

Biodiversity and Trees Supplementary Planning Document (SPD) Consultation Statement – March 2025

Introduction

Babergh and Mid Suffolk District Councils adopted the Babergh and Mid Suffolk Joint Local Plan Part 1 Development Plan Document (DPD) in November 2023. The Joint Local Plan Part 1 DPD contains strategic and local (development management) policies to guide development proposals in the districts. Following adoption of the Joint Local Plan Part 1 DPD, the Councils produced a draft Biodiversity and Trees SPD for consultation. This statement summarises the main issues raised in the comments received and how those issues have been addressed in the SPD.

Public consultation on the draft Biodiversity and Trees SPD

Public consultation was undertaken between 15th May and 19th June 2024, for a period of five weeks, in accordance with Regulations 12 and 13 of the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended). At this formal stage of consultation, all those registered on the Councils' Joint Local Plan mailing list were directly consulted, including statutory consultees and Town and Parish Councils, and a notice was published in the local press and on the Councils' websites. Details of the consultation along with the documentation was also made available to the public on the Councils' websites and can be viewed via the page below along with copies of the full representations.

<https://baberghmidsuffolk.oc2.uk/document/77>

Hard copies were deposited at the Councils' office at Endeavour House, 8 Russell Road, Ipswich, IP1 2BX (weekdays 8am to 5pm), and at the Customer Access Points at Sudbury Library, Market Hill, Sudbury, CO10 2EN (Mondays and Thursdays 9am to 5pm) and 54 Ipswich Street, Stowmarket, IP14 1AD (Tuesdays 10am to 5pm and Fridays 9am to 4.30pm).

Comments could be made electronically through the Councils' online system via the published weblinks; by email to localplan@baberghmidsuffolk.gov.uk; or in writing to the Strategic Planning Policy Team, Babergh and Mid Suffolk District Councils, Endeavour House, 8 Russell Road, Ipswich, Suffolk, IP1 2BX.

A total of 22 organisations or individuals comment on the draft Biodiversity and Trees SPD as follows:

- Ipswich Borough Council
- M Scott Properties Ltd
- James Bailey Planning Ltd on behalf of Taylor Wimpey UK Ltd
- The Woodland Trust

Babergh and Mid Suffolk District Councils

- Breckland District Council
- Natural England
- Hopkins Homes
- Suffolk Wildlife Trust
- Sudbury Area Green Belt Group
- Defence Infrastructure Organisation
- Anglian Water Services Ltd
- East Suffolk Council
- Pigeon
- Environment Agency
- Suffolk County Council
- Persimmon Homes
- Historic England
- Sproughton Parish Council
- Four Private Individuals.

The table below provides a summary of the main issues raised in the consultation, the Councils' response and where the SPD has been revised.

Respondent / Rep ID	Comment Summary	Councils' Response	Action
Private Individual / 23555	Respondent believes the section on BNG is misleading, the Councils requirements do not match the statutory framework therefore further clarity and consistency is required.	Agreed, the sections on BNG within the SPD have been revised in light of the comments received.	BNG has been amended to be in line with statutory framework.
	There is a need to differentiate between BNG requirements and Ecological Assessments.	Disagree. The SPD does not change the requirements around the Environmental Impact Assessments (EIA) and requirements of the Habitats Regulation Assessments (HRA).	No change.

		The Screening process for the needs of EIA/HRA as well as the Councils' BNG duties are explained within the SPD.	
	Appendix 7 requires a review. It would be more helpful to have a link to the SBIS website where there is a list of 'Suffolk Priority Species' to be replicated in the Appendix.	Agreed.	Appendix 7 has been amended accordingly.
Private Individual / 23556	Respondent believes the statements in 4.31 and Appendix 5 contradict Joint Local Plan policies. Further clarity therefore is required on the statements that impose a BNG requirement to all development and the legislation that creates a series of BNG exemptions.	Disagree. Policy LP16 is sufficiently prescriptive, and further clarity is not required.	No change.
Ipswich Borough Council / 23559	The respondent believes the purpose of the SPD should reference the reference to the Suffolk Coast RAMS chapter (chapter 3).	Agreed.	Additional text included in Para 1.5.
	That the SPD states in paragraph 3.2 (2) that developments consisting of 50 dwellings or more will be required to demonstrate well-designed open space/green infrastructure, proportionate to their scale. This requirement also applies to sites within a certain distance of designated areas and although this is discussed in paragraph 3.6.11, it is not mentioned in paragraph 3.2 (2). For consistency, it could be referenced in paragraph 3.2 (2), perhaps as a footnote to the policy text.	Paragraph 3.2 replicates the policy wording of Joint Local Plan Policy SP09.	No change.
	In paragraph 3.6.4, a direct link to the Suffolk Coast RAMS Strategy document is provided. Since the RAMS authorities are about to	Agreed.	A link to the RAMS page on the Councils website has been added and also an amendment

	commence a review of the Strategy, it would be beneficial to link to the relevant webpage, as opposed to the document itself. This would allow the Strategy to be updated on the webpage, preventing the SPD from becoming outdated when the new/updated RAMS Strategy is published in 2025.		at Paragraph 3 that outlines further detail of the current review of the RAMS Strategy.
	Paragraph 3.6.5 refers to "habitat sites likely to be affected by development in Babergh and Mid Suffolk Districts". To avoid any confusion, it may be beneficial to clarify that funds will be spent across the entire Strategy area.	Agreed.	A new section setting out how the tariff is spent is now included in Para 4.
	Paragraph 3.6.8 of the SPD states that habitat sites currently have a Zone of Influence (ZOI) of 13km. As the Suffolk Coast RAMS is about to embark on a review process, including a review of the ZOI, it may be beneficial not to specifically mention the existing 13km ZOI to enhance the SPD's longevity. Instead, a reference to the ongoing review process could be added, stating that the ZOI may change.	Agreed. These changes will be addressed as highlighted above.	A link to the RAMS page on the Councils website has been added and also an amendment at Paragraph 3 that outlines further detail of the current review of the RAMS Strategy.
	It would be beneficial to acknowledge the connection between the Draft Biodiversity and Trees SPD and the adopted Ipswich and East Suffolk, Suffolk Coast RAMS SPD, explaining the rationale behind this coordinated approach.	Noted. Paragraph 3.6.4 does acknowledge the coordinated approach adopted by the partners.	No change.
	Paragraph 4.25 of the SPD outlines the location hierarchy for off-site Biodiversity Net Gain. Considering that Babergh and Mid Suffolk directly adjoin Ipswich Borough and given the presence of several strategic development sites near the Ipswich Borough boundary, it is	Noted. Our priority remains to deliver off site net gain as close to the development site as possible, but where this is not possible the reliance on sites within Suffolk is the next best option. We do not	No change.

	suggested that before requiring development to provide off-site BNG within the wider Suffolk Local Nature Recovery Strategy Area, consideration should be given to providing it within the closest adjoining Borough/District.	believe the locational hierarchy needs to be broken down further.	
	Paragraph 4.29 discusses the use of a matrix for scoring BNG delivery sites without providing a link to the matrix. It would be advantageous if all Suffolk authorities could agree to utilise the matrix as an interim system for scoring the strategic significance of BNG sites.	Noted. The matrix was intended for internal use only. Its intentions were to help officers understand where offsite BNG delivery may be best located within the districts. The Councils believe it is more appropriate to wait the publication of the Local Nature Recovery Strategy (LNRS) as this is the formal mechanism to inform our biodiversity priorities.	Para 4.29 has been removed.
	Paragraphs 4.31 - 4.34 discuss biodiversity measures specifically in household applications. The reasoning behind why these measures is addressed separately is not clearly explained in the text. It is understood that householder development is exempt from mandatory BNG and clarifying this exemption for the lay reader may be beneficial.	Agreed.	This has been addressed with revised text for biodiversity measures in householder applications.
	It would be beneficial to include provisions that emphasize the significance of cross-boundary cooperation and the integration of neighbouring Borough/Districts' nature conservation strategies, ensuring a holistic approach to environmental and biodiversity protection	Noted. The gathering of relevant spatial plans, nature recovery strategies and other documents covering the county as well as the establishment of the Nature Recovery Partnership forms part of the consideration for the LNRS.	Amendments made to Para 4.28.

<p>Private Individual / 23560</p>	<p>Respondent encourages more detailed references to Suffolk's Priority Species from the Suffolk Biodiversity Info Service (SBIS) website in Appendix 7</p>	<p>Agreed.</p>	<p>Appendix 7 has been amended accordingly.</p>
	<p>Para 2.2 should address the Council's position where developments break up corridors and networks for nature and protected sites, they should not be allowed to go ahead.</p>	<p>Noted. The Norfolk and Suffolk Local Nature Recovery Strategy once published will provide the blueprint for protecting, restoring and recovering nature and this will include the creation of a Nature Recovery Network on land that connects isolated habitats, creating corridors that promote species migration, genetic exchange, and adaptation to climate change. Consideration will be given to how this can be recognised outside of the SPD.</p>	<p>No change.</p>
	<p>Disagrees and questions the benefit of the 'tariff-based approach to mitigating the impact of recreational disturbance on Habitats sites.</p>	<p>Disagree. Recreational Disturbance Avoidance and Mitigation Strategies allow the Councils to comply with their responsibilities to protect habitats and species in accordance with the UK Conservation of Habitats and Species Regulations 2017 (the 'Habitats Regulations').</p>	<p>No change.</p>
	<p>Highlights the importance of the BNG mitigation hierarchy and expresses concerns that damage caused to the natural environment cannot be easily compensated for.</p>	<p>Noted. The relevant approach to dealing with damage or intentional habitat degradation is set out in the Environment Act and is referred to in the SPD.</p>	<p>No change.</p>

	States ecological surveys should be undertaken by a Council elected and approved Ecologist.	Disagree. Government guidance sets out the requirements that ecological surveys will be undertaken by suitably qualified ecologists.	No change.
	Para 5.9.2, Design and Implementation of Biodiversity Features should be followed up and enforced, within a reasonable time period, and monitored.	Noted. As stated in earlier responses, the Councils have the appropriate systems, processes and staff resources in place to assess, monitor and enforce on its BNG obligations, in line with national legislation, policy and guidance. Significant repetition in the SPD is considered unnecessary.	No change.
	Para 5.10.14 Ancient and Veteran Trees should be identified and preserved, together with their surroundings (As per Tree Constraints Plan, Appendix 4).	Noted. The relevance of the comments made in relation to Ancient and Veteran Trees have been considered and whilst the issues raised are recognised there are no recommended changes to the SPD.	No change.
Private Individual / 23568	The respondent has concerns over the Planning regulations cited in the SPD. They believe that all the power rests with the developer and very little thought has been given to actually protecting and enhancing our wildlife which is disappearing at an absolutely devastating speed.	Disagree. The Councils consider it appropriate and reasonable to set the local policy context for the delivery of BNG through this SPD to ensure the best outcomes for biodiversity on the district can be secured.	No change.
	New development should not be allowed on or near to protected habitat sites.	Noted. Proposals which may harm designated Local Wildlife Sites, Priority Habitats, Priority	No change.

		Species, protected species or non-designated sites or features of biodiversity interest, will only be supported where they use the DEFRA biodiversity metric to demonstrate that a proposal will deliver a minimum 10% net gain for biodiversity.	
	Any mitigation for trees etc lost must be native plants situated in the area of the development (i.e. not miles away from the area) and mitigation must be enforced, something that is poorly done at present.	Noted. Developers must already comply with policies that protect the natural environment, such as avoiding impacts on irreplaceable habitats including ancient woodland and ancient and veteran trees and compensating for their loss or deterioration. Planting trees is an attractive option for any developer to consider because each tree planted adds to the proportion of their 10% net gain they can deliver 'on-site', within their development boundary.	No change.
	The plans for Biodiversity need to be clearly stated on the application before any consideration is given. If permission is granted then BDC needs to be robust in ensuring these provisions are made, currently this does not happen and the whole procedure is extremely lax.	Noted. The Councils have the appropriate systems, processes and staff resources in place to assess, monitor and enforce on BNG, in line with national legislation, policy and guidance. Significant repetition in the SPD is unnecessary.	No change.
	The Ecological survey needs to be undertaken by a Council elected and approved Ecologist. When the developer is paying the results tend to favour them.	Noted. Government guidance sets out the requirements that ecological surveys will be	No change.

		undertaken by suitably qualified ecologists	
	If the land in question has been cleared before permission is granted permission should be denied. There is no way of knowing what wildlife was there before the area was cleared.	Noted. Government guidance ensures that there is no advantage to be gained by the deliberate clearance of land to achieve a low baseline value for biodiversity net gain.	No change.
	SBIS is a helpful tool, but it never seems to be up-to-date and this needs to be improved.	Noted, but these are not matters which can be resolved by the SPD.	No change.
M Scott Properties Ltd / 23569	The respondent highlights in para 4.12 the 20% net gain requirement and recommends further clarity is provided within the SPD.	Disagree. The Councils consider it appropriate and reasonable to set its local policy context for the delivery of BNG through this SPD to ensure the best outcomes for biodiversity within the districts can be secured.	No change.
	The rep offers supportive comments but also advises re-wording para 4.25 to align with the PPG and attention is needed for para 4.22 as it can be viewed unintentionally biased.	Agreed.	BNG has been amended to be in line with statutory framework.
	The rep also advises attention needed on para 4.29, para 5.1.1 and Para 5.5.6 as it contradicts para 5.3.1.	Agreed.	BNG has been amended to be in line with statutory framework.
	The SPD imposes a greater level of information to be provided and questions how the Council envisage coping with these new demands.	Noted. The Councils have the appropriate systems, processes and staff resources in place to assess, monitor and enforce on BNG, in line with national legislation, policy and guidance.	No change.

		Significant repetition in the SPD is unnecessary	
	The SPD identifies the need for but does not quantify the level of monitoring fee required.	Noted.	The reference to monitoring fees has been retained in Appendix 8 although the fee structure has not yet been set. The SPD will clarify that further details will be published on the Council websites.
James Bailey Planning Ltd on behalf of Taylor Wimpey UK Ltd. / 23571 and 23587	The respondent does not believe the SPD provides sufficient evidence on how the 20% BNG figure was derived as well as how it will be encouraged to be achieved. It believes the councils are trying to raise the nation minimum BNG so should incorporate spatial nature strategies as listed.	Disagree. The Councils consider it appropriate and reasonable to set the local policy context for the delivery of BNG through this SPD to ensure the best outcomes for biodiversity within the districts can be secured.	No change.
	The SPD needs amending to be consistent with the description and purpose of an SPD and it is not user friendly, Also suggests a glossary to explain technical terms would be helpful.	Noted. The SPD must satisfy a diverse readership, so it needs to strike a balance between providing a national overview to the approach to BNG, which is considered useful to the layperson, whilst setting the local requirements for BNG. A detailed glossary is already included, see Appendix 1.	No change.
	The SPD needs clarity that material enhancements do not contribute to 10% BNG and are instead just site enhancements.	Noted. Material enhancements are not interchangeable with habitat loss, and this is explained at Para 4.31.	No change.

	<p>Recommends the Councils should look to set up their own 'BNG bank' with local landowners similar to Wokingham Borough Council for off-site BNG.</p>	<p>Disagree. The Councils will continue to promote the establishment of 'habitat banks' within the districts but it does not propose to operate as a Habitat Bank itself.</p>	<p>No change.</p>
	<p>Para 4.11-4.16 need re-wording to explain the difference between mitigation/ compensation as well as enhancement. Suggests the SPD avoids using words such as 'encourage', 'expect', 'where possible' and 'withheld' and to also offer further clarity on off-site BNG required for different types of applications etc.</p>	<p>Noted.</p>	<p>BNG has been amended to be in line with statutory framework. Further clarification has been provided on Councils expectations for specific aspects for BNG.</p>
	<p>Expresses concerns the hierarchical approach to BNG provision may lead to disproportionate weight being attributed towards on-site mitigation.</p>	<p>Noted. The Councils' approach does not propose any changes to the way the way mitigation hierarchy is applied, its priority is to demonstrate gain whether this is provided on site or off site. Accordingly, it is not considered further changes are needed to be made to the SPD.</p>	<p>No change.</p>
	<p>Recommends the SPD is not adopted until the wider suite of SPD documents referenced in the SPD are made available for further scrutiny.</p>	<p>Disagree. The Biodiversity and Trees SPD supports and accords with the policies within the NPPF relating to biodiversity, the provisions set out in the Environment Act as well as the policies in the adopted Joint Local Plan. All these documents provide detailed explanations to help guide development.</p>	<p>No change.</p>
	<p>Believes section 6 is unnecessary and can be covered in a simple reference to the Local</p>	<p>Noted, however consider this is a helpful reference here.</p>	<p>No change.</p>

	Validation Requirements in a previous section of the SPD.		
The Woodland Trust / 23573	The respondent indicates the SPD should give strong weight to the Local Nature Recovery Scheme for development site allocation at a local level and to inform priority locations for the provision of green infrastructure, and habitat creation and enhancement through BNG.	The Councils welcome these comments, however the process for evaluation and selecting sites for development and its impact on local nature recovery will be considered in the review of the Joint Local Plan.	No change.
	That the introduction of non-native trees should be minimised to prevent pests and diseases through tree importation.	Noted. The Councils do acknowledge that there are arguments for and against non-native trees and this can depend on their location. In a rural environment, the use of native, preferably local provenance trees, is best. In an urban environment, non-native trees look less out of place and the introduction of some that may be better suited to future climate change scenarios is sensible, on the basis that conditions may not be suitable for some native species in towns and cities 50 years from now.	No change.
	Comments also reference the biodiversity contribution of trees and this should be assisted by definite BNG targets.	Noted. The woodland creation section of the Biodiversity Metric User Guide includes advice on which woodland types to use in the metric calculations and the importance of setting a realistic	No change.

		target condition for the woodland being planted.	
Breckland District Council / 23575	The respondent recommends the SPD should focus on creating the right conditions for nature networks and linking green infrastructure in line with wider strategic areas.	Noted. The Norfolk and Suffolk Local Nature Recovery Strategy will establish priorities and map proposals for specific actions to drive nature's recovery and provide wider environmental benefits within the districts. Once produced, the LNRS can also be used to target delivery of Biodiversity Net Gain through identifying areas and opportunities for the creation, enhancement and recovery of habitats. BNG measures could therefore contribute to the locally identified objectives and targets for recovery of nature that may be set out in the LNRS.	No change.
Natural England / 23577	The respondent suggests the SPD provides specific recommendations on SANGS measures for developments over 50 units.	Noted. Further guidance on SANGS will be provided through the Councils' evidence base.	No change.
	Section 4.28 (Page 18) Suffolk and Norfolk County Councils should be described as 'Responsible Authorities' rather than 'Responsible Bodies' in relation to Local Nature Recovery Strategies.	Agreed.	Changes made to the section on the LNRS.
	Section 5.9.2 (Page 39) suggests the SPD uses a different photograph of street trees that would better illustrate their value to an urban area.	Noted. The photograph was taken in Shawlands Road in Great Cornard therefore it is local to the districts. The Councils believe it illustrates the issue as we intended.	No change.

	Section 5.10.15 (Page 39). In this paragraph, the sentence which reads “The benefits they provide, ecosystem services, also contribute to natural capital when assigned monetary values” might be clearer if it read: ‘The benefits they provide (i.e. ecosystem services) also contribute to...’	Noted and agree.	Changes made to Para 5.10.15.
	Section 5.10.15 (Page 39). We advise you could consider including a reference to the Urban Tree Canopy Cover Standard (Green Infrastructure Standards for England, Natural England’s Green Infrastructure Framework).	Agreed, our Tree Planting Strategy will take into account these standards.	Additions made at Para 5.10.15.
Hopkins Homes / 23581	The respondent would like further clarity in para 3.6 and 3.6.7 on the requirements to complete the Appropriate Assessment for the RAMS contribution.	Noted. Guidance is set out in National Policy and Legislation.	No change.
	Notes it is not standard practice to submit GIS files in support of ecological assessments, nor is this a requirement of relevant legislation and national policy on BNG.	Noted. BNG has been amended to be in line with statutory framework. The submission of GIS Shapefiles will still be recommended for verification of proposed habitats, this will help towards providing evidence towards meeting the Councils’ strengthened biodiversity duty.	No change.
	The delivering BNG Off-site section would benefit from a reference to the Biodiversity Gain Hierarchy.	Agreed.	This amendment has been undertaken.

<p>Suffolk Wildlife Trust / 23582</p>	<p>The respondent proposes that applications which cannot demonstrate the protection of habitats should be refused.</p>	<p>Noted. The NPPF and Mitigation Hierarchy makes clear development which would result in damage to or loss of a site of biodiversity or geological value of regional or local importance (such as Local Wildlife Sites), including habitats of principal importance or the habitats of species of principal importance will not be permitted except in exceptional circumstances where the need for, and benefits of the development significantly and demonstrably outweigh the harm it would cause to the site, and the loss can be mitigated and compensation provided to achieve a net gain.</p>	<p>No change.</p>
	<p>Recommends changes to Para 4.13 as follows: “The BNG report will include habitat mapping that clearly sets out existing and proposed losses together with the proposed retention, enhancement, and creation of habitats, to meet the minimum 10% BNG requirement”.</p>	<p>The BNG section has been updated. Therefore, whilst the specific text may not be included, the broad principles are agreed.</p>	<p>BNG has been amended to be in line with statutory framework.</p>
	<p>Welcomes the ambition of the Councils to ‘encourage applicants to deliver at least 20% BNG where possible.’ and believe this position is both reasonable and justified.</p>	<p>The detailed comments and support of Suffolk Wildlife Trust are welcomed.</p>	<p>No change.</p>

	Recommended changes to Para 4.20, as its current wording risks causing significant confusion for applicants between the Biodiversity Gain Hierarchy and the general biodiversity / ecological mitigation hierarchy.	Agreed.	BNG has been amended to be in line with statutory framework.
	Urges the Councils not to set themselves so firmly against off-site measures that the delivery of BNG in Babergh and Mid Suffolk does not achieve the best outcomes for biodiversity.	Noted. Offsetting should always be the last option, on site gains are preferred wherever possible.	No change.
	Para 4.2.3. Strongly encourage the Councils to use S106 agreements or another appropriate legal agreement to secure funding and frameworks for monitoring, reporting, and enforcement of BNG requirements for all major development where a significant proportion of a development's BNG is achieved through on-site measures.	Noted. Where appropriate, the Councils will use planning obligations and/or planning conditions to achieve appropriate mitigation and/or compensatory measures and to ensure that any potential harm is kept to a minimum. Any planning conditions or S106 planning obligations which may be needed to secure significant on-site or off-site gains for at least 30 years (including any conditions relating to any subsequent reserved matters in relation to phased developments).	The Councils are using conditions and s106 agreements to ensure delivery and secure monitoring reports over the minimum 30-year period.
	Para 4.26 It should be noted that there may be cases in which it is not only not practicable, but not ecologically preferable, for off-site BNG to be delivered in accordance with the location hierarchy.	Noted. The mitigation hierarchy is enshrined in Government Policy. The Councils expect developers to be able to demonstrate how ecological issues have been considered and how an optimal Biodiversity	No change.

		Net Gain solution has been reached in the proposal.	
	Para 4.48 should read 'The Local Nature Recovery Strategy (LNRS), which is being led by Suffolk and Norfolk County Councils as responsible authorities'.	Noted.	Changes made to the section on the LNRS.
	Para 4.29 should read: 'In line with recommendation from Suffolk Wildlife Trust.	Noted.	Change made.
	Para 5.4.1 A specific reference should be made to County Wildlife Sites to make it clear to applicants that they must request information about CWS that might potentially be affected from SBIS.	Agreed.	Changes made.
	Para 5.5.2 'Preliminary Ecological Assessment' should be corrected to 'Preliminary Ecological Appraisal' to be consistent with commonly used terminology.	Noted and the wording changed to make this clearer.	Change made.
	Para 5.6.4 It would be more accurate to state that 'The purpose of HRA is to determine if a plan or project may affect the protected features of a habitats site before deciding whether to undertake, permit or authorise it.'	Agreed and the wording changed to make this clearer.	Changes made.
	As a more general comment, where the advice and guidance in the SPD is derived from more detailed advice and guidance published on Government or other external websites, it would be helpful to include links to this detailed guidance to signpost applicants to more information.	Agreed, relevant links will be highlighted in the text.	Relevant links highlighted.

<p>Sudbury Area Green Belt Group / 23583</p>	<p>The respondent recommends Para 2.8.4 needs reviewing to reflect Para 180(d) in the NPPF.</p>	<p>Disagree. Para 180 in the NPPF is already referenced within the Joint Local Plan, the SPD therefore does not need to repeat it.</p>	<p>No change.</p>
	<p>There is a conflict between the NPPF Hierarchy, and 4.1 of this policy which is worded “Policy SP09 (3) sets out that all development that would have an impact on a Protected Habitats Site, will be required to embed mitigation measures to avoid adverse effect on integrity”</p>	<p>Noted but this is not relevant to BNG.</p>	<p>No change.</p>
	<p>The SPD should include a warning against “mitigations” as many have a record of low success.</p>	<p>Disagree. The regulations are precise and do not require additional warnings. It is essential that developers can provide strong evidence demonstrating why avoidance and mitigation strategies are not viable options.</p>	<p>No change.</p>
	<p>Para 4.4(b) challenges why “avoidance”, within the Mitigation Hierarchy, would “not be possible”.</p>	<p>Noted. The mitigation hierarchy is a vital first principle that all applications must apply. It will be expected that impacts will be avoided on designated sites and priority habitats unless it can clearly be demonstrated that the needs of the proposal outweigh what is to be lost. If significant harm cannot be avoided in this way, development will not be permitted.</p>	<p>No change.</p>
	<p>The respondent believes the SPD gives so little prominence to Local Nature Recovery Strategy,</p>	<p>Noted. The Councils are actively involved and fully committed to support the production of the</p>	<p>Further explanatory text has been included in the document.</p>

	<p>this seems perverse and bodes ill for what the LNRS will achieve in reality</p>	<p>Norfolk and Suffolk Local Nature Recovery Strategy but are not leading on this. Work to create the document structure and draft final strategy document is progressing well and there is ongoing collaboration with partners to contribute case studies of nature recovery work already taking place. A link to website, with ongoing updates and developments will be added.</p>	
	<p>Para 4.9 recommends the policy should include a requirement to check if the habitat is approaching County Wildlife Standard (e.g. if it's Priority Habitat), and to apply the same protection that would be applied to a CWS.</p>	<p>Noted. Policy LP16 states development must protect designated and, where known, potentially designated sites.</p>	<p>No change.</p>
	<p>Para 5.6.3, HRA Appropriate Assessments will be sent to Natural England for their formal consultation response on their conclusions before any decision can be issued. Natural England and other wildlife organisations are similarly hard-pressed, there seems a clear need for a better system.</p>	<p>Noted, but these are not matters which can be resolved by the SPD.</p>	<p>No change.</p>
<p>Defence Infrastructure Organisation / 23584</p>	<p>The respondent raises concerns around aviation safety with the introduction of any off-site BNG and requests to be consulted on all sites which fall within statutory safeguarding zones</p>	<p>Noted.</p>	<p>No change.</p>
<p>Anglian Water Services Ltd / 23589</p>	<p>The respondent notes at Para 5.5.7 that planning conditions may include a number of requirements including a biodiversity</p>	<p>Noted. The conditions the Councils impose in these circumstances must be</p>	<p>No change.</p>

	enhancement strategy for species and wish to highlight that there may be circumstances where non-residential developments, such as infrastructure development, may be unable to meet specific enhancements.	appropriate. Applications are assessed on their own merits so there may be some differences in slightly more specific and unusual application types.	
	Highlights there may be circumstances where specific enhancements cannot be met due to security measures necessary on for some water treatment and water recycling sites	Noted. The conditions the Councils impose in these circumstances must be appropriate. Applications are assessed on their own merits so there may be some differences in slightly more specific and unusual application types.	No change.
	Supports the preparation of a Tree Planting Strategy and would welcome inclusion of measures to take account of minimising impacts on underground utilities such as water mains and sewers.	Noted. The relevance of the comments made on the Tree Planting Strategy will be considered and whilst the issues raised are recognised there are no recommended changes to the SPD.	No change.
	Emphasises the strategy should consider the growth of tree roots and increased heave and ground movement due to climate change.	Noted. The relevance of the comments made on the Tree Planting Strategy will be considered and whilst the issues raised are recognised there are no recommended changes to the SPD.	No change.
	Suggests tree retention and landscaping as part of SuDS should also be emphasised.	Noted. The Councils acknowledge that the design of SuDS can make a significant contribution to the ecological value of the site and best	No change.

		practice examples are set out in the susdrain link in the SPD.	
	Recommends 'Green Infrastructure Strategy' is retitled as a Green and Blue Infrastructure Strategy to emphasise the importance of blue infrastructure also.	Noted. The relevance of the comments made on the Green Infrastructure Strategy have been considered and whilst the issues raised are recognised there are no recommended changes to the SPD.	No change.
East Suffolk Council / 23592	The respondent notes that there is no current cross reference to the Suffolk Design: Streets Guide (2022) in the SPD to direct the reader to guidance on trees in a streetscape context.	Noted.	Reference made in Para 5.10.2.
	Para 1.1. has a typographical error. It should be 'breathe' not 'breath'	Noted.	Correction made.
	Notes a new RAMS may be published so the SPD should remove specific references and replace with 'refer to the latest RAMS version'.	Noted. However, any new RAMS will still be applicable to Local Plan Policy to which this SPD supports.	The text will be amended accordingly.
	Para 3.6.5 and 3.6.6 list the Habitats sites likely to be affected by development. It may be helpful if SPD also included clarification around the spend of RAMS funds and set out clearly that funds from both zones will be combined and spent across the strategy area.	Agreed.	Details of how the tariff is spent has been added in Para 4.
	Para 3.6.5 should be amended to include reference to the Minsmere- Walberswick Heaths and Marshes SAC. The correct title of the SPA and Ramsar site is 'Minsmere-Walberswick SPA	Noted and changes made.	Para 3.5.5 now references the 'Minsmere-Walberswick SPA and Ramsar Site'.

	and Ramsar Site' – reference to heaths and marshes only applies to the SAC.		
	Paras 3.6.14, 3.6.15, and 3.6.16 include information on the types of application the RAMS applies to. There is no mention here of reserved matters applications. It would be helpful to clarify the approach for such cases.	Noted. RAMS only applies to Outline, Full and Prior Approval applications that propose residential developments or forms of holiday accommodation. A reserved matters application is not a planning permission.	No change, Paras 3.6.14 to 3.6.16 already provide sufficient detail.
	Para 4.8 may read better in a bullet point format. The current format makes it easier to miss this key information.	Agreed.	Bullet points now included.
	Para 4.9, queries the introduction of GIS layers.	Noted. The Councils have taken the decision to recommend the use of GIS Layers as it is believed it is both reasonable and necessary to support both our BNG verification and monitoring duties.	No change.
	Para 4.22, bullet 3 The applicant doesn't have the ability to refuse to accept the standard BNG pre-commencement condition, it is applied by law not by the LPA on issuing the decision notice.	Agreed.	BNG has been amended to be in line with statutory framework.
	Para 4.25. This paragraph should also refer to off-site locations within the same National Character Area (NCA) as the development site, as this is also a criterion included in the spatial risk multiplier of the Statutory Biodiversity Metric.	Agreed.	Amendments made at Paras 4.24 to 4.27.

	Para 4.32 There is a typographical error. It should read “Integrated” not “Integral”.	Noted.	Change made.
Pigeon / 23595	The respondent notes that RAMS payments must be made before a decision is issued however for schemes where a S106 agreement is required, these payments would typically be secured as part of the S106 agreement with an obligation that they are paid prior to commencement of development.	Noted. The SPD does make clear that applicants can do it both ways, either via an online payment prior to a permission being granted or via s106 agreement. The s106 option is only suitable on larger scale sites where a s106 is required for another reason.	No change.
	Suggests the removal of the encouraged 20% BNG text as this is not supported by policy, and Paragraph 006 of the PPG (Planning Practice Guidance).	Disagree. The Councils consider it appropriate and reasonable to set the local policy context for the delivery of BNG through this SPD to ensure the best outcomes for biodiversity within the districts can be secured.	No change.
	Recommends further information is required on what information the Councils are expecting to be submitted for BNG delivery.	Agreed.	BNG has been amended to be in line with statutory framework.
	Highlights there is no Planning Practice Guidance requiring off site BNG to be within the same Local Authority.	Noted. The Councils considers it appropriate and reasonable to set the local policy context for the delivery of BNG through this SPD to ensure the best outcomes for biodiversity on the district can be secured.	No change.
	Suggests the SPD acknowledges off-site BNG will need to be agreed on a site-by-site basis and the SPD should provide examples.	Noted and changes made to place the responsibility on applicants to explain how they have reached the conclusion as	Text amended at Para 4.2.

		to why on site BNG is not achievable and also set out how they will compensate for any loss or impact on biodiversity through on and offsite improvements.	
	Further information needed to explain what ecological justification will be accepted to allow provision of BNG on alternative sites lower down the hierarchy.	Agreed.	BNG has been amended to be in line with statutory framework.
	Queries how the 10m ecological riparian buffer zone was established and the evidence behind it.	Noted. Table 11 of the Statutory Biodiversity Metric User Guide sets out riparian zone widths for different habitat types, which therefore require the use of the River Biodiversity Metric to ensure a 10% BNG for River Biodiversity Units can be achieved.	No change.
Environment Agency / 23597	Suggests more emphasis is needed on maintenance and monitoring to ensure projects are not neglected at a later date.	Noted. The Councils are using conditions and s106 agreements to ensure delivery and to secure monitoring reports in line with its statutory obligations.	No change.
Suffolk County Council / 23599	The respondent believes the driving factors behind biodiversity and BNG within the planning system under the requirements of the Environment Act 2021 have been slightly misrepresented.	Noted.	BNG has been amended to be in line with statutory framework.
	The introduction gives a very nice description of what biodiversity is, but it is not strictly accurate in planning terms. SCC would suggest splitting this into two sections: one on general "biodiversity" and another clarifying what falls	Agreed.	The SPD has now been amended to provide clarification on the Councils general biodiversity duties and those

	under BNG in planning terms (requirements and processes under the Environment Act 2021.		which arise from Biodiversity Net Gain.
	The Biodiversity Mitigation Hierarchy section likely includes all the necessary information but is unclear, it recommends restructuring this section according to the validation list, mirroring document names	Noted.	BNG has been amended to be in line with statutory framework.
	Recommends clearly separating legal minimum requirements (10%) from ambitions to achieve 20% net gain.	Agreed.	A clear separation has been undertaken.
	It might help to explain that the national credit scheme is a tariff with no management and monitoring responsibilities and is priced to reflect this - and that “onsite” and “local off-site” BNG delivery is encouraged where possible.	Noted. Offsetting should always be the last option, on site gains are preferred wherever possible.	No change
	Householder developments are exempt from BNG, so it suggests further clarity through the separation of what can be done to generally help “biodiversity” and what must be done under BNG and the Environment Act.	Agreed.	This has been addressed with revised text for biodiversity measures in householder applications.
Persimmon Homes / 23604	The respondent believes the SPD needs clearer definitions, with examples, of the measures and what makes these resilient to climate change.	Noted. Definitions are set out in the Glossary in Appendix 1. Examples of measures are set out in Chapter 5.	No change.
	Paras 4.14 – 4.19. To ensure the Council provides a consistent approach to decision making, it will be important to provide clarity in the SPD what situations / justifications the Council will ‘expect’ more, and how they justify that need.	Most developments must already demonstrate a minimum 10% measurable net gain for biodiversity, in line with the requirements of the Environment Act 2021. However, the Councils believe it reasoned justification to	No change.

		expect more than the bare minimum. This is why the Councils will be actively encouraging new developments (excluding change of use and householder applications) to meet a 20% net gain level where this can be achieved over the pre-development baseline conditions using biodiversity metrics.	
	Para 4.20 Further detail needed on how the Councils will assess applications where the Mitigation Hierarchy has been followed but on-site net gain cannot be achieved.	Noted. If an impact on the ecological value of a site is identified, the applicant will be required to set out precisely how that impact will be avoided, mitigated, or compensated for in accordance with the mitigation hierarchy. Where mitigation or compensation is being proposed, the applicant will also not be permitted to 'down trade' the habitat value by proposing to create habitats of lower distinctiveness than those lost. Any proposed change must also be agreed with officers at the earliest opportunity.	Various changes made to text on the Mitigation Hierarchy.
	Para 4.25. There is some misalignment with the BNG Statutory Framework in the location hierarchy.	Agreed.	BNG has been amended to be in line with statutory framework.

<p>Historic England / 23605</p>	<p>Respondent confirms that while they do not have any specific comments to make at this stage, they will be interested in receiving subsequent consultations on these and related documents.</p>	<p>Noted.</p>	<p>No change.</p>
<p>Sproughton Parish Council / 23608</p>	<p>The respondent believes maintaining genetic diversity needs to be built into the planning system.</p>	<p>Noted, but these are not matters which can be resolved by the SPD.</p>	<p>No change.</p>
	<p>Para 2.5: Suggest adding 'Green Spaces' – 'along with green spaces, footpaths, allotments.....'</p>	<p>Noted. References to Green Spaces are already included.</p>	<p>No change.</p>
	<p>Para 3.2(1) The transference of biodiversity to a far-flung site should be last resort. Utilising nearby sites should be the preference and first choice.</p>	<p>Agreed. The Councils expect all off-site BNG to be delivered within the districts and as close to the development site as possible where it is practical to do so.</p>	<p>No change.</p>
	<p>Para 3.2.(2) Mitigation should not be payments for wildlife improvements in other areas, the Councils should be pushing for local mitigation by designating more green spaces locally to improve the local biodiversity and local environment for residents, so they don't need to go out of district to access green spaces.</p>	<p>Noted. A key principle of BNG is that it seeks to 'avoid' adverse impacts and that any 'mitigation' and improvements are delivered on the site where the development is proposed. Compensation off site is generally a last resort. Where on-site mitigation is not possible or does not generate maximum benefit for biodiversity compensation should be delivered offsite and should be encouraged to contribute towards the Nature Recovery Network.</p>	<p>Relevant updates have been suggested in response to comments made</p>

	Para 3.2.(3). The meaning of this is unclear How do you judge what are Protected Habitat sites.	Noted. Priority Habitats are defined in the UK Biodiversity Action Plan and listed in accordance with s41 of the NERC Act 2006.	An amendment has been made to the Glossary to include definitions of both Priority Habitats and Priority Species.
	Para 3.4 The Sproughton Nature Reserve should be added to this document	Agreed.	The Sproughton Nature Reserve, with its formal designation in progress is now included in Appendix 6.
	The Councils should commit to helping local groups/Parish Council's create their own such sites then at least off-site mitigation will remain in the area.	Noted. The Councils are keen to support local communities to enhance their nature recovery activities and increase biodiversity. These measures form part of its Biodiversity Action Plan and do not need to be repeated within the SPD.	No change.
	5.4.1 The SBIS database is not particularly useful.	Noted, but these are not matters which can be resolved by the SPD.	No change.