

Appendix 2 Live Consultations

The reform of planning committees

Q15 Do you agree that certification of planning committee members, and of other relevant decision makers, should be administered at a national level? **No because members will also need to be trained in local planning issues and, in the case of National Park Authorities, also in their statutory purposes and duties. The training and certification should be carried out locally, but include a national online training course and certification requirements as part of that wider training.**

Q17 For quality of decision making the current threshold is 10% for major and non-major applications. We are proposing that in the future the threshold could be lowered to 5% for both. Do you agree? **National Park Authorities deal with a limited number of major planning applications due to their environmental constraints. This can mean that a small number of appeal overturns can make a big difference to the percentage. National Park Authorities should either be exempted entirely from this measure or there should be a numerical level of overturns that would be accepted without designation even if it breaches the percentage requirements.**

Improving the implementation of Biodiversity Net Gain for minor, medium and brownfield development

Reform of existing exemptions and introduction of new exemptions

Question: Do you support the following statements (yes/no):

- I. No changes should be made to exemptions **No**
- II. Some changes should be made (please state which options you support with thresholds were applicable) **Yes see below.**
- III. All minor development should be exempt. **No**

Question: Do you agree that the self and custom-building exemption should be removed and that it should be replaced with an exemption for a single dwelling house? **Yes the proposal to amend the self-build exemption to one for single homes is supported.**

Question: Do you agree with the proposal for a 0.1 hectare threshold? **Yes.**

Question: Do you agree the area de minimis threshold should be extended? **No.**

Question: Do you think the BNG requirement should be removed for minor development (for example including up to 9 residential homes) you provide evidence for your response where possible. **No. The South Downs National Park Authority strongly oppose the increase in exemptions for minor developments or the threshold for de minimis development. Exempting more (or all) minor developments from BNG risks seeing less nature within such sites, which are often within urban areas where nature is already depleted. There are also implications for the emerging off-site habitat bank market, especially if all minor development was exempted from BNG. Large sites are much more likely to be able to accommodate BNG on-site, therefore the financial support for off-site habitat banks tends to come from minor developments that do not have the capacity to accommodate all of their required biodiversity uplift on-site (Government estimates that 80% of all transactions for off-site credits are from minor development). This proposal will impact on the confidence of investors and landowners to put land forward for such habitat banks, and therefore the ability of the National Park Authority to meet its aspirations for nature recovery.**

Question: if minor development were to be exempted from BNG, do you agree that the de minimis threshold should be extended to cover other types of development outside of the minor development category having little or no impact on biodiversity? **No**

Question: Do you agree that parks, gardens and playing fields development, as defined above, should be partially exempt from BNG? Please give evidence where possible. **Yes provided that the development only directly impacts on low distinctiveness area habitats.**

Question: Do you agree that development whose sole or primary objective is to conserve or enhance biodiversity should be exempt from BNG? Please provide evidence where possible, including examples of developments that you think would be exempted. If yes, do you think there should be an upper size limit? **Yes, particularly for historic pond restoration and coastal realignment projects looking to restore salt marsh habitats. No need for a size limit.**

Question: Do you agree that temporary planning permission should be exempt from BNG? Please provide evidence where possible, including examples of developments that you think would be exempted. If yes, do you agree with the 5-year time limit? **No, the current 2-years is more appropriate. Also where the temporary permission is for a repeating event such as a festival that could have long term implications for biodiversity, it should be treated the same as permanent development.**

Streamlining the small sites metric and considering whether this could apply to medium development

Question: Do you think the SSM should be used for medium development? **No, greenfield sites for 10-49 homes will often be sensitive sites that should require the full rigour of the main Metric. However, there may be scope to apply the SSM to medium category brownfield sites with no priority habitat or protected species.**

Question: Do you think the SSM should be able to be used on sites with European protected species present? **No, if there is evidence that there are protected species present the full Metric should be used.**

Question: Do you think the SSM should be able to be used on sites with protected sites present? **No.**

Question: If these changes are taken forward, and the SSM is re-badged as a low impact metric. Do you think there should be any other restrictions on use of the SSM? **No.**

Question: Do you think the trading rules should be removed in the SSM (which contains only medium and low distinctiveness habitats)? **No, this would risk losing large areas of habitat such as scrub, which is valuable for a wide range of species, and replacement with Other Neutral Grassland, which is easier to manage but unlikely to support the same suite of species.**

If no, do you think the trading rules should be amended in the SSM to allow the losses of any medium distinctiveness habitat to be compensated for with any other medium distinctiveness habitat (but not with low distinctiveness habitats)? **Yes**

Question: Do you think habitat condition should be fixed at 'poor' for baseline habitats, and 'moderate' for the target condition of enhanced habitat in the SSM? **No, likely to under-estimate condition of existing habitats and would remove driver for developers to enhance or create habitats in good condition.**

Question: Are there any other changes to the SSM or metric process for minor and medium development that should be considered to overcome challenges or streamline the process? **No**

Question: Do you think some habitats of the same broad type with the same value should be amalgamated in the SSM? **Yes, provided scrub is not amalgamated with grassland.**

Question: Do you think the habitats in the SSM should be reviewed, to ensure they are easily identified by non-ecologists? **Yes**

Question: Do you think there should be a watercourse module in the SSM, or should all developments within the riparian zone of watercourse habitats use the main metric tool? **No, all developments within a riparian zone should use the main metric.**

Question: Do you think providing additional guidance on the identification and management of habitats in the small site metric would be helpful? **Yes**

Question: Do you think more clarity is required within the definition of a competent person undertaking a BNG assessment using the SSM, and reviewing the completed SSM? **Yes**
If yes, do you have any suggestions as to how competency could be defined for the SSM? **Name and job title, relevant training, qualifications and experience. Including completed of River Condition Assessment training where appropriate, in line with BS42020.**

Question: Should a different watercourse condition survey be employed for minor development using the watercourse metric? **Difficult to answer without knowing what a different condition survey would look like and whether it would be robust. Potentially for low and medium distinctiveness watercourses - ditches, culverts, canals.**

Question: Should a different watercourse condition survey be employed for minor development using the watercourse metric when there is no impact? **As above, without a robust survey you don't know if there will be an impact.**

Question: Do you think that minor developments should be able to agree with the relevant planning authority that they do not need to complete the watercourse module of the metric when there is no impact? **Potentially where the red line interacts with the riparian zone rather than the watercourse itself (i.e. within 10m of top of bank) but such a judgement would need to be made by a SQE (rather than a competent person), both on the developer and assessor side.**

Question: What specific features or improvements would you like to see in a digital version of the metric tools? **Ensure compatibility with most LPA systems (unlike current Excel sheets where some macros can't be enabled).**

Question: Do you think we should allow biodiverse features to be counted within vegetated gardens being created as part of a development? **No because ongoing retention and management cannot be secured.**

If yes, do you have any suggestions of how we should account for biodiverse features in vegetated gardens being created as part of a development? **No.**

Relaxation of the biodiversity gain hierarchy and disapplication or amendment to the spatial risk multiplier for minor development

Question: Do you agree the biodiversity gain hierarchy should be updated for minor development? **Yes**

Question: Would relaxing the biodiversity gain hierarchy for minor development support small developers to deliver BNG more easily? **Yes**

Question: Do you think placing off-site habitat enhancements with the same preference as onsite habitat enhancements for minor development would deliver better outcomes for nature? Please provide evidence to support your answer where possible. **Yes, overall, this proposal is considered to have positive benefits for nature as the Lawton report demonstrated that bigger, better and more joined-up sites work best for nature. This is easier to achieve off-site on strategic habitat banks. There are other design principles that local planning authorities can apply to small sites to encourage retention and creation of open natural areas within developments to support health and wellbeing of occupants, and these can be focussed on primarily meeting their needs with biodiversity benefits being secondary.**

Question: Should the Spatial Risk Multiplier assessment methodology be amended, so that it is based on Local Nature Recovery Strategy and National Character areas rather than Local Planning Authority and National Character areas? **No because this would mean that development causing biodiversity loss within the National Park could be off-set by biodiversity gains outside of the National Park. This would be contrary to our statutory purpose to conserve and enhance natural beauty and wildlife.**

Delivery of compensation for development on brownfield sites with open mosaic habitat, applicable to all development categories

Question: Should we review the metric habitat definition, condition assessment criteria and guidance to assist with the correct identification and classification of OMH? **Yes**

Question: Should we allow alternative habitat delivery for the loss of Open Mosaic Habitat? **Yes of equivalent ecological benefit and distinctiveness.**

Question: Do you have any suggestions as to the habitat mosaic which may provide the same ecological benefits as OMH or the key considerations we should be incorporating? **Chalk grassland, or scrub with bare ground.**

Question: Do you have any further suggestions of how we could improve the viability of brownfield sites with Open Mosaic Habitat present, in relation to their BNG requirement? **No.**

Biodiversity Net Gain for Nationally Significant Infrastructure Projects

Question 10: Do you agree that the proposed model text (on Considerations for the delivery of biodiversity gains) provides sufficient information on the wider considerations for delivering biodiversity gains?

Agree: The National Park Authority supports the Spatial Hierarchy, and in particular the use of the spatial risk multiplier to incentivise delivery of off-site habitat within the same local planning authority area as the development. The proposal to allow NSIPs to go straight to off-site provision without could have benefits to the National Park in supporting habitat banks and Local Nature Recovery Strategies. However, development causing biodiversity loss within the National Park should not be off-set by biodiversity gains outside of the National Park as this would be contrary to our statutory purpose to conserve and enhance natural beauty and wildlife.