Zones Map welcomed.</p> <p>No Change. Comments noted.</p> <p>No Change.</p> <p>The TAN states within paragraph 3.4.4 that offsite compensation can be secured through the purchase of the required value from a Habitat Bank.</p>

Ref No.	Organisation	Document Section/ Page	Comment	Change(s) required	Council Response & Proposed Changes
			<p>in the Background document and also in the Habitats & Species Tables. However, 'Annotations' in the map covering Primary, Secondary and Tertiary Networks are not similarly supported by any definitions. This information gap has the biggest detrimental impact regarding 'Ecological Connectivity Priorities (see para 2.2, Background) and significantly constrains effective use of the Map.</p> <p>iv) Offsetting</p> <p>This point links with section ii) above. Should developers move through the first three stages in the Mitigation Hierarchy (see above), and reach the Offset stage, we recommend that their opportunities for offsetting should be provided by local NGOs / Charities already active in this field, for example:</p> <ul style="list-style-type: none"> • Environment Kirklees (incl. Greenstreams) • Moors for the Future • West Yorkshire Wildlife Trust • Holme River Connections • Stirley Farm (Yorkshire Wildlife Trust) • Calder Rivers Trust 		
SPD_BNG16	The Coal Authority		Having reviewed the SPD, the Coal Authority has no specific comments to make.	Having reviewed the SPD, the Coal Authority has no specific comments to make.	No change Comment noted.

Ref No.	Organisation	Document Section/ Page	Comment	Change(s) required	Council Response & Proposed Changes
SPD_BNG17	Trans Pennine Trail		The Trans Pennine Trail partnership supports these documents and provides further detail to evidence commitment to accessibility and the provision of green corridors. 'No comments' made on Biodiversity Net Gain in Kirklees Technical Advice Note.	The Trans Pennine Trail partnership supports these documents and provides further detail to evidence commitment to accessibility and the provision of green corridors. 'No comments' made on Biodiversity Net Gain in Kirklees Technical Advice Note.	No change Support noted and welcomed.
SPD_BNG18	Private Individual	6.1 Desk Based Study, Para 6.1.1	Records from local wildlife protection groups is often overlooked to the detriment of the development site & local habitat.	6.1.1, end of bullet point 1, after data from the Local Environmental Records Centre, ADD:- and records from the local wildlife protection groups.	Proposed Change. Agree that local wildlife groups provide valuable information in many cases and the use of these should be encouraged. Add additional words to paragraph 6.1.1 to read "...Records Centre <i>and records from the local wildlife protection groups</i> ".
SPD_BNG19	Yorkshire Wildlife Trust		We are pleased to see that Kirklees LPA are adopting the principles of Biodiversity Net Gain and are encouraged to see the proactive approach taken to developing the principles within local policy and supporting consultants and developers alike in applying these principles.	We are pleased to see that Kirklees LPA are adopting the principles of Biodiversity Net Gain and are encouraged to see the proactive approach taken to developing the principles within local policy and supporting consultants and	No change. Support noted and welcomed.

Ref No.	Organisation	Document Section/ Page	Comment	Change(s) required	Council Response & Proposed Changes
				developers alike in applying these principles.	
SPD_BNG20	Yorkshire Wildlife Trust	1.1.2	Section 1.1 refers to the Environment Act whereas later in the document this is referenced as the Environment Bill. Consistency should be had between the naming of this document to minimise any confusion. The document in question is usually referenced as the Environment Bill, hence we would support this naming throughout.	Section 1.1 refers to the Environment Act whereas later in the document this is referenced as the Environment Bill. Consistency should be had between the naming of this document to minimise any confusion. The document in question is usually referenced as the Environment Bill, hence we would support this naming throughout.	Proposed Change. Agree that reference to the Environment Bill should be consistent throughout the document. Revise paragraph 1.1.2 to read "... forthcoming Environment Act <u>Bill</u> ...", revise paragraph 1.2.1 to read "...introduction of the Environment Act <u>Bill</u> ." Revise paragraph 3.1.1 to read "...of the Environment Act <u>Bill</u> ..."
SPD_BNG21	Yorkshire Wildlife Trust	1.3.1	paragraph 1.3.1 refers to paragraph 170 of NPPF (2019) as requiring 'development to secure measurable net gains for biodiversity'. However, paragraph 170 d) states that 'planning policies and decisions' should provide 'net gains for biodiversity' with paragraph 175 d), relating to development which should be supported, specifies the provision of 'measurable net gains for biodiversity'. We support the inclusion of paragraph 25 of the Planning Practice Guidance which gives context to the use of the metric being the pragmatic way to demonstrate measurable gains in biodiversity.	paragraph 1.3.1 refers to paragraph 170 of NPPF (2019) as requiring 'development to secure measurable net gains for biodiversity'. However, paragraph 170 d) states that 'planning policies and decisions' should provide 'net gains for biodiversity' with paragraph 175 d), relating to development which should be supported, specifies the provision of 'measurable net gains for biodiversity'.	Proposed Change. Welcome the support of the inclusion of paragraph 25 of the Planning Practice Guidance. Agree that reference to paragraph 170 of the NPPF should be amended to reference 175 instead. Amend paragraph 1.3.1 to read "Paragraph 170 <u>175</u> of the National Planning Policy Framework 2019 (NPPF)..."

Ref No.	Organisation	Document Section/ Page	Comment	Change(s) required	Council Response & Proposed Changes
SPD_BNG22	Yorkshire Wildlife Trust	1.3.2	<p>Paragraph 1.3.2 states that the use of a 'Biodiversity Metric (most likely the Biodiversity Metric 2.0) will be required.' Whilst we do not disagree with this statement, we believe additional clarity over the reference to the metric should be made. The metric referenced is the Defra Beta Biodiversity Metric 2.0 (BD2020-10, 2019) and is currently under review with the expectation that an update version will be released early in 2021. It would therefore be encouraged to include reference to use of the updated versions of this metric, as and when they are released. Clarification for why this metric is favoured may also be beneficial, i.e., that it provides a national standard by which sites can be directly compared and for which constraints and limitations are well known.</p> <p>We believe it is worth including the mention, for clarity, that the metric, and principles of biodiversity net gain, utilise habitats as a proxy for biodiversity value. As such, it is a tool for the relative biodiversity value of a site and does not reduce the need of professional survey or judgement with regards to protected site and species and/or locally rare or important habitats. As the metric is based on national data sets, it would be useful for the LPA to highlight those habitats which are of additional local value than is represented within the metric. This is touched upon in paragraph 1.4.2 with reference to Biodiversity Opportunity Zones, however focuses on compensatory habitat creation rather than</p>	<p>Additional clarity over the reference to the Biodiversity Metric should be made. It would be encouraged to include reference to use of the updated versions of the Biodiversity Metric 2.0, as and when they are released. Clarification for why this metric is favoured may also be beneficial.</p> <p>We believe it is worth including the mention, for clarity, that the metric, and principles of biodiversity net gain, utilise habitats as a proxy for biodiversity value. As such, it is a tool for the relative biodiversity value of a site and does not reduce the need of professional survey or judgement with regards to protected site and species and/or locally rare or important habitats. As the metric is based on national data sets, it would be useful for the</p>	<p>Proposed Change.</p> <p>Agree that further clarification regarding the version of the metric to be utilised, particularly any future updates, should be included. Add additional text to paragraph 1.3.2 to state "... (most likely the <u>latest version of the Biodiversity Metric 2.0</u> will be required."</p> <p>Agree that additional clarification regarding the reason for utilising a metric would be beneficial. Add additional sentence to paragraph 1.3.2 to read "<u>... required. <i>The Biodiversity Metric 2.0 is the successor to the metric published by Defra in 2012 and has been co-developed with the input of industry, environmental NGOs, 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>"</p> <p>Agree that habitats of principal importance within Kirklees should be highlighted as possessing additional value. Add additional sentence to paragraph 1.4.2 to read "<u>... <i>website under Biodiversity. The UK Habitats of Principal Importance relevant to Kirklees are included in Table 1 which identifies their associated biodiversity opportunity zone. Habitats included within this table are</i></u></p>

Ref No.	Organisation	Document Section/ Page	Comment	Change(s) required	Council Response & Proposed Changes
			initial avoidance of these locally important features.	LPA to highlight those habitats which are of additional local value than is represented within the metric.	<p><u>considered of higher local ecological value and should be considered for retainment, enhancement or creation within developments located in the associated Biodiversity Opportunity Zone.</u></p> <p>Insert new table which identifies the habitats of principal importance table and the Biodiversity Opportunity Zones.</p>
SPD_BNG23	Yorkshire Wildlife Trust	2.1.2	Paragraph 2.1.2 would benefit from including detail over which factors applied within the metric are fixed (i.e., distinctiveness) and which require input from the consultant as a result of survey effort (i.e., condition). It would also be worthwhile to highlight at this stage that the metric utilises inputs from UK Habitat Classification which is becoming the standard for ecological habitat surveys. Whilst conversion tables are available between NVC and Phase 1 to UK Habs, these are not directly comparable and survey in the first instance in UK Habs should be encouraged.	Paragraph 2.1.2 would benefit from including detail over which factors applied within the metric are fixed (i.e., distinctiveness) and which require input from the consultant as a result of survey effort (i.e., condition). It would also be worthwhile to highlight at this stage that the metric utilises inputs from UK Habitat Classification which is becoming the standard for ecological habitat surveys. Whilst conversion tables are available between NVC and Phase 1 to UK Habs, these are not directly comparable and survey in the first instance in UK	<p>Proposed Change.</p> <p>Agreed that some factors within the metric are fixed and others will require further survey and input by an ecologist. However, it is considered that this is sufficiently addressed within Section B: Guidance for Ecological Consultants of the TAN and within the supporting user guidance of the Biodiversity Metric 2.0 which is linked in within supporting documents in paragraph 5.2.1.</p> <p>Agree that reference that the metric requires input from the UK Habitat Classification should be included. Add sentence to paragraph 2.1.1 to read "... value. <u>The metric is based on the UK Habitat Classification system however a conversion tool allows translation from Phase 1 JNCC habitats.</u> The metric...".</p>

Ref No.	Organisation	Document Section/ Page	Comment	Change(s) required	Council Response & Proposed Changes
				Habs should be encouraged.	Add additional paragraph to 6.2 to read <i><u>"6.2.4 Habitat type identification during ecological surveys should be completed through the use of UK Habitat Classification System to allow direct input into the metric. This removes the need to translate habitats from alternative habitat recording systems such as Phase 1 JNCC, which may not be directly comparable, and ensures data is directly comparable on a national scale."</u></i>
SPD_BNG24	Yorkshire Wildlife Trust	2.2.1	<p>Paragraph 2.2.1 could be clearer that the BNG approach is additional to the mitigation hierarchy which must still be applied on all sites.</p> <p>It should be highlighted that guidance to the application of biodiversity net gain is clear that compensatory habitats should be included on site wherever possible. Off-site compensation should only be considered as a last resort with clear justification for why on-site gains are not possible. Feasibility studies should be undertaken to ensure sites chosen are those with the highest likelihood of on-site gains.</p>	Paragraph 2.2.1 could be clearer that the BNG approach is additional to the mitigation hierarchy which must still be applied on all sites. It should be highlighted that guidance to the application of biodiversity net gain is clear that compensatory habitats should be included on site wherever possible. Feasibility studies should be undertaken to ensure sites chosen are those with the highest likelihood of on-site gains.	<p>No Change.</p> <p>Agree that BNG approach is additional to the mitigation hierarchy and must be applied to all sites. This is addressed throughout the TAN in paragraph 2.2.1, Table 1 (including the use of feasibility studies), 3.2.3, 3.3.1, 3.4.1, 4.3.2 and 6.1.2.</p>
SPD_BNG25	Yorkshire Wildlife Trust	3.1.1	Paragraph 3.1.1 should clarify that the principle of 10% net gain applies to all individual habitats and linear features and should not just represent an overall gain.	Paragraph 3.1.1 should clarify that the principle of 10% net gain applies to all individual habitats and	<p>Proposed Change.</p> <p>Agree that best practice in accordance with the Biodiversity Net Gain 2.0 guidance</p>

Ref No.	Organisation	Document Section/ Page	Comment	Change(s) required	Council Response & Proposed Changes
				linear features and should not just represent an overall gain.	<p>would be to result in a 10% net gain in each baseline broad habitat (if above medium distinctiveness) or linear feature. Add additional sentence to paragraph 3.1.1. to read “The change in biodiversity value will be calculated and demonstrated using the Biodiversity Metric 2.0 <u>and must apply to both baseline habitat and linear feature units on the site.</u>”</p> <p>Add additional paragraph to section 7.1 to read “<u>7.1.4 In addition to a 10% biodiversity net gain overall on the site (in both habitat units and linear features, depending on the ecological baseline of the site), a 10% gain should be achieved in each broad habitat type identified on the site with a distinctiveness of medium or above.</u>”</p>
SPD_BNG26	Yorkshire Wildlife Trust	3.2	Section 3.2 states that minor developments are not expected to apply the metric or achieve net gains. We disagree with this as guidance is clear only permitted development and householder applications are likely to be exempt from this policy. As the metric is proportional to the habitats lost, it is still appropriate to apply these principles to minor developments. Defra are expected to release a ‘small site metric’ for such circumstances which is expected late 2020/early 2021. Minor developments should therefore still be included within this policy and advice note.	Minor developments should be included within this policy and advice note.	<p>No Change.</p> <p>Although the introduction of the Environment Bill will mandate all development covered by the Town and Country Planning Act to achieve a measurable net gain. At the time of writing, a ‘small site’ metric had not been released by DEFRA and therefore minor developments are currently not required to utilise a metric. All development is expected to follow the ecological mitigation hierarchy and achieve a biodiversity net gain in line</p>

Ref No.	Organisation	Document Section/ Page	Comment	Change(s) required	Council Response & Proposed Changes
					with Local Plan policy LP30 regardless as stated within paragraph 4.3.2.
SPD_BNG27	Yorkshire Wildlife Trust	3.3.2	<p>Paragraph 3.3.2 should include reference to UK Habitat Classification as the preferred survey method (as above) and specify that condition assessments in order to support the metric are expected to be undertaken during the survey of the site to ensure accuracy. The justification for the condition of each habitat should be cleared outlined within the EclA.</p> <p>We agree that provision of the full metric spreadsheet and relevant GIS files/maps to relate to the metric calculations should be provided in order to allow proper assessment to take place by the LPA and consultees.</p>	Paragraph 3.3.2 should include reference to UK Habitat Classification as the preferred survey method and specify that condition assessments in order to support the metric are expected to be undertaken during the survey of the site to ensure accuracy. The justification for the condition of each habitat should be cleared outlined within the EclA.	<p>Proposed Change.</p> <p>Support for requirement of metric spreadsheet and GIS files/maps welcomed.</p> <p>Agree that reference that the metric requires input from the UK Habitat Classification should be included. Add sentence to paragraph 2.1.1 to read "... value. <u>The metric is based on the UK Habitat Classification system however a conversion tool allows translation from Phase 1 JNCC habitats.</u> The metric...".</p> <p>Add additional paragraph to 6.2 to read "<u>6.2.4 Habitat type identification during ecological surveys should be completed through the use of UK Habitat Classification System to allow direct input into the metric. This removes the need to translate habitats from alternative habitat recording systems such as Phase 1 JNCC, which may not be directly comparable, and ensures data is directly comparable on a national scale.</u>"</p>
SPD_BNG28	Yorkshire Wildlife Trust	3.3.3	We are encouraged to see that Table 1 specifies how the utilisation of the metric should influence the masterplan design of developments and be undertaken at an early stage. This could however	Could include clarification (as in section 2.2) that ecological information and use of the metric	<p>No Change.</p> <p>Support for utilisation of the metric to influence master planning of development</p>

Ref No.	Organisation	Document Section/ Page	Comment	Change(s) required	Council Response & Proposed Changes
			be expanded to include clarification (as in section 2.2) that ecological information and use of the metric should be included at the very early feasibility stages of development.	should be included at the very early feasibility stages of development.	noted and welcomed. Agreed that that ecological information and use of the metric should be included at early feasibility studies and this is outlined within Table 1: Stage 1 and Section 6.1.
SPD_BNG29	Forestry Commission	Biodiversity Net Gain in Kirklees Technical Advice Note.	<p>Thank you for seeking the Forestry Commission's advice on the Biodiversity Net Gain in Kirklees Technical Advice Note.</p> <p>We support that there should be no losses in the extent of woodland cover as part of the delivery of this Advice Note and ideally that woodland cover should be increased in the Kirklees area in line with the forthcoming DEFRA England Tree Strategy, UK Forestry Standard and through delivery projects such the White Rose Forest and the Northern Forest initiative.</p> <p>Below I will outline:</p> <ul style="list-style-type: none"> • Details of Government Policy relating to ancient woodland • Information on the importance and designation of ancient woodland • Information on Woodland Creation in relation to this Technical Advice Note <p>Ancient woodlands are irreplaceable. They have great value because they have a long history of woodland cover.</p>	The above is taken into account when developing the Biodiversity Net Gain in Kirklees Technical Advice Note.	<p>Proposed Change.</p> <p>Support for no losses in the extent of woodland cover noted and welcomed.</p> <p>Comments regarding ancient woodland designation as an irreplaceable habitat and statutory protection noted.</p>

Ref No.	Organisation	Document Section/ Page	Comment	Change(s) required	Council Response & Proposed Changes
			<p>It is Government policy to refuse development that will result in the loss or deterioration of irreplaceable habitats including ancient woodland, unless <i>“there are wholly exceptional reasons and a suitable compensation strategy exists”</i> (National Planning Policy Framework paragraph 175).</p> <p>We also particularly refer you to further technical information set out in Natural England and Forestry Commission’s Standing Advice on Ancient Woodland – plus supporting Assessment Guide and Case Decisions.</p> <p>As a Non-Ministerial Government Department, we provide no opinion supporting or objecting to an application. Rather we are including information on the potential impact that the proposed development would have on the ancient woodland.</p> <p>One of the most important features of Ancient woodlands is the quality and inherent biodiversity of the soil; they being relatively undisturbed physically or chemically. This applies both to Ancient Semi Natural Woodland (ASNW) and Plantations on Ancient Woodland Sites (PAWS). Direct impacts of development that could result in the loss or deterioration of ancient woodland or ancient and veteran trees include:</p>		<p>Agreed that direct and indirect impacts of development could result in the loss or deterioration of ancient woodland. As ancient woodland is considered an irreplaceable habitat, impacts to these are not to be considered by the biodiversity metric 2.0 and be considered in accordance with the policy requirements, and in line with the legal responsibilities of the Local Planning Authority.</p>

Ref No.	Organisation	Document Section/ Page	Comment	Change(s) required	Council Response & Proposed Changes
			<ul style="list-style-type: none"> • damaging or destroying all or part of them (including their soils, ground flora or fungi) • damaging roots and understory (all the vegetation under the taller trees) • damaging or compacting soil around the tree roots • polluting the ground around them • changing the water table or drainage of woodland or individual trees • damaging archaeological features or heritage assets <p>It is therefore essential that the ancient woodland identified is considered appropriately to avoid the above impacts.</p> <p>We recommend that any woodland creation by any means and woodland management works are carried out in accordance to the UK Forestry Standard : https://www.gov.uk/government/publications/the-uk-forestry-standard This guidance sets out the UK government’s approach to sustainable forestry, including standards and requirements, regulations and monitoring, and reporting.</p> <p>The Forestry Commission would strongly encourage the Kirklees Council consider climate change when developing their Biodiversity Net Gain Advice Note. The predicted changes in temperature along with introduced plant pests</p>		<p>No Change.</p> <p>The aim of the BNGTAN is to provide detailed guidance on achieving biodiversity net gain through development which</p>

Ref No.	Organisation	Document Section/ Page	Comment	Change(s) required	Council Response & Proposed Changes
			<p>and diseases mean that we there is a need to create and manage woodlands that are more resilient to these threats.</p> <p>Woodland adaption for resilience can be achieved through.</p> <ul style="list-style-type: none"> • Planting a wider range of tree species • Using seed from a wider range of origins and provenances, including planting native trees outside their natural range. • Encouraging natural regeneration where it is likely to be successful, to encourage evolutionary adaptation and as the climate changes • Protecting from damaging animals <p>Further information can be found in the Forestry Commissions guide to Responding to the climate emergency with new trees and woodlands</p> <p>https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/892714/Responding_to_the_climate_emergency_with_new_trees_and_woodlands.pdf</p> <p>We also recommend using the Ecological Site Classification Decision Support System when choosing species to be planted as apart of Biodiversity Net Gain :</p> <p>https://www.forestresearch.gov.uk/tools-and-</p>		<p>includes measures to help to respond climate change.</p>

Ref No.	Organisation	Document Section/ Page	Comment	Change(s) required	Council Response & Proposed Changes
			<p>resources/ecological-site-classification-decision-support-system-esc-dss/.</p> <p>A summary of Government policy on ancient woodland</p> <p>Natural Environment and Rural Communities Act 2006 (published October 2006).</p> <p>Section 40 – “Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity”.</p> <p>National Planning Policy Framework (published February 2019).</p> <p>Paragraph 175 – “<i>development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists</i>”.</p> <p>Planning Practice Guidance (published March 2014)</p> <p>This Guidance supports the implementation and interpretation of the National Planning Policy Framework. This section outlines the Forestry Commission’s role as a non statutory consultee</p>		<p>Summary of protection afforded to ancient woodland sites and further guidance available noted.</p>

Ref No.	Organisation	Document Section/ Page	Comment	Change(s) required	Council Response & Proposed Changes
			<p>on “<i>development proposals that contain or are likely to affect Ancient Semi-Natural woodlands or Plantations on Ancient Woodlands Sites (PAWS) (as defined and recorded in Natural England’s Ancient Woodland Inventory), including proposals where any part of the development site is within 500 metres of an ancient semi-natural woodland or ancient replanted woodland, and where the development would involve erecting new buildings, or extending the footprint of existing buildings”</i></p> <p>It also notes that ancient woodland is an irreplaceable habitat, and that, in planning decisions, Plantations on Ancient Woodland Sites (PAWS) should be treated equally in terms of the protection afforded to ancient semi-natural woodland in the National Planning Policy Framework. It highlights the Ancient Woodland Inventory as a way to find out if a woodland is ancient.</p> <p>The UK Forestry Standard (4th edition published August 2017).</p> <p>Page 23: “Areas of woodland are material considerations in the planning process and may be protected in local authority Area Plans. These plans pay particular attention to woods listed on the Ancient Woodland Inventory and areas identified as Sites of Local Nature Conservation Importance (SLNCIs)”.</p>		<p>Proposed Change.</p> <p>Agreed that both semi-natural ancient woodland and plantations of ancient woodland should be treated equally in terms of protection afforded. Add addition text to paragraph 2.3.2 to read “...Local Wildlife Site (LWS, Ancient <i>Semi-Natural Woodland</i>, <i>Plantations on Ancient Woodland Sites</i> and...”</p>

Ref No.	Organisation	Document Section/ Page	Comment	Change(s) required	Council Response & Proposed Changes
			<p>Keepers of Time – A Statement of Policy for England’s Ancient and Native Woodland (published June 2005).</p> <p>Page 10 “The existing area of ancient woodland should be maintained and there should be a net increase in the area of native woodland”.</p> <p>Natural Environment White Paper “The Natural Choice” (published June 2011)</p> <p>Paragraph 2.53 - This has a “renewed commitment to conserving and restoring ancient woodlands”.</p> <p>Paragraph 2.56 – “The Government is committed to providing appropriate protection to ancient woodlands and to more restoration of plantations on ancient woodland sites”.</p> <p>Standing Advice for Ancient Woodland and Veteran Trees (first published October 2014, revised November 2017)</p> <p>This advice, issued jointly by Natural England and the Forestry Commission, is a material consideration for planning decisions across England. It explains the definition of ancient woodland, its importance, ways to identify it and the policies that are relevant to it.</p> <p>The Standing Advice refers to an Assessment Guide. This guide sets out a series of questions to</p>		<p>Standing advice noted.</p>

Ref No.	Organisation	Document Section/ Page	Comment	Change(s) required	Council Response & Proposed Changes
			<p>help planners assess the impact of the proposed development on the ancient woodland. Summaries of some Case Decisions are also available that demonstrate how certain previous planning decisions have taken planning policy into account when considering the impact of proposed developments on ancient woodland.</p> <p>Biodiversity 2020: a strategy for England's wildlife and ecosystem services (published August 2011).</p> <p>Paragraph 2.16 - Further commitments to protect ancient woodland and to continue restoration of Plantations on Ancient Woodland Sites (PAWS).</p> <p>Importance and Designation of Ancient and Native Woodland</p> <p>Ancient Semi Natural Woodland (ASNW)</p> <p>Woodland composed of mainly native trees and shrubs derived from natural seedfall or coppice rather than from planting, and known to be continuously present on the site since at least AD 1600. Ancient Woodland sites are shown on Natural England's Inventory of Ancient Woodland.</p> <p>Plantations on Ancient Woodland Site (PAWS)</p> <p>Woodlands derived from past planting, but on sites known to be continuously wooded in one form or another since at least AD 1600. They can</p>		

Ref No.	Organisation	Document Section/ Page	Comment	Change(s) required	Council Response & Proposed Changes
			<p>be replanted with conifer and broadleaved trees and can retain ancient woodland features, such as undisturbed soil, ground flora and fungi. Very old PAWS composed of native species can have characteristics of ASNW. Ancient Woodland sites (including PAWS) are on Natural England's Inventory of Ancient Woodland.</p> <p>Other Semi-Natural Woodland (OSNW)</p> <p>Woodland which has arisen since AD 1600, is derived from natural seedfall or planting and consists of at least 80% locally native trees and shrubs (i.e., species historically found in England that would arise naturally on the site). Sometimes known as 'recent semi-natural woodland'.</p> <p>Other woodlands may have developed considerable ecological value, especially if they have been established on cultivated land or been present for many decades.</p> <p>Information Tools – The Ancient Woodland Inventory</p> <p>This is described as provisional because new information may become available that shows that woods not on the inventory are likely to be ancient or, occasionally, vice versa. In addition, ancient woods less than two hectares or open woodland such as ancient wood-pasture sites were generally not included on the inventories. For more</p>		

Ref No.	Organisation	Document Section/ Page	Comment	Change(s) required	Council Response & Proposed Changes
			<p>technical detail see Natural England's Ancient Woodland Inventory. Inspection may determine that other areas qualify.</p> <p>Further Guidance</p> <p>Felling Licences - Under the Forestry Act (1967) a Felling Licence is required for felling more than 5 cubic metres per calendar quarter. Failure to obtain a licence may lead to prosecution and the issue of a restocking notice.</p> <p>Environmental Impact Assessment - Under the Environmental Impact Assessment (Forestry) (England and Wales) Regulations 1999, as amended, deforestation which is likely to have a significant impact on the environment may also require formal consent from the Forestry Commission.</p>		
SPD_BNG31	Barratt and David Wilson Homes Yorkshire West	Page 7, Paragraph 3.1.1	<p>We support Biodiversity Net Gain (BNG) and this is something which has been a requirement via the NPPF for some time now.</p> <p>However, we are fully aware that the Government will be introducing a 10% BNG requirement via the Environmental Bill in 2021. Currently this is not expected to take place until Spring 2021 at the earliest and even then, there will be a 2 year transition period before this specific benchmark comes in to force. This is 2 years from when the</p>	We would suggest that the interim guidance is written to complement the sequence of events that should happen at a national level where a LPA does not have a specific policy requirement in percentage terms. Rather than contradict national guidance. Given that this	<p>No Change</p> <p>Support for biodiversity net gain noted and welcomed.</p> <p>The requirement for development to achieve a biodiversity net gain is set out in the adopted Local Plan policy LP30 (Biodiversity and Geodiversity).</p>

Ref No.	Organisation	Document Section/ Page	Comment	Change(s) required	Council Response & Proposed Changes
			<p>Environment Bill receives royal assent. Where a Local Planning Authority (LPA) does not have a local plan policy in place specifying a particular requirement in percentage terms, then it can not require 10% until the new legislation comes in to affect and only after the transition period ceases.</p> <p>Thus, we object to a 10% requirement ahead of this being brought in by Government. To do so would cause not only cause confusion and uncertainty to everyone involved in the development industry, but there would be no legal basis on which to request this.</p> <p>We accept that the new national requirement will take place in due course, but it is only fair for this to start in accordance with government guidance and not before.</p> <p>We do not object to the LPA bringing out guidance to support developers and others in ensuring that BNG is achieved in line with current NPPF requirements. However, we would strongly recommend that the reference to requiring 10% prior to this being set as a national requirement is removed.</p>	<p>is only an interim guidance until national guidance comes in, we would suggest removing all reference to 10%. Or hold off on adopting this guidance, until 1) the 10% requirement comes in to force and 2) when Government have issued more clarity on this matter, to ensure that any local document does not conflict with national guidance.</p>	<p>The requirement for a 10% biodiversity net gain post-development is in line with the forthcoming national legislation and neighbouring local authorities. The introduction of this target within Kirklees it to aid the transition during the interim period until the introduction of the Environment Bill. The requirement for a measurable net gain is not the creation of new policy rather a new method of quantifying net gain consistently across developments and districts.</p> <p>The TAN will be reviewed and updated in line with the latest government guidance when available.</p>
SPD_BNG32	Yorkshire Wildlife Trust	3.4	<p>Section 3.4 could be stronger to demonstrate that all net gains should be delivered on site wherever possible, with off-site compensation a last resort.</p>	<p>Section 3.4 could be stronger to demonstrate that all net gains should be delivered on site wherever possible, with</p>	<p>Proposed Change.</p> <p>Provide additional paragraph above 3.4.1 stating that "<u>3.4.1 A biodiversity net gain achieved within the development site is the</u></p>

Ref No.	Organisation	Document Section/ Page	Comment	Change(s) required	Council Response & Proposed Changes
				off-site compensation a last resort.	<p><u>preferred option within Kirklees. The method of achieving a biodiversity net gain should be integrated early into the design process and the mitigation hierarchy followed to assist in this.</u></p> <p>Change paragraph 3.4.1 to read “<u>3.4.2</u> In the event a development proposal is unable to demonstrate a biodiversity net gain within the application area, following the correct application of the mitigation hierarchy and justification using the metric <u>In exceptional circumstances where it can be demonstrated that on-site compensation methods have been exhausted</u>, it will be necessary to secure biodiversity net gain off-site”.</p>
SPD_BNG33	Yorkshire Wildlife Trust	3.4	This section should also clarify what tariff has been set by the LPA for each Biodiversity Unit, as is the approach taken by other LPA’s nationwide to ensure there is not a favourable bias towards some sites or developers. The tariff will have to take into account local land costs and considerations over the ability to create new habitats. Tariffs already set range between £9,000-£15,00 per unit in the national Defra consultation (2019), to £40,000 per unit in Warwickshire and £93,570.48 per unit in some London boroughs.	Should clarify what tariff has been set by the LPA for each Biodiversity Unit, as is the approach taken by other LPA’s nationwide to ensure there is not a favourable bias towards some sites or developers.	<p>No Change.</p> <p>The tariff per biodiversity unit is subject to change frequently with fluctuations in land prices and local market demand. In addition, there is current market research on-going on the local value of biodiversity units by local authorities and government bodies in preparation for the introduction of the Environment Bill. Therefore, in the interim period this guidance applies to, each application will be assessed on a case-by-case basis by the LPA and a commuted sum devised based on the most recent relevant evidence. This will be subject to review when further information is forthcoming or when an update of the guidance is undertaken.</p>

Ref No.	Organisation	Document Section/ Page	Comment	Change(s) required	Council Response & Proposed Changes
SPD_BNG34	Yorkshire Wildlife Trust	3.4	This section should also include clarification that off-site compensation will not be accepted on sites which are already required to being habitats into favourable condition e.g., as a result of their designation or as a condition of another planning application. Sites may, however, be appropriate if the condition is to be further improved or if LWS currently not in favourable management, or under any other responsibility, are brought into management to enhance their designating features.	Should include clarification that off-site compensation will not be accepted on sites which are already required to being habitats into favourable condition. Sites may, however, be appropriate if the condition is to be further improved or if LWS currently not in favourable management, or under any other responsibility, are brought into management to enhance their designating features.	Proposed Change. Agree to add additional text regarding sites to be excluded from compensation schemes. Amend paragraph 3.4.3 to read "Offsite compensation schemes that involve land allocated for development within the Kirklees Local Plan, including safeguarded land, <i>or within protected sites</i> will not be considered appropriate compensation for development impacts occurring within the district."
SPD_BNG35	Yorkshire Wildlife Trust	3.4	The guidance should include that those habitats that have a time to condition of over 30 years will usually not be accepted, as this is often beyond the lifetime of the development.	The guidance should include that those habitats that have a time to condition of over 30 years will usually not be accepted, as this is often beyond the lifetime of the development.	Proposed Change. Agreed that habitats which take longer than 30 years to establish will not usually be considered acceptable. Add additional sentence to paragraph 3.5.1 to read "...maintenance of biodiversity. <i>Therefore, any proposed habitat creation or enhancement which is predicted by the metric to take longer than 30 years to reach the target condition will not usually be accepted for biodiversity net gain purposes</i> ".

Ref No.	Organisation	Document Section/ Page	Comment	Change(s) required	Council Response & Proposed Changes
SPD_BNG36	Yorkshire Wildlife Trust	3.5	Section 3.5 should specify that monitoring should utilise the same version of the metric as was utilised at the planning application stage. It should also include provision for the revision of the EDS with scope for remedial or retrospective works/habitat creation to be undertaken or changes in management strategies applied, should the habitats be found to not be meeting the required condition stated in the initial application.	Section 3.5 should specify that monitoring should utilise the same version of the metric as was utilised at the planning application stage. It should also include provision for the revision of the EDS with scope for remedial or retrospective works/habitat creation to be undertaken or changes in management strategies applied, should the habitats be found to not be meeting the required condition stated in the initial application.	<p>Proposed Change.</p> <p>Agreed that the monitoring should utilise the same version of the metric as was utilised within the planning application. Add additional sentence to paragraph 3.5.3 to read “...Biodiversity Metric 2.0. <u>The monitoring of sites should utilise the same version of the metric as accompanied the planning application.</u>”</p> <p>Agree that provision for remedial measures or changes to the management regime should be included. Add sentence to paragraph 3.5.4 to read “...may be taken. <u>Revisions may be required to original management accompanying the planning application in this instance and this should be accompanied adequate evidence and justification for the proposed changes.</u>”</p>
SPD_BNG37	Yorkshire Wildlife Trust	4.2	Section 4.2, we are pleased to see consideration of baseline values in this context.	Section 4.2, we are pleased to see consideration of baseline values in this context.	<p>No Change.</p> <p>Support noted and welcomed.</p>
SPD_BNG38	Yorkshire Wildlife Trust	4.3	With regards to Section 4.3, please refer to our comments above and the application of the small site metric due for release by Defra soon.	please refer to our previous comments and the application of the small site metric due for release by Defra soon.	<p>No Change.</p> <p>Although the introduction of the Environment Bill will mandate all development covered by the Town and Country Planning Act to achieve a measurable net gain. At the time of writing,</p>

Ref No.	Organisation	Document Section/ Page	Comment	Change(s) required	Council Response & Proposed Changes
					a 'small site' metric had not been released by DEFRA and therefore minor developments are currently not required to utilise a metric. All development is expected to follow the ecological mitigation hierarchy and achieve a biodiversity net gain in line with Local Plan policy LP30 regardless.
SPD_BNG39	Yorkshire Wildlife Trust	5.1.2	Within, paragraph 5.1.2 we would encourage the inclusion of priority habitats and local BAP habitats as being of high strategic significance.	We would encourage the inclusion of priority habitats and local BAP habitats as being of high strategic significance.	Proposed Change. Agree that habitats of principal importance within Kirklees should be given a higher value within the appropriate biodiversity opportunity zones. Add additional sentence to paragraph 5.1.2 to read "... the Kirklees Wildlife Habitat Network. <i>Any Habitat of Principal Importance within Kirklees located within the associated Biodiversity Opportunity Zone.</i> "
SPD_BNG40	Yorkshire Wildlife Trust	5.2.1	should include draft BS 8683 (2020) as a relevant guidance document.	should include draft BS 8683 (2020) as a relevant guidance document.	No Change. As BS 8683 (2020) is still a draft document it cannot be included within the TAN at this stage. Should the TAN be updated in the future and the BS 8683 (2020) be published, its inclusion at this stage would be considered.
SPD_BNG41	Yorkshire Wildlife Trust	6.1.1	Section 6.1 could include historic maps (inferred later on) and local species groups (e.g., West	Could include historic maps and local species groups as resources for	Proposed Change.

Ref No.	Organisation	Document Section/ Page	Comment	Change(s) required	Council Response & Proposed Changes
			Yorkshire Bat Group) as resources for desk-based studies of sites.	desk-based studies of sites.	Agree that local wildlife groups provide valuable information in many cases and the use of these should be encouraged. Add additional words to paragraph 6.1.1 to read "... Records Centre <u>and records from the local wildlife protection groups</u> ".
SPD_BNG42	Yorkshire Wildlife Trust	6.2.2	Within paragraph 6.2.2 it should be highlighted that all mitigation and compensation for designated sites and protected species must be undertaken prior to the application of biodiversity net gain which is considered to be additional.	It should be highlighted that all mitigation and compensation for designated sites and protected species must be undertaken prior to the application of biodiversity net gain which is considered to be additional.	Proposed Change. Agreed that mitigation for designated sites and irreplaceable habitats is additional. Add sentence to paragraph 6.2.2 to read "...of the EclA. <u>Bespoke compensation or mitigation required for impacts to designated sites and irreplaceable habitats must be determined prior to application of the metric, which is considered to be additional</u> "
SPD_BNG43	Yorkshire Wildlife Trust	6.2	Section 6.2 should also highlight the preferential approach of utilising UK Habitat Classification system, rather than converting from NVC or Phase 1, and how condition assessments must be undertaken during the site visit.	Should highlight the preferential approach of utilising UK Habitat Classification system, rather than converting from NVC or Phase 1, and how condition assessments must be undertaken during the site visit.	Proposed Change. Agree that reference that the metric requires input from the UK Habitat Classification should be included. Add sentence to paragraph 2.1.1 to read " <u>The metric is based on the UK Habitat Classification system however a conversion tool allows translation from Phase 1 JNCC habitats</u> ".

Ref No.	Organisation	Document Section/ Page	Comment	Change(s) required	Council Response & Proposed Changes
					Add additional paragraph to 6.2 to read <u>"Habitat type identification during ecological surveys should be completed through the use of UK Habitat Classification System to allow direct input into the metric. This removes the need to translate habitats from alternative habitat recording systems such as Phase 1 JNCC, which may not be directly comparable, and ensures data is directly comparable on a national scale."</u>
SPD_BNG44	Yorkshire Wildlife Trust	7.1	We feel that section 7.1 would benefit from clarity that net gain must be achieved in all habitat types. However, are supportive that condition changes above one step change are unlikely to be realistic and must have clear and robust justification. This section should also include mention, as above, that habitats that take over 30 years to condition will generally not be accepted.	Would benefit from clarity that net gain must be achieved in all habitat types. Should include mention that habitats that take over 30 years to condition will generally not be accepted.	<p>Proposed Change.</p> <p>Support for the requirement that condition changes of habitats must be realistic and justified.</p> <p>Agree that clarification regarding that a 10% net gain must be achieved from the baseline value of each habitat type should be provided. As this is addressed within paragraph 7.4.1, Section 7.1 is considered to be the most appropriate place to include further details. Add additional paragraph to 7.1 to read <u>"7.1.4 In addition to a 10% biodiversity net gain overall on the site (in both habitat units and linear features, depending on the ecological baseline of the site), a 10% gain should be achieved in each broad habitat type identified on the site with a distinctiveness of medium or above."</u></p>

Ref No.	Organisation	Document Section/ Page	Comment	Change(s) required	Council Response & Proposed Changes
SPD_BNG45	Yorkshire Wildlife Trust	7.3.1	Section 7.3 should clarify that it is most acceptable for residential curtilages, including gardens, be included within the metric as 'Urban – Unvegetated Garden' or 'Urban – Developed/Sealed Surface'.	Should clarify that it is most acceptable for residential curtilages, including gardens, be included within the metric as 'Urban – Unvegetated Garden' or 'Urban – Developed/Sealed Surface'.	No Change. The inclusion of vegetated gardens or other biodiversity net gain features within the curtilage of residential gardens will be considered on a case by case basis provided these are considered realistic or can be secured through an appropriate legal agreement.
SPD_BNG46	Yorkshire Wildlife Trust		The advice note would also benefit from inclusion of what is expected to be included under 'Accelerated Succession' and 'Enhancement'. Generally speaking, we would view the transformation of scrub to woodland as appropriate under accelerated succession but would not view the complete loss of a habitat which is then replanted to be considered in this way, nor loss of a priority habitat to be 'succussed' to woodland.	The advice note would also benefit from inclusion of what is expected to be included under 'Accelerated Succession' and 'Enhancement'.	No Change The Accelerated succession tool currently included within the Biodiversity Metric 2.0 is currently considered to have significant errors and is due to be removed/replaced within the updated metric as indicated by the latest public consultation by Natural England therefore further clarification regarding its use is not considered to be required.
SPD_BNG47	Yorkshire Wildlife Trust		It should be made clear that any temporary loss of habitats due to construction should be considered permanent due to the time to recreate these habitats on site.	It should be made clear that any temporary loss of habitats due to construction should be considered permanent due to the time to recreate these habitats on site.	Proposed Change. Agree that clarification that the temporary loss of habitats needs to be considered as a loss, should be incorporated into the TAN. Add additional paragraph to section 7.1 to read " <u>7.1.5 Where temporary habitat losses are set to occur as a result of the proposals, these must be classed as permanent and any</u>

Ref No.	Organisation	Document Section/ Page	Comment	Change(s) required	Council Response & Proposed Changes
					<i>reinstated habitats recorded as newly created within the metric. This is to account for the time taken for habitats to re-establish following damage and the risk of failure”.</i>
SPD_BNG48	Yorkshire Wildlife Trust		<p>The Trust would also recommend inclusion of details of the ‘Building with Nature’ initiative within the Advice Note. Building with Nature is a framework that enables developers to integrate high-quality multifunctional green infrastructure to create places in which people and nature can flourish. It provides developers with a possible mechanism to deliver a number of policies including LP 27, 28, 29, 30 and 31 and to meet the targets being explored by WYCA to improve Green Infrastructure across the region. We also believe that this approach would help developers achieve those ambitions set out within the Open Space SPD currently being consulted on.</p> <p>Building with Nature sets out standards to provide a benchmark to be used in addition to the Biodiversity Net Gain metric, in order to provide a qualitative assessment of a proposed development site. The Building with Nature (BwN) key themes are:</p> <ul style="list-style-type: none"> • Core – Distinguishing green infrastructure from a more conventional approach to provision of open and green space. • Wildlife – to protect and enhance wildlife, 	Recommend inclusion of details of the ‘Building with Nature’ initiative within the Advice Note.	<p>No Change.</p> <p>Comments regarding inclusion of the ‘Building with Nature’ initiative noted. It is recognised that there are various initiatives and schemes which complement the achievement of biodiversity net gain within development. However, as the specific method of incorporating biodiversity within development are not covered by this TAN, the inclusion or reference to such schemes is considered outside of the scope of the document.</p>

Ref No.	Organisation	Document Section/ Page	Comment	Change(s) required	Council Response & Proposed Changes
			<p>creating networks where nature can thrive, and supporting the creation of development which more effectively delivers a net gain for wildlife.</p> <ul style="list-style-type: none"> • Water – a commitment to improving water quality, on site and in the wider area: reducing the risk of flooding and managing water naturally for maximum benefit. • Wellbeing – to deliver health and wellbeing benefits through the green features on site, making sure they can be easily accessed by people close to where they live. <p>Building with Nature is a voluntary approach developed by practitioners, policy-makers and academic experts, and tested with the people who will use and benefit from the framework. There are three levels of accreditation; Design, Full (Good) and Full (Excellent) and schemes can be assessed at pre-application, reserved matters and post-construction/in-use stages. Further information can be accessed via the website: https://www.buildingwithnature.org.uk. Yorkshire Wildlife Trust has two Building with Nature trained assessors and is keen to progress this approach with developers.</p>		
SPD_BNG49	Yorkshire Wildlife Trust	3.3.3	We would also be encouraged by the inclusion of the requirement for an Ecological Design Strategy (EDS) to be provided along with the EclA (rather than the CEMP and LEMP currently required at stage 5) and developed at the very early stages of development, which outlines how habitats (and	We would be encouraged by the inclusion of Ecological Design Strategy (EDS) along with EclA, rather than the CEMP and LEMP at stage 5. The EDS	<p>No Change.</p> <p>Although the consideration of an Ecological Design Strategy or Landscape & Ecological Management Plan is encouraged, the requirement for this at an early stage of the</p>

Ref No.	Organisation	Document Section/ Page	Comment	Change(s) required	Council Response & Proposed Changes
			species) will be protected on site following the mitigation hierarchy, how habitats will be created, managed and monitored in perpetuity (or for a minimum of 30 years) along with responsibilities for each stage (as per draft BS 8683). Whilst we appreciate these will not be possible to finalise in early stages, a working document should be submitted with the application and updated as required at each stage of design in accordance with BS 8683. These should be finalised by stage 5 as currently shown in Table 1.	<p>should be developed at the very early stages of development and it should outline</p> <p>how habitats (and species) will be protected on site following the mitigation hierarchy, how habitats will be created, managed and monitored in perpetuity (or for a minimum of 30 years) along with responsibilities for each stage (as per draft BS 8683). a working document should be submitted with the application and updated as required at each stage of design in accordance with BS 8683. These should be finalised by stage 5 as currently shown in Table 1.</p>	development is on a case-by-case basis. Should further detail be required for security of a biodiversity net gain, these documents may be requested prior to determination. It is not considered appropriate to reference BS 8683 within the TAN as the document is still a draft and may be subject to significant changes.
SPD_BNG50	Environment Agency	para 1.3.4	<p>Paragraph 1.3.4</p> <p>The following sentence contains a typing error: "...leaves the natural environment is a measurably better state than it was beforehand."</p>		<p>Proposed Change.</p> <p>Typing error within Paragraph 1.3.4 to be corrected to read "leaves the natural environment <i>in a measurably</i> better state than it was beforehand."</p>

Ref No.	Organisation	Document Section/ Page	Comment	Change(s) required	Council Response & Proposed Changes
SPD_BNG51	Environment Agency	para 2.1.1	<p>Paragraph 2.1.1</p> <p>For the avoidance of doubt, and to highlight the key difference between the original metric and the Biodiversity Metric 2.0, we would very much welcome the recognition of river habitat in the following sentence:</p> <p>“The metric is based on habitats and incorporates separate modules for habitats measured in area (such as woodland and grassland) and linear habitats measured in length (such as hedgerows and rivers)”.</p> <p>We note there is a link to the metric and guidance provided in paragraph 5.2.1 (Section B: Guidance for Ecological Consultants), but think it would be useful to include either a link at the end of paragraph 2.1.1 as well, or signpost readers to the link provided in paragraph 5.2.1.</p>		<p>Proposed Change.</p> <p>Agree that recognition of river units should be included. Add additional words to paragraph 2.1.1 to read “linear habitats measured in length (such as hedgerows <u>and rivers</u>).”</p> <p>Agree that link could be included to the current metric within Section 2. Add additional text to end of paragraph 2.1.1 to read “...is determined <u>and can be accessed at the Natural England Publications Website</u>.”</p>
SPD_BNG52	Environment Agency	para 3.1.1	<p>Paragraph 3.1.1</p> <p>Section 3.1.1 seems like a good place within the document to highlight the need for each of the habitat units present to be assessed and summed separately. To make this point as clear as possible, it would be useful to include more detail at the end of section 3.1.1 and suggest the following as an example:</p> <p>It is important to note that the biodiversity units calculated through the core habitat area-based metric and each of the supplementary linear units</p>		<p>Proposed Change.</p> <p>Agree that clarification regarding that a 10% net gain must be achieved from the baseline value of each habitat type should be provided. As this is addressed within paragraph 7.4.1, this is considered to be the most appropriate place to include further details. Add additional text to paragraph 7.4.1 to read “...individually. <u>In addition, a 10% net gain must be achieved in each individual habitat type contributing to the baseline value of the site</u>”.</p>

Ref No.	Organisation	Document Section/ Page	Comment	Change(s) required	Council Response & Proposed Changes
			<p>are unique and cannot be summed or converted. When reporting biodiversity gains or losses using the Biodiversity Metric 2.0, the different biodiversity unit types (i.e. core habitat area-based units, supplementary linear-based hedgerow units, and supplementary linear-based river units) must be reported separately and cannot be summed to give an overall biodiversity unit value. For example, in order for a development to achieve biodiversity net gain, it must demonstrate at least 10% net gain separately in each of the habitat units present on site.</p> <p>However, we recognise that this information is covered, to some extent, within section 7.4.1 and you may consider that a more appropriate place to expand the explanation.</p>		
SPD_BNG53	Environment Agency	para 3.3.3	<p>Paragraph 3.3.3</p> <p>We like the prescriptive and staged approach detailed within Table 1 which provides a clear step by step guide for developers.</p>		<p>No Change.</p> <p>Support noted and welcomed.</p>
SPD_BNG54	Environment Agency		<p>For your awareness, the Biodiversity Metric 3.0 is expected in January 2021, as this is an evolving tool. This should also be accompanied by updated guidance.</p> <p>We strongly encourage you to consider how you will continue to incorporate net gain within your Local Plan policies and Supplementary Planning Documents. You will need to consider any supporting evidence requirements.</p>		<p>No Change.</p> <p>Comments on updating and producing new guidance documents and local plan policies noted.</p>

Ref No.	Organisation	Document Section/ Page	Comment	Change(s) required	Council Response & Proposed Changes
			<p>Biodiversity net gain policy needs to be founded on a good yet proportionate evidence base. A good evidence base puts you in a strong position to shape the subsequent direction of policy. We encourage you to use the best available local environmental data. There is also an opportunity to consider Nature Recovery Strategies within this evidence gathering and wider natural capital goals.</p> <p>This is the opportunity to consider the local biodiversity priorities and the level of significance for sites. Areas set out by the local planning authority as strategically important are considered more important in the Natural England Biodiversity Net Gain Metric. We would highlight that any future policy and evidence base should include, and have particular reference to, riparian (water environment) habitats.</p> <p>Local Plan policies should reflect the objectives of the 25 Year Environment Plan and the Environment Bill. There is a legal duty to consider this through the NERC Act, NPPF and the Environment Bill when it receives Royal Assent. We encourage you to consider the importance of local context and partnership in net gain implementation.</p> <p>Pre-application Enquiries</p> <p>We appreciate this isn't mentioned in this note, but to be consistent with advice we have given to</p>		<p>Comments regarding pre-application discussions noted.</p>

Ref No.	Organisation	Document Section/ Page	Comment	Change(s) required	Council Response & Proposed Changes
			<p>other local authorities in Yorkshire, we offer the following comment:</p> <p>We are supportive of encouraging applicants and developers to engage in pre-application discussions which should then result in a better quality and more environmentally sensitive development. It would be possible, and we welcome, linking in with the Environment Agency planning advice service for specific advice on river habitats in regard to BNG. The terms and conditions of our charged for planning advice service are available here with further details available here.</p> <p>Working group</p> <p>We are aware that there is a West Yorkshire group forming that is looking to collaborate on BNG across the West Yorkshire Combined Authority area. We strongly encourage you to continue these discussions, policy formation and evidence gathering to work towards a robust net gain system.</p>		<p>Comments noted.</p> <p>Comments noted.</p>
SPD_BNG55	Holme Valley Vision	1.1.2	This is a substantive document, giving real guidance on how on the intent, meaning and mechanism work together to benefit the environment in which we all live. Given its technical nature, we are not in a position to comment in detail.		<p>No Change.</p> <p>Comments noted.</p>

Ref No.	Organisation	Document Section/ Page	Comment	Change(s) required	Council Response & Proposed Changes
			<p>We would like to remind the Council of the many local surveys and consultation exercises carried out in the Holme Valley over the last ten years. These have consistently shown the local people consider the environment and its care to be a high priority.</p> <p>We therefore welcome the Council's commitment and would support any action it has to take to "provide net biodiversity gains through good design by incorporating biodiversity enhancements and habitat creation". We are concerned, however that the policy statement in taking a negative rather than a positive stance will weaken its ability to make improvements to biodiversity.</p> <p>The policy currently states:</p> <p>"All development in Kirklees will be expected to avoid significant loss or harm to biodiversity through protection, mitigation and compensatory measures and seek opportunities to enhance biodiversity value and ecological links."</p> <p>We would recommend that the Council takes advantage of the new legislation to change this policy statement to read:</p> <p>"All development in Kirklees will be required to provide biodiversity gains through protection, mitigation and compensatory measures to reduce the impact of the development on the ecosystem</p>		<p>No Change.</p> <p>This policy is policy LP30 (Biodiversity & Geodiversity) of the adopted Local Plan and has been found 'sound' through the Local Plan Examination in Public. Statutory Local Plan policy can only be changed through a review of the Local Plan.</p>

Ref No.	Organisation	Document Section/ Page	Comment	Change(s) required	Council Response & Proposed Changes
			affected by that development and seek opportunities to enhance biodiversity value and ecological links more generally.”		
SPD_BNG56	Holme Valley Parish Council	1.1.1	<p>Overall</p> <ul style="list-style-type: none"> • Welcome the issuing of these documents, which supply greater detail to supplement the provisions of the Local Plan. • Welcome being given the opportunity to comment on the documents. • Welcome the clarity of presentation • Welcome the frequent references to climate change / sustainability / biodiversity in the texts of all documents but there is no sense of urgency, given that Kirklees and HVPC have declared a climate emergency. Section 4.4 Sustainable design in SPD Extensions and alterations is noted. <p>General Response:</p> <p>Overall, the SPDs which are generally clearly laid out and provide a useful guide for applicants across the topics covered.</p> <p>They are in many ways aligned with the more detailed information within the Holme Valley Neighbourhood Development Plan which articulates more specifics about elements such as our landscape and built character and gives the</p>		<p>No Change.</p> <p>Not relevant to Biodiversity Net Gain TAN.</p> <p>Comments noted.</p>

Ref No.	Organisation	Document Section/ Page	Comment	Change(s) required	Council Response & Proposed Changes
			<p>views of our community. This is important as the SPDs are written from a developer's perspective so we hope that they can be used in conjunction with the NDP to better understand the relationship between buildings and the community they sit within.</p> <p>Climate change and the need to act on the climate emergency is reflected in the SPDs but not expressed in the strong terms required to drive real action. For example, the Householders Design Guide only encourages or supports renewable technologies / shared energy projects rather than requiring these things to be considered as standard and only not applied if rationale is provided.</p> <p>It is important that new houses are built with solar panels, ground source heating etc. considered seriously from the start, not left to individual homeowners to add later. Many of the new developments in the valley do not seem to include these and indeed, utilities often appear to be added to and put under considerable pressure thereby causing problems for existing residents. The utilities should be enhanced, and recent problems have been visible such as recent flooding at the new housing in Scholes and lack of sufficient electrical supplies to support the promised car charging provision in Hade Edge.</p> <p>The House Extensions and Alterations SPD is an extremely useful document providing a full range</p>		

Ref No.	Organisation	Document Section/ Page	Comment	Change(s) required	Council Response & Proposed Changes
			<p>of positive and negative examples and we welcome this clarity which should be very helpful to those seeking to extend or alter their homes.</p> <p>Overall, we welcome the opportunity to contribute to these SPDs and the additional clarity they bring. Many terms within the SPDs are subjective such as referencing character, distinctiveness and public views and we recognise that this challenge of balancing specificity with the general values of an area is a challenge for all planning documents.</p> <p>However, we hope that together with the Holme Valley specifics of the NDP, these SPDs will provide a clearer articulation of what is acceptable in the future.</p>		
SPD_BNG57	Holme Valley Parish Council	3.2.2	<p>Holme Valley Parish Council welcomes the document and what it seeks to achieve, i.e., all development should avoid significant loss to biodiversity and development proposals should provide biodiversity gains</p> <p>We approve the requirement that minor developments, - i.e. less than 10 dwellings, - are subject to the mitigation hierarchy. As with all major developments, minor developments will still be expected to provide adequate ecological information, apply the mitigation hierarchy, and demonstrate a biodiversity net gain in accordance with the National Planning Policy Framework and Kirklees Local Plan Policy LP30.</p> <p>As we know most new build planning applications</p>		<p>No Change.</p> <p>Support on the requirement that all development follow the ecological mitigation hierarchy and provide biodiversity net gains noted and welcomed.</p> <p>Provisions for wildlife within the curtilages of residential properties are outside of the scope of technical advice note. However, the design of features for wildlife within these spaces is considered on a case-by-case basis based on the existing ecological functions of the site. Examples of opportunities to include feature for biodiversity net gain within residential dwellings and gardens are included within</p>

Ref No.	Organisation	Document Section/ Page	Comment	Change(s) required	Council Response & Proposed Changes
			<p>in the Holme Valley are for less than 10 houses.</p> <p>In General, we:</p> <ul style="list-style-type: none"> • Are encouraged by the requirement that new private gardens should be designed to be “wildlife friendly” but what does this mean in practice? • Support the Local Plan (LP30) requirement for development proposals to provide net biodiversity gains through good design by incorporating biodiversity enhancements and habitat creation. • Approve the notion that development should be carried out in line with the mitigation hierarchy as highlighted to result in no significant ecological harm. Use of this hierarchy, significant harm should be avoided. 		the Housebuilder Design Guide SPD and House Extensions and Alterations SPD.
SPD_BNG58	Redrow	1.2.1	<p>The Technical Advice Note (TAN) seeks to outline how the emerging Government approach within the Environment Bill 2019 will be applied within Kirklees. Much of the TAN relates to the use of the Biodiversity Metric 2.0 which is expected to be the confirmed tool for measuring net gain or loss.</p> <p>We note that the TAN seeks to supplement policy LP30 which sets out a requirement to avoid net loss in biodiversity within Kirklees and to provide measurable net gain within development proposals where opportunities exist. The TAN indicates that a 10% net gain will be sought.</p> <p>This is not consistent with LP30, and the TAN does</p>		<p>No Change.</p> <p>The requirement for development to achieve a biodiversity net gain is set out in the adopted Local Plan policy LP30 (Biodiversity and Geodiversity).</p> <p>The requirement for a 10% biodiversity net gain post-development is in line with the forthcoming national legislation and neighbouring local authorities. The introduction of this target within Kirklees it to aid the transition during the interim period until the introduction of the Environment Bill. The requirement for a</p>

Ref No.	Organisation	Document Section/ Page	Comment	Change(s) required	Council Response & Proposed Changes
			not have the ability to introduce new policy or supplementary policy. Whilst the Environment Bill remains in Draft, a 10% net gain cannot be reasonably be sought and the TAN should as a minimum acknowledge that in the interim, only the requirements of the policy will be sought.		measurable net gain is not the creation of new policy rather a new method of quantifying net gain consistently across developments and districts. The TAN will be reviewed and updated in line with the latest government guidance when available.
SPD_BNG59	Private Individual	1.1.1	Biodiverse plantation flowers is best and trees with fruits as all creation can enjoy the environment of that area.		No Change. Comment noted.

