

NE5 – biodiversity

- Support - 39
- Neither support of object - 13
- Object – 13

The changes to the supporting text and the Local Plan policies have not only been informed by the responses to the Regulation 18 consultation but they have also taken on board any additional feedback that has come out of discussions/meetings with statutory consultees and members in order to improve the clarity and understanding of the contents of the Local Plan.

Comments in support of NE5 – biodiversity		
Respondent number	Comment	Officer comment
ANON-KSAR-NKEY-8	The BNG provisions go no further than what will soon be legally mandated anyway. One way in which policy could better safeguard Winchester’s biodiversity and its enjoyment by Winchester’s residents would be a prescription that any off-site compensation to achieve the BNG target (as is often required) must be delivered within the district. In the absence of this, we may see an exporting of biodiversity to neighbouring authorities; perfectly acceptable under national law and policy, but not in the interests of the local environment or population.	Policy NE5 has been prepared to be in accordance with the Mandatory BNG legislation. All sites should follow the Biodiversity Gain Hierarchy. Offsite land can be used for BNG it must be registered on the biodiversity gain sites register, measured using a standardised biodiversity metric and legally secured for at least 30 years. Recommended Response: No Change
ANON-KSAR-NKBD-G	Urban and Suburban environments can often hold greater bio-diversity than farmland. I think natural grassland in parks, protection and planting of trees, wild flower meadows etc are all important. They are good for people too.	Comments Noted Recommended Response: No Change

ANON-KSAR-NKC8-5	Re-wilding could be further encouraged, linked to improving agricultural production via incentives to farmers and landowners to adopt organic , biodynamics and re-wilding programmes	Comments Noted but unfortunately, this is beyond the remit of the Local Plan. Recommended Response: No Change
	Kennedy Wilson support the principle of Policy NE5 in seeking to deliver biodiversity net gain for new development. The Local Plan should seek to protect biodiversity and where feasible provide net gains in accordance with national legislation and planning policy.	Support welcomed and comments noted. Recommended Response: No Change
	Kennedy Wilson are committed to protecting and enhancing biodiversity at Solent Business Park as part of the delivery of the site allocation. Through previous applications the site has been extensively surveyed and it is considered that none of the present habitats are of any specific ecological value. It's considered that through development of the site there is potential for habitat retention and on-site and off-site improvements to biodiversity.	Comments Noted Recommended Response: No Change
	Whilst the policy should be clear in its requirement for new development to deliver a biodiversity net gain it should also provide sufficient flexibility to accommodate the required biodiversity net gain in the most effective and efficient way for each development, with both on-site and off-site solutions possible.	It is considered that the policy already covers on and off-site contributions. If offsite land is used for BNG it must be registered on the biodiversity gain sites register, measured using a standardised biodiversity metric and legally secured for at least 30 years. Recommended Response: No Change
ANON-KSAR-NKFC-K	As such, Kennedy Wilson propose that the following wording is inserted in the opening paragraph of Policy NE5: “The Local Planning Authority will permit development that maintains, protects and enhances biodiversity across the district, delivering a minimum of 10% measurable net gain in biodiversity, unless it can be demonstrated that it is not feasible or viable. Whilst on-site net gain is the preferred approach, to respond to site specific circumstances, off-	The Council do not agree with the suggested changes to the wording. 10% is not negotiable and is a mandatory requirement as of April 2024. Part v of Policy NE1 already sets out the hierarchy of what will be acceptable.

	<p>site solutions will also be supported where appropriate. Measures are to be maintained for a period of 30 Years in accordance with the Environment Act.”</p> <p>The above wording would ensure that new development is not unduly constrained whilst still being able to contribute towards the Council’s biodiversity objectives. This approach would also align with the text in the “What are we aiming to achieve” box for the policy, which acknowledges that it is important that existing biodiversity is enhanced where possible.</p>	<p>Recommended Response: No Change</p> <p>The box called ‘What are we aiming to achieve’ would be removed from the Regulation 19 Local Plan. Recommended Response: No Change.</p>
ANON-KSAR-NKZU-S	SH26 is supportive of the policy in line with national changes to deliver 10% biodiversity net gain across all developments	<p>Comments Noted and Support Welcomed.</p> <p>Recommended Response: No Change</p>
ANON-KSAR-NKDW-5 Littleton and Harestock Parish Council	The policy seeks to protect and enhance the biodiversity of the district and will permit development that achieves that. Any assessment of whether a development meets the requirements of the policy will require a full understanding of the biodiversity of a site and the potential to improve it. Littleton and Harestock Parish Council supports the policy. Support Policy NE5	<p>Noted and agreed. No change to the policy wording needed.</p> <p>Recommended Response: No Change</p>
ANON-KSAR-NKJY-D	Please see comments as given for Policy NE1	<p>See the Council response to Policy NE1.</p> <p>Recommended Response: No Change</p>
ANON-KSAR-NKYT-Q	It should also be applied wherever possible in urban as well as rural areas	<p>The policy will apply to both urban and rural areas.</p> <p>Recommended Response: No Change</p>

<p>ANON-KSAR-N8Q8-Z</p>	<p>The policy is good - but only worthwhile if it is actually enabled. Several development plans in this consultation do not meet criterion iv (new development required to avoid adverse impacts....' - e.g. W4 Courtney Road development....</p>	<p>Comment noted. The requirement of BNG applies to all sites apart from the exemptions listed in para 17 of Schedule 7A of the TCPA 1990 and the Biodiversity Gain Requirements (Exemptions Regulations 2024).</p> <p>Recommended Response: No change.</p>
<p>ANON-KSAR-N8MP-M</p>	<p>[This response should be read in conjunction with the full copies of the 'North Whiteley Representations to the Winchester Local Plan Regulation 18 representations OBO Crest Nicholson' representations submitted by email to: planningpolicy@winchester.gov.uk on 14/12/2022 from j.grist@nexusplanning.co.uk, which includes the relevant figures and appendices, with tables correctly formatted]</p> <p>The natural environment plays a vital role in supporting physical and mental wellbeing and high-quality development is fundamental to achieving this. The Plan is supported by a Biodiversity Action Plan (2021) which sets out the challenges facing the district's natural environment and establishes a framework for how these challenges will be addressed. In line with the requirements of paragraphs 174 and 179 of the Framework, Strategic Policy NE1 seeks to protect and enhance the district's biodiversity and natural environment with Policy NE5 establishing the requirement for new development to provide a minimum of 10% biodiversity net gain which itself is in line with legislation in the forthcoming Environment Act.</p> <p>Crest Nicholson already seeks to achieve a minimum of 10% biodiversity net gain in its development proposals and will continue to do so by providing a development proposal with policy compliant biodiversity enhancements whilst protecting surrounding green infrastructure and providing green spaces to enhance the lifestyles of</p>	<p>Comments noted no changes to the policy wording needed.</p> <p>Recommended Response: No Change</p>

	<p>the Whiteley community and contribute to meeting the goals of the Council's Biodiversity Action Plan. The Vision Document (Appendix 1, submitted separately via email) demonstrates how the existing natural environment will be protected with biodiversity enhancements such as bee hotels and bat boxes provided where possible.</p>	
ANON-KSAR-NK7T-N	<p>We support the protection and enhancement of biodiversity across the district through the measures discussed in NE5 however suggest that, in order that smaller developments can remain viable, offsite biodiversity offsetting and provision must be an option where onsite provision is not possible. Without this measure, small and medium sized sites might not be viable or deliverable and this might threaten both housing supply and variation / quality of design that would certainly be contrary to NPPF Paras 69 and 70. In a similar way to policy NE3, policy NE5 should clarify that 10% biodiversity net gain can be provided offsite (through financial contribution or direct enhancement) if it is demonstrated that onsite provision is not feasible. It would be beneficial for the Council to publish lists of any approved mitigation schemes.</p>	<p>Comments Noted. It is considered that Policy NE1 already covers this so no change to this policy wording needed. If offsite land is used for BNG it must be registered on the biodiversity gain sites register, measured using a standardised biodiversity metric and legally secured for at least 30 years.</p> <p>Recommended Response: No Change.</p>
ANON-KSAR-N8X5-4	<p>The Dever Society made detailed points on biodiversity in our response to the SIP consultation, with specific reference to the mid-Hampshire Downs and the Dever Valley. These points are still relevant and we would like them to be taken into account.</p>	<p>Comments Noted and comments on the SIP taken into account.</p> <p>Recommended Response: No Change</p>
ANON-KSAR-N8U2-X	<p>We support the approach within Policy NE1 to enhance and protect the natural environment and biodiversity and note that the supporting text to this policy refers to the Environment Act requirement to deliver a Biodiversity Net Gain of 10%. We note that the supporting text to this policy references the Defra Biodiversity Metric however we consider that it would be useful to also clarify this within the policy wording which we suggest is amended as follows:</p> <p>"The Local Planning Authority will permit development that maintains, protects and enhances biodiversity across the district, delivering a</p>	<p>Comments Noted and General Support Welcomed</p> <p>It is recognised that this reference needs to be added to the Policy as it is referenced in the supporting text under Paragraph 7.43.</p>

	minimum of 10% measurable net gain in biodiversity to be maintained for a period of 30 years in accordance with the Environment Act, as calculated using the Defra Biodiversity Metric”	Recommended Response: Add reference in the Policy about the “ latest DEFRA Biodiversity Metric ”.
ANON-KSAR-N8Q5-W	In supporting this policy, we request the addition of naming ancient woodland in para i. We strongly welcome the reference to 10% BNG being a minimum; the inclusion of Local Nature Recovery Strategies in para iii; and para viii on setting BNG baselines.	Comments Noted. It is considered that this is already covered under ‘Priority Habitats’ of the Policy. Recommended Response: No Change
ANON-KSAR-NKFQ-1 Upham Parish Council	The District's Parish Councils provide and have access to an immense pool of local knowledge on their parish's existing habitats and biodiversity. As such they should be involved at all stages in the assessment of proposals for biodiversity net gain from their first conception, to (and perhaps especially including) implementation.	Comments Noted. Further input from the Parish Council would be welcomed as part of the PC’s response to any planning application. Developers can be encouraged to make contact with the PC but there is no guarantee that this happens all of the time. Recommended Response: No Change
BHLF-KSAR-N8ZF-Q	Dudsbury Homes fully support the protection and enhancement of biodiversity, and expects to deliver more than the minimum standards being introduced by the Government. An ecology survey has been undertaken on the land it controls in Denmead, and this will be regularly updated to ensure a biodiversity record is kept and can be used to help design a successful housing scheme, if the site is allocated.	Comments Noted and Support Welcomed Recommended Response: No Change
BHLF-KSAR-N8Z1-2	Thakeham has made a commitment to achieve at least 20% biodiversity net gain across all of our schemes post-2025 and therefore supports draft Policy NE5 in principle. Whilst on-site provision of measures to achieve biodiversity net gain or compensatory measures should be the preferred approach, it is acknowledged that some sites may have particular challenges which require alternative off-site measures or contributions to achieve these	Comments Noted. Under the Local Plan Monitoring Framework Chapter (Page 526 of the Local Plan) under Policy NE5 it makes reference to how off-site mitigation will be monitored (this will be exactly the same whether the BNG is provided on or off site – 30 years).

	standards. As part of any policy requiring biodiversity net gain as a result of development proposals, a strategic approach to off-site mitigation also needs to be considered to ensure any policy requirements are achievable.	Recommended Response: No change
BHLF-KSAR-N8BR-B	We support the approach within Policy NE1 to enhance and protect the natural environment and biodiversity and note that the supporting text to this policy refers to the Environment Act requirement to deliver a Biodiversity Net Gain of 10%. We note that the supporting text to this policy references the Defra Biodiversity Metric however we consider that it would be useful to also clarify this within the policy wording which we suggest is amended as follows: “The Local Planning Authority will permit development that maintains, protects and enhances biodiversity across the district, delivering a minimum of 10% measurable net gain in biodiversity to be maintained for a period of 30 years in accordance with the Environment Act, as calculated using the Defra Biodiversity Metric”	Comments Noted and General Support Welcomed It is recognised that this reference needs to be added to the Policy as it is referenced in the supporting text under Paragraph 7.43. Recommended Response: Add reference in the Policy about the “ latest DEFRA Biodiversity Metric ”.
BHLF-KSAR-N8BS-C	It is necessary to permit development, only where this protects and enhances biodiversity across the district delivering a minimum 10% measurable net gain, to be maintained for a period of 30 years in accordance with the Environment Act. The proposals at land east of Lovedon Lane not only comply but exceed this minimum measurable net gain.	Comments Noted and general support for the policy is welcomed. Recommended Response: No change
BHLF-KSAR-N8BX-H	Biodiversity and the natural Environment Strategic Policy NE1 NE3 NE5 The Trust supports the concept of biodiversity net gain being considered off site. Protecting and enhancing biodiversity across the district is important and the Trust supports the Biodiversity and the Natural Environment policies. The trust agrees that access to green space for recreation is a key community component, encouraging activity which can increase individuals health and wellbeing. The Trust therefore strongly supports the protection afforded to public open areas that this policy brings.	Comments Noted. It is considered that the policy allows for the points raised. Recommended Response: No Change

Comments which neither support nor object to NE5 – biodiversity

Respondent number	Comment	Officer comment
ANON-KSAR-NK29-N	<p>Para 7.40 – At end of second sentence add: ‘and the ability of the district to apply optimal Nature-based solutions to support actions to mitigate the climate and biodiversity crises.’</p> <p>NE5 (iii) – Query on point iii: Who monitors the requirement for “biodiversity to be maintained for a period of 30 years” and what sanctions apply if a developer fails to comply with this requirement?</p> <p>NE5 – Add point ix: ‘Nature recovery is as crucial to our wellbeing as the elimination of carbon emissions and adaptation to changed climate. Therefore, best practise Nature-based solutions must be applied in the built and natural environment in any new development.’</p>	<p>Comments Noted. This is set out in the monitoring chapter of the plan. Usual enforcement rules would apply. Whilst the Council agree with the sentiment of this it is not correct wording for a policy, it is not clear and unambiguous. It is important to read the LP as whole – a number of other LP policies support the role and function of nature based solutions to help tackle climate change.</p> <p>Recommended Response: No Change</p>
ANON-KSAR-NKAK-P	<p>Please see CALA's comments regarding on-site vs. off-site ecology / biodiversity credits and urban wildlife initiatives made in the context of Policy NE1.</p>	<p>Comments Noted. See the Council’s response to Policy NE1</p> <p>Recommended Response: No Change</p>

ANON-KSAR-NKDP-X	<p>There are a lot of good things in this policy but it there needs to be more emphasis on nature recovery areas and connecting areas. Moreover, other aspects of the draft plan are not taking the opportunities available to enhance nature. The plan also needs to recognise that we need both public access/informal recreation opportunities in the countryside and nature, and that high levels of access often result in a loss of nature. So land needs to be provided for both purposes. The same area cannot always deliver fully on both objectives.</p>	<p>Comments Noted. The competing uses and the linkages are taken into consideration when preparing the Local Plan. It is important to read the LP as a whole and to not read this LP policy in isolation.</p> <p>Recommended Response: No Change</p>
ANON-KSAR-NKXV-R	<p>Whilst the BNG metric is currently the one proposed by the government, it is a very blunt instrument for measuring actual biodiversity and many ecologists recognise that it is a poor tool. Whilst it is now a legal requirement for development to deliver a BNG, using this as the only metric within the headline of the policy risks undermining real biodiversity gains that need to be achieved.</p> <p>There is plenty of evidence that developers are manipulating the data to produce a lower baseline and inflating the achievable estimated end result to get to the target of +10% on each of the criteria as is required.</p>	<p>Comments Noted. The Council are required to use the BNG metric that has been developed and agreed with Natural England.</p> <p>Recommended Response: No Change</p>
	<p>Developers are also using this tool rather than conducting proper baseline studies of birds/bats/hedgerows/other species - thus they may meet the overall topline objective of the policy but fail to demonstrate point iv for example. It is becoming a tick box exercise and a numbers game. The BNG metric does not account for bird and animal species and has no requirement to record them. We are lucky in this part of Hampshire to have so many protected species and it is important that they are properly protected.</p>	<p>Policy NE5 does make reference to species as well as sites. The BNG covers habitats and not species.</p> <p>Recommended Response: No Change</p>
	<p>Also - without proper enforcement of the standards and measuring and reporting back on what is actually happening once a development has been approved and has gone ahead, this is simply a desk based exercise and will not improve the biodiversity in the area.</p>	<p>The monitoring chapter covers this under Page 526. Land is used for BNG must be legally secured for at least 30 years.</p>

		Recommended Response: No Change
ANON-KSAR-N8YM-W	BSP acknowledge the importance of permitting development which maintains, protects and enhances biodiversity, delivering a minimum 10% measurable net gain. This is reflected in the proposals at Fairthorne Grange which will aim to increase biodiversity over and above 10% net gain, whilst also resulting in numerous other enhancements, including to the Shawfords Lake corridor. Accordingly, sites which can meet the 10% biodiversity net gain minimum, and have the potential for environmental enhancement should be prioritised in meeting the development requirements of the district.	Comments Noted. Whilst it positive that the site promoter has indicates that 10% target is being exceeded, this is not a justification for prioritising the site, as other matters would need to be taken into consideration. Recommended Response: No Change.
ANON-KSAR-N81Y-1	The policy states that “Protects sites of international, European, and national importance, and local nature conservation sites and SINCS, from inappropriate development”. It should be clarified that those sites that are allocated for development do not constitute inappropriate development under this policy.	Comments Noted: It is important that the plan is read as a whole. Recommended Response: No Change
BHLF-KSAR-N8R7-Z Colden Common Parish Council	Severe drainage and flooding problems within the village and our unsuitability for sustainable growth to take place (H3/H4). Sewerage failures at Church Pond and Kiln Lane regularly discharge sewage into the Itchen during periods of heavy rainfall which contributes to phosphates and nitrates in the Itchen Valley. We attach a map showing where the worst flooding and sewer failures take place.	Comments Noted. These comments are related to a site specific matter and is responded to under this site allocation policy. Recommended Response: No Change
BHLF-KSAR-N8Z7-8 South	(2) Conserving and Enhancing the Region’s Biodiversity (Including Green Infrastructure) The varied landscapes of the National Park collectively contribute to the range of ecosystem services which the National Park provides. The condition of	Comments Noted. WCC is happy to have further discussions as part of the SoCG discussions about how the

<p>Downs National Park Authority</p>	<p>landscape features, and their management, is therefore essential to the continued function of ecosystem services and the benefits they provide. We hope that working with the SDNPA, the Winchester Local Plan goes further to identify and outline key projects to enhance green infrastructure and biodiversity networks that can link into the South Downs National Park (SDNP). The Itchen Valley is internationally designated for its habitat valley and is highly regarded as a beautiful chalk river. The South Downs People And Nature Network (PANN), published in 2020, brings together a range of partner organisations, stakeholders, communities, and businesses to identify areas and opportunities, for natural capital investment in biodiversity and green infrastructure, for the benefits of both people and nature. More specifically, the PANN identifies the “Winchester & Itchen” and “South Hampshire” areas – which both include areas of Winchester District inside and outside the SDNP - as Natural Capital Investment Areas (NCIAs). The PANN also includes; a case study about the Heritage Lottery Funded restoration of the water meadows and ditch systems at the Winnall Moors Nature Reserve; and the need to restore the health, vitality, and abundance of the landscape and nature of the “East Winchester Landscape”. The associated report for the latter was published in June 2021 and is available on the SDNPA’s website. It is requested that the NCIAs and East Winchester Landscape Area are shown on Map 9 and referenced in Policy NE4 and its supporting text. Further information on the above can be found on the SDNPA’s website here: https://www.southdowns.gov.uk/national-park-authority/our-work/partnership-management/people-and-nature-network-pann/ Notwithstanding the above, we would welcome further dialogue in relation to Policies NE4 (Green and Blue Infrastructure), NE5 (Biodiversity), NE16 (Nutrient Neutrality), and NE17 (Rivers, Watercourses and their Settings), in relation to biodiversity net gain (BNG), Habitat Regulation Assessment (HRA), and Nutrient Neutrality. This is to ensure that a consistent approach to improving biodiversity is being taken across the region as both local plans continue to develop and emerge.</p>	<p>LPA’s can continue to work together. Recommended Response: No change.</p>
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BHLF- KSAR- N8ZE-P Portsmouth City Council	<p>Environment - PCC supports the position set out in Policy NE5 of the emerging Winchester Local Plan, which outlines the efforts to maintain, protect and enhance biodiversity within the District, working in partnership with neighboring authorities. PCC is keen to work with WCC and other partners including the Natural England on delivering an appropriate response to protecting and enhancing biodiversity within Hampshire through the Local Nature Recovery Strategy.</p>	<p>Comments Noted. The Council would welcome working with neighbouring authorities on the Local Nature Recovery Strategy</p> <p>Recommended Response: This can be picked up as part of the SoCG discussions. No change.</p>
	<p>We are pleased that policy NE5 aims to only support development that 'maintains, protects and enhances biodiversity across the district' but consider that the current policy could go further to ensure that any development provides tangible and strategic net gain for the district.</p>	<p>Comments Noted and general support welcomed.</p> <p>Recommended Response: No Change</p>
	<p>We consider that development should go beyond preventing fragmentation and should actively reverse and enhance the Ecological Network as part of "v. Maintains a district wide network of local wildlife sites and corridors to support the integrity of the biodiversity network, prevent fragmentation, or prevents and reverses fragmentation through enhancing the Ecological Network and enable biodiversity to respond and adapt to the impacts of climate change". It is currently an omission that there are no references to the Local Nature Recovery Strategies and the key role they will play in identifying priorities for nature's recovery. We consider that iii. and vi. should be amended to "iii. Shows how biodiversity can be retained, protected and enhanced through its design and implementation, for example by designing for wildlife, delivering measurable BNG and BAP targets and enhancing Biodiversity Opportunity Areas, Local Ecological Networks/Local Nature Recovery Areas identified in the Local Nature Recovery Strategy and include a management plan for a period of 30 years;" and "vi. Supports and contributes to the targets set out in the district's Biodiversity Action Plan (BAP) and Local Nature Recovery Strategy for priority habitats and species". The Local Nature Recovery Strategies are a key mechanism through which you</p>	<p>In regards to Point v, the Council have added 'enhancing the Ecological Network'.</p> <p>In regards to adding "Local Nature Recovery Strategy" to the policy, as these are not yet in place it is not considered appropriate to add this to the policy. Hampshire CC who have been appointed to prepare a Local Nature Recovery Strategies and the Council will work with them and neighbouring LPA's on developing Local Recovery Strategies.</p>

	<p>can embed the Nature Recovery Network as a spatial framework into the Local Plan. We are disappointed that there is currently no reference to the Local Nature Recovery Strategies in this document. All Local Authorities need to commit to using the Local Nature Recovery Strategies within local planning to ensure that they are an effective tool to direct investment in nature's recovery through Biodiversity Net Gain, and other private finance through developers. The Local Nature Recovery Strategy (LNRS) should be used by planning authorities to support land use planning in both plan making and development management. It should be used to ensure that the location of new development avoids the best areas for nature and associated action makes a positive contribution to nature recovery.</p> <p>We urge you to ready your local plan for Local Nature Recovery Strategy and get involved in the process to ensure the outcomes (biodiversity priorities and spatial mapping) can be fully utilised for your Local Plan.</p>	<p>Recommended Response: Added 'enhancing the Ecological Network' to Point v.</p>
	<p>Biodiversity Net Gain We strongly urge Winchester City Council to go beyond the minimum 10% mandatory Biodiversity Net Gain. A higher target of at least 20% net gain should be achieved to guarantee a more meaningful level of improvement, and gains should be strategically targeted through Local Nature Recovery Strategies, secured in perpetuity and be additional to other commitments and initiatives to recover nature.</p> <p>In support of this approach, we wish to highlight Kent County Council's assessment of the potential effect of a 15% or 20% Biodiversity Net Gain target on the viability of residential-led development in Kent and determine if an uplift from the mandatory 10% Biodiversity Net Gain would materially affect the delivery of development in the county from a viability perspective.</p> <p>In summary, a shift from 10% to 15% or 20% Biodiversity Net Gain did not materially affect viability in the majority of instances when delivered onsite or offsite. The biggest cost in most cases is to get to the mandatory, minimum 10% Biodiversity Net Gain. The increase to 15% or 20% Biodiversity Net Gain in most cases costs proportionally much less and is generally negligible and because the Biodiversity Net Gain costs are low when compared to other policy</p>	<p>Comments Noted. The Council could not viably go beyond the mandatory 10% requirement.</p> <p>Recommended Response: No Change</p>

	<p>costs, in no cases are they likely to be what renders development unviable. Overall, we consider that Biodiversity Net Gain should have its own dedicated policy which more comprehensively covers Winchester City Council's Biodiversity Net Gain requirements. This policy could cover onsite prioritisation, strategically directing offsite Biodiversity Net Gain and monitoring.</p>	
	<p>We are concerned not to see the policy state a preference for an onsite first approach for Biodiversity Net Gain. This would provide measurable biodiversity uplift in urban developments and a wide range of social, economic and environmental benefits that will enhance the development and benefit the local community and wildlife. These benefits include:</p> <ul style="list-style-type: none"> • Increased health and wellbeing from access to green space and visual amenity; • Flood mitigation; • Increased resilience against extremes of climate; • Improved air quality; • Cooling through a reduction in urban heat island effects; • Higher market value - houses in greener developments can have a higher market value; • Attracting investment - high quality developments rich in natural green space can attract further investment from business and visitors; • Opportunities for cycling and walking; and • Enhanced potential for biodiversity and increased connectivity of habitats. <p>Encouraging developments to maximise on-site Biodiversity Net Gain through high-quality Green Infrastructure provisioning can help the Local Planning Authority meet multiple objectives. This can also have benefits for developers: delivery of biodiversity net gain on-site can minimize costs and increase the value of the development.</p>	<p>Comments Noted. The Biodiversity Gain Hierarchy is set out in the PPG.</p> <p>It is important that the Plan is read as a whole.</p> <p>Recommended Response: No change.</p>
	<p>We would also like to see your Ecological Network (or Nature Recovery Network) mapping direct where offsite Biodiversity Net Gain should be created as areas of Strategic Significance. We would like to see Winchester City Council set out local priorities to strategically optimise habitat creation and enhancement in specified locations across the Plan area, which the local plan</p>	<p>Comments Noted. The Council are currently in the process of preparing a map of the Ecological Network. It would not however be appropriate to</p>

	<p>should describe and identify as outlined in paragraph 179 of the current NPPF. We would strongly encourage this to be directed by the Local Nature Recovery Strategy.</p> <p>Offsite Biodiversity Net Gain targeted to such areas can benefit from a Strategic Significance scoring in the Biodiversity Metric and will help contribute to wider nature recovery plans in addition to local objectives.</p> <p>Well-designed Biodiversity Net Gain will contribute to Nature Recovery Network – a national network, to be described through Local Nature Recovery Strategies (LNRS), intended to enable more resilience by creating a network of bigger, better and more joined up sites for nature – which will also bring benefits for people.</p>	<p>identify specific sites at this stage and a more broad brush approach working with other partners would be adopted.</p> <p>Recommended Response: No Change</p>
BHLF-KSAR-N8ZG-R	<p>We also consider that the greatest challenge for the implementation of Biodiversity Net Gain will be monitoring both onsite and offsite provisions, as habitats created will need to be maintained for 30 years, especially where Biodiversity Net Gain is in parallel to green infrastructure. We therefore suggest adding the following into your Biodiversity Net Gain Policy and/or any Supplementary Planning Documents:</p> <ul style="list-style-type: none"> • requiring regular reporting by developers • a clear statement that failure to meet milestones in habitat condition would trigger a response from the Council • statement that amenity features should not be claimed as having high ecological quality unless they have a robust ecological management plan. <p>We are encouraged that Winchester City Council has included a policy on the deliberate clearing of habitats to alter Biodiversity Net Gain baseline. The South East Nature partnership is also creating Biodiversity Net Gain best practice guidance for Local Planning Authorities which we will aim share with you in the next few months.</p>	<p>Page 526 of the Local Plan under the monitoring framework sets out further details as to how this policy and off-site provisions will be met. A key requirement is the BNG must be provided using a standardised biodiversity metric and legally secured for at least 30 years. Once the LP is adopted and there is further information available on BNG a view will be taken whether there is the need for a SPD.</p> <p>Recommended Response: No change.</p>
	<p>Policy NE5 Biodiversity Designated sites</p> <p>The Local Plan should set criteria based policies to ensure the protection of designated biodiversity and geological sites. Such policies should clearly</p>	<p>Comments Noted: the Policies Map will include all relevant Sites of Special Scientific Interest (SSSIs), European sites</p>

	<p>distinguish between international, national and local sites⁴. Natural England advises that all relevant Sites of Special Scientific Interest (SSSIs), European sites (Special Areas of Conservation and Special Protect Areas) and Ramsar sites⁵ should be included on the proposals map for the area so they can be clearly identified in the context of proposed development allocations and policies for development. Designated sites should be protected and, where possible, enhanced.</p> <p>The Local Plan should be screened under Regulation 105 of the Conservation of Habitats and Species Regulations 2017 (as amended) at an early stage so that outcomes of the assessment can inform key decision making on strategic options and development sites. It may be necessary to outline avoidance and/or mitigation measures at the plan level, which will usually need to be considered as part of an Appropriate Assessment, including a clear direction for project level HRA work to ensure no adverse effect on the integrity of internationally designated sites. It may also be necessary for plans to provide policies for strategic or cross boundary approaches, particularly in areas where designated sites cover more than one Local Planning Authority boundary. Natural England would welcome early discussion on the Habitats Regulations Assessment (HRA) of the plan and can offer further advice as policy options are progressed.</p>	<p>(Special Areas of Conservation and Special Protect Areas) and Ramsar sites.</p> <p>The Reg 18 LP was accompanied by a IIA/HRA (which incorporates an Appropriate Assessment) and the Reg 19 LP will also be accompanied by an IIA/HRA.</p> <p>Recommended Response: No change.</p>
<p>BHLF- KSAR- N86F-K Natural England Link here</p>	<p>Priority Habitats</p> <p>The Local Plan should be underpinned by up to date environmental evidence. This should include an assessment of existing and potential components of local ecological networks. This assessment should inform the Sustainability Appraisal, ensure that land of least environment value is chosen for development, and that the mitigation hierarchy is followed and inform opportunities for enhancement as well as development requirements for particular sites.</p> <p>Priority habitats and species are those listed under Section 41 of the Natural Environment and Rural Communities Act, 2006 and UK Biodiversity Action Plan (UK BAP). Further information is available here: Habitats and species of</p>	<p>Comments Noted. The Council's Natural Environment team are in the process of updating the environmental evidence. The Council would welcome working with Natural England where appropriate with this evidence base update.</p> <p>Recommended Response: No Change</p>

	<p>principal importance in England. Local Biodiversity Action Plans (LBAPs) identify the local action needed to deliver UK targets for habitats and species. They also identify targets for other habitats and species of local importance and can provide a useful blueprint for biodiversity enhancement in any particular area.</p>	
	<p>Ecological networks are coherent systems of natural habitats organised across whole landscapes so as to maintain ecological functions. A key principle is to maintain connectivity - to enable free movement and dispersal of wildlife e.g. badger routes, river corridors for the migration of fish and staging posts for migratory birds. Local ecological networks will form a key part of the wider Nature Recovery Network proposed in the 25 Year Environment Plan. Where development is proposed, opportunities should be explored to contribute to the enhancement of ecological networks.</p> <p>Planning positively for ecological networks will also contribute towards a strategic approach for the creation, protection, enhancement and management of green infrastructure, as identified in paragraph 175 of the NPPF.</p> <p>Please refer to our comments under Policy NE15 regarding ancient woodland and irreplaceable habitats.</p>	<p>Comments Noted. The Council will be working with HCC who have been appointed by the Government to prepare Local Nature Recovery Strategies.</p> <p>Recommended Response: No Change</p>
	<p>Biodiversity Net Gain</p> <p>The Environment Act 2021 requires Biodiversity Net Gain (BNG) as a mandatory condition of planning permission from November 2023. A Biodiversity Gain Plan will need to be submitted by developers to set out the strategy for achievement of BNG for development proposals, including metric calculations as well as information not captured in the metric e.g. species factors; habitat management plans; how biodiversity net gains will be managed and maintained The key requirements of mandatory BNG are set out below:</p> <ul style="list-style-type: none"> - A minimum of 10% BNG - Developers must use the statutory metric to be produced and published by the Secretary of State (SoS) for Defra to calculate gains and/or losses of habitat - BNG can be delivered on-site or off-site as units, or as a last resort via the statutory credits system, currently under development. - Land delivering off-site BNG will be required to be formally registered on the 	<p>Comments Noted. The policy covers minimum 10% so is in accordance with the mandatory requirements.</p> <p>The Council will review the need prepare an SPD once the LP has been adopted and in light of further advice from Natural England. The Council will be working with HCC who have been appointed by the Government to prepare Local Nature Recovery Strategies.</p>

<p>national Biodiversity Gain Site register, currently under development.</p> <p>- Land delivering habitats for BNG will have to be legally secured and maintained for a minimum of 30 years.</p> <p>Further guidance on mandatory BNG and how it will be implemented will soon be available via the Government response to the recent BNG Regulations and Implementation consultation, the SoS Metric consultation response and draft Statutory Instruments, due early 2023.</p> <p>We welcome that the policy includes reference to forthcoming mandatory BNG requirements and that more than the minimum of 10% may be sought in some cases. Please note that the local plan should ensure any requirements to exceed the minimum 10% should be evidence-based and viability assessed. We recommend that the local plan policy aligns as closely as possible with the requirements of the Environment Bill and anticipated framework for mandatory net gain, and that it is updated as necessary with the forthcoming guidance .</p> <p>We also strongly recommend the Policy outlines local priorities for targeting off-site BNG in strategically important and locally relevant areas that will have most benefit for people and wildlife; existing local authority strategies and evidence bases (e.g. local GI strategies, biodiversity mapping etc.), that may feed into the forthcoming Local Nature Recovery Strategy (LNRS) for the county, can be used to identify such sites. It is worth noting the latest version of the Biodiversity Metric (currently 3.1) applies a ‘strategic significance’ scoring that adds an incentive to developers to encourage habitat creation in such areas. It may be appropriate for the Policy to confirm the intention for a Supplementary Planning Document (SPD) to be developed to provide further detail within an appropriate timescale, particularly where the local plan policy seeks to build on minimum requirements of mandatory BNG, and to outline potential schemes or projects for delivery in line with local priorities; for example outlining a range of projects locally available for developer contributions, such as the favourable management and enhancement of local wildlife sites within the district. Such an approach may facilitate the delivery of off-site BNG in line with LPA priorities for nature and residents.</p> <p>The plan’s approach to biodiversity net gain should be compliant with the</p>	<p>Recommended Response: No change.</p>
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	<p>mitigation hierarchy, as outlined in paragraph 180 of the NPPF. Policies and decisions should first consider options to avoid adverse impacts on biodiversity from occurring. When avoidance is not possible, impacts should be mitigated and finally, if there is no alternative, compensation provided for any remaining impacts. BNG should be additional to any habitat creation required to mitigate or compensate for impacts. It is also important to note that net gains can be delivered even if there are no losses through development. The policy should ensure that biodiversity net gain is not applied to irreplaceable habitats and should also make clear that any mitigation and/or compensation requirements for designated sites should be dealt with separately to BNG provision.</p> <p>We also recommend local plan policy for BNG communicates how cases of deliberate site clearance before an assessment of BNG baseline will be addressed. Developers should be aware that site degradation carried out to achieve a reduction in BNG required for a development, is not acceptable. Where an LPA suspects such a case and cannot agree a revised baseline assessment date with the developer, then the baseline date defaults back to 30th Jan 2020 in line with the primary legislation.</p> <p>In addition, we recommend the policy sets out that smaller wildlife features such as bat boxes and swift bricks could be included as part of a wider biodiversity enhancement and mitigation plan, separate to biodiversity net gain commitments.</p> <p>Natural England will be happy to support Winchester City Council on this aspect of the Local Plan as it progresses.</p>	
	<p>Monitoring of net gain</p> <p>Your Plan should include requirements to monitor biodiversity net gain. This should include indicators to demonstrate the amount and type of gain provided through development. The indicators should be as specific as possible to help build an evidence base to take forward for future reviews of the Plan, for example the total number and type of biodiversity units created, the number of developments achieving biodiversity net gains and a record of on-site and off-site contributions.</p> <p>LPAs should work with local partners, including the Local Environmental</p>	<p>Comments Noted. The monitoring framework may need to be updated and the indicators amended to align with the requirements for Biodiversity Net Gain once further information is available. It is a legal requirement that any sites for BNG are recorded and</p>

	<p>Record Centre and wildlife trusts, to share data and consider requirements for long term habitat monitoring. Monitoring requirements should be clear on what is expected from landowners who may be delivering biodiversity net gains on behalf of developers. This will be particularly important for strategic housing allocations and providing as much up-front information on monitoring will help to streamline the project stage.</p> <p>Wider environmental gains</p> <p>Natural England focusses advice on embedding biodiversity net gain in development plans since the approach is better developed than for wider environmental gains. However, your authority should consider the requirements of the NPPF (paragraphs 73, 104, 120 and 174) and seek opportunities for wider environmental net gain wherever possible. This can be achieved by considering how policies and proposed allocations can contribute to wider environment enhancement, help adapt to the impacts of climate change and/or take forward elements of existing green infrastructure, open space of biodiversity strategies. Opportunities for environmental gains, including nature-based solutions to help adapt to climate change, might include.</p> <ul style="list-style-type: none"> • Identifying opportunities for new multi-functional green and blue infrastructure. • Managing existing and new public spaces to be more wildlife friendly and climate resilient (e.g. by sowing wildflower strips, changing cutting regime of open spaces and road verges). O’Sullivan et. al (2017) provide a useful example of cost-effective, low-maintenance management for species-rich grassland on road verges and the value they can contribute to biodiversity and ecosystem services⁶. • Planting trees, including street trees, characteristic to the local area to make a positive contribution to the local landscape. • Improving access and links to existing greenspace, identifying improvements to the existing public right of way network or extending the network to create missing footpath or cycleway links. • Restoring neglected environmental features (e.g. a hedgerow or stone wall or clearing away an eyesore) • Designing a scheme to encourage wildlife, for example by ensuring lighting 	<p>monitored for a period of 30 years. It is important to read the LP as whole as there are a number of other LP policies that deal with these issues.</p> <p>Recommended Response: Update the Monitoring Framework.</p>
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	<p>does not pollute areas of open space or existing habitats. Any habitat creation and/or enhancement as a result of the above may also deliver a measurable biodiversity net gain.</p>	
	<p>Housing Allocations Whilst the Plan has already outlined the housing allocations, we would still encourage the consideration of biodiversity net gain delivery in relation to the housing allocations. The following may be useful to ensure opportunities for biodiversity net gain are secured:</p> <ul style="list-style-type: none"> • Does the site present significant risks to biodiversity? If so, have alternative sites with lesser impacts been explored? • What site specific recommendations can help delivery biodiversity net gain, for example what further survey work may be required at the planning application stage? • Whether the site can accommodate on-site biodiversity net gain provision or whether there is a need for off-site contributions? What types of habitat creation or enhancement are most appropriate? • Does there need to be any restrictions on the type of development that will be acceptable or particular parts of the site that should not be developed? <p>During the site selection process, potential sites should be judged in accordance with all policies in the NPPF, including selecting land with the least environmental value, where consistent with other policies. The Biodiversity Metric can be useful during this process to understand the opportunities on a site, test indicative biodiversity net gains and to ensure sites of high biodiversity value are not selected.</p> <p>The Council's previous call for sites process, included a call for green sites to provide opportunity for off-site BNG. We recommend that this call for green sites is re-run as the Plan progresses, to facilitate off-site BNG. We also encourage partnership working with stakeholders to identify and progress local solutions for off-site delivery.</p> <p>Natural England also encourages developers, promoting sites for inclusion in the Plan to use its Discretionary Advice Service, to discuss opportunities for biodiversity net gains on individual sites. This helps to ensure evidence is</p>	<p>Comments Noted. These are very relevant but very detailed points that can be addressed as part of the design process as the Council does not have the capacity or the resources to undertake a detailed survey of all of the allocated sites in the LP and in the vast majority of cases they are not in their ownership.</p> <p>Recommended Response: No Change</p>

	<p>provided and appropriate ways to deliver biodiversity net gain can be included in site allocations if they progress. This can also help speed up the planning application stage.</p>	
	<p>Local Nature Recovery Strategy (LNRS) The Council will be aware that work is underway within Natural England and with partners on several of the key elements of the Environment Bill, including Nature Recovery Networks (NRNs) and Local Nature Recovery Strategies (LNRSs). Whilst the Plan does mention Ecological networks and references the Hampshire ecological opportunity mapping, the Plan could also refer to the Nature Recovery Network. The LNRS can be linked this with other policies such as Biodiversity Net Gain, Green Infrastructure provision and wider environmental mitigation or compensation. It should be noted that the term Nature Recovery Network is used to refer to a single, growing national network of improved joined-up, wildlife rich places which will benefit people and wildlife. Local Nature Recovery Strategies will be the key mechanism for planning and mapping local delivery of the NRN. LNRSs will form a new system of spatial strategies for nature that will be mandated by the Environment Act. They will cover the whole of England and will be developed by Responsible Authorities (RAs) appointed by the Secretary of State, usually at a county scale. Each strategy will:</p> <ul style="list-style-type: none"> • Map the most valuable existing habitat for nature • Map specific proposals for creating or improving habitat for nature and wider environment goals • Agree priorities for nature’s recovery <p>It is the government’s intention that mandatory biodiversity net gain will provide a financial incentive for development to support the delivery of LNRSs through an uplift in the calculation of biodiversity units created at sites identified by the strategy. LNRSs have also been designed to help local planning authorities deliver existing policy on conserving and enhancing biodiversity and to reflect this in the land use plans for their area. There are currently five LNRS pilots; these pilots are testing various aspects of</p>	<p>Comments Noted. A reference to the “Nature Recovery Network” has been added.</p> <p>Recommended Response: Added a reference to the “Nature Recovery Network” under Point ii.</p>

	<p>development of LNRs, including their relationship to strategic planning, to inform secondary legislation and statutory guidance.</p> <p>Given that national guidance on LNRs and their relationship to strategic planning is still in development, it is recommended that Local Plan policy recognises and references its support to the delivery of the emerging NRN and LNRS covering the area.</p>	
	<p>Air Pollution</p> <p>Paragraph 7.42 sets out that a strategic approach to air quality management is required and that potential impacts to the natural environment have been considered as part of the Habitats Regulations Assessment (HRA), and Natural England provide comments on this below.</p>	<p>Comments Noted.</p> <p>Recommended Response: No Change</p>
<p>BHLF- KSAR- N863-Z</p>	<p><u>NE5 Biodiversity</u></p> <p>Policy NE5 is permissive of development that maintains, protects and enhances biodiversity across the District. Persimmon supports the Plan’s aim of delivering 10% net gain in biodiversity, but only once the necessary Environmental Bill secondary legislation on this matter has come into force. In Persimmon’s experience, the provision of on-site BNG often require a considerable proportion of the site to be given over for BNG purpose (in some case over 60%). It is not clear how the plan has accounted for the loss of developable area, and potential impact on site capacity that may result from on-site BNG provision (alongside any other land use policy requirements in the plan). The policy should also clarify that BNG can be met off-site. As current worded the Policy implies that 10% net gain should be provided within the District to achieve the BNG target of 10%. This approach does not conform to that set out in the BNG Metric, which allows off site BNG provision in other LPA areas.</p>	<p>Comments Noted. The Council will continue to support the 10% BNG Target in line with national legislation. The plan should be read as a whole, as Policy NE1 alludes to off-site provision. The Council’s strong preference is to provide the BNG on site but the Act allows developers to provide BNG off site. The current wording of the Policy NE5 not preclude this.</p> <p>Recommended Response: No change.</p>

Comments which object to NE5 – biodiversity

Respondent number	Comment	Officer comment
ANON-KSAR-NK54-K	<p>The policy needs to be amended to reflect the fact that the DEFRA biodiversity net gain metric as currently calculated does not account for swift and bat bricks (or boxes), even though these are essential for cavity-nesting birds to nest, and for bats to roost, in an immature habitat. A 'universal' swift brick can provide a cavity for many species including House Sparrows, House Martins, Starlings, Great Tits, Blue Tits, and Swifts, as well as a winter roosting habitat for a wide range of species. If the council aims to enhance biodiversity, it needs to ensure that Swifts and House Sparrows, both priority species under its Biodiversity Action Plan, can find places to breed in new buildings, by requiring new build developments of 5 metres or greater in height to incorporate 'universal' swift bricks in the quantities and manner recommended by the British Standard BS 42021:2022 Integral nest boxes. It is hoped that in the light of responses to a recent consultation DEFRA will amend its current biodiversity net gain methodology to incorporate integral nest bricks within the calculation, but until it does, the council should not define enhancements to biodiversity purely in terms of the current DEFRA biodiversity net gain metric. If Red-Listed cavity nesting birds, like Swift and House Sparrow, are to be able to breed and flourish, it is essential to provide them with 'universal' swift nest bricks in new developments.</p>	<p>Comments Noted. DEFRA metric only deals with habitats so until they change it or bring in a species metric that is what we have to use. It is important to read the LP as a whole. The supporting text at 7.23 to Policy NE1 states 'Measures could include hedgehog highways, swift bricks, bat bricks / boxes and appropriate planting'. As there are a range of measures to increase biodiversity this is considered to be the best way to address this point rather than including this a specific requirement in Policy NE5.</p> <p>Recommended Response: No Change</p>
ANON-KSAR-NK9A-4	<p>Rural sewage management needs to be urgently addressed. Off mains sewage systems are poorly managed and cause significant pollution to ditches, streams and receiving soils - posing a risk for biodiversity but also</p>	<p>Comments Noted. Unfortunately, this is a not matter that can be addressed in the LP as</p>

	<p>human health.</p> <p>A bespoke set of informative on rural development are needed for single dwellings or more to assess the sewage impacts of any development in rural communities.</p>	<p>developers have a right to connect to a sewage system (paying the appropriate fee) and this is dealt with by Southern Water Services. The Environment Agency are responsible for approving discharge licences from private package systems so this is beyond the Council control.</p> <p>Recommended Response: No Change</p>
<p>ANON-KSAR-NKS3-G Bishops Waltham Parish Council</p>	<p>NE5 - Comment: The Parish Council would like this minimum 10% biodiversity net gain to be increased to a 15% minimum.</p>	<p>Comments Noted. The Council could only go beyond the 10% mandatory target if there is evidence to demonstrate this would necessary. The LP viability assessment would need to assess the implications of asking for anything over the 10% that has been tested in the Reg 18 LP.</p> <p>Recommended Response: No Change</p>
<p>ANON-KSAR-NKZ5-S</p>	<p>NE5.</p> <p>Query on point iii: Who monitors the requirement for “biodiversity to be maintained for a period of 30 years” and what sanctions apply if a developer fails to comply with this requirement?</p>	<p>Comments Noted. Under the Act developers are require to monitor and maintain the site for BNG for 30 years (this is legal requirement).</p>

		Recommended Response: No Change
	<p>Add ix. (Page 156)</p> <p>Nature recovery is as crucial to our wellbeing as the elimination of carbon emissions and adaptation to changed climate. Therefore, best practise Nature-based solutions must be applied in the built and natural environment in any new development.</p>	<p>Comments Noted. It is important to read the LP as whole – the importance of using nature based solutions have been referred to a number of other policies in the LP.</p> <p>Recommended Response: No Change</p>
	<p>The BNG policy in the Local Plan will need to avoid biodiversity loss in the first place, to completely avoid impacts on irreplaceable habitats and protected and unprotected wildlife sites such as ancient woodlands, to properly value biodiversity including in neglected areas such as scrub, to avoid downgrading mature habitats by replacing them with new species-poor habitats.</p> <p>Sites for BNG offsetting should have the potential to buffer or expand existing habitats. For example, connecting woodland blocks, buffering ancient woodland and species rich grassland creation.</p>	<p>Comments Noted. This would be picked up via the LNRS which is being prepared by Hampshire County Council.</p> <p>Recommended Response: No Change</p>
ANON-KSAR-NKJV-A	<p>Bloor Homes acknowledges the importance of permitting development which maintains, protects, and enhances biodiversity. Notwithstanding this, criteria I of the policy should be amended to reflect the requirement of paragraph 174 of the NPPF that sites are protected “in a manner commensurate with their statutory status or identified quality in the development plan”. As currently drafted the policy is not consistent with national policy and is unsound.</p>	<p>Comments Noted. It is not necessary or good practice in the LP to simply repeat the wording in the NPPF.</p> <p>Recommended Response: No Change</p>
ANON-KSAR-N8N9-X	<p>How do you ensure that potential sites do not have ancient woodland, hedges and trees cleared before a planning application is presented?</p>	<p>Comments Noted: Whilst it is recognised that this may have taken place in the past, the introduction of BNG means that a developer must assess the</p>

		<p>value of natural habitats on-site before development and after development, and ensure that at least a 10% net gain.</p> <p>Recommended Response: No Change</p>
<p>ANON-KSAR-N8XZ-9 Denmead Parish Council</p>	<p>Policy NE1 and Policy NE5 call for enhancement of biodiversity. How will this policy ensure that developers/householders do not reduce the diversity before making applications? This happens all the time where hedgerows and trees are removed in advance of a planning application.</p>	<p>Comments Noted: Whilst it is recognised that this may have taken place in the past, the introduction of BNG means that a developer must assess the value of natural habitats on-site before development and after development, and ensure that at least a 10% net gain.</p> <p>Recommended Response: No Change</p>
<p>ANON-KSAR-N8GX-P</p>	<p>In principle I would support the policy but this does not cover pre-application removal of hedgerows and trees which all too often are uprooted prior to any application for development.</p>	<p>Comments Noted: Whilst it is recognised that this may have taken place in the past, the introduction of BNG means that a developer must assess the value of natural habitats on-site before development and after development, and ensure that at least a 10% net gain.</p> <p>Recommended Response: No Change</p>

ANON-KSAR-N81F-E	Bargate Homes consider that criterion viii) should be amended to allow scope for justification to be given for any pre-application habitat management, for example, health and safety reasons. Only where such evidence is absent should the a previous baseline be used rather than the modified baseline.	The Council consider this would be too complex to include in point viii of the Policy and that this point addresses the situation. If this situation arose the merits of this could be assessed as part of the pre-application discussions with the Council. Recommended Response: No Change
ANON-KSAR-N8VD-H	Anchor Properties acknowledges the importance of permitting development which maintains, protects and enhances biodiversity, delivering a minimum of 10% net gain. However, notwithstanding this, criteria (i) of the policy should be amended to reflect the requirement of paragraph 174 of the NPPF that sites are protected "in a manner commensurate with their statutory status or identified quality in the development plan". As currently drafted the policy is not consistent with national policy and is unsound.	Comments Noted. It is not necessary or good practice in the LP to simply repeat the wording in the NPPF. Recommended Response: No Change
ANON-KSAR-N819-1	Will fully support when the Policy fully reflects the following: - Requirement under the Environment Act to develop and deliver Local Nature Recovery Strategies - Related to the above point, is the urgent need for a comprehensive State of Nature report - the interdependence of biodiversity with the climate crises and vice versa - the application of Nature-based Solutions for enhanced delivery of BNG, mitigation and adaptation to the biodiversity with the climate crises.	Comments Noted. This would be picked up via the LNRS which is being prepared by Hampshire County Council. Recommended Response: No Change
	Query on point iii: Who monitors the requirement for "biodiversity to be maintained for a period of 30 years" and what sanctions apply if a developer fails to comply with this	Comments Noted. Under the Act developers are require to monitor and maintain the site for

	<p>requirement?</p> <p>Add ix. (Page 156)</p> <p>Nature recovery is as crucial to our wellbeing as the elimination of carbon emissions and adaptation to changed climate. Therefore, best practise Nature-based solutions must be applied in the built and natural environment.</p>	<p>BNG for 30 years (this is legal requirement). As the requirements have only just come into force, developers or Natural England have not tested what sanctions would apply but this is beyond the remit of the LP. It is important to read the LP as whole, there are a number of other policies in the LP that refer to the importance of nature based solutions to tackle climate change.</p> <p>Recommended Response: No Change</p>
	<p>The BNG policy in the Local Plan will need to avoid biodiversity loss in the first place, to completely avoid impacts on irreplaceable habitats and protected and unprotected wildlife sites such as ancient woodlands, to properly value biodiversity including in neglected areas such as scrub, to avoid downgrading mature habitats by replacing them with new species-poor habitats.</p> <p>Sites for BNG offsetting should have the potential to buffer or expand existing habitats. For example, connecting woodland blocks, buffering ancient woodland and species rich grassland creation.</p>	<p>Comments Noted. This would be picked up via the LNRS which is being prepared by Hampshire County Council.</p> <p>Recommended Response: No Change</p>
<p>ANON-KSAR-N8V5-2</p>	<p>iv. Development which would result in the loss or deterioration of irreplaceable habitats, including ancient woodland and ancient or veteran trees, will only be permitted in exceptional circumstances where the public benefit would clearly outweigh the loss or deterioration and where a suitable compensation strategy exists;</p> <p>This whole section iv above should be scrapped. We are in a biodiversity</p>	<p>Comments Noted. There has to be flexibility in the policy as planning is always a balance. In the case of ancient woodland there would need to be strong justification for an exception, and this would need to be assessed</p>

	<p>crisis. There can be no 'public benefit' which outweighs the loss of irreplaceable habitats and this section is in direct contradiction to sections i, ii, iii & vi</p>	<p>by Officers in the Natural Environment team. These situations are not the norm. Recommended Response: No Change</p>
<p>BHLF-KSAR-N86N-U</p>	<p>Criterion Viii should be amended to allow scope for justification to be given for any pre-application habitat management, for example, health and safety reasons. Only where such evidence is absent should the a previous baseline be used rather than the modified baseline.</p>	<p>The Council consider this would be too complex to include in point viii of the Policy and that this point addresses the situation. If this situation arose the merits of this could be assessed as part of the pre-application discussions with the Council. Recommended Response: No Change</p>
<p>ANON-KSAR-NKB4-Z</p>	<p>156WINCHESTER DISTRICT LOCAL PLANBIODIVERSITY AND THE NATURAL ENVIRONMENT. The Local Planning Authority will permit development that maintains, protects and enhances biodiversity across the district, delivering a minimum of 10% measurable net gain in biodiversity to be maintained for a period of 30 years in accordance with the Environment Act; (who monitors this requirement and what sanctions apply if a developer fails to comply. It may be a single house which may change ownership many times over the 30 year period.) and i.Protects sites of international, European, and national importance, and local nature conservation sites and SINCS, from inappropriate development;ii.Supports habitats that are important to maintain the integrity of European sites;iii.Shows how biodiversity can be retained, protected and enhanced through its design and implementation, for example by designing for wildlife, delivering measurable BNG and BAP targets and enhancing Biodiversity Opportunity Areas, Local Ecological Networks/Local</p>	<p>Comments noted. Under the Act developers are required to monitor and maintain the site for BNG for 30 years (this is legal requirement). Any BNG Sites will need to mapped and comply with the Act. It is not necessary to quote CIEEM guidance as this is only guidance. Recommended Response: No change.</p>

	<p>Nature Recovery Areas and include a management plan for a period of 30 years;iv.New development will be required to avoid adverse impacts, or if unavoidable ensure that impacts are appropriately mitigated (This is a loophole for offsetting and should be redrafted), with compensation measures used only as a last resort.</p> <p>Development proposals will only be supported if the benefits of the development clearly outweigh the harm to the habitat and/or species;Policy NE5 Biodiversity v.Maintains a district wide network of local wildlife sites and corridors to support the integrity of the biodiversity network, prevent fragmentation, or prevents and reverses fragmentation and enable biodiversity to respond and adapt to the impacts of climate change;vi.Supports and contributes to the targets set out in the district's Biodiversity Action Plan (BAP) for priority habitats and species;vii.Provides up to date information, evidence and relevant assessments or surveys (in line with CIEEM guidance);viii.Where there is evidence of the deliberate clearing of habitats before the application process or the deliberate neglect or damage to any of the habitats and species on the site the subsequently reduced biodiversity value the deteriorated condition will not be taken as the baseline for the purposes of calculating BNG and the previous ecological status of the site will be used to decide the acceptability of any development proposals and mitigation.</p>	
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Comments which didn't answer NE5 – biodiversity		
Respondent number	Comment	Officer comment
BHLF-KSAR-N86C-G	Whilst a specific percentage increase for net gains is not outlined in the NPPF, it is within the Environment Bill (2021) which specifies a 10% uplift in biodiversity net gains on development sites. Policy NE5 is justified in that it is based on proportionate evidence, is consistent with national planning policy and relevant legislation. Additionally, the Policy is deliverable across the plan period. As such the University consider Policy NE5 to pass the tests of 'soundness' included in Paragraph 35 of the NPPF.	Comments noted and support welcomed. Recommended Response: No Change.

	Recommendations	Officer response
Comments from SA	No recommendations made	N/A
Comments from HRA	Policy NE1: Protecting and enhancing biodiversity and the natural environment in the district' is amended to: Specifically mention the potential for effects on FLL (around River Hamble and River Itchen). Indicate that developments need to consider the potential for non-physical disturbance (of European sites and FLL) in proximity to the Itchen and Hamble; the policy / supporting text could list all potential effects, for completeness.	Comments noted. Recommended Response: Additional text added to criterion iv of Policy NE5 in relation to the consideration of non-physical disturbance on FLL. Additional paragraph to supporting text of NE5 to include effects on FLL.

Supporting Text

7.37. Whilst the current Local Plan has been successful in protecting biodiversity and it is considered that relevant policies should generally be retained. The new Local Plan is an opportunity to reflect new national requirements for biodiversity net gain in The Environment Act and also reflect the council's proactive approach to protecting, enhancing and restoring biodiversity across the district.

7.38. Winchester District has many areas which are noted for their natural beauty and biodiversity value. These areas also support a wide variety of species and habitats, and form an important part of the network of biodiversity sites within the wider environment. They include the Itchen chalk river, the Upper Hamble Estuary and Woods and coastal habitats of the Solent and Southampton Water. The importance of these areas is recognised by the statutory and policy protection afforded to nationally protected sites including Special Areas of Conservation (SAC) and Special Protection Areas (SPA), as well as to Ramsar wetland sites and the Bird Aware Solent. Plans or projects proposing development that is not directly connected with the management of these sites, but that is likely to have a significant effect on them, will require Habitats Regulations Assessment (HRA) to ensure that effects are avoided or adequately mitigated. If adverse effects on site integrity cannot be avoided or mitigated then reasons of overriding public interest must be demonstrated and compensation measures provided.

7.38a The HRA identifies that there may be impacts from development in areas outside of the European site boundaries that may occur where habitat contributes towards maintaining the interest feature for which the site is designated. This is known as 'functionally linked land (FLL)'. The FLL maintains and restores a protected population such as birds and bats at the favourable conservation status. Non-physical disturbance such noise and vibration during the construction of new housing and artificial light at night can cause adverse effects on protected populations therefore it must be demonstrated that these are avoided where possible.

7.39. Winchester is a predominantly rural district with around 40% of the area forming part of the South Downs National Park (SDNP). Wildlife sites and habitats within this area and across the district that are of regional and local importance include 17 SSSIs, almost 600 Sites of Nature Conservation (SINCs) and 9 Local Nature Reserves (LNRs). These sites support important natural assets, such as ancient woodlands, grasslands and chalk rivers. These sites will be protected, with opportunities for enhancement encouraged.

7.40. Sites that lie outside designated areas provide valuable corridors and networks for habitats and species and can include irreplaceable habitats such as ancient woodlands. These are key to the overall integrity of the district's biodiversity interest. Maintaining and enhancing the network of natural sites, and the linkages between them, is integral to supporting the aims of the district's Biodiversity Action Plan (BAP). The Winchester BAP identifies that 14% of the area covered by the plan supports BAP priority habitats that include broadleaved woodland, pasture woodland, wetlands and unimproved calcareous neutral grassland.

The Local Ecological Network Biodiversity Opportunity identifies the areas with the greatest potential for enhancing biodiversity within Hampshire.

7.41. The Community Strategy identifies the protection and enhancement of the district's rich biodiversity and habitats as a strategic outcome for Winchester. The strategy aims to maintain, protect and enhance the biodiversity within the district, working in partnership with neighbouring authorities and other relevant bodies.

7.42. In addition, the Habitats Regulation Assessment and Sustainability Appraisal advise that a strategic approach to air quality management is required. This is to ensure the continued protection of sites of national importance, as well as local nature conservation sites given the planned level of growth. The location of air quality monitoring sites and the setting of thresholds to trigger further investigation should be determined through lower level assessments and, where appropriate, be applied as a condition on planning permissions.

Biodiversity Net Gain

7.43. Biodiversity Net Gain is a process whereby existing biodiversity within a site boundary is protected and enhanced as a result of the development process. The council wishes to see biodiversity thrive as a result of development. The DEFRA Biodiversity Metric calculator allows a qualified ecologist to measure the onsite pre-development and post-development biodiversity. Using Biodiversity Units this demonstrates whether the development will harm or enhance biodiversity. All development proposals will be required to provide a measurable increase in biodiversity. The Environment Act (post transitional period) will require development proposals to secure a minimum 10% measurable biodiversity net gain over the pre-development Biodiversity Unit score using the latest DEFRA Biodiversity Metric or any subsequently approved metric.

Amendments to policy

The Local Planning Authority will ~~permit development that maintains, protects and enhances biodiversity across the district,~~ **delivering require, in accordance with the Environment Act 2021, development to deliver** a minimum of 10% measurable net gain in biodiversity to be maintained for a period of 30 years in accordance with the Environment Act **and latest Statutory Biodiversity Metric;** and

- i. Protects sites of international, ~~European,~~ and national importance, and local nature conservation sites and SINCS, from inappropriate development;
- ii. Supports habitats that are important to maintain the integrity of ~~European~~ **Statutory Designated Habitat** sites;

- iii. **Supports the delivery of nature-based solutions as part of the development proposals and** shows how biodiversity can be retained, protected and enhanced through its design and implementation, for example by designing for wildlife, delivering measurable BNG and BAP targets and enhancing Biodiversity Opportunity Areas, Local Ecological Networks/Local Nature Recovery Areas, **Local Nature Recovery Network** and include a management plan for a period of 30 years;
- iv. New development will be required to avoid adverse impacts, or if unavoidable ensure that impacts are appropriately mitigated, **including impacts on functionally linked land. Developments within 500 metres of the SPA/Ramsar FLL should produce a Construction Environmental Management Plan (CEMP) to address potential impacts to these habitats during the construction phase.**
- v. **Mitigates the effects of recreational pressure on Statutory Designated Habitats Sites in line with Bird Aware Solent and the New Forest Recreational Management Strategy where appropriate, or an agreed approach with Natural England;**
- vi. Development proposals will only be supported if the benefits of the development clearly outweigh the harm to the habitat and/or species; **with compensation measures used only as a last resort. Adverse effects on the integrity of Statutory Designated Habitats Sites must be avoided; compensation will not be appropriate where there is harm to the habitats or species of a Habitats Site;**
- vii. Maintains a district wide network of local wildlife sites and corridors to support the integrity of the biodiversity network, prevent fragmentation, or prevents and reverses fragmentation **through enhancing the Ecological Network** and enable biodiversity to respond and adapt to the impacts of climate change;
- viii. Supports and contributes to the targets set out in the district's Biodiversity Action Plan (BAP) for priority habitats and species;
- ix. Provides up to date information, evidence and relevant assessments or surveys (in line with CIEEM guidance);
- x. Where there is evidence of the deliberate clearing of habitats before the application process or the deliberate neglect or damage to any of the habitats and species on the site the subsequently reduced biodiversity value the deteriorated condition will not be taken as the baseline for the purposes of calculating BNG and the previous ecological status of the site will be used to decide the acceptability of any development proposals and mitigation.