



**Harrogate**  
BOROUGH COUNCIL

## Providing Net Gain for Biodiversity Supplementary Planning Document (SPD)

---



---

**Consultation Statement  
May 2021**



# Consultation Statement 1

## Introduction

- 1.1 Harrogate Borough Council has prepared the Supplementary Planning Document (SPD) entitled Providing Net Gain for Biodiversity to provide specific guidance for Local Plan Policy NE3: Protecting the Natural Environment and general advice on how all developments can deliver benefits for biodiversity.
- 1.2 In accordance with the Town and Country Planning (Local Planning) (England) Regulations 2012 as amended (the Regulations) and NPPF definitions of SPDs, it adds further detail to support Local Plan policy and is a material consideration in the determination of relevant planning applications.

## Consultation statement

- 1.3 Before a local planning authority (LPA) adopt a SPD Regulation 12(a) of the Town and Country Planning (Local Planning)(England) Regulations 2012 requires the LPA to prepare a statement which sets out;
  - i. The persons the local planning authority consulted when preparing the supplementary planning document;
  - ii. A summary of the main issues raised by those persons; and
  - iii. How those issues have been addressed in the supplementary planning document.
- 1.4 In accordance with Regulation 12(b) the SPD and consultation statement were made available for public consultation between 12 October and 12 December 2020 and were available to view on the Council’s website.

## Preparation of the SPD

- 1.5 The SPD was prepared by the Policy and Place Team in discussion with relevant Harrogate Borough Council colleagues. The table below sets out the main issues raised during these discussions.

Providing Net Gain for Biodiversity		
<p>The SPD was jointly produced by the council's Principal Ecologist and planning policy officer.</p> <p>The North and East Yorkshire Ecological Data Centre helped to produce the mapping of areas of strategic significance and although they did not recommend specific approaches they helped explore different approaches and provided insight into how data should be interpreted.</p>		
Biodiversity Project Officer, AONB Team	Involved in the early concept meetings for the strategic significance map. Discussion on potential use of priority habitats mapping.	Feedback taken on board.
Development Management Officers, HBC	Ensure SPD is clear, logical and accessible to all.	Advice taken on board.
Principle Planning Lawyer, HBC	Include how offset cost will be calculated in council led schemes.	This work is still on going but delaying the SPD until this is completed risks developers and

## 1 Consultation Statement

Providing Net Gain for Biodiversity		
		officers implementing the policy in the meantime without any guidance.
	Ensure as much certainty as possible.	Suggested wording has been tightened up to avoid doubt.
	Whether further certainty can be added by including example wording for S106.	Work on conditions and S106 wording is still on going at this time. The requirement for the BEMP will form the basis for planning conditions and S106 conditions and this is reflected within the SPD.
Principle Enforcement Officer, HBC	How to ensure conditions are clear, succinct and enforceable.	

Table 1.1

### SPD Reg 12(b) Consultation 2020

- 1.6** Consultation on the SPDs was carried out in accordance with the Town and Country Planning (Local Planning) (England) Regulations 2012 as amended, and the Council's Statement of Community Involvement – Revised August 2020 in response to the coronavirus pandemic.
- 1.7** The Town and Country Planning (Local Planning)(England)(Coronavirus)(Amendment)Regulations 2020 temporarily modifies Regulation 35 (availability of documents) up to the 31 December 2021 to reflect the situation the Coronavirus Pandemic has resulted in.
- 1.8** The modified Regulations removes the requirement for LPAs to place paper consultation documents at Council Offices and other appropriate locations, such as public libraries, and only requires consultation documents to be published on the Council's website.
- 1.9** However, in order to provide opportunities for those consultees who were unable to view the SPDs digitally, paper copies were made available to view by appointment at the council's Civic Centre in line with the COVID-19 rules.
- 1.10** The Regulations at 12(b) require LPAs to invite representations to be made on a draft SPD over a period of not less than four weeks. Given the restrictions due to the coronavirus pandemic, public consultation was held from the 12 October to 11 December 2020, a period of 8 weeks, to ensure interested parties had an opportunity to consider the draft SPD during the pandemic. Comments were invited to be submitted directly onto the Planning Portal, or sent in via email or post.
- 1.11** The Council maintains a consultation database, all consultees listed on this database were invited to make comment on the SPDs. The consultation database includes both specific and general consultees as set in the Statement of Community Involvement 2020.
- 1.12** The consultation database is kept up to date to enable the council to carry out continuous consultation with the consultees and the community and enables everybody who had commented on previous consultations to be kept informed of future consultations while allowing entrants to be removed from the database if they wish. The portal also enables specific consultees to be identified when focused consultation is needed.

## Consultation Statement 1

### Consultation responses

- 1.13** The table below sets out the responses received to the regulation 12(b) Consultation 2020, by whom, and the Council's response and any amendments proposed.

## 1 Consultation Statement

ID	Name	Comments	Response	Amendments to SPD
Bio6	Selby Council	no comments	noted.	none
Bio15	Harrogate Civic Society			
Bio37	Natural England (NE)	Response has been submitted in conjunction with Environment Agency (EA). See comments Bio31 to Bio 36.	noted.	none.
Whole Document				
1	Mr Brian Appleby Harrogate & District Green Party  NE and EA joint response  Yorkshire Wildlife Trust (YWT)	Local Plan Policy NE3 supports proposals that deliver net gain. In keeping with this, the Government's 25 Year Environment Plan and NPPF the SPD should focus on providing net gains rather than just avoiding net loss. Suggested titles "Protecting and Enhancing Biodiversity", "Providing Net Gain for Biodiversity". Suggested amendments to text highlight opportunities to add reference to enhancement. Highlight in intro that chapter 7 relates to all development, including permitted development.  Net gain should be required for all developments not just major schemes.	The Local plan was submitted for examination in August 2018 and since this time the NPPF and the progression of the Environment Bill have greatly increased support for the inclusion of biodiversity net gain in planning. Despite this the SPD cannot introduce new policies beyond those within the adopted Local Plan and is unable therefore to mandate a net gain or extend the policy requirement to cover other types of development. We agree that the SPD could be extended to encourage net gain for all developments as long as the wording does not imply a change to Policy.	Add the following wording after paragraph 1.1:  <u><i>This document provides guidance for all proposals on how to encourage gains in biodiversity within development schemes in the Harrogate District. Chapter 3 highlights the importance of protecting and enhancing existing nature conversation features and following the mitigation hierarchy when designing proposals. chapter 4 details how ecological compensation should be planned where a loss of biodiversity is unavoidable and chapter 7 details species specific enhancements.</i></u>  <u><i>Policy Context</i></u>
2	Harrogate & District Green Party  YWT			



Consultation Statement 1

ID	Name	Comments	Response	Amendments to SPD
3	NE and EA joint response	We encourage you to be ambitious and consider a 20% Biodiversity Net Gain target in line with other Local Planning Authorities such as Lichfield City Council.		<p><u>The National Planning Policy Framework stipulates that planning policies and planning decisions should contribute to the national environment by securing measurable net gains for biodiversity. The Environment Bill, once enacted, will make the provision of biodiversity gain law and allow regulation to set a required percentage increase, likely to begin at 10%. In the near future, biodiversity net gain will be common practice across developments.</u></p>
4	Mr Brian Appleby Harrogate and District Green Party	Additional resource will be required to check the Biodiversity Metric assumptions and calculations when initially submitted, during the planning process and any post permission amendments.	noted.	none.
5	NE and EA joint response	<p>IEEM, together with CIRIA and IEMA have published guidance on how to deliver net gain in practice. These organisations can also offer training on Net Gain and have a webinar free to view on their website.</p> <ul style="list-style-type: none"> <li>• Biodiversity Net Gain – Good practice principles for development (2016)</li> <li>• Biodiversity Net Gain – A practical guide (2019) – this is</li> </ul>	Noted.	

## 1 Consultation Statement

ID	Name	Comments	Response	Amendments to SPD
6	Harrogate and District Green Party YWT	<p>a useful document that sets out a lot of elements for BNG. Please see the Overview Section and Chapter 3 which looks at LPA and biodiversity duties – including benefits for why LPAs should incorporate BNG in Local Plans now. Chapter 4 gives advice for how to incorporate BNG within local plans and strategies</p> <ul style="list-style-type: none"> <li>• Biodiversity Net Gain – Case studies (2019)</li> </ul>	Noted.	
7	NE and EA joint response	Biodiversity net gain policy needs to be founded on a good yet proportionate evidence base. Consider Nature Recovery Strategies, wider natural capital goals, local biodiversity priorities and the level of significance for sites.	The council has used the most up to date data which is consistent across the district to inform the approach at this current time. The evidence base, along with any changes to legislation or wider practice, will be considered again at local plan review to inform any necessary changes to policy.	none.



Consultation Statement 1

ID	Name	Comments	Response	Amendments to SPD
8	NE and EA joint response	We would highlight that any future policy and evidence base should include and have reference to riparian (water environment) habitats.	noted.	none.
9	NYCC	Supportive of many points- consistent use of metric, use of strategic significance map, inclusion of outline applications, the 30 year period for maintenance and sharing of data with NEYEDC.	noted.	none.
	How to assess a site			
10	Bourne Leisure Limited	The use of the multipliers are too onerous and could act as a disincentive for future development proposals. They should be reassessed and if they are to be retained, they should be justified through a sound evidence base which takes wider impacts - including viability - into account.	The principle of the multiplier for strategic significance is embedded within the metric and designed to steer biodiversity actions to key areas. HBC can identify areas of strategic significance but cannot alter the weighting to be applied without deviating from the Defra/ Natural England model. Development within the areas of strategic significance can still be undertaken and sites in these areas are incentivised to include compensation on site to take advantage of the multiplier.	none.

## 1 Consultation Statement

	ID	Name	Comments	Response	Amendments to SPD
11	Bio18 Bio21	Persimmon Homes Ltd Homes England	The classification of all private garden areas within a residential proposal as 'Urban – un-vegetated garden' is considered to be unjustified and does not take into account that most gardens will likely stay vegetated. It does not acknowledge that gardens can contribute to green corridors. It is therefore suggested that paragraph 11 of the draft SPD be amended to classify 80% of private gardens proposed by a housing as vegetated and 20% un-vegetated.	HBC understands the important role gardens can have in contributing to green corridors. However, the council has no long term assurance that the habitats within private gardens will be maintained.	none.
12	Bio40	YWT	Similar to private gardens, green roofs and walls (whilst encouraged) should not be included within net gain calculations.	The council cannot ensure the maintenance of habitats within private gardens but specific features, such as green walls or green roofs, may be acceptable if in public areas.	
13	Bio26	Harrogate and District Green Party	More details are required for how strategic significance will be identified for river and streams.	The approach to identifying strategic significance does not readily apply to river and streams. Instead, proposals affecting these will be considered on a case by case basis.	Add text to paragraph 2.9  This map is for area-based habitats only and should not be used to score linear features such as rivers and streams. For these, strategic significance is defined will be agreed on a case by case basis and applicants are encouraged to undertake pre-application

Consultation Statement 1

ID	Name	Comments	Response	Amendments to SPD
14	Bio26 Bio40 Harrogate and District Green Party YWT	Suggest wording "subsequent updates or future agreed methodology" to cover the possibility that a more appropriate methodology might become available.	The current process is centred on using the Defra/NE metric. If another model or approach is favoured further updates to the SPD would be required.	<p>discussions with the <u>Environment Agency</u> by river basin plans and catchment plans</p> <p>Add paragraph after 4.2</p> <p><i>Where enhancement of rivers or streams is required to offset a loss in value the Humber River Basin Plan should be used to identify rivers with the greatest opportunity for enhancement. It is recommended that proposals affecting rivers utilise the Environment Agency's pre-application advice service</i></p> <p><a href="http://www.gov.uk/government/uploads/attachment_data/file/313930/raa.pdf">http://www.gov.uk/government/uploads/attachment_data/file/313930/raa.pdf</a></p> <p>Change title to Appendix 1:</p> <p>Strategic Significance Map <u>for use with area-based habitats.</u></p> <p>Insert all changes to online map also.</p> <p>none.</p>

## 1 Consultation Statement

ID	Name	Comments	Response	Amendments to SPD
15	Harrogate and District Green Party	Assessments should be carried out with regard to the key principles and rules of the Biodiversity Metric as outlined in the User Guide to give additional flexibility for negotiation with applicants.	Agree that signposting applicants to the key principles and rules of the metric will help ensure proposals are in keeping with the objectives of the metric.	Add the following text to paragraph 2.4:  <i>The user guide contains key principles and rules in applying the metric and these will be used by the council when considering development proposals and where appropriate, offset schemes.</i>
16	NE and EA joint response	Metric 3.0 due to be released in January 2021.	Noted. Reference to future updates has been included but detailed information is currently unavailable.	none.
17	NE and EA joint response	Should make clear that the various outcomes of metric should be reported separately and not summed. Threshold should be passed for each biodiversity unit.	Paragraph 2.10 addresses this issue. This text could be amended to ensure clarity.	Amend paragraph 2.10 to the following:  Proposed development schemes should be assessed using the metric <u>modules</u> to create <u>three separate a</u> <u>scores</u> for area-based habitats, rivers and hedgerows. <u>This</u> <u>These</u> will be compared with the baseline assessments and a resulting scores will be given to the scheme depending on whether there are more or less units after development than before. <u>The scores for each module cannot be added together and a</u> resulting score of 0 or above will be required for each. <u>habitat within the metric and p</u> <u>Positive</u>

Consultation Statement 1

ID	Name	Comments	Response	Amendments to SPD
				<p>scores for one <u>habitat-type module</u> cannot be used to offset a negative score for others, unless a strong case can be made on ecological grounds, which is agreed with the council.</p>
	How to design a scheme			
18	NE and EA joint response	<p>Reference to table 6.1 of the Defra guidance should be expanded to include guidance for assessing distinctiveness for linear based habitats.</p>	<p>Agree that this information should be added however, perhaps reference to specific tables is not appropriate if an update is imminent. Suggest removing the footnote reference to table 6.1.</p>	<p>Add the following text to paragraph 3.6:                      [...] not be more than two levels of 'Distinctiveness' as defined by the <u>specific</u> metric guidance for <u>area-based habitats, linear hedgerows and rivers</u>. [Remove footnote].</p>
19	Harrogate and District Green Party	<p>Reference should be made to Natural England's National Habitat Network Maps to influence detailed habitat proposals, particularly where smaller, high value habitats are present that may not be picked up by the Habitats of Strategic Significance mapping.</p>	<p>Agree that for paragraph 3.2 it would be beneficial to signpost to other sources of information which could feed into the design of the scheme.</p>	<p>Delete the final sentence from paragraph 3.2 and insert the following paragraph:  <u>Schemes should be designed taking into regard the wider objectives of Local Plan natural environment policies: NE3, policy NE5, policy NE7 and policy CC1. To do this, information on landscape objectives local to the development site should be investigated including Natural</u></p>
20	NE and EA joint response	<p>In para 3.2 it would be helpful if the strategy also highlight opportunities to build resilience for biodiversity</p>		

## 1 Consultation Statement

ID	Name	Comments	Response	Amendments to SPD
21	NE and EA joint response	In para 3.4 we recommend reference is added to the range of positive benefits carefully designed green infrastructure can deliver including space for recreation, access to nature, flood storage and	This scope of this SPD is not to update the Green Infrastructure Strategy or provide guidance for NE5 Green and Blue Infrastructure. However, we do agree that green infrastructure provides multiple	<p><u>England's National Habitat Network Maps, Harrogate BAP, Landscape Character Assessments and Green Infrastructure SPD. Using this data schemes should seek to mitigate harm across the wider environment through the use of appropriate plant species, buffering, stepping stone habitats and wildlife corridors. In addition, schemes should seek opportunities to build resilience for biodiversity to climate change. This may include managing water quality to avoid flood or draught, increasing the size or connectivity of habitats, increasing variety of species within a habitat or increasing food or shelter for specific fauna species.</u></p> <p><u>Climate Change Adaptation Manual (Natural England) provides information on climate change adaptation for a range of topics including specific habitats and species, ensuring resilient recreational space and Green Infrastructure.</u></p> <p>Add the following before paragraph 3.4:</p> <p><i>The most successful development proposals will have green infrastructure embedded into the</i></p>

Consultation Statement 1

ID	Name	Comments	Response	Amendments to SPD
22	Bio5 Mr Brian Appleby	<p>urban cooling to support climate change mitigation, food production, wildlife habitats and health &amp; well-being improvements provided by trees, rights of way, parks, gardens, road verges, allotments, cemeteries, woodlands, rivers and wetlands.</p> <p>The SPD has not fully taken the opportunity to significantly increase the connectivity of habitats through the encouragement of green corridors.</p> <p>Enhancing biodiversity, in particular the use of green corridors, should not be limited to policy NE3 but should be encouraged within the Open Space SPD and in meeting Local Plan Policy NE7 Trees and Woodland.</p>	<p>benefits including those for biodiversity and that it would be advantageous to raise awareness of opportunities to achieve objectives for both.</p>	<p><i>design and layout. Green Infrastructure can consist of a range of green spaces and landscape features including parks, gardens, allotments, trees, streams and wetlands. Well designed green infrastructure can deliver benefits for biodiversity via connected habitats, for people's physical and mental well being by providing access to nature and recreational space and for climate change resilience by incorporating effective drainage, flood management and urban cooling.</i></p> <p>Delete the first sentence of paragraph 3.4:</p> <p><del>Public-Open Space and landscape features such as screening or amenity grassland can contribute towards a site's biodiversity value.</del></p>
23	Bio40 YWT	<p>Para 3.6 needs re-wording for clarity. We would recommend only one positive step change in condition to ensure targets are realistic.</p>	<p>A balance needs to be struck between allowing scope for well designed proposals that embrace the natural environment and ensuring schemes are not overly ambitious. YWT can be assured that all compensation will be assessed by an in-house Ecologist who will ensure schemes are achievable.</p>	<p>Paragraph 3.6 (as amended by comment 18) should be further amended:</p> <p><del>Consequently, compensatory features will need to be designed so that they are achievable and the desired target value is not too high. To this end enhancements of</del></p>



# 1 Consultation Statement

ID	Name	Comments	Response	Amendments to SPD
				<p><u>existing habitats should not propose an improvement of more than two condition sub-categories (for example, from poor to good or fairly poor to fairly good). Where a new habitat type is proposed it should not be more than one level of distinctiveness compared with the existing habitat. to this end the council requires that the target value should not be more than two levels of Distinctiveness as The definitions for distinctiveness and condition categories are provided defined by the specific metric guidance for area-based habitats, linear hedgerows and rivers.</u></p>
24	Homes England	<p>Paragraph 4.2 advises that habitats would be expected to be replaced in strategically significant locations as identified on the map. This is overly restrictive as there could be other habitat types which could have similar or better opportunities for biodiversity. It is suggested that this requirement is removed from the SPD.</p>	<p>The use of the strategic significance map and associated scoring multiplier should steer compensation to areas which provide the best opportunities. However, all proposals for compensation will be considered on their merit.</p>	<p>Amend paragraph 4.2 for clarification:   <u>The final detail of habitat creation Offsets located in Habitat Opportunity Areas are more likely to provide the greatest benefits for biodiversity and will be scored to reflect this. However, the detail of all compensation proposals will be assessed on their merit and will</u></p>

Consultation Statement 1

ID	Name	Comments	Response	Amendments to SPD
25	Bio22 Homes England	There should not be a requirement to agree the offsetting scheme and BEMP, before approval of outline applications. Suggest instead that, "the metric for the value of biodiversity likely to be gained will need to be based on a worst-case scenario. The biodiversity value of the proposed scheme can be recalculated at the reserved matters stage and details of this calculation and the offsetting scheme would need to be agreed with the Council before reserved matters approval is granted."	The Council needs to be assured that the scheme as proposed can be implemented in accordance with policy NE3. This is more likely to be achieved if schemes are designed with green infrastructure and biodiversity in mind from the outset and with input from an ecologist. It is likely without due consideration to biodiversity requirements that schemes will not be able to avoid net loss on-site and will be reliant on offsets. Finding appropriate offsets and understanding the associated costs may impact on development proposals so these should be taken into account before permission is granted. Agree that not all details in the BEMP can be agreed at outline stage and that it may need to be revised following reserved matters. The wording should be updated to reflect this.	<p>need to be agreed by the local planning authority prior to the scores for habitat creation being agreed.</p> <p>Delete paragraph 5.4 and replace with:  <u>The BEMP must be agreed with the council before full planning permission can be granted. For outline applications, a condition will require submission of the BEMP for consideration with landscaping details prior to landscape matters being approved. The details of the BEMP will be secured via planning conditions and, where necessary, legal agreements.</u></p> <p>Add the following text prior to the fourth bullet point from paragraph 6.2:  <u>For applications for full planning permission, and applications where landscape matters are considered (whether outline or reserved matter application):</u></p> <p>Amend paragraph 6.3 to read:  <u>For outline approvals where landscape matters have not been considered a planning condition will</u></p>

## 1 Consultation Statement

ID	Name	Comments	Response	Amendments to SPD
26	Bio28			<p><i>be used to require the submission of a BEMP along with landscape details in a reserved matters application. Where a BEMP has been submitted, planning conditions will be used to secure the actions of on-site habitat creation, enhancement, maintenance and monitoring by a qualified ecologist, including the submission of ecological reports to the council at agreed intervals to evidence maintenance of habitats.</i></p>
27	Harrogate and District Green Party	<p>Details of offsetting schemes offered by the Council should be made public and subject to consultation with conservation groups.</p>	<p>Agree that this would be beneficial and the Council will take this on board for future schemes.</p>	<p>none.</p>
27	NYCC YWT	<p>Giving responsibility to the developer to locate offsets is important and will help to encourage developers to continue to avoid impacts in the first instance and to plan ahead where off site compensation (offsetting) is going to be needed.</p>	<p>The impact of this approach will be monitored to check for any unintended consequences.</p>	<p>none.</p>
28	Bio38	<p>We are pleased to see the reference to SINCs in terms of buffering and expanding sites through locating off site compensation surrounding/adjacent to these</p>	<p>noted.</p>	<p>none.</p>

Consultation Statement 1

ID	Name	Comments	Response	Amendments to SPD
29	Bio40 YWT	<p>important sites – this is very much in keeping with the Lawton Principles</p> <p>We concur that off-site compensation or biodiversity offsetting is a last case option and only after on-site compensation has been full explored (Paragraph 4.1)</p>	noted.	none.
30	Bio40 YWT	<p>Agree with requirement for survey of offsetting site. Add Ecological Design Strategy in accordance with Draft BS8683 (Process for Designing and Implementing Biodiversity Net Gain - Specification). This should also include responsibilities for each relevant stage of the proposal.</p>	<p>This standard is still in draft form and has not yet been published in its final version. It may be premature to request developers meet a standard which has not yet been finalised.</p>	none.
31	<p>Biodiversity Enhancement Management Plans</p> <p>Bio17 Bio19 Bio23</p> <p>Bourne Leisure Limited Persimmon Homes Ltd Homes England</p>	<p>The requirements for a BEMP for all applications regardless of sensitivity is too onerous and could add significant delay and cost. The approach set out in relation to BEMPs is not justified. The need for a BEMP should be considered on a case by case basis.</p>	<p>The land and responsibility for ensuring the maintenance of the habitats is likely to change ownership over the course of the 30year period. It is therefore necessary to agree a schedule of works to ensure compliance. The complexity of the BEMP will vary depending on habitats.</p>	none.

# 1 Consultation Statement

ID	Name	Comments	Response	Amendments to SPD
32	Bio33 NE and EA joint response	We are supportive of this section to ensure that developers think about futureproofing the biodiversity that is being provided and we agree with the general scope of information that should be provided for ongoing maintenance and monitoring.	noted.	none.
33	Bio38 NYCC	We would perhaps just add in: a) Roles and responsibilities including details of the relevant expertise of the organisation/personnel/delivery partner b) Evidence of the availability of funding for 30 years. It might also be worth setting out how often the Local Authority would expect monitoring to be formally submitted.	Agree with most points, however, use of the bond should negate the need for evidence of funding.	Amend paragraph: The schedules must include the following details: <ul style="list-style-type: none"> <li>• details of the technique(s) to be used;</li> <li>• equipment to be used;</li> <li>• <u>roles and relevant expertise of</u> personnel and organisations involved; and</li> <li>• timing of actions <u>including submission of monitoring report to the Council.</u></li> </ul>
	Submitting your metric			
34	Bio17 Bourne Leisure Limited Bio19 Persimmon Homes Ltd Bio24 Homes England	Although it may be necessary in some circumstances, the blanket requirement for a bond is onerous and wholly unreasonable. It could affect developers cash flows and viability. Bonds are not needed as	The land and responsibility for ensuring the maintenance of the habitats is likely to change ownership over the 30year period. The council has experienced scenarios where management companies set up to maintain areas of undeveloped land have dissolved	Add final sentence to paragraph 6.4: <u>Further work will be undertaken to calculate the cost of a bond and the outcome of this work will be published in due course.</u>

## Consultation Statement 1

ID	Name	Comments	Response	Amendments to SPD
35	Homes England	<p>other enforcement procedures can sufficiently deal with breach of planning condition.</p> <p>Details on the cost of bonds should be provided.</p>	<p>and the council is unable to get recourse for taking on the maintenance of the land. Securing a financial bond through a S106 seeks to overcome this.</p> <p>Further work will be undertaken to calculate the cost of a bond and the outcome of this work will be published in due course.</p>	
36	Bourne Leisure Limited Persimmon Homes Ltd	The blanket requirement for a BEMP to be secured by a legal agreement is at odds with national guidance.		
37	Harrogate and District Green Party	Financial bonds should be ringfenced to ensure they are used for biodiversity.	Noted.	none.
38	Harrogate and District Green Party	Data should be passed to NE for inclusion on National Habitat Network Maps. Species data from the NEYDC should be available to members of the public free of charge to contribute to proposals and monitoring.	These issues are beyond the scope of this SPD.	none.
39	Natural England and Environment Agency joint response NYCC	Support reference to applications meeting the BNG policy requirement at full and outline stage, with reconsideration should details be altered at reserved matters stage.	noted.	none.

## 1 Consultation Statement

ID	Name	Comments	Response	Amendments to SPD
40	NE and EA joint response	Specific reference should be made to requirement for metric.	Agree.	<p>Amend paragraph 6.2 by:</p> <p>insert after the second bullet:</p> <ul style="list-style-type: none"> <li>• <u>where relevant, plans of the proposed offsetting site showing before and after enhancement/ habitat creation with key and a schedule showing the size of each parcel of habitat type (by area or length as appropriate).</u></li> </ul> <p>Insert after the current third bullet</p> <ul style="list-style-type: none"> <li>• <u>a completed copy of the most up to date Defra/ NE metric detailing biodiversity scores for pre-development, post development and any offsets.</u></li> </ul>
41	NE and EA joint response	Would welcome linking in with the EA planning advice service for specific advice on river habitats in regard to BNG.	noted.	see amendment to paragraph 4.2 above.
42	NYCC	Support the idea of securing a financial bond. The legal agreement would need to be clear under what circumstances the bond would be used and intervention undertaken.	noted.	none.
43	YWT	Support the use of legal undertakings such as Section 106 agreements. There should also be	noted.	



Consultation Statement 1

ID	Name	Comments	Response	Amendments to SPD
<p>some legal consideration to prevent the land used for habitat creation/enhancement being converted to private garden space or use other than that intended.</p>				
<p>Priority Species</p>				
44	Bio35 NE and EA joint response	A link to the Bat Conservation Trust (BCT) website could be included (Section 7.5)	Agree.	Add the following to the end of paragraph 7.9: <u>Further information on bat bricks can be found at <a href="https://www.bats.org.uk/">https://www.bats.org.uk/</a></u>
<p>Strategic Significance Map</p>				
45	Bio16 Bourne Leisure Limited	The scale of the mapping is too large scale and therefore wrongly includes areas that are not significant, for example, Nidd Hall where there are only small disconnected parcels of woodland on the site.	The scale of the mapping is at a strategic level and identifies large areas of opportunity based on the quantity of existing habitat. Scoring for specific sites can be negotiated with the council's Ecologist only where detailed site surveys provide evidence that the threshold for inclusion on the strategic map has not been met.	none.
46	Bio26 Harrogate and District Green Party	It might be helpful to clarify how habitats that are not one of the three considered to be of strategic significance should be scored, for example, lowland fen?	Paragraph 4.2 of the SPD advises the use of the 'Rivers and Stream Margins' strategic area for area based habitats such as wetlands.	none.

## 1 Consultation Statement

ID	Name	Comments	Response	Amendments to SPD
47	Harrogate and District Green Party	Are resources available to maintain the maps and update these as the network changes?	The scoring will not be amended but the map of Strategic Significance will be reviewed regularly and base data will be supplemented by details from ecological surveys.	none.
48	Harrogate and District Green Party	Will it be possible to adjust the scoring in future if the current settings do not achieve the required outcomes?		
49	NYCC	The link between the strategic significance and the interactive map is excellent. It really starts to consider and put a value on the importance of the habitats in the wider landscape context.	noted.	none.
50	Canal and River Trust	There are opportunities for habitat offsetting along the Ripon Canal, with mature trees, links to farmland and other wetlands. Would like the council to consider putting the Ripon Canal in its entirety within an area of significance.	To ensure consistency across the district the map is based upon remote sensing evidence. To use other evidence in some locations but not others would undermine this approach. This SPD and map will need updating once further guidance on nature recovery strategies are published and the inclusion of the Ripon Canal will be considered then.	none.
51	YWT	It should be stressed that this map provides a high level tool and does not replace detailed site surveys. This tool could also have an application in establishing the	noted.	Add the following paragraph before paragraph 1.1, Appendix 1 and insert into accompanying text for the map:

Consultation Statement 1

ID	Name	Comments	Response	Amendments to SPD
		<p>ecological value of sites which have been cleared in recent years or prior to submission of a planning application.</p>		<p><u>The Strategic Significance Map is designed to identify strategic significance scores for use in the metric and to aid in the search for appropriate offsetting areas. The map does not replace the need for detailed surveys for either development sites or offsetting sites.</u></p>

Table 1.2 Key Issues Raised at Reg 12(b) Consultation

## 1 Consultation Statement

- 1.14** Due to technical errors in recording comments on the system the following comment references were not used: BIO1 BIO2 BIO3 BIO4 BIO7 BIO8 BIO9 BIO10 BIO11 BIO12 BIO13 BIO14 and BIO15. No comments were submitted against these references.