

## Comment

Consultee	██████████ (1334927)
Email Address	██
Company / Organisation	BioCap
Address	x x x
Event Name	Proposed Submission (Reg 19) West Berkshire Local Plan Review 2022-2039
Comment by	BioCap (██████████) - 1334927
Comment ID	PS724
Response Date	03/03/23 14:41
Consultation Point	Policy SP 11 Biodiversity and geodiversity ( <a href="#">View</a> )
Status	Processed
Submission Type	Web
Version	0.3
Bookmark	BioCap (██████████)

### 1. Do you consider the Local Plan Review is legally compliant?

*Please see the guidance note for an explanation of what 'legally compliant' means*

No

### Please give reasons for your answer

**Policy SP11 states the following;**

#### **"Biodiversity Net Gain**

All proposals should demonstrate a minimum biodiversity net gain of 10% via a Biodiversity Net Gain Plan using the most up to date biodiversity accounting metric developed by Natural England and provide details of the long-term maintenance and management of the net gain. ***This should be delivered on site in the first instance, or through biodiversity off setting where appropriate.***

The above highlighted statement and in particular the emphasis on, on-site delivery in the first instance, is contrary to other guidance in the NPPF (see below) which has a greater ambition for the local plan area and biodiversity. On-site delivery will often be compromised by the nature of the development and/or the short/medium/long term pressure and harmful impacts over 30 years of people/children recreation and pets. In many instances off-site provision will be better managed over the 30 year period and will provide longer lasting higher quality biodiversity gains.

NPPF 174

Planning policies and decisions should contribute to and enhance the natural and local environment by:

d) minimising impacts on and providing net gains for biodiversity

175 Plans should:

plan for the enhancement of natural capital at a catchment or landscape scale across local authority boundaries.

1 To protect and enhance biodiversity and geodiversity, plans should: b) identify and pursue opportunities for securing measurable net gains for biodiversity.

To comply with the above NPPF guidance the wording in SP11 needs to allow the use of off-site BNG, **not as a last resort**, but where BNG will positively contribute to habitat creation, and significant biodiversity enhancements in the wider local countryside over the 30 year period.

Wording such as below would comply more closely with NPPF guidance:

***This should be delivered on site where possible or through local biodiversity offsetting where a better result for biodiversity would be achieved over the contracted 30 year period and beyond.***

## 2. Do you consider the Local Plan Review is sound?

*Please see the guidance notes for an explanation of what 'soundness' means.*

The soundness of the LPR should be assessed against the following criteria from the National Planning Policy Framework (NPPF).

*Please tick all that apply:*

**Positively Prepared: The plan provides a strategy which, as a minimum, seeks to meet the area's objectively assessed need and is informed by agreements with other authorities, so that unmet need from neighbouring areas is accommodated where practical to do so and is consistent with achieving sustainable development.**

**Justified: the plan is an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence.** . No

**Effective: the plan is deliverable over the plan period and based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred, as evidenced by the statement of common ground.**

**Consistent with national policy: the plan should enable the delivery of sustainable development in accordance with the policies of the NPPF.** . No

### Please give reasons for your answer

To comply with the above NPPF guidance the wording in SP11 needs to allow the use of off-site BNG, not as a last resort, but where BNG will positively contribute to habitat creation, and significant biodiversity enhancements in the wider local countryside over a minimum of a 30 year period. Wording such as below would comply more closely with NPPF guidance:

***This should be delivered on site where possible or through local biodiversity offsetting where a better result for biodiversity would be achieved over the contracted 30 year period and beyond.***

## 4. Proposed Changes

**Please set out what change(s) you consider necessary to make the Local Plan Review legally compliant or sound, having regard to the tests you have identified above (Please note that non-compliance with the duty to co-operate is incapable of modification at examination).**

*You will need to say why this change will make the Local Plan Review legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.*

To comply with the above NPPF guidance the wording in SP11 needs to allow the use of off-site BNG, not as a last resort, but where BNG will positively contribute to habitat creation, and significant biodiversity enhancements in the wider local countryside, in accordance with emerging Local Nature Recovery Strategies. Wording such as below would comply more closely with NPPF guidance:

***This should be delivered on site where possible or through local biodiversity offsetting where a better result for biodiversity would be achieved over the contracted 30 year period and beyond.***

## **5. Independent Examination**

**If your representation is seeking a change, do you consider it necessary to participate at the examination hearing session(s)?** Yes

*If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary.*

*Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate at the oral part of the examination.*

The WBC method of managing biodiversity seems to mainly involve policing on-site habitat activity which the Biodiversity Metric may score well in the first instance but would in fact be severely negatively impacted by 30 years of domestic/residential/business activities and pressures on and around the site. We believe there is an opportunity to make real benefits and gains in the wider countryside to reverse biodiversity loss but this needs the proactive help of planners encouraging local off-site high quality habitat creation and linkage schemes, as is happening in other local authority areas.

## **6. Notification of Progress of the Local Plan Review**

**Do you wish to be notified of any of the following?**

*Please tick all that apply*

<b>The submission of the Local Plan Review for Independent Examination</b>	.	Yes
<b>The publication of the report of the Inspector appointed to carry out the examination</b>	.	Yes
<b>The adoption of the Local Plan Review</b>	.	Yes

## Comment

Consultee	██████████ (1334927)
Email Address	██
Company / Organisation	BioCap
Address	x x x
Event Name	Proposed Submission (Reg 19) West Berkshire Local Plan Review 2022-2039
Comment by	BioCap (██████████ - 1334927)
Comment ID	PS739
Response Date	03/03/23 15:46
Consultation Point	Our Vision ( <a href="#">View</a> )
Status	Processed
Submission Type	Web
Version	0.2
Bookmark	BioCap ██████████

### 1. Do you consider the Local Plan Review is legally compliant?

*Please see the guidance note for an explanation of what 'legally compliant' means*

Yes

### 2. Do you consider the Local Plan Review is sound?

*Please see the guidance notes for an explanation of what 'soundness' means.*

The soundness of the LPR should be assessed against the following criteria from the National Planning Policy Framework (NPPF).

*Please tick all that apply:*

**Positively Prepared: The plan provides a strategy which, as a minimum, seeks to meet the area's objectively assessed need and is informed by agreements with other authorities, so that unmet need from neighbouring areas is accommodated where practical to do so and is consistent with achieving sustainable development.**

**Justified: the plan is an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence.** . No

**Effective: the plan is deliverable over the plan period and based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred, as evidenced by the statement of common ground.**

**Consistent with national policy: the plan should enable the delivery of sustainable development in accordance with the policies of the NPPF.** . No

#### **Please give reasons for your answer**

*NPPF C1 Understand and relate well to the site, its local and wider context*

*Context Looking Forward*

*prioritise nature so that diverse ecosystems can flourish to ensure a healthy natural environment that supports and enhances biodiversity;*

We believe across West Berkshire there is an opportunity to make real benefits and gains in the wider countryside to reverse biodiversity loss but this needs the proactive help of planners encouraging local off-site high quality habitat creation and linkage schemes, as is happening in other local authority areas.

The local plan does not place a high enough emphasis on nature and biodiversity in relation to the creation of high quality and enduring nature and habitats in relation to biodiversity net gain requirements.

The WBC method of managing biodiversity seems to mainly involve policing on-site habitat activity which the Biodiversity Metric may score well in the first instance but would in fact be severely negatively impacted over the 30 year period due to recreational/domestic/residential/business activities and pressures on and around sites.

Also, regarding economic activity and employment, Natural England's BNG Brochure states:

[https://naturalengland.blog.gov.uk/wp-content/uploads/sites/183/2022/04/BNG-Brochure\\_Final\\_Compressed-002.pdf](https://naturalengland.blog.gov.uk/wp-content/uploads/sites/183/2022/04/BNG-Brochure_Final_Compressed-002.pdf)

For landowners BNG can create long-term income opportunities through investment in habitat management. BNG generates sustainable and long-term financing for habitat management and maintenance, providing certainty and creating jobs.

Restoring habitats via BNG can act as a green finance mechanism, delivering wider economic benefits and increasing financial and natural capital asset values. By creating bigger and better natural capital assets the resilience and flow of ecosystem services, and the benefits society receive from them, will be enhanced, and the value received from nature maintained and increased.

#### **4. Proposed Changes**

**Please set out what change(s) you consider necessary to make the Local Plan Review legally compliant or sound, having regard to the tests you have identified above (Please note that non-compliance with the duty to co-operate is incapable of modification at examination).**

*You will need to say why this change will make the Local Plan Review legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.*

We believe there is an opportunity to make real benefits and gains in the wider countryside to reverse biodiversity loss but this needs the proactive help of planners encouraging local off-site high quality habitat creation and linkage schemes, as is happening in other local authority areas.

The local plan does not place a high enough emphasis on nature and biodiversity in relation to the creation of high quality and enduring nature and habitats in relation to biodiversity net gain requirements.

The WBC method of managing biodiversity seems to mainly involve policing on-site habitat activity which the Biodiversity Metric may score well in the first instance but would in fact be severely negatively impacted over the 30 year period due to recreational/domestic/residential/business activities and pressures on and around sites.

For landowners BNG can create long-term income opportunities through investment in habitat management. BNG generates sustainable and long-term financing for habitat management and maintenance, providing certainty and creating jobs.

Restoring habitats via BNG can act as a green finance mechanism, delivering wider economic benefits and increasing financial and natural capital asset values. By creating bigger and better natural capital assets the resilience and flow of ecosystem services, and the benefits society receive from them, will be enhanced, and the value received from nature maintained and increased.

WBC's local plan should place more emphasis on the employment and diversification into green jobs that can come with a greater emphasis on local high quality biodiversity off-site compensation for development.

## 5. Independent Examination

**If your representation is seeking a change, do you consider it necessary to participate at the examination hearing session(s)?** Yes

*If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary.*

*Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate at the oral part of the examination.*

We believe there is an opportunity to make real benefits and gains in the wider countryside to reverse biodiversity loss but this needs the proactive help of planners encouraging local off-site high quality habitat creation and linkage schemes, as is happening in other local authority areas.

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## 6. Notification of Progress of the Local Plan Review

**Do you wish to be notified of any of the following?**

*Please tick all that apply*

**The submission of the Local Plan Review for Independent Examination** . Yes

**The publication of the report of the Inspector appointed to carry out the examination** . Yes

**The adoption of the Local Plan Review** . Yes

## Comment

Consultee	██████████ (1334927)
Email Address	██
Company / Organisation	BioCap
Address	x x x
Event Name	Proposed Submission (Reg 19) West Berkshire Local Plan Review 2022-2039
Comment by	BioCap (██████████ - 1334927)
Comment ID	PS740
Response Date	03/03/23 15:31
Consultation Point	Policy DM 15 ( <a href="#">View</a> )
Status	Processed
Submission Type	Web
Version	0.3
Bookmark	BioCap (██████████)

### 2. Do you consider the Local Plan Review is sound?

*Please see the guidance notes for an explanation of what 'soundness' means.*

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*Please tick all that apply:*

**Positively Prepared:** The plan provides a strategy which, as a minimum, seeks to meet the area's objectively assessed need and is informed by agreements with other authorities, so that unmet need from neighbouring areas is accommodated where practical to do so and is consistent with achieving sustainable development.

**Justified:** the plan is an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence. No

**Effective:** the plan is deliverable over the plan period and based on effective joint working on cross-boundary strategic matters that have been dealt with rather than

deferred, as evidenced by the statement of common ground.

**Consistent with national policy: the plan should enable the delivery of sustainable development in accordance with the policies of the NPPF.** . No

**Please give reasons for your answer**

The importance of Biodiversity Net Gain and habitat restoration and creation within the Government's Environmental Improvement Plan Apex Goal – Improving Nature – as well as the contribution captured and sequestered carbon can make to West Berkshire's Net Zero plans, means Biodiversity should be a specific item within the Development Management Policies in the Local Plan. Biodiversity is referenced, but often simply in passing, within other sections. Given our Government's high commitment to leaving the environment in a better state than we found it, and the Government's ambition to reverse the decline of nature, there needs to be specific policy in this section of the Local Plan.

**4. Proposed Changes**

**Please set out what change(s) you consider necessary to make the Local Plan Review legally compliant or sound, having regard to the tests you have identified above (Please note that non-compliance with the duty to co-operate is incapable of modification at examination).**

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*Please tick all that apply*

**The submission of the Local Plan Review for Independent Examination**

**The publication of the report of the Inspector appointed to carry out the examination**

**The adoption of the Local Plan Review**



## Comment

Consultee	██████████ (1334927)
Email Address	██
Company / Organisation	BioCap
Address	x x x
Event Name	Proposed Submission (Reg 19) West Berkshire Local Plan Review 2022-2039
Comment by	BioCap (██████████ - 1334927)
Comment ID	PS742
Response Date	03/03/23 15:32
Consultation Point	Our Strategic Objectives ( <a href="#">View</a> )
Status	Processed
Submission Type	Web
Version	0.2
Bookmark	BioCap ██████████

### 2. Do you consider the Local Plan Review is sound?

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deferred, as evidenced by the statement of common ground.

**Consistent with national policy: the plan should enable the delivery of sustainable development in accordance with the policies of the NPPF.** . No

**Please give reasons for your answer**

Our Government has a high commitment to leaving the environment in a better state than we found it, and to reverse the decline of nature. The 25 Year Environment Plan and the 2023 Environmental Improvement Plan (EIP) both place emphasis on how delivering restored habitats and changes to agricultural practise will boost employment through 'green jobs'. The need to maintain, restore and create biodiverse and flood mitigation habitats and features to mitigate against climate change and contribute to biodiversity increases, carbon capture and sequestration within West Berkshire will create a wide range of 'green' jobs. These employment opportunities will be tied to contractual arrangements for 30-100 year maintenance and management requirements of biodiversity and environmental improvements, creating long term employment opportunities.

Therefore there needs to be specific policy in this Economic Growth section of the Local Plan.

**4. Proposed Changes**

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**6. Notification of Progress of the Local Plan Review**

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*Please tick all that apply*

**The submission of the Local Plan Review for Independent Examination**

**The publication of the report of the Inspector appointed to carry out the examination**

**The adoption of the Local Plan Review**