

SUMMARY OF RESPONSES ON THE DRAFT BIODIVERSITY: SUPPLEMENTARY PLANNING DOCUMENT

Response ID	Respondent	Section of SPD	Comment	Council response and proposed changes to SPD
B1	Lynne Simons (Aspley Guise Parish Clerk & Responsible Financial Officer) Aspley Guise Parish Council	whole document	After consideration they agreed they had no comment to make, but are interested in seeing the final report once it is available.	Noted
B2	Nicki Farenden (Lands Administration Assistant) British Pipeline Agency Limited	whole document	Guidance note in relation to location of high-pressure petroleum pipeline system and a request that any works in the vicinity of the pipeline are carried out in accordance with our safety requirements. GIS pipeline map attached. Details of what information would be required if works were to involve crossing or working within the easement of the pipeline	Noted
B3	Tracey Jones (Community Officer/Committee Clerk Campbell Park Parish Council) Campbell Park Parish Council	whole document	The Planning, Infrastructure and Transport Committee of Campbell Park Parish Council considered this consultation at its meeting on 5th October 2020. The Committee resolved to support the Milton Keynes Biodiversity Supplementary Planning Document (SPD).	Noted

B4	Marie Battell (Individual)	Part 1 Map 2	<p>Since 1990 about 1 Hectare adjacent to Pineham House (MK19 7DP) has been run for wildlife conservation with 700 tree, a meadow area and 700 metres of hedge, and 3 ponds.</p> <p>In 1998 RSPB's Ivan Whitmore described it as a breeding centre. Since then it has become a regular hunting area for Tawny Owl, Kestrel and Sparrowhawk with occasional hunting visits by Barn Owl, Buzzard, Hobby and Red Kite. Polecats appear to be resident and Roe Deer are seen during parts of the year. Badger and Foxes feed here and in season Bats hunt over the ponds which also attract Dragonflies which formed part of a Swansea University research in 2008. More details if required.</p> <p>Index to species photographed is at http://www.moorhen.me.uk/iodsubject/iodsubject.htm We think it would be useful to add this area to the map. Aerial photo attached for 2015</p>	MKC welcomes the commitment shown to biodiversity however the SPD is not the intended document to include the detail provided. Consideration will be given to how this can be recognised and mapped outside of the SPD.
B5	Chris Fry (Senior Planner , Barratt David Wilson Homes Northampton Division) Barratt David Wilson Homes	Part 1	<p>The flow chart reads as though only sites that have an impact on protected species and priority habitats have to deliver Bio-diversity. The flow chart should not have a NO arrow from stage 1.</p>	Flow chart amended with arrow moved to make it clearer that biodiversity needs to be considered on all developments.
B6	Chris Fry (Senior Planner , Barratt David Wilson Homes Northampton Division) Barratt David Wilson Homes	Part 1 Para 6.5	<p>Paragraph 6.5 does not correspond with the flow chart, hence there should be not be a NO arrow from stage 1. Additionally, the paragraph gives no upper limit on the amount of bio-diversity net gain is required. Whilst a flexible approach to bio-diversity is welcomed, there needs to be outlined what the maximum amount of bio-diversity net gain is being sought.</p>	Flow chart amended. There is no reason to cap the level of biodiversity enhancements that an applicant would like to deliver.

B7	Chris Fry (Senior Planner , Barratt David Wilson Homes Northampton Division) Barratt David Wilson Homes	Part1 Para 6.21	Paragraph 6.21 identifies 6 distinct steps as part of calculating biodiversity. I believe that step 1 should be at step 4. The application of step 1 “avoid, mitigate, compensate” to understand the residual loss can only be done post steps 2,3,4.	Steps had been revised in light of the comments received.
B8	Chris Fry (Senior Planner , Barratt David Wilson Homes Northampton Division) Barratt David Wilson Homes	Part 1 Para 6.22	Please can significant harm be defined? Will mitigation for significant harm be counted towards the net gain calculator, which would reduce could have the ability to remove the “significant” harm.	Significant harm is related to the size and scale of the proposed development and the rarity/scarcity of the habitat or species under threat. The hierarchy is to avoid as a first measure thus avoiding significant harm, some habitats cannot be replaced i.e. ancient woodlands
B9	Chris Fry (Senior Planner , Barratt David Wilson Homes Northampton Division) Barratt David Wilson Homes	Part 1 Para 6.23	Compensation, should really only be considered when all efforts to avoid, minimise and mitigate have been exhausted.	6.23 states: <i>It should not be regarded as an alternative to avoidance and should only be considered if avoidance is unachievable</i>
B10	Chris Fry (Senior Planner , Barratt David Wilson Homes Northampton Division) Barratt David Wilson Homes	Part 1 Para 6.30	This is great. I would suggest that this is our preferred option at present. In future it may be that BDWH could provide land to offset the loss of habitat on development sites.	Noted - Offsetting should always be the last option, on site gains are preferred wherever possible
B11	Chris Fry (Senior Planner , Barratt David Wilson Homes Northampton Division) Barratt David Wilson Homes	Part 1 Para 6.31	The proposals for off-site compensatory measures a-d is only relevant if 3rd parties are to provide the offset. If Milton Keynes are to provide the offset then a-d are not relevant.	Regardless of who provides the off - setting the steps will be followed

B12	Chris Fry (Senior Planner , Barratt David Wilson Homes Northampton Division) Barratt David Wilson Homes	Part 1 Para 6.32	The paragraph refers to the need to assess the appropriateness of all biodiversity offsetting schemes shall be assessed by the Ecology Team. However, if Milton Keynes are to identify the biodiversity offsetting schemes then this statement is not relevant. It is suggested that the paragraph be amended to align with paragraph 6.30 and encourage developers to ask Milton Keynes Council what current bio-diversity offsetting sites there are available.	Regardless of who provides the off - setting scheme it will either have been assessed by MKC Ecologists if it is an MKC proposal or will be passed by MKC ecologists if it is provided by another. Text amended to improve coherence with para 6.30.
B13	Chris Fry (Senior Planner , Barratt David Wilson Homes Northampton Division) Barratt David Wilson Homes	Part 1 Para 6.33	It further follows that the SPD must be explicit that bio-diversity net gain should not be left to Reserved Matters stage. Like protected species, bio-diversity net gain should be calculated as part of the outline submission. Bio-diversity does not fall within the definition of reserved matters. Presume modelling, akin to a Site Wide FRA, would need to be submitted with outline applications that can demonstrate the ability to achieve net gain. Barratt Homes have sought QC opinion on the ability for Local Authorities to impose conditions requesting net gain that conclude that the principle of achieving net gain needs to be demonstrated as part of the outline approval. We would be more than willing to share this information with the Council.	Correct - biodiversity is not a Reserved matter, however it may be necessary on large developments to have a principle BIA followed by multiple phases. Paragraph 5.6 added to reflect that
B14	Chris Fry (Senior Planner , Barratt David Wilson Homes Northampton Division) Barratt David Wilson Homes	Part 1 Para 6.34	Inconsistencies with the paragraph 6.30. The applicant is now required to locate and secure an appropriate site. Notwithstanding that, why would the applicant need to provide a financial payment if they have secured land that can accommodate such a loss? The land can be secured to deliver the biodiversity net gain as part of a schedule within the S106 "biodiversity offsetting".	6.3 states either MKC or the applicant can source a scheme. Wording changed to make this clearer.
B15	Chris Fry (Senior Planner , Barratt David Wilson Homes Northampton Division) Barratt David Wilson Homes	Part 1 Para 6.36	Whilst akin to the Warwickshire Bio-diversity Impact Assessment, at 20% Management cost, the 20% formula shown in paragraph 6.36 would read as though the 20% is a year on year incremental % applied to derive at the management cost. Is this correct?	Para 6.36 was removed .

B16	Virginia Bell (MK Laudato Si Group)	Part 1 Para 4.4	<p>Add to 4.4 or have as a separate item between 4.6 and 4.7:- “Development practices help or hinder wildlife. For example, developers can help by planting native species of plants which are low maintenance, rather than grass which needs mowing, and by not storing topsoil by piling it in such a way that all life in the soil dies. Buildings could be made rat proof (e.g. cables protected from rodent damage) to avoid the use of poisons. Construction materials should be non-polluting in their manufacture and use.”</p> <p>Reason for addition:- To let developers know what is expected of them regarding good practice.</p>	More detail had been added on onsite improvements.
B17	Virginia Bell (MK Laudato Si Group)	Part 1 Para 6.1	<p>Concerning:- “Stage 6: Planning application granted – Construction phase: Ensure good practise is followed during construction”... Add “...and that consideration is shown to animal wildlife.” The Reason for the change:- Developers should be made aware that consideration for fauna is expected of them throughout the development process. Developers should avoid/mitigate harm to any animal species.</p>	The matter is covered by term good practice.
B18	Virginia Bell (MK Laudato Si Group)	Part 1 Para 6.17	<p>Can this section read as follows:- “Increased permeability across gardens by the means of hedgehog tunnels, spaces under fencing and other features should be included where appropriate. Advice on good practice should be given to householders, for instance on how to avoid garden chemicals and how to discourage cats. Also, householders should be made aware of the risks posed by exotic pets and should be deterred from owning them. If temporary features such as log piles are included, it must be demonstrated through the management plan how this will be sustained. If such features are included the new owners of the properties must be informed as to the purpose of the features and the requirement to maintain them.”</p> <p>The Reason for the change:- Gardens are very important areas for wildlife. Wildlife will not thrive unless we look after this essential wildlife corridor. Gardens will be viable habitats only if good practice is used in looking after them, which means no cats, organic cultivation, native plants.</p> <p>The RSPCA is overwhelmed by unwanted or discarded exotic pets. These are alien species which can and do escape into the wild or are deliberately released when owners realise how difficult they are to look after. At the same time the Government kills numbers of alien species which now inhabit our countryside. The added words would</p>	Information to householders had been incorporated. Other information such as exotic pets and cats is outside the scope of this SPD.

			back up page 23 Section 3.1h "The identification of risks. E.g. spread of pathogens or invasive non-native species."	
B19	Virginia Bell (MK Laudato Si Group)	Part 1 Para 6.21	<p>Concerning:- "The council requires all development proposals of 5 or more dwellings or non-residential floorspace in excess of 1,000m2 losses/gains to the biodiversity value occurring to a site through development to be measured (Policy NE3)."</p> <p>Comment:- All planning applications, however small, should have some sort of initial screening for an assessment before being allowed. And all species, whether protected or not, should be taken into account.</p>	All applications have a level of screening, this paragraph refers to Policy NE3 of the Plan:MK specifically.
B20	Virginia Bell (MK Laudato Si Group)	Part 1 Para 6.24	<p>. The 2nd sentence to contain the word 'far', 4th word from the end:- "Applications involving proposals to compensate for loss or damage to the following nature conservation features will be refused unless the need for, and benefits of, the development in that location has been demonstrated to far outweigh their loss." The reason for change:- This emphasises the weight this Local Authority gives to biodiversity. Developments can look for suitable sites; our vulnerable natural resources should be protected before there's nothing left.</p>	The word "far" does not add anything substantive.

B21	Virginia Bell (MK Laudato Si Group)	Part 1 Para 6.25	<p>Include the words “if they are viable” as follows:- “Compensation must be measurable and can take the form of: • The creation of new nature conservation features/habitats, if they are viable, within the development site to replace those lost or damaged.”</p> <p>The reason for change:- Integrating environmental features in a housing area can sometimes be detrimental to the welfare of wild animal and plant species, and offsetting schemes can therefore be environmentally desirable. You should weigh up which species will be ok with people around and which won’t. A pond with frogs and spawn will be raided by children, for example.</p>	The compensation would be assessed in the planning application process and appropriate consideration would be given to viability through the process.
B22	Virginia Bell (MK Laudato Si Group)	Part 1 Para 6.40	<p>Concerning:- “Procedures for dealing with unexpected discoveries, such as previously undetected protected species or injured wildlife. If a protected species is found, even after planning permission has been granted, the developer should stop work immediately and contact Natural England for further advice.”</p> <p>Add “If an injured or vulnerable (young) animal is found, they should be protected from disturbance and a vet or the RSPCA should be contacted immediately.”</p> <p>The reason for change:- Such action would be expected of anyone at any time. Developers should not be excluded from responsible behaviour.</p>	Noted. This is covered by best practice.
B23	Virginia Bell (MK Laudato Si Group)	Part 2 Para 3.1	<p>Concerning: “The identification of risks, e.g. spread of pathogens or invasive non-native species.”</p> <p>Comment:- Exotic pets are a risk to wildlife. The RSPCA can testify as to the difficulty of looking after them and how they can escape or be released into the wild. People should be deterred from owning them, as part of advice given by developers to householders.</p>	Noted. This falls outside the scope of this SPD.

B24	Virginia Bell (MK Laudato Si Group)	Annex B	<p>Concerning:- “Are any habitats/species of principal importance identified?”...</p> <p>Add “...or any habitats/species which could contribute to the enhancement of those of principal importance?”</p> <p>The reason for change:- The viable ecology of an area depends on the interaction of all established species present.</p>	Noted. Text amended accordingly.
B25	Nalinin Wilkins (Environment Manager) SGN	Section 3 and 6	<p>It is not clear how the proposed Preliminary Ecological Appraisal meets the requirements of the Habitats Regulations Assessment (HRA) in accordance with the Conservation of Habitats and Species Regulations 2017 (as amended).</p> <p>It is to be expected that many large development projects may trigger the requirements for a HRA; therefore, it would be beneficial to developers to understand how the two processes are aligned.</p>	<p>The SPD does not change the requirements around the Environmental Impact Assessments (EIA) and requirements of the Habitats Regulation Assessments. The Screening process for the needs of EIA/HRA remains the same and falls outside of scope of this SPD. Adopted local validation list provides guidance on environmental statements and states that applicants should provide a Preliminary Ecological Appraisal (PEA) (Phase 1 Survey) and any necessary Protected Species or Habitat Surveys (Phase 2 Surveys) as identified in the PEA.</p>

B26	Nalinin Wilkins (Environment Manager) SGN	Part 1 Para 6.19	<p>Given the potential cost to developers with regards to fulfilling the minimum requirements of a 10% biodiversity net gain, further guidance is required under this section, for example, but not limited to:</p> <ul style="list-style-type: none"> • What is meant by “10% increase over the predevelopment condition”? • What is Council’s expectation over the two year transition period? Does this include development where planning application has been made but not yet decided? When does the transition period start and end? • Is the objective to use Defra’s Natural Capital Tool to measure biodiversity? • Is the net gain limited to biodiversity or can this include net increase in natural capital? 	<p>At present, any requirements for biodiversity offsetting increase or ‘replacement percentage’ are set by negotiation with the Local Planning Authority and in accordance to Plan:MK policies, NPPF and other material considerations. The draft Environment Bill is setting the minimum increased amount or ‘replacement percentage’ to be set at 10% above the biodiversity unit value of the habitats lost. This likely will become compulsory with any off-site biodiversity enhancement to be registered and maintained for at least 30 years. Net gain is already a requirement under Plan:MK. It is expect the DEFRA Biodiversity Metric will become the national standard. Defra has developed a set of measures to help developers and others work out how many biodiversity units a site includes before and after development. The net gain refers to biodiversity, improvements to biodiversity / habitats are also going to contribute to natural capital .</p>
B27	Suze Miller (Individual)	Part 1 Para 2.2	<p>Respondent notes poor local level of biodiversity is and that in order to become the world’s “greenest and most sustainable” city (2.3) whilst we have a planning document that offers the possibility of destroying biodiverse habitats as long as there is compensation. If we are really genuinely aiming to be the greenest and most sustainable city SPD is not ambitious enough.</p>	<p>Noted. The SPD cannot set new targets or policies but expands upon the existing local and national targets.</p>
B28	Suze Miller (Individual)	Part 1 Para 4.8	<p>4.8 (p7) to protect and enhance biodiversity text should read “if significant harm to biodiversity resulting from a development cannot be avoided or adequately mitigated, then planning permission should be refused.”</p>	<p>This paragraph references part B of the existing Policy NE3 of Plan:MK therefore cannot be changed.</p>
B29	Suze Miller (Individual)	Part 1 Para 4.16	<p>It is suggested to apply for the Flood Plain Nature Reserve to receive LNR status with Natural England to protect it for long into the future, and ensure we are evaluating our work to make sure we are using it to maximum biodiversity outcomes.</p>	<p>MKC does not own the land in question. The site is owned by Parks Trust.</p>
B29	Suze Miller (Individual)	Part 1 Para 5.1	<p>Respondent notes some valuable points are made in section 5.1 and suggests that MKC actively supports proposals where developers go beyond what is required. More weight to be given into sustainable design with biodiversity enhancing features through planning application process</p>	<p>Noted</p>

B30	Suze Miller (Individual)	Part 1 Table 1	Stage 3 – if the answer to the question “Will the development result in biodiversity net gain” is “no”, planning permission really shouldn’t be granted. Offsets, commissions to achieve other net gains, or purchase credits just shouldn’t be options if we are seriously prioritising biodiversity. Either the development proposal does not cause significant harm, or it can be mitigated, or it just shouldn’t go ahead.	It is not always possible to get a net gain on site, particularly for warehouse or industrial development - Local Authorities have to provide a set allocation of land for this type of development.
B31	Suze Miller (Individual)	Part 1 Para 6.13	given all we know about connectivity and the wider landscape, should the “need to assess the effects of proposed habitat beyond the site boundary” be made a compulsory assessment?	Added in Annex B or any habitats/species which could contribute to the enhancement of those of principal importance
B32	Suze Miller (Individual)	Part 1 Para 6.16	really important point – could this go as far as stipulating that the exact means of integrating into the wider environment should be determined and agreed in collaboration with an ecologist/biodiversity officer (i.e. some sort of professional expertise) to maximise the benefits to biodiversity in the wider area?	MKC ecologists will work with applicants to maximise the benefits.
B33	Suze Miller (Individual)	Part 1 Para 6.19	10% target not ambitious enough. MKC should be aiming for higher e.g. 20%	The SPD cannot set new targets/standards but only expand upon the existing local plan policies and reference national targets.
B34	Suze Miller (Individual)	Part 1 Para 6.22	if we are truly committed to improving biodiversity, this ought to read “where development would result in significant harm to a protected/priority species/habitat appropriate planning conditions or obligations will be required to adequately mitigate for the harm” (i.e. delete “or compensate”)	The SPD needs to be in line with the local plan and national planning policy and those allow for the compensation to take place.
B35	Suze Miller (Individual)	Part 1 Para 6.24	Para should read: read “applications involving proposals to compensate for loss or damage to the following nature conservation features will be refused.” If we are insistent on accepting compensation as a viable option (which I don’t think we should be), it absolutely shouldn’t be acceptable in the case of ancient woodland, veteran trees or ancient hedgerows – it is well known and well documented not just that these offer unrivalled benefits to biodiversity, but it is also well understood that nothing effectively compensates for their loss. There should be no circumstances where it is acceptable to cause harm to any of these features of the natural environment.	Ancient woodlands, veteran trees, wood pasture and hedgerows are given protection through the National Planning Policy Framework (NPPF), which states that ‘development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists’. Ancient woodlands that are listed in the Ancient Woodland Inventory (AWI) have been deemed to be irreplaceable habitats and some will also have legal protection through other designations such as SSSIs. Other irreplaceable habitats include blanket bogs, limestone pavement, sand dunes, salt marsh and lowland fen. Specific trees and Groups can also be covered by Tree Preservation orders.

B36	Suze Miller (Individual)	Part 1 Para 6.33	Information in this paragraph is important and it is suggested to move it earlier in the document. ? At the point at which a developer is considering the impact on biodiversity locally, they ought to be considering the wider local natural environment, rather than it being treated as an afterthought.	The SPD cannot set new targets/standards but only expand upon the existing local plan policies and reference national targets.
B37	Suze Miller (Individual)	Part 1 Para 6.36	Respondent suggests creating a biodiversity action fund, into which ALL developments, on top of any mitigating costs they might incur, should pay a small fee. The fund could be used to pay for other biodiversity-enhancing projects in and around MK.	Development will need to demonstrate a net gain. An additional fund scheme will be given consideration outside of the works of this SPD.
B38	Ellen Satchwell (Sustainable Development Lead Advisor) Natural England	whole document	<p>Supportive of the content and layout of the SPD which is easy to follow and understand. The SPD reflects a commitment to deliver the Government's 25 Year Environment Plan to create ecological links, networks and green corridors for nature and people to enjoy.</p> <p>Biodiversity enhancement</p> <p>The SPD signposts the reader to incorporate features which are beneficial to wildlife within development, in line with paragraph 118 of the National Planning Policy Framework (NPPF). You may wish to consider providing guidance on, for example, the level of bat roost or bird box provision within the built structure, or other measures to enhance biodiversity in the urban environment. (examples provided)</p> <p>Green Infrastructure</p> <p>Natural England welcome the reference to the importance of Green Infrastructure (GI) within development. The SPD could make reference to the significant opportunities to retrofit green infrastructure in urban environments (examples provided) and consider issues relating to the protection of natural resources, including air quality, ground and surface water and soils within urban design plans. Landscape enhancement The SPD may provide opportunities to enhance the character and local distinctiveness of the surrounding natural and built environment; use natural resources more sustainably; and bring benefits for the local community, for example through green infrastructure provision and access to and contact with nature.</p>	Noted and incorporated - para 6.35

B39	Annie Ottaway (Senior Biodiversity & Planning Officer) Berks, Bucks & Oxon Wildlife Trust	whole document	<p>BBOWT welcomes the SPD on Biodiversity and supports the overarching aims and objectives</p> <p>The SPD has in places confused the requirements for protected species, habitats and designated sites with the Biodiversity Accounting Scheme and more broadly the principles for achieving biodiversity net gain and for building biodiversity into the built environment.</p> <p>Information provided regarding requirements for protected species and level of legislative protection. Clarification regarding what is to be understood by regarding Priority Species & Habitats and the need to include assumption against the loss or harm to these within the SPD. Details on designated sites, local wildlife sites and their importance. It was noted that the SPD should expand on the importance of these sites to MK and set out specific measures that MK would expect a development proposal to incorporate (examples were provided for those measures. Reference made to CIEEM and its 10 principles which must be applied to achieve biodiversity net gain (see Biodiversity Net Gain: Good practice principles for development). Respondent noted that NEP's Buckinghamshire & Milton Keynes Biodiversity Accounting Scheme - One of the principles of achieving biodiversity net gain is 'make a measurable net gain contribution'. This is where tools such as the Defra Biodiversity Metric have been produced to help provide a quantitative assessment of the changes in biodiversity value of a site. Notes about the use of DEFRA metrics were provide where the respondent considered that DEFRA metrics only considers general habitats and so should be used in addition to all of the above (species, priority habitats and designated sites need separate consideration first). It should be used after the mitigation hierarchy has been applied to answer the question 'is the proposed avoidance, mitigation and compensation provided for general habitats sufficient for this development proposal?'. For development sites which don't have unresolved impacts on protected or priority species & habitats, irreplaceable habitats or designated sites and which despite applying the mitigation hierarchy and the best practice principles for achieving biodiversity net gain, still result in a measured loss of biodiversity, there is the option of compensating for this net loss via an offsite habitat compensation scheme. The NEP's Biodiversity Accounting Scheme sets out a locally agreed way to achieve this whilst best benefitting local nature conservation objectives. Building biodiversity into the built environment – there is no specific definition, but this most often refers to ways to incorporate biodiversity features in more urban settings. For example, green roofs, street trees, SUDs, bird and bat boxes.</p> <p>respondent suggested making reference to the Nature Accreditation</p>	<p>Noted. The NEP scheme was in its draft form at the time of writing. Making reference to private companies and their standards is not appropriate. It is not the intention of the SPD to be a database for MK sites. or protected species and habitats.</p>
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			<p>Scheme which MK within the SPD (https://www.buildingwithnature.org.uk/about) The respondent proposed restructured headings for the SPD.</p>	
B40	<p>Annie Ottaway (Senior Biodiversity & Planning Officer) Berks, Bucks & Oxon Wildlife Trust</p>	Part 1	<p>Suggests amending the title of Part 1 to 'Principles for achieving biodiversity net gain in MK' since the part incorporates a much wider scope than it is referring to.</p>	Noted. Title amended.

B41	Annie Ottaway (Senior Biodiversity & Planning Officer) Berks, Bucks & Oxon Wildlife Trust	Part 1 Para 1.2	This SPD covers all ecological considerations not just protected and priority species and habitats.	Noted and text added to reflect that.
B42	Annie Ottaway (Senior Biodiversity & Planning Officer) Berks, Bucks & Oxon Wildlife Trust	Part 1 Para 1.3	Biodiversity Offsets are one of many topics covered by this SPD. Proposed to delete: On occasions where it is not possible the SPD details what the Council requires a developer to consider when incorporating ecological compensation (including Biodiversity Offsets) within their development scheme	Text amended to say: 'The SPD details what the Council requires a developer to consider when incorporating ecological compensation (including Biodiversity Offsets) within their development scheme'.
B43	Annie Ottaway (Senior Biodiversity & Planning Officer) Berks, Bucks & Oxon Wildlife Trust	Part 1 Para 1.4	Proposes change to say: Biodiversity should be seen as a way to add value to a well-conceived design.	Noted and mended.
B44	Annie Ottaway (Senior Biodiversity & Planning Officer) Berks, Bucks & Oxon Wildlife Trust	Part 1 Para 2.2	Suggests amending the section to make more reference to MK area. Last sentence amend to say (...) 13 out of 52 (...)	Noted and amended.
B45	Annie Ottaway (Senior Biodiversity & Planning Officer) Berks, Bucks & Oxon Wildlife Trust	Part 1 Para 3.1	Suggesting adding reference to full para 174 of the NPPF rather than selected bullet points.	Noted reader signposted to full details in NPPF.
B46	Annie Ottaway (Senior Biodiversity & Planning Officer) Berks, Bucks & Oxon Wildlife Trust	Part1 Para 4.7	Proposed change to say: Policy NE3 requires development proposals to maintain and protect biodiversity and geological resources, and where possible deliver a measurable net gain in biodiversity.	Noted and included.
B47	Annie Ottaway (Senior Biodiversity & Planning Officer) Berks, Bucks & Oxon Wildlife Trust	Part 1 Para 4.9	Proposed change to say: . These priority habitats include ancient semi-natural woodland and grasslands, along with rivers and ponds which support a wide range of flora and fauna including many different mammals, birds, insects and plants.	Noted and amended (Semi improved removed to grassland).

B48	Annie Ottaway (Senior Biodiversity & Planning Officer) Berks, Bucks & Oxon Wildlife Trust	Part 1 Para 4.10	Proposed change to say: Legal protection for the natural conservation varies, but all are protected through the planning system. Reason for change: The paragraph is about designated sites, not all natural features - which are not always protected.	Line added to 4.9 to say all wildlife is considered within the planning process, not necessarily protected.
B49	Annie Ottaway (Senior Biodiversity & Planning Officer) Berks, Bucks & Oxon Wildlife Trust	Part 1 Para 4.11	Respondent recommends that this SPD sets out for each SSSI the risks to the site and expectations for avoidance/mitigation measures if development is nearby. For example requiring specific buffers, alternative provision of land for recreation or contributions towards any increase in management of the sites.	The SPD cannot set new targets/standards but only expand upon the existing local plan policies and reference national targets.
B50	Annie Ottaway (Senior Biodiversity & Planning Officer) Berks, Bucks & Oxon Wildlife Trust	Part 1 Para 4.12	NIAs are not so relevant to MK - of greater significance is the proposal for Local Nature Recovery Strategies which LPAs will need to produce and will likely replace BOAs as the vision for how to put nature into recovery.	Noted . Upcoming government guidance is likely to clarify the matter.
B51	Annie Ottaway (Senior Biodiversity & Planning Officer) Berks, Bucks & Oxon Wildlife Trust	Part 1 Map 1	Respondent recommends that Rail and Wet need wildlife corridor legend is swapped, and the colour scheme of this map could be clearer. As there is a lot on there and some designations overlap, I suggest layering the map with the 'highest' designations on the top layer so question whether the MK Wildlife Sites not the same thing as LWSs but just within MK? If yes to be coloured same on the map to avoid confusion.	Map revised to reflect the change needed. Link to My Milton Keynes and My Maps added to access GIS layers.
B52	Annie Ottaway (Senior Biodiversity & Planning Officer) Berks, Bucks & Oxon Wildlife Trust	Part 1 Para 4.14	Proposed change to say: Those are sites within the borough which are important at a county wide level and are presently under review and where appropriate will be subsumed into the Wildlife sites designation.	Noted.
B53	Annie Ottaway (Senior Biodiversity & Planning Officer) Berks, Bucks & Oxon Wildlife Trust	Part 1 Para 4.19	To add 'which' between developments and impacts.	Noted and added.
B54	Annie Ottaway (Senior Biodiversity & Planning Officer) Berks, Bucks & Oxon Wildlife Trust	Part 1 Section 5	Respondent suggests content of section 5 is a repeat of that in section 6 but section 6 provides a more comprehensive description of what is required. Suggests merging these sections to avoid confusion from conflicting statements.	Text revised to clarify the process.

B55	Annie Ottaway (Senior Biodiversity & Planning Officer) Berks, Bucks & Oxon Wildlife Trust	Part 1 Para 5.1	Respondent suggests deleting last sentence of Para 5.1 and suggests alternative text should be provided to avoid repetition of later chapters and to prevent the SPD jumping straight to the topic of offsetting before the mitigation hierarchy has been described/followed.	Noted . The paragraph outlines MKC's approach.
B56	Annie Ottaway (Senior Biodiversity & Planning Officer) Berks, Bucks & Oxon Wildlife Trust	Part 1 Para 5.2	It is suggested that an example is provided such as BS42020 or best practice guidance such as Bat Surveys for Professional Ecologists: Good Practice Guidelines. Last sentence add 'date' after 'up-to'. All proposed development which affects the natural environment should submit at least a preliminary ecological appraisal. Not just those impacting designated sites and priority habitats and species. The PEA will then recommend the necessary further surveys that are required to identify likely impacts on designated sites, priority habitats and species, protected species and/or notable species and habitats	Noted and amended.
B57	Annie Ottaway (Senior Biodiversity & Planning Officer) Berks, Bucks & Oxon Wildlife Trust	Part 1 Para 5.4	proposed in the last sentence to delete 'collation' and replace with 'collection'.	Noted - reference to collation is to make sense of data over a period, added collection.
B58	Annie Ottaway (Senior Biodiversity & Planning Officer) Berks, Bucks & Oxon Wildlife Trust	Part 1 Para 6.1 Stage 2	Comment: Following best practice guidelines	Best practice referred to in introducing paragraph.
B59	Annie Ottaway (Senior Biodiversity & Planning Officer) Berks, Bucks & Oxon Wildlife Trust	Part 1 Para 6.1 Stage 3	Respondent suggests that CIEEM's 10 principles for achieving net gain to be applied. Suggests adding 'net' after biodiversity and adding 'Undertake' before pre-development (to separate the text to make a new sentence.	Noted sentence split, guidance mentioned in introduction paragraph to table.
B60	Annie Ottaway (Senior Biodiversity & Planning Officer) Berks, Bucks & Oxon Wildlife Trust	Part 1 Para 6.1 Stage 4	Respondent adding a step between 3 and 4 about reconsidering the site design to increase the on-site avoidance, mitigation and compensation. Then ask if the project still results in a net loss of biodiversity. It should be made clear in this diagram that where harm to certain sites, habitats or species has not been adequately avoided planning permission may be refused.	Noted and check point added.

B61	Annie Ottaway (Senior Biodiversity & Planning Officer) Berks, Bucks & Oxon Wildlife Trust	Part 1 Para 6.2	Respondent suggest that to add clarity it should be added that it would be anticipated that all major developments will submit a PEA and are likely to require further surveys. Minor developments which include the removal of vegetation would be anticipated to submit a PEA or if they impact any feature listed in the Planning Application Validation: Milton Keynes Requirements for Biodiversity (Part 2), a survey report for the relevant species.	The local list of validation requirements highlights that applicants should provide a Preliminary Ecological Appraisal (PEA) (Phase 1 Survey) and any necessary Protected Species or Habitat Surveys (Phase 2 Surveys) as identified in the PEA.
B62	Annie Ottaway (Senior Biodiversity & Planning Officer) Berks, Bucks & Oxon Wildlife Trust	Part 1 Para 6.5	Respondent suggests setting set what t level of gain will be expected. BBOWT suggests a 20% gain to help achieve the ambitions of the Local Biodiversity Action Plan.	The SPD cannot set new targets/standards but only expand upon the existing local plan policies and reference national targets.
B63	Annie Ottaway (Senior Biodiversity & Planning Officer) Berks, Bucks & Oxon Wildlife Trust	Part 1 Para 6.6	Respondent suggests that a Green Infrastructure Map should be provided within this SPD or a link to a 'live' map which shows the existing network of sites and habitats as well as the vision and opportunities for enhancing it are.	Link to My Milton Keynes provided.
B64	Annie Ottaway (Senior Biodiversity & Planning Officer) Berks, Bucks & Oxon Wildlife Trust	Part 1 Para 6.9	Respondent suggests adherence to CIEEM's Biodiversity Net Gain: Good practice principles for development.	Guidance is reference in the document and can be referred to and considered best practice, but it is not obligatory.
B65	Annie Ottaway (Senior Biodiversity & Planning Officer) Berks, Bucks & Oxon Wildlife Trust	Part 1 between 6.9 and 6.10	Respondent suggests amending 'Mitigation' to 'Mitigation Hierarchy' so that it doesn't appear that the first step of 'avoid' has been missed.	Noted.
B66	Annie Ottaway (Senior Biodiversity & Planning Officer) Berks, Bucks & Oxon Wildlife Trust	Part 1 Para 6.19	Respondent states that it is not clear what the requirement for MK will be and it suggests that s the national minimum is 10% and MK desires to be the 'world's greenest and most sustainable city' that MK adopts a 20% biodiversity net gain as the requirement for developments within MK.	The SPD cannot set new targets/standards but only expand upon the existing local plan policies and reference national targets.

B67	Annie Ottaway (Senior Biodiversity & Planning Officer) Berks, Bucks & Oxon Wildlife Trust	Part 1 Para 6.20	Respondent states that this paragraph is misleading. The metric tool measures changes in habitat value only and doesn't include specific mitigation features for individual species such as bat and bird boxes as the biodiversity value of these is not quantified. Biodiversity Accounting sits alongside but separately to assessing, avoiding and mitigating impacts on species and sites. Respondent suggests deleting 'bird nesting and bat roosting opportunities' and replacing it with Street trees and areas of species rich grassland, Suggested to add ' or subsequently in the local Nature Recovery Strategy' after '(...) Biodiversity Opportunity Map'.	Mitigation measures removed from this section to remove potential confusion .
B68	Annie Ottaway (Senior Biodiversity & Planning Officer) Berks, Bucks & Oxon Wildlife Trust	Part 1 Para 6.21	Respondent suggests that It is confusing having 6 steps within step 4 - especially as there is some overlap. It is recommended that the two are separated; with a later chapter providing the detail on Biodiversity Accounting, preferably using the wording provided by the NEP in their draft Biodiversity Accounting SPD. This section is best limited to explaining how using a biodiversity metric tool can be part of the process of achieving biodiversity net gain.	Sections revised to reflect the comment.
B69	Annie Ottaway (Senior Biodiversity & Planning Officer) Berks, Bucks & Oxon Wildlife Trust	Part 1 Para 6.23	Second sentence after 'unachievable' add 'and the value of the proposed scheme is deemed to outweigh the value of the environmental impact'.	Noted and included.
B70	Annie Ottaway (Senior Biodiversity & Planning Officer) Berks, Bucks & Oxon Wildlife Trust	Part 1 Para 6.24	Respondent states that para does not follow NPPF. Proposals resulting in harm to irreplaceable habitats will be refused unless there are wholly exceptional reasons (for example NSIP and TWAO projects). We recommend that this paragraph is reworded to reflect this. Using the phrase 'irreplaceable habitats' is important as while the 3 types lists (ancient woodland, veteran trees and ancient hedgerow) are the most likely in MK, there are other habitats which may meet the definition, such as certain meadow grassland and fens. It should be made clear that Biodiversity Net Gain does not apply for impacts on irreplaceable habitats (and statutory designated sites) as it is not possible to achieve a net gain if these are harmed.	Noted and reference to NPPF glossary added.

B71	Annie Ottaway (Senior Biodiversity & Planning Officer) Berks, Bucks & Oxon Wildlife Trust	Part 1 Para 6.25	Comment regarding 4th bullet point suggests stating that the offsets should be 'ideally within or close to MK' as without MK having identified opportunities for locations for habitat creation and enhancement sites it may not always be possible to find sites within the council boundary. Sites in other districts but close to MK could be considered in these instances.	Noted but that is why the phrase ideally has been used.
B72	Annie Ottaway (Senior Biodiversity & Planning Officer) Berks, Bucks & Oxon Wildlife Trust	Part 1 Para 6.27	respondent recommends that MK uses this SPD to set a specific expectation of the % gain you wish to see - we recommend 20% to be above the national minimum and in line with the local BAP	The SPD cannot set new targets/standards but only expand upon the existing local plan policies and reference national targets.
B73	Annie Ottaway (Senior Biodiversity & Planning Officer) Berks, Bucks & Oxon Wildlife Trust	Part 1 Para 6.28	The Defra metric tool (aka BIAs) incorporate a spatial factor (along with distinctiveness, condition, connectivity, time to create, difficulty of creation) - it is not in addition. Respondent believes that the error is due potentially duplicating information from paragraph from the NEP SPD which has referenced earlier sections of that SPD does not form part of this MK version.	Noted It is correct to say that special factor is one of many but was used to link sections. Has been removed to avoid confusion.
B74	Annie Ottaway (Senior Biodiversity & Planning Officer) Berks, Bucks & Oxon Wildlife Trust	Part 2 Section 2	Is this a repeat of Part 1 section 5?	It is considered that part 2 may be read separately from section 1
B75	Annie Ottaway (Senior Biodiversity & Planning Officer) Berks, Bucks & Oxon Wildlife Trust	Part 2 Para 2.2	Respondent suggests adding another bullet point: And, species and habitats listed under section 41 of the Natural Environment and Rural Communities Act (2006) and species identified within the Buckinghamshire and Milton Keynes Biodiversity Action Plan	Noted and included.

B76	Annie Ottaway (Senior Biodiversity & Planning Officer) Berks, Bucks & Oxon Wildlife Trust	Part 2 Para 2.3	Respondent suggests deleting this paragraph and adding: '2.3 Ecological Information is anticipated to be required to support all major development applications. Minor developments which include the removal of vegetation or that have the potential to impact a feature used by a protected or priority species will also be anticipated to submit ecological information in support of the planning application (see Table 1). Ecological information will normally take the form of a Preliminary Ecological Appraisal (PEA) with additional surveys for individual species undertaken as recommended by the findings within the PEA. A Protected Species Survey and Assessment should be provided for each species. An Ecological Impact Assessment is a useful way to demonstrate how a development scheme accords with relevant planning policy and legislation as well as being a required component for development requiring an Environmental Impact Assessment.' Respondent states that There are many scenarios (not just 2) where additional ecological information may be required. There are both nationally identified species and habitats that are of priority for nature conservation - and those identified as locally important within the BAP. I am not sure why the last sentence states BAP habitats for Geological conservation as they do not always have a biodiversity value but should be considered for there geological value. Thus far geological value has not formed a part of this SPD.	Noted. Paragraph revised.
B77	Annie Ottaway (Senior Biodiversity & Planning Officer) Berks, Bucks & Oxon Wildlife Trust	Part 2 Para 3.3	At point e) respondent suggests deleting 'national or local'	Species can be National rare even if locally abundant.
B78	Annie Ottaway (Senior Biodiversity & Planning Officer) Berks, Bucks & Oxon Wildlife Trust	Part 2 Section 4	Respondent suggests amending the title to say: "Protected, priority and notable species" There may be protected species which are not listed within the BAP and the legal protection trumps the BAP status.	Noted and included.

B79	Annie Ottaway (Senior Biodiversity & Planning Officer) Berks, Bucks & Oxon Wildlife Trust	Part 2 Para 4.3	delete 'may' replace with 'should'	Term advised to be used, however second sentences states <i>The survey must be to an appropriate level of scope and detail and must:</i> <ul style="list-style-type: none"> • Record which species are present and identify their numbers (may be approximate); • Map their distribution and use of the area, site, structure or feature (e.g. for feeding, shelter, breeding).
B80	Annie Ottaway (Senior Biodiversity & Planning Officer) Berks, Bucks & Oxon Wildlife Trust	Part 2 Para 4.5	As 'net gain' is used to described the quantifiable change in biodiversity value of habitats, I recommend a different phrase is used for species. I suggest 'whether favourable conservation status will be maintained'	Para states - The Assessment should also give an indication of how species numbers are likely to change,
B81	Annie Ottaway (Senior Biodiversity & Planning Officer) Berks, Bucks & Oxon Wildlife Trust	Part 2 Section 2	Respondent proposes to amend the title to say: 'Local Requirements for Designated Sites, Priority (BAP) Habitats, Habitats'	This is included in the text.
B82	Annie Ottaway (Senior Biodiversity & Planning Officer) Berks, Bucks & Oxon Wildlife Trust	Part 2 Para 7.5	Respondent proposes to delete: 'e.g. whether there will be a net loss or gain' and recommends recommend only using the phrase 'net gain' to refer to the measurable net gain in biodiversity value as measured by the metric approach. This is not the same as area.	Noted - paragraph refers to net gain or loss and area is an important component of the metric.
B83	Annie Ottaway (Senior Biodiversity & Planning Officer) Berks, Bucks & Oxon Wildlife Trust	Part 2 Table 3	Responded proposes to delete the following text starting from section ' Exposure of extensive Sites 'up to the ned of the table. Reason: As this SPD is predominately about biodiversity (not geology)the list of geological features is not necessary. The important point is those designated as a LGS can be included in the same way that LWSs are. Respondent suggest that Local Wildlife Site (LWS) [Or Milton Keynes Wildlife Site if you prefer this terminology - mean the same]	Included as Plan MK policy NE1 refers to geological sites so there is some potential overlap.

B84	Annie Ottaway (Senior Biodiversity & Planning Officer) Berks, Bucks & Oxon Wildlife Trust	Annex A	Respondent Proposes to add at the end of Note B text: or via checking Google maps aerial imagery.	Noted. Milton Keynes Council has access to several databases including virtual maps.
B85	Sarah Evans (Individual)	whole document	The lack of s.106 monies being used for nature and wildlife. The draft SPD is complex and difficult to navigate. The document is a list of what developers have to take account of when applying for planning permission. It is encouraging to see consideration of fauna, flora and wildlife. The SPD does not mention s.106 which appears to only be used for provision for younger members for communities and not older population. Section 106 monies could be used to purchase parcels of land for biodiversity enhancement. It would be welcomed in the overdeveloped Hanslope. Trees and plants planted by developers often die and are not being replaced. The areas planted by developers are often neat and organised and not very diverse. Respondent suggest that developers should consider swift bricks, hedgehog fencing etc. Respondents notes issues around light pollution, wildlife corridors along the roads in Hanslope and notes that more needs to be done. Comments are made in relation to design across the city, lack of open spaces. Comment made in relation MK being 39 out of 52 areas which is lower than London. No information around how SSSI areas is likely to be increased.	The SPD aim is to achieve net gain in biodiversity, not generate funds. However, where it is not possible to have net gain then increases in biodiversity will be required elsewhere - potentially through s106 arrangements. Developers are normally required to provide management plans for their landscape schemes.
B86	Neil Cottrell (Senior Planning Manager) CALA Homes (Chiltern) Ltd	Part 1 Para 3.1	This paragraph will need to reference the Environment Bill (2020) when it receives Royal Assent. In the interim, it should refer to the draft.	Noted.
B87	Neil Cottrell (Senior Planning Manager) CALA Homes (Chiltern) Ltd	Part 1 Para 6.4	Responded notes that this paragraph states that predevelopment biodiversity value is that on the date on which the application is submitted. If activities are carried out on the land after 30/01/20 which would lower biodiversity value then the pre development biodiversity value immediately before the activities took place will be taken. In response, the latter is well intentioned but make no allowance for works and operations which are required in the interests of husbandry and management of land, including agricultural production. It needs to allow flexibility accordingly.	Noted - Consideration would be given but it would be unlikely that genuine agricultural activity would have little or no effect on biodiversity if it was within the remit of the farm's everyday practices.

B88	Neil Cottrell (Senior Planning Manager) CALA Homes (Chiltern) Ltd	Part 1 Para 6.6	Para 6.6 states that ecological surveys older than 18 months are likely to require updating. 24 months provides a more reasonable time frame and is consistent with historic advice from Natural England.	The paragraph suggests that they will be likely to require updating, not that they will.
B89	Neil Cottrell (Senior Planning Manager) CALA Homes (Chiltern) Ltd	Part 1 Para 6.19	Para 6.19 refers to the draft Environment Bill. The anticipated 10% Biodiversity net gain requirements are currently expected to come into effect during a two year transition which begins when the Environment Bill receives Royal Assent. In the interim and given that the 10% does not have policy support in the adopted Development Plan, it is important that the implementation of the SPD follows the transitional arrangements of the Bill, Attention is drawn to a recent appeal decision dated 14/10/20 (referenced 3251121) relating to a site at Brickhill Street, South Caldecotte to demonstrate the correct application of policy under at the present time.	The SPD cannot set new targets/standards but only expand upon the existing local plan policies and reference national targets.
B90	Neil Cottrell (Senior Planning Manager) CALA Homes (Chiltern) Ltd	Part 1 Para 6.30	Para 6.30 states that the preference is that Milton Keynes Council arranges offsetting schemes, directed by its Ecology Team. However, the South Caldecotte appeal decision confirms that off site delivery can be satisfactorily delivered by other capable bodies, including the Environment Bank. The 'preference' needs more detailed justification, as does the likely scale and nature of the reporting fee. On the latter point, Officers will be aware of, for example, the pitfalls of imposing Monitoring Fees on Planning Obligations.	It is not denied that others can provide off setting, however in the case referenced it would still be subject to the detail which was not wholly forth coming due to "commercial sensitivity" - More importantly it is important to understand that off setting is not desired, all gains should be made on site where ever possible.
B91	Neil Cottrell (Senior Planning Manager) CALA Homes (Chiltern) Ltd	Part 1 Para 6.36	Para 6.36 sets out the methodology for the Biodiversity Financial Contribution in the event that the applicant is unable to locate and secure an appropriate site on which and approved biodiversity offset scheme can be created. The commuted sum is to be determined by the ecology team on a case by case basis with reference to the formula set out. Greater transparency is required in the draft SPD via, at the very least, the provision of worked examples which provide an actual indication of monetary costs, even in terms of likely parameters. In addition, the inclusion in the formula of substantial indexation and contingency elements requires detailed justification.	The calculation of commuted sums will be removed from the SPD and additional guidance will be prepared in due course.
B92	Neil Cottrell (Senior Planning Manager) CALA Homes (Chiltern) Ltd	Part 1 Para 6.38	Para 6.38 sets out application submission and validation requirements which cross reference with the Environment Bill. It is important that these requirements closely adhere to transition arrangements provided by the Bill when it achieves Royal Assent.	Noted.

B93	Dr Mervyn Dobbin (Secretary) Milton Keynes Natural History Society	whole document	<p>Members of Milton Keynes Natural History Society (MKNHS) are deeply concerned about the national decline in habitats and species abundance and distribution. They have expressed this through recent discussions and in responses to a survey of members in 2019. Headline provided from UK 'State of Nature report' for 2019 ,13% decline in average species abundance (indicator of 696 terrestrial & freshwater species), 5% decline in average species distribution (indicator of 6,654 terrestrial & freshwater species) , 41% of species have decreased in abundance, 26% have increased in abundance, 53% of species show strong changes in abundance 15% of species are threatened with extinction (indicator of 8,431 species assessed using Red List criteria) Respondent notes that that most of the UK's Aichi targets for the 2020 Convention on Biodiversity (CBD) will not be met respondent notes that they are not aware of any overview of the state of nature in Milton Keynes produced, which would enable a better understanding of how well or not wildlife is being sustained in our area, or an overarching strategy for biodiversity affecting all aspects of the Council's responsibilities The development of Milton Keynes has probably been more sensitive to wildlife than in many other places because of our linear parklands and landscapes within and around housing and along parkway corridors. There are also good examples in MK of site management for wildlife and features on some new developments to benefit biodiversity. But more recent developments in MK have tended to provide much less habitat for wildlife, and major road corridors with little landscape of benefit to wildlife, so we are less confident that wildlife will be well protected and provided for in the future. Respondent supports the overall aim of this draft Biodiversity Supplementary Planning Document (SPD) to achieve biodiversity gains, but we have general and specific comments to make, and significant concerns, which we set out below.</p>	Noted.
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B94	Dr Mervyn Dobbin (Secretary) Milton Keynes Natural History Society	Part 1	<p>The scope of this draft SPD is too limited. It should apply to all aspects of biodiversity policy within Plan:MK. As it stands, it is largely about Protected and Priority Species & Habitats, and Biodiversity Accounting, followed by procedures to provide information for planning applications. In the absence of a wider explanation of Plan:MK policy for biodiversity it could give the impression that conserving biodiversity is a relatively mechanical process of complying with minimum legal requirements for Protected Sites and Species, then assessing the extent to which Priority Species & Habitats can be provided for, before deciding what biodiversity to lose, then generating financial contributions to re-establish biodiversity somewhere else. We believe that more can and should be done to ensure provision in situ for the wide range of wildlife that can co-exist within development areas. This will require a much stronger commitment to retention and enhancement of inter-connected green spaces within and between developments. A serious omission is a document to provide the essential context for this SPD, with principles and publicly-accountable procedures to oversee the process of: Biodiversity Accounting, Biodiversity Offsetting, Translocation, sourcing of appropriate Offset Sites, management of a Biodiversity Offsetting Fund, and objective monitoring, assessment and reporting on the success or otherwise of receptor sites. SPD does not place enough emphasis on developments achieving the highest possible level in the Mitigation Hierarchy of: 'avoid, minimize, restore, offset'. proposed changes to SPD structure: structure should be changed in the following way to achieve a more coherent document:</p> <ul style="list-style-type: none"> • Part 1 should contain existing sections 1 to 5 and be re-named 'Biodiversity and Development' as these sections are not adequately described under the current title of 'Biodiversity Accounting'. • A new Part 2 should carry the title 'Biodiversity Accounting' and contain the seven steps currently in Section 6 of Part 1. We have a further suggestion below in relation to the Buckinghamshire & Milton Keynes Natural Environment Partnership's 'Biodiversity Accounting Supplementary Planning Document' which we suggest should be incorporated in Part 2. • We suggest that the existing Part 2 should become Part 3, with the title: 'Biodiversity and Geology: Requirements for Planning Applications'. Respondent questions why MKC did not incorporate NEP's Biodiversity SPD. 6. The SPD expands only on parts of Plan:MK Policies NE1 and NE2 and not on NE3 at all. We suggest that this SPD should cover all biodiversity policies in Plan:MK. 7. The draft SPD creates an unintentional ambiguity about what biodiversity is to be conserved. In its explanations of the term 'biodiversity' it is all encompassing, as well as emphasising the ecosystem services this provides (examples provided). But the draft SPD narrows its focus 	Noted. The SPD cannot set new targets/standards but only expand upon the existing local plan policies and reference national targets. Steps had been revised. Studies around declines in species and habitats fall outside of scope of this SPD.
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B95	Dr Mervyn Dobbin (Secretary) Milton Keynes Natural History Society	Part 1 Para 1.1	Sets out a broad aim that it “expands upon policies of the Milton Keynes Local Plan, Plan:MK” but there are some of these policies that it does not expand on and it should. We suggest that text should be added to Section 4 so that, as well as covering NE1 A & B, it covers NE1 C, and NE4 (which refers to biodiversity in the context of green infrastructure). We suggest appropriate wording within our comments below on Section 4.	Noted. The SPD addresses matters around how biodiversity losses or gains should be measured due to proposed development ,how the metric should be applied.
B96	Dr Mervyn Dobbin (Secretary) Milton Keynes Natural History Society	Part 1 Para 1.2	This section narrows the scope to ‘protected and priority species and habitats’ but Plan:MK and the NPPF set out a wider scope of biodiversity, irrespective of whether or not species and habitats have Protected status or are on Priority lists. We suggest the text should be changed to make this consistent with Section 2.1 below which has the wider aim of ensuring that ‘biodiversity is adequately protected and enhanced ...’. Our suggested alternative wording within 1.2 is: ... step-by-step guide to ensure that biodiversity is adequately protected and enhanced through the development process and that statutory requirements for Protected Species are met, requirements for Priority Habitats and Priority Species complied with, and other aspects of protection of habitats and species provided for.	Noted and scope widened to all species and habitats.
B97	Dr Mervyn Dobbin (Secretary) Milton Keynes Natural History Society	Part 1 Para 1.3	nature conservation’ rather than nature conversation.	Noted and changed.

B98	Dr Mervyn Dobbin (Secretary) Milton Keynes Natural History Society	Part 1 Para 2.5	The draft Sustainable Construction SPD, currently is out for consultation and respondent that this does not intend to cover biodiversity, which we consider a serious omission, as several species depend on buildings for nesting and roosting habitats. We therefore consider it important for the Biodiversity SPD to have an added section about biodiversity in relation to buildings and 'sustainable construction' including the biodiversity potential of landscaped areas around new buildings. Respondent suggests We that the Biodiversity SPD should provide outline guidance on provision for biodiversity on buildings that goes beyond a mere mention of attaching bird-boxes and should propose more permanent provision. It is advised that permanent provision for colonial groups of Swifts is needed in new developments and the SPD provides an appropriate means to communicate this. This would be best achieved through simple structural solutions such as swift bricks at appropriate heights in locations protected from extreme temperatures. This needs to be planned as an integral aspect of building design.	Noted and more detail added.
B99	Dr Mervyn Dobbin (Secretary) Milton Keynes Natural History Society	Part 1 Para 3.1	It would be helpful to add the title for Government Circular 06/2005, which is 'Biodiversity and Geological Conservation – Statutory Obligations and their impact within the Planning System'. UK Biodiversity Action Plan'. The correct title and date is: 'Biodiversity: The UK Action Plan' 1994. Buckinghamshire & Milton Keynes Local Nature Partnership Biodiversity Opportunity Areas and Biodiversity Action Plan. The correct title for the 'Buckinghamshire & Milton Keynes Nature Partnership' is Buckinghamshire & Milton Keynes Natural Environment Partnership. We suggest adding the full titles here of three of its relevant documents: Forward to 2020: Biodiversity Action Plan Biodiversity Opportunity Areas Green Infrastructure Opportunities Mapping.	Noted.
B100	Dr Mervyn Dobbin (Secretary) Milton Keynes Natural History Society	Part 1 Para 4.3	'The benefits to local people provided by ... can be far ranging.' Missing word needs to be inserted.	Noted and 'natural environment added'. Wider explanation of the benefits of biodiversity to the community included

B101	Dr Mervyn Dobbin (Secretary) Milton Keynes Natural History Society	Part 1 Para 4.6	As the statement about Policy NE2 is a direct quote of most of the wording of NE2 B we suggest this would be better presented as a quotation of the whole of this policy rather than a partial paraphrase of it. This should include at least a statement from NE2 A about what is required in relation to statutorily protected species and habitats. However, we suggest that it would be clearer and simpler to present the full wording of each of policies NE1 to NE6 at this point rather than present selections from them or paraphrases, as their wording is precise and it is these policy wordings to which planning applications must conform.	THE SPD add to policy does not repeat it, it needs to be read alongside with Plan:MK and other evidence base documents.
B102	Dr Mervyn Dobbin (Secretary) Milton Keynes Natural History Society	Part 1 Para 4.7	<p>This seems to narrow the application of Net-Gain to enhancing only two biodiversity aspects: ecological networks and ecological status of water bodies. These are both important objectives, but Net-Gain has application to a wider range of habitats than these, which should be made clear in the text. We suggest that this paragraph should also address Plan:MK Policies NE1 C and NE4 by adding the following kind of text: Careful consideration should be given to how to retain features of the existing site that have benefits for wildlife in general, not only for Protected Species and Priority Species (Plan:MK Policy NE1 C). These will include as much as possible of existing hedges, mature trees and shrubs, unimproved grasslands, and natural water-courses, as naturalistic and inter-connected features to be retained and enhanced for wildlife and as part of natural landscapes for people to enjoy. Their presence should affect how the development is designed, and not treated as left-overs to be considered after layouts have already been planned.</p> <p>Green Infrastructure (GI) is multi-functional open spaces, usually an inter-connected network. A key aspect of GI is biodiversity (Plan:MK Policy NE4). Developments should incorporate as much as possible of existing GI and ensure that adaptations of it for its other purposes, such as flood management or recreation, are as compatible as possible with its use by a wide range of wildlife.</p>	Noted and additions made.

B103	Dr Mervyn Dobbin (Secretary) Milton Keynes Natural History Society	Part 1 Para 4.7	The final sentence of this section says: '... in accordance with the vision and principles set out by the Buckinghamshire and Milton Keynes Natural Environment Partnerships'. [Its name ends in 'Partnership', singular]. We suggest that the documents that contain these visions and principles should be referenced here, preferably with an outline of them. The two most relevant NEP documents are: Forward to 2020: Buckinghamshire and Milton Keynes Biodiversity Action Plan and Vision and Principles for the Improvement of Green Infrastructure in Buckinghamshire and Milton Keynes (September 2016). https://bucks.mknep.co.uk/projects/vision-and-principles-for-the-improvement-of-green-infrastructure/	Noted and reference added.
B104	Dr Mervyn Dobbin (Secretary) Milton Keynes Natural History Society	Part 1 Para 4.10	Respondent notes that not all 'natural conservation features' are 'protected through the planning system' to the same degree despite the wording that '... all are protected through the planning system'. For example, SSSIs have full protection under the NPPF (NPPF 2019 paragraphs: 175b, 176), but neither Local Wildlife Sites (described here as Milton Keynes Wildlife Sites) nor Biological Notification Sites, nor MK Wildlife Corridors have the same level of protection. We suggest the following wording be included (Defra Circular 06/2005) in relation to sites not referred to specifically in the NPPF 2019: The Government's guidance is that 'Locally designated Local Wildlife Sites and Local Geological Sites are areas of substantive nature conservation value and make an important contribution to ecological networks and nature's recovery.' (https://www.gov.uk/guidance/natural-environment#biodiversity-geodiversity-and-ecosystems). Every effort should be made, not only to avoid Local Wildlife Sites and Local Geological Sites, but applications will also be expected to avoid potential detrimental effects on any of these from the wider area.	Noted.

B105	Dr Mervyn Dobbin (Secretary) Milton Keynes Natural History Society	Part 1 Map 1	<p>For greater clarity, we suggest that two maps be provided: one with Wildlife Corridors, the other with Wildlife Sites. The latter could be simplified by:</p> <ul style="list-style-type: none"> • Combining Local Wildlife Sites and Milton Keynes Wildlife Sites because they are all Local Wildlife Sites • Adding to the map and the key what are currently called Biological Notification Sites • Marking the Local Nature Reserve with the letters LNR, as there is only one statutory LNR in MK, Blue Lagoon, and colouring this in whatever category this is now in, such as Biological Notification Site or Local Wildlife Site. • Marking the three SSSI in yellow, ensuring that Oxley Mead SSSI and Howe Park Wood SSSI are shown in yellow rather than the green they are currently shown in • Changing Little Linford Wood from orange to blue to indicate that it is a Local Wildlife Site • Changing Gayhurst, Bunsty & Longland's Woods to a more appropriate colour (they are currently in a colour for a wet wildlife corridor, which is not right). <p>The Wildlife Corridors also needs some corrections:</p> <ul style="list-style-type: none"> • Changing the red of various roads to purple • Changing the colour of the railway to a more appropriate colour. 	Noted new maps to be produced, consideration of legibility and scale.
B106	Dr Mervyn Dobbin (Secretary) Milton Keynes Natural History Society	Part 1 Para 4.12	<p>There are no indications from the Government that the pilot Nature Improvement Areas scheme will be rolled out more fully, as funding for this ended in 2015. We suggest reference to a more recent planned approach by the Government of the proposed new duty on local authorities to develop Local Nature Recovery Networks (LNRN). It seems likely that LNRN will become central to the strengthening and creation of ecological networks, which has been the concept behind BOAs. It would also be helpful to explain LNRN at this point.</p>	Noted and reference to LNRN added

B107	Dr Mervyn Dobbin (Secretary) Milton Keynes Natural History Society	Part 1 Para 4.13	<p>13 Developers need to know where to find a comprehensive account of Milton Keynes Wildlife Corridors and the policy for them, their locations and their definitive boundaries. It would help also to have an explanation of the significance in planning terms of the Local and Major Wildlife Corridors. Do they each have the same level of protection? The 1996 report 'The Wildlife Corridors of Milton Keynes' was based on extensive survey evidence and was produced by a collaboration of five organisations: Milton Keynes Council, English Nature, Buckinghamshire County Council, The Commission for New Towns, and Milton Keynes Parks Trust. We suggest that 'The Wildlife Corridors of Milton Keynes' should be referred to in the SPD and a copy of it should be made readily available online so developers and their ecologists can consult it. We also suggest that the boundaries of Milton Keynes Wildlife Corridors be made available through MK Council online mapping. We appreciate that this work was completed over 25 years, but it is well-researched, still highly relevant and we know of nothing that has replaced it. We understand that Milton Keynes Wildlife Corridors are treated as equivalent to Local Wildlife Sites. If that is correct it would be helpful to say and explain this here in the following kind of way:</p> <p>Designated Wildlife Corridors have the same status as Local Wildlife Sites. Developers should access information on these and their boundaries. It would be appropriate to add the following to clarify principles and expectations of how Wildlife Corridors will be protected, strengthened and extended:</p> <p>Wildlife Corridors should be identified, protected and enhanced, to achieve:</p> <ul style="list-style-type: none"> • habitats for a wide range of species to feed, nest, find security, move along and disperse • a wide variety of plant species, trees, shrubs, ground, river and wetland flora • buffer zones of useful habitat alongside them • as few and as short gaps as possible between sections of them • increases in breadth and length of isolated sections • re-connection where they have been fragmented • restoration of habitats of brooks and rivers • connections to the wider landscape. 	In Plan MK wildlife corridors are afforded protection under NE1 and their location on the Plan MK policy maps - additional detail added
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B108	Dr Mervyn Dobbin (Secretary) Milton Keynes Natural History Society	Part 1 Para 4.14	As Biological Notification Sites will eventually be subsumed into the category of Local Wildlife Sites (LWS) if they meet the LWS criteria, we suggest that these should be presented alongside what is currently called Milton Keynes Wildlife Sites, which is what they would become.	For clarity and to show the current state text not amended.
B109	Dr Mervyn Dobbin (Secretary) Milton Keynes Natural History Society	Part 1 Para 4.15	We recognise that the term Milton Keynes Wildlife Sites is used in Plan:MK, but it causes confusion because they are nothing more nor less than Local Wildlife Sites (previously known as County Wildlife Sites). They are assessed by the same standards as Local Wildlife Sites elsewhere in Buckinghamshire and the term is widely understood across England. We suggest that 4.14 and 4.15 be re-drafted to clarify this.	Noted and status and process added.
B110	Dr Mervyn Dobbin (Secretary) Milton Keynes Natural History Society	Part 1 Para 5.2	'... should be up-to- ...' Missing word, 'date': should be up-to-date.	Noted and added.
B111	Dr Mervyn Dobbin (Secretary) Milton Keynes Natural History Society	Part 1 Para 6.10	The mitigation hierarchy (avoid, minimize, restore, offset) is shown much more clearly in the NEP 'Biodiversity Accounting Supplementary Planning' document'. Their diagram of this at Figure 7 (page 16) makes clear the process of thought for a developer to work through, with priority to the higher levels of the hierarchy, so we suggest that this diagram could be incorporated in the text of MK Council's SPD. Better still would be incorporation of the entire NEP document within this section.	The NEP document was produced by Dave Lowe of Warwickshire CC to cover biodiversity off setting only. Both the hierarchy pyramid and a process flow chart have been included and reference to guidance. The SPD states that offsetting is a last resort and that it is not suitable for some hard to establish habitats.
B112	Dr Mervyn Dobbin (Secretary) Milton Keynes Natural History Society	Part 1 Para 6.5	We are not aware that this consultancy report has any formal status. Has it been considered and adopted formally by The Council? We are aware of a consultation response to it which raises many issues that do not seem to have been adequately addressed so we are not convinced that it will assist those preparing planning applications: http://www.miltonkeynesforum.org/uploads/7/5/5/2/75526607/green_infrastructure_strategy_-_mk_forum_response.pdf . MKC is part of NEP and it suggested tha it would be appropriate to refer to the NEP's Green Infrastructure documents here: Vision and Principles for the Improvement of Green Infrastructure in Buckinghamshire & Milton Keynes (September 2016) and Green Infrastructure Opportunities Mapping.	NE4 details NEP's Green Infrastructure document and it is referred to in the Biodiversity SPD

B113	Dr Mervyn Dobbin (Secretary) Milton Keynes Natural History Society	Part 1 Para 6.7	<p>We suggest that this section should also refer to protection of specific types of habitat with higher level of protection through legislation and Government guidance: https://www.gov.uk/guidance/ancient-woodland-and-veteran-trees-protection-surveys-licences</p> <p>These are mentioned later only under the section on Compensation (6.23-6.26) where it contemplates potential loss or damage of them through proposed development. These are:</p> <ul style="list-style-type: none"> • Ancient Woodlands • Ancient and Veteran trees • Ancient hedgerows. <p>Few hedges in this part of the UK are ancient because most were the result of more Enclosure Acts, though many are more than 200 years old. These form one of the most important kinds of connectivity in the Milton Keynes area and should be regarded as 'Historic Hedgerows'. Some have been identified as MK Wildlife Corridors but we suggest that many have not and it is important for wildlife to maintain these linkages. We suggest:</p> <p>There are also Government requirements to avoid damage to: Ancient Woodlands, Ancient and Veteran Trees, and Ancient Hedgerows. In addition to these, damage to Historic Hedgerows will also be resisted and protection of buffer zones will also be required.</p>	NPPF guidance has been included which provides a more encompassing approach to irreplaceable habitats- <i>Habitats which would be technically very difficult (or take a very significant time) to restore, recreate or replace once destroyed, taking into account their age, uniqueness, species diversity or rarity. They include ancient woodland, ancient and veteran trees, blanket bog, limestone pavement, sand dunes, salt marsh and lowland fen</i>
B114	Dr Mervyn Dobbin (Secretary) Milton Keynes Natural History Society	Part 1 Para 6.20	<p>The draft says 'Developments should enhance, restore or add to biodiversity'. Biodiversity is a collective description for the range of species, their habitats and their interactions. If a specific species or habitat faces removal or adverse conditions from a development, it would usually be inappropriate to replace these by an offset of other habitat types or different species. Too often, developments make an area inhospitable for some species so the developer pledges to install bird boxes. Nice as these are, they mostly attract common bird species already well-provided for. We suggest that this statement should be replaced by: Developments should enhance, restore and add to habitats and species already present on the site.</p>	Birdboxes and other such features are not interchangeable with habitat loss .

B115	Dr Mervyn Dobbin (Secretary) Milton Keynes Natural History Society	Part 1 Para 6.24	<p>'It is not practically possible to compensate for some nature conservation features.'</p> <p>We consider this is too ready to invite a developer to avoid retaining nature conservation features. We suggest:</p> <p>Where there is irrefutable evidence that it is not practically possible to compensate for some nature conservation features, evidence for this must be provided.'</p> <ul style="list-style-type: none"> • 'ancient woodland • veteran trees • ancient hedgerows.' <p>We suggest this should read:</p> <ul style="list-style-type: none"> • ancient woodland • ancient and veteran trees • ancient hedgerows. <p>Historic hedgerows should also be retained and enhanced wherever possible.</p>	Noted and ancient added - it is policy to retain hedgerows.
B116	Dr Mervyn Dobbin (Secretary) Milton Keynes Natural History Society	Part 1 Para 6.25	<p>This would read more clearly if the wording of the third bullet point 'Applicants should ensure that ...' was placed below the other three bullet points and as a separate sentence so it applies to all the other bullet points. This is how this would read:</p> <p>6.25 Compensation must be measurable and can take the form of:</p> <ul style="list-style-type: none"> • The creation of new nature conservation features/habitats within the development site to replace those lost or damaged. • Improvement to the condition of existing habitats on site. • The creation of new nature conservation features/habitats in the Borough of Milton Keynes to replace those lost or damaged i.e. biodiversity offsetting scheme. <p>Applicants should ensure that new biodiversity benefits are fully integrated through the development scheme, and not fragmented into isolated pockets or restricted to peripheral parts of the development site.</p>	Noted and revised.

B117	Dr Mervyn Dobbin (Secretary) Milton Keynes Natural History Society	Part 1 Para 6.26	<p>All developments in Milton Keynes should result in a net gain for biodiversity (Policy SD1), this must be demonstrated when a planning application is submitted'</p> <p>Unfortunately, Plan:MK policies did not set what percentage of net-gain should be achieved. This issue was addressed by the Planning Inspector for the South Caldecotte planning appeal: 14th October 2020 Appeal Decision paragraph 42. The Environment Bill sets a 10% net-gain though it may be possible for MK Council to make a case for a higher figure. We suggest that the sentence should be revised to say:</p> <p>All developments in Milton Keynes should result in a net gain for biodiversity (Policy SD1) of at least 10% [subject to specific requirements of the Environment Act and the Local Plan for MK].This must be demonstrated when a planning application is submitted.</p>	Noted and added.
B118	Dr Mervyn Dobbin (Secretary) Milton Keynes Natural History Society	Part 1 Map 2	<p>Map 2. Biodiversity Opportunity Areas. Unfortunately, an error in this map in Plan:MK has been perpetuated in this edition. The green cross-hatched, interlocking circles south-west of MK are not Tingewick Meadows and Woods but North Bucks Fens, as is clear from the older version of the map on the link below. This shows that they should be cross-hatched in blue not green and the name Tingewick Meadows and Woods added to the key:</p> <p>http://www.buckinghamshirepartnership.gov.uk/media/2294854/bucks_bioandplanning_section4.pdf</p>	The text with map has been updated as it is subject to change checks should be made with BMERC

B119	Dr Mervyn Dobbin (Secretary) Milton Keynes Natural History Society	Part 1 Para 6.32	<p>The appropriateness of all biodiversity offsetting schemes shall be assessed by the Ecology Team’.</p> <p>Clearly such assessments are necessary, but they will be far from sufficient. In addition to this there needs to be a separate document setting out MK Council’s principles and publicly-accountable procedures to oversee the processes of: Biodiversity Accounting, Biodiversity Offsetting, Translocation, sourcing of appropriate Offset Sites, management of a Biodiversity Offsetting Fund, and objective monitoring, assessment and reporting on the success or otherwise of receptor sites. These principles and procedures should be summarised within this SPD. They should establish the overall vision for nature recovery. As this requires a separate paper for the consideration of members, we are not suggesting more about the content of this here, but would welcome the opportunity to contribute to what this should cover, We are not clear what methodology and process will be used to identify the most appropriate Compensation Sites to receive offsets. It is important for the credibility of this scheme that this is and is seen to be an objective and publicly-accountable process.</p>	The SPD’s main role is to guide developer and ensure that it is explain how the metric is to be applied. In the absence of the SPD till date the Ecology team continues to provide professional advice on various development schemes .
B120	Dr Mervyn Dobbin (Secretary) Milton Keynes Natural History Society	Part 1 Para 6.35	<p>Respondent disagrees, t the purpose of biodiversity offset commuted sums should be spent entirely on biodiversity in ways that compensate for the specific habitats and species that the development would diminish. These are not ‘environment offsets’ or ‘sustainable development offsets’ but biodiversity offsets. For example, a Lowland Meadow of unimproved grassland on a development site must not be replaced by a woodland plantation. Nor should other aspects of wider sustainable development objectives, such as flood management or carbon sequestration be provided for though these funds, unless they also replicate the habitat type to be lost to development. We suggest the wording: ‘The purpose of such a payment would be to pay for the council to secure adequate compensatory measures and to ensure that the biodiversity objectives of local planning policy are achieved’.</p>	Like for like habitats is the method the biodiversity metrics work and forms a legally binding s106.

B121	Dr Mervyn Dobbin (Secretary) Milton Keynes Natural History Society	Whole document	<p>Respondent raises a series of questions: 1) What strategic basis will support the Ecology Team's assessment of the appropriateness of biodiversity offsetting schemes submitted for approval? In the absence of a specific MK Biodiversity Strategy setting out the biodiversity of the borough and priorities for its enhancement, what objective sources of information will be applied to make judgements about proposed biodiversity offsetting schemes? We suggest that other strategic sources should inform these decisions such as:</p> <ul style="list-style-type: none"> • Nature's Arc principles, from: the two local Wildlife Trusts (BBOWT & WTBCN), RSPB & The Woodland Trust https://www.rspb.org.uk/get-involved/campaigning/OxCam-Arc/ • Local Nature Recovery Networks proposed by the Wildlife Trusts, including Berks, Bucks & Oxon Wildlife Trust (BBOWT). <p>2) Has MK Council made a formal Cabinet decision whether to go it alone or to use the Buckinghamshire & Milton Keynes Natural Environment Partnership's (NEP) Biodiversity Accounting Tool, and whether to participate in the NEP's Biodiversity Accounting Fund and its systems for registration and assessment of Compensation Sites?</p> <p>3) New biodiversity duties are emerging through the Environment Bill, each of which should contribute to a biodiversity framework against which it should be possible to determine what proposed biodiversity offsets are appropriate. These will include: Species Conservation Strategies and Local Nature Recovery Networks, which we assume will contribute to what is already available through the current Bucks & MK NEP's 'Forward to 2020: Biodiversity Action Plan' and its replacement, and Biodiversity Opportunity Areas information. What priority will MK Council give to each of these?</p> <p>4) What plan for the management of commuted sums has been approved by MK Council's Cabinet? And have the Cabinet considered using the Buckinghamshire and Milton Keynes Natural Environment Partnership's planned Biodiversity Accounting Fund and the NEP's expertise in providing connections with land-owners and biodiversity conservation bodies as explained in their document 'Biodiversity Accounting Supplementary Planning Document'? https://bucksmlnep.co.uk/biodiversityaccounting/#:~:text=The%20Buckinghamshire%20and%20Milton%20Keynes,the%20Bucks%20and%20MK%20area.</p> <p>5) What resources will MK Council provide and what methods will it apply to monitor the success or otherwise of biodiversity offset sites?</p> <p>6) Will MK Council establish a register of Biodiversity Offset Sites for public access so that organisations and individuals who contribute to the management of sites for wildlife and study of biodiversity can be aware of localities of increasing biodiversity value?</p>	<p>As noted, MKC is a member of the NEP and works with it at all levels. The Environment Bill is likely to mandate the use of the DEFRA metric and a LNRS at the Local Authority level. Commuted sums are the responsibility of the Local Authority, the NEP is not structured to take these sums. The environment bill sets out the need for a register, but the detail is yet to emerge as who will hold and manage this. MKC has a GIS system that includes BMERC records and is adding to this with Ecosystem Services data, woody linear features (CEH) GCN and Canopy cover data.</p>
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B122	Dr Mervyn Dobbin (Secretary) Milton Keynes Natural History Society	Part 1 Para 8.41	8.41 '...when dealing with any protected species ...' Should that include reference to protected sites? ' ... when dealing with any protected species or protected site ...'	The reference is to be made to protected species.
B123	Dr Mervyn Dobbin (Secretary) Milton Keynes Natural History Society	Part 2 Para 3.8	<p>Should this be 'Local Requirements for Protected Sites, Protected Species, UK Priority Species and Priority Habitats'?</p> <p>We welcome the evident intention to add a section here about local requirements for species and habitats on the Biodiversity Action Plan lists published by the JNCC (Joint Nature Conservation Committee) and about Protected Sites. Inclusion of these will assist developers to focus on species and habitats most relevant to their site assessments.</p> <p>This would be an appropriate place to add an explanation about the South Midlands Newt Conservation Partnership (SMNCP) and its Defra-approved District Level Licensing (DLL) scheme. This is based on a reliable methodology, providing scientific evidence of the local distribution of Great-Crested Newt (G-CN) and other newts. The Partnership is already experienced at identifying and negotiating suitable sites to be created for new ponds for G-CN displaced by development; and managing the payments required to achieve this. Defra has indicated that the Government has decided not to mandate district level licensing of G-CN as the voluntary scheme is considered to be working effectively, though we are yet to see evidence from monitoring of G-CN using the new ponds. It would be helpful to developers to add a section here about the SMNCP and how this voluntary scheme will sit alongside Biodiversity Net-Gain methodology. No doubt the MK Council member of staff leading this work could suggest appropriate wording. An amendment to the Environment Bill, currently progressing through its Parliamentary stages, would provide for potential extension of District Level Licensing for other species, such as Hazel Dormouse. Another outcome of the Environment Bill is likely to be that local authorities will be involved in drawing up Species Conservation Strategies (SCS) which developers will also need to be aware of. The SPD would benefit from a reference to DLL and SCS so it remains up-to-date.</p>	Noted and GCN licence scheme detailed

B124	Dr Mervyn Dobbin (Secretary) Milton Keynes Natural History Society	Part 2 Para 5.3	<p>‘Competent ecologists should carry out any surveys.’</p> <p>We suggest that this should say Qualified ecologists, perhaps indicating that they should be members of a relevant professional body such as CIEEM (Chartered Institute of Ecology and Environmental Management) or have other relevant and defined professional qualifications.</p>	An ecologist would need to demonstrate competency, membership would be one method but should not preclude other evidence .
B125	Dr Mervyn Dobbin (Secretary) Milton Keynes Natural History Society	Part 2 Section 7	<p>Perhaps this should be headed: Listed in the ‘Milton Keynes and Buckinghamshire Bedfordshire Biodiversity Action Plan’, and Geological Conservation.</p> <p>Although Milton Keynes has none of Buckinghamshire’s nine Geological SSSI, there are seven Local Geological Sites (LGS) in Milton Keynes. We suggest that these should be listed in the SPD (list and where to find details were provided)</p>	Noted.
B126	Dr Mervyn Dobbin (Secretary) Milton Keynes Natural History Society	Part 2 Table 3	Shouldn’t Local Wildlife Sites (LWS), Biological Notification Sites and MK Wildlife Corridors be added to this list?	Noted and added.
B127	Peter Brown (Parish Councillor) Broughton and Milton Keynes Parish Council	Part 1 Part 6.3	<p>Compensation is the process of providing species or habitat benefits specifically to make up for the loss of, or permanent damage to, biodiversity through the provision of replacement habitats. It should not be regarded as an alternative to avoidance and should only be considered if avoidance is unachievable. The integrity of a nature conservation site as a whole can be adversely affected by a damaging development affecting a proportion of it, even if compensatory measures are carried out elsewhere, see Stage 4 Biodiversity Offsetting . For compensation to be acceptable, the importance of the development must also clearly outweigh the harm caused. Compensation should also factor in the type of habitat to be replaced, and the composition of soil bio availability. At a minimum transporting top soil from the habitat to be lost, along with any vegetation should be seen as a mandatory step, as Biodiversity does not stop at the surface, it penetrates deeply to support a wider ecosystem. Time to stabilise should also be factored in, its impossible to instantly replace the habitats of so many animals, plants or microbes instantly so a realistic timeframe should go alongside any approval to planning where compensation is selected.</p>	Noted - The mitigation hierarchy as detailed describes off setting as the last option - the preference is to avoid first and foremost offsetting will require a detail plan that may include top soil translocation

B128	Peter Brown (Parish Councillor) Broughton and Milton Keynes Parish Council	Part 1 Para 5.1	BIA and Para 5.1 Not enough detail is mentioned in around the implementation of these assessments. They should enforce a mandatory survey time limit and season limit as part for the planning conditions, to account for any delay in the original planning being granted and the building work being started. 5.1, uses words like “may be” and “may not” and should instead be firm, and be “will not be valid” and “will be unreliable” A recent example would be the planning permission at Furzton Lake, 2 years since it was granted the site works are being started but that area is now a hot bed for Bat roosts and feeding. Had the BIA have been done this year, its likely it would not be granted without further stipulations	Surveys cannot be conditioned. The local validation list sets what is required with any planning application.
B129	Peter Brown (Parish Councillor) Broughton and Milton Keynes Parish Council	whole document	MK already has Policies NE2 and NE3 as a part of Plan MK which underline the importance of protecting species and in addition promotes preservation, restoration and importantly re-creation. These policies should form a further part of the BIA and where development has any form of adverse effect on biodiversity a part of that assessment should cover how restoration and re-creation are to be achieved. In essence what it should be requesting is that the balance and equilibrium of the local biodiversity is maintained within the locale and protected for the future. Policy NE3 makes it clear that where biodiversity cannot be maintained then planning should be refused. It is important that, bearing in mind some of the current issues we have with planning consent, that this policy overrides any other planning related policy or method of gaining planning consent. Section 5 does cover this but requires further clarity and explanation.	Noted.
B130	Peter Brown (Parish Councillor) Broughton and Milton Keynes Parish Council	Part 1 Para 4.2	Wildlife corridors as mentioned under 4.12 are designed to interact and connect to form a network of interconnecting habitats as well as to link people and wildlife. What this needs to take into account going forward is: <ul style="list-style-type: none"> • The continued growth in traffic and congestion on the grid roads and others as the volume of housing in MK increases. • The effect that social and community provision through S106 spend has on the natural habitat and the corridors. • The increase in foot traffic that will occur as a direct result of the points above. • The effect on the overall balance and equilibrium of the ecosystem and biodiversity caused by all of the above. 	Noted.

B131	Peter Brown (Parish Councillor) Broughton and Milton Keynes Parish Council	Part 1 Para 4.16	MKC should positively seek to establish additional such facilities within the authority. Potentially this should look at those areas which are likely to be developed from currently undeveloped land where the biodiversity is a greatest risk from development. Current land that is owned by MK Community Foundation that has been earmarked for sale due to the unsuitability should be the first to be bought, and converted. The conversion of the mature woodlands in MK to wildlife reserves should also be prioritised, with continued management work converted to protecting the species present and not the suitability of use by residents.	Noted. Requiring additional Local Nature Reserves status falls outside of the scope of this SPD.
B132	Nicola Thomas (Partnership Manager) Buckinghamshire and Milton Keynes Natural Environment Partnership	whole document	Please note that on this occasion the NEP has chosen to support BBOWT's comments on the SPD.	Noted.
B133	Nicola Thomas (Partnership Manager) Buckinghamshire and Milton Keynes Natural Environment Partnership	Part 1 Map 2	NB – it is BMERC, rather than the NEP, that has mapped the BOAs and holds the very latest version of this map so we would suggest contacting them for the latest version and referencing them accordingly. In particular, the map in the draft appears to be an old map showing two layers of BOAs, whereas only one should appear, as on our NEP website https://bucksmknep.co.uk/biodiversity-opportunity-areas/ . Respondent suggests that MKC considers other strategic areas of conservation preference to align with the existing Bucks & MK BAP such as NEP's current "Forward to 2020" Biodiversity Action Plan. Proposed changes to Map 2: To further assist applicants with any biodiversity offsetting scheme Milton Keynes Council, through the Natural Environment Partnership, has identified Biodiversity Opportunity Areas. The map, produced by the Buckinghamshire and Milton Keynes Environmental Records Centre (BMERC), highlights areas within the district where habitat creation would produce the greatest strategic gains to conservation and so would represent the authority's preferred locations. Respondent also suggested reference to the NEP's BAP at this point in identifying biodiversity priorities for the area, with a focus, but not exclusively, on BOAs.	Noted. MKC received half yearly updates from BMERC, this error has been noted and will be corrected.

B134	Nicola Thomas (Partnership Manager) Buckinghamshire and Milton Keynes Natural Environment Partnership	Part 1 6.2-6.4	The NEP's current "Forward to 2020" Biodiversity Action Plan, for example, places importance on BOAs for prioritising conservation action, particularly for priority habitats, but also recognises the need to habitat creation and improvement outside the BOAs – see Section 6.2, 6.3 and 6.4, from page 23, Forward to 2020, which references work needed outside the BOAs, the importance of Local Wildlife Sites and species-specific work. It is suggested to consider more recent NEP's work and partners around to identify the priority board locations for biodiversity offsetting. This has identified BOAs, buffers around BOAs and linkages between them, based on woodland and grassland coverage mapping, with an emphasis on creating a habitat network. We would urge MKC to take this mapping work into account if suggesting its priority locations for conservation activity within the SPD.	Reference to data set will be made available.
B135	Jane Hennell MRTPI (Area Planner) Canal and River Trust	Part 1 Section 4	The Canal & River Trust welcome the additional advice provided in this SPD. It may be possible for offsetting or species relocation to take part on Trust owned land. If the Council or a developer wish to discuss this at any time, they should contact The Trusts' Heritage and Environment Team Manager for this area.	Noted.
B136	George Paton One behalf of TM Paton and Son	Part 1 Map 1	Respondent commented on land ownership of area within Map 1. Certain part of the area is shown as a County Wildlife site and respondent states that this is not the case. Respondent provided an ownership map.	Noted, map reviewed.

B137	Tom Hutchinson BA MA MRTPI(Director) Providence Land Ltd	Part 1 Section 6	We support the measures within the document which will assist in implementing the Plan:MK policies on biodiversity and nature conservation. In particular, we support off-site provision where on-site is not practical as this enables housing to be optimised in the most sustainable locations for movement and then biodiversity gains to be optimised in the wider countryside rather than trying to cram it all within an allocation. We are aware of the growing involvement of Natural England in creating strategic offsetting area, which can pool the mitigation from several developments. One of the benefits of this is that it can serve multiple green infrastructure functions and really make a difference to wildlife populations, rather than just seeking to meet the bare minimum benefits driven by a spreadsheet checklist. We support Milton Keynes Council taking the lead on Biodiversity Offsetting and we see this role as increasingly important in the coming years, in terms of managing mitigation sites. In the south coast Solent area, nutrient neutrality mitigation arrangements sprang up very quickly in response to the identified problem with housing delivery. The lessons of that experience are that it is often better for public sector organisations to take the lead on this and consider the local-plan wide mitigation needed, rather than individual developers having to make their own arrangements. In practice, it means that there can be multiple benefits for the same area of mitigation, for example, enhancing habitats for Bechsteins bats can complement the benefits of taking land out of agriculture to reduce the nitrogen load.	Noted.
B138	Graham Robinson-Hodges MRTPI (Associate Director of DLP Planning) on behalf of Bloor Homes	Part 1 Section 5	There appears to be no consideration within the document of how the requirements of the SPD will impact development viability. You will note that the National Planning Policy Guidance note (008 Reference ID: 61-008-20190315) states in relation to Supplementary Planning Documents that 'They should not add unnecessarily to the financial burdens on development'. An assessment of the impact that the SPD will have on development viability is required in order to ensure that it does not have a negative impact on development viability. The SPD as well as any requirements within should be updated to reflect this.	All attempts should be made to incorporate biodiversity on site and in turn improve the quality of development and in turn its remuneration .

B139	Ben Kite (Managing Director of Ecological Planning & Research Ltd) on behalf of L&Q Estates Ltd	whole document	The responses provided below in this form should be read with reference to the attached response note (EPR, 19 Nov 2020) which includes additional details. The production of the draft Biodiversity SPD is welcomed as a positive attempt to assist applicants for planning permission to understand the Council's expectations and meet their obligations with respect to ecology and nature conservation. However, there are a number of areas where we believe that the SPD requires improvement if it is to be an effective aid to environmental decision-making.	Noted.
B140	Ben Kite (Managing Director of Ecological Planning & Research Ltd) on behalf of L&Q Estates Ltd	Part 1 Para 3.1	<p>The relevant legislation, policy and guidance is set out in the SPD. A change is required because the wrong legislation or details relating thereto is cited. This should be:</p> <ul style="list-style-type: none"> • The Conservation of Habitats and Species Regulations 2017 (as amended). • The Wildlife and Countryside Act 1981 (as amended) (...) • Government circular: Biodiversity and Geological Conservation 06/2005 (...) <p>It is also important to include the following reference (see further related comments below):</p> <ul style="list-style-type: none"> • Chartered Institute of Ecology and Environmental Management (CIEEM's) Ecological Impact Assessment (EclA) guidelines. 	Noted and updated.

B141	Ben Kite (Managing Director of Ecological Planning & Research Ltd) on behalf of L&Q Estates Ltd	Part 1 Para 4.10	<p>“Legal protection for the natural conservation features varies, but all are protected through the planning system”.</p> <p>A change to the above is required because, as currently written, the statement conflates policy and legislative protection (which operate very differently) and includes the erroneous statement that ‘all’ features are protected with no parameters given. Planning policy in fact accords varying levels of consideration or ‘weight’ to different Important Ecological Features (IEFs) (which can be populations of an individual species, assemblages of different species, habitats or even whole sites), that operates differently depending on the specifics of the policy in question and the nature conservation importance of the subject feature. The effect of this can range from creating a strong presumption against most types of development that would cause a negative effect (e.g. in the case of ancient or irreplaceable habitats) to having no discernible influence on a planning determination (in the case of losses of widespread and abundant features of no nature conservation importance). Whilst the forthcoming Environment Act will introduce the requirement for even low value habitats to be offset through the ‘Biodiversity Net Gain’ regime. this is not in our view helpfully described as ‘protection’, which usually implies in situ preservation deriving from legislation.</p> <p>We would recommend that this statement is altered to read: “Legal protection for Important Ecological Features (IEFs) varies and National and Local Planning Policy may also apply additional requirements that must be adhered to unless material considerations in the planning balance indicate otherwise</p>	Noted and changed.
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B142	Ben Kite (Managing Director of Ecological Planning & Research Ltd) on behalf of L&Q Estates Ltd	Part 1 Para 4.17-4.19	<p>A series of statements are made in these paragraphs in connection with habitats that are listed as being 'Priority' Habitats for nature conservation under Section 41 of the Natural Environment and Rural Communities (NERC) Act 2006. A change is required to communicate an accurate understanding of what a 'Priority Habitat'. Specifically, paragraph 4.19 of the SPD asserts that an impact upon a 'Priority' habitat will necessarily represent a 'material consideration' in the determination of a planning application and prays in aid Paragraph 175 of the National Planning Policy Framework (NPPF) in support of this statement. Paragraph 175 of the NPPF does not however refer to Priority Habitats at all, and instead contains a series of provisions that broadly detail how development negatively impacting on features of biodiversity value should be refused except in certain specific circumstances. Paragraph 4.19 of the SPD therefore wrongly creates the presumption that all examples of Priority Habitats are of biodiversity importance. It is important to recognise that not all habitats which fall into 'Section 41 Priority Habitat' categories necessarily have any significant existing ecological value. This is because the 'recognition' or 'designation' of extant ecological value is not the objective for which these categories were originally created, nor the purpose for which they are supposed to be used. As an example, the "Lowland Mixed Deciduous Woodland" Priority Habitat Category includes both ancient species-rich woodland of high ecological value, and recent species-poor planted or self-sown woodlands of comparatively low ecological value. Similarly, the "Hedgerows" Section 41 Priority Habitat Category includes the majority of all (c84%) of hedgerows in the British countryside, including species-rich ancient hedgerows, and more newly planted hedgerows with very little in the way of ecological diversity or interest. Other Priority Habitat categories which may or may not support significant existing ecological value and/or biodiversity (for example) include Arable Field Margins and Ponds. The above is because the function of the 'Priority Habitat' categories is simply to trigger the consideration of measures that can reasonably be taken to improve the conservation status and biodiversity of habitats that meet the description; both in a planning context, and for general conservation and land management purposes outside of planning (i.e. to encourage the enhancement of habitats that have the potential to be valuable to wildlife, but currently are not of significant value). These habitats are of 'principal importance' for biodiversity simply because they are the focus of National action to improve biodiversity. It is important therefore not to create a false presumption against development in all cases where Priority Habitats occur, as to do so would sterilise large areas of land to development that might actually be biodiversity poor, when alternative provision to deliver biodiversity might be a more</p>	Noted - The paragraph states it would be a material condition not that an application would be refused, however the suggested amendment is agreed as it states what would be required to ascertain the status of the designation.
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			<p>effective way to proceed. Insofar as planning applications are concerned therefore, Section 41 of the 2006 NERC Act requires the Secretary of State to promote steps that are reasonably practicable to further the conservation of the listed habitats, and in relation to this, Section 40 requires Local Planning Authorities to “have regard” to the purpose of conserving biodiversity, in particular in relation to the habitats and species listed under Section 41. The NPPF similarly advises local authorities to promote the preservation, restoration and re-creation of priority habitats. In view of the above, it is important to recognise that there is no “default” planning response to habitats that fall into any ‘Priority’ category. Each example of a Priority Habitat type is different and must be addressed according to its actual ecological value and sensitivity. The appropriate response to impacts upon a Priority Habitat will be different in each case. Where extant ecological value is sufficiently high, or the potential for restoration sufficiently good, in-situ preservation and enhancement may be justified. In other cases where the example habitat in question is of low value and where restoration potential is poor (e.g. due to isolated location or small overall area), then loss of the habitat and provision of compensatory habitat elsewhere may be more appropriate and effective means both to deliver Biodiversity Net Gain and better development design. Recommend wording: "Where proposed developments impact upon a Priority Habitat the Council will expect the ecological importance of that habitat to be fully assessed and reported. Where those impacts would lead to significant harm to biodiversity, the mitigation hierarchy set out in paragraph 175 a) of the NPPF should demonstrably have been applied and an overall Biodiversity Net Gain delivered in accordance with paragraph 170(d) of the NPPF”.</p>	
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B143	Ben Kite (Managing Director of Ecological Planning & Research Ltd) on behalf of L&Q Estates Ltd	Part 1 Para 6.1	<p>A change is required for the following reason. A PEA should not normally be submitted with an application. CIEEM's PEA (2018) guidance states:</p> <p>"The results of a PEA can be presented in a Preliminary Ecological Appraisal Report (PEAR). The primary audience for a PEAR is the client or developer and relevant members of the project team, such as the architect, planning consultant, and landscape architect. It is normally produced to inform a developer (or other client), and their design team, about the key ecological constraints and opportunities associated with a project, possible mitigation requirements and any detailed further surveys required to inform an Ecological Impact Assessment (EcIA). Under normal circumstances it is not appropriate to submit a Preliminary Ecological Appraisal Report (PEAR) in support of a planning application because the scope of a PEAR is unlikely to fully meet planning authority requirements in respect of biodiversity policy and implications for protected species."</p>	PEA is requested in the first step, then additional species surveys and actual submission at step 5 - To clarify this step 5 now include specific mention of EcIA
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B144	Ben Kite (Managing Director of Ecological Planning & Research Ltd) on behalf of L&Q Estates Ltd	Part 1 Table 1	<p>Whether an EIA is needed or not, the information to inform a planning application should normally be provided as part of an Ecological Impact Assessment (EclA), the findings of which should be based upon the results of any necessary surveys, included within the EclA Report. The survey results/reports themselves, submitted in conjunction with a Preliminary Ecological Appraisal Report do not comprise an adequate assessment of impacts as CIEEM make clear in their own guidance. The flowchart (Table 1 on page 11) in our view has the potential to cause confusion when communicating to developers what information should be submitted with a planning application, since neither PEA Reports nor separate species or habitats surveys should under normal circumstances be submitted separately; instead, they should inform an EclA (which can be proportionate to the size and complexity of the development in question).</p> <p>The text under Stage 3 ('Biodiversity Gain Plan') refers to certain elements of an Ecological Impact Assessment (e.g. determining impact avoidance) and conflates these with the requirement for providing Biodiversity Net Gain, which Defra have made clear applies in addition to the normal requirements of EclA.</p> <p>Our view is that Table 1 on page 11 should be re-worked to make it clear that the current Stage 1, and any elements of Stage 2 needed to inform the development in question should normally be incorporated into an EclA Report, which should include a thorough but proportionate assessment of impacts upon Important Ecological Features (IEFs) in accordance with CIEEM Guidelines (i.e. not all features as presently implied). This EclA report should apply the 'mitigation hierarchy' to these impacts in accordance with paragraph 175 a) of the NPPF and establish the extent to which the development complies with applicable nature conservation related legislation and policy. Stages 3 and 4 should then be revised to address separately the requirement for a 'Biodiversity Gain Plan' (which could form a section or appendix to an EclA Report) that employs Defra's Biodiversity Metric to detail how the proposed development will provide the required net gain in biodiversity. The above recommendations also apply to para 6.38.</p>	The table shows the steps to be undertaken before submission which is step 5.
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B145	Ben Kite (Managing Director of Ecological Planning & Research Ltd) on behalf of L&Q Estates Ltd	Part 1 Para 6.4	<p>This states: “.... if activities are carried out on the land after 30th January 2020 which would lower the biodiversity value then the pre-development biodiversity value immediately before the activities took place will be taken”</p> <p>Although not clear from the text, this sentence appears to refer to the application of the Defra Metric to determine whether or not a development will result in the required level of Biodiversity Net Gain. Whilst a precaution along these lines is understandable and in our view justified to prevent deliberate frustration of the Biodiversity Net Gain requirement, in our view this sentence should be amended to clarify that this provision only applies to suspected deliberate attempts to destroy or diminish existing biodiversity for the purposes of achieving planning consent (for example premature site clearance), and not due to the incidental results of legitimate pre-development land use (for example carrying out of farming activity). If this caveat is not applied, then developers who have taken a responsible approach to delivering Biodiversity Net Gain, and who do so on sites that are ecologically poor as a result of their existing lawful use (and which are therefore suitable for development) might be unfairly penalised.</p>	The text does refer to the Governments White paper and its inclusion is reasonable.
B146	Ben Kite (Managing Director of Ecological Planning & Research Ltd) on behalf of L&Q Estates Ltd	Part 1 Para 6.5	<p>This states that the: “the level of [biodiversity] gain will be set by negotiation with the LPA”.</p> <p>Our view is that this statement leaves a lack of clarity over what will be expected from developers, and will make it difficult for them to plan in advance what their sites should make provision for – potentially creating a situation where there is inconsistency across applications and circumstances in which biodiversity gains have been poorly retrofitted into development layouts if the need to provide them was not foreseen. Whilst we appreciate that, in lieu of the Environment Bill being passed (which as currently written requires a 10% gain on the pre-development baseline), there is presently something of a policy vacuum, we would urge the Council to make a more explicit statement of their expectations for Biodiversity Net Gain. This should be achievable given the timescales for adopting the SPD and the likely convergence with the passing of the Environment Bill.</p>	Added: should result in a net gain for biodiversity (Policy SD1) of at least 10% [subject to specific requirements of the Environment Act and the Local Plan for MK].

B147	Ben Kite (Managing Director of Ecological Planning & Research Ltd) on behalf of L&Q Estates Ltd	Part 1 Para 6.6	<p>A statement is made that: “...surveys older than 18 months are likely to require updating and those 3 years or more will be invalid”.</p> <p>A change is required for the following reason. It should not be the case that all surveys in all circumstances are invalid after 3 years, as this depends on the species or feature in question (i.e. its mobility) and whether or not the relevant habitats are changing. For example, a large expanse of tarmac in an urban setting will probably have the same supporting value for the faunal species that use it for longer than 3 years (e.g. it is unlikely that its value as foraging habitat for bats would have changed significantly if the habitat itself remained the same for longer than this period). In such circumstances it may be necessary to carry out certain checks to provide evidence that old surveys are likely to hold good, but it may not be necessary to slavishly repeat the full suite of all ecological surveys (in the example given above, this could for example involve updating the habitat survey to demonstrate that the tarmac and its surrounds remain unchanged, but it may not be necessary to repeat all of the bat surveys, unless there is a reason to suspect a change in baseline). We would advise the Council to replace the text at paragraph 6.6 with a more generalised statement about the need to ensure that surveys remain adequately up-to-date for the purposes of informing the decision that is to be made, and refer applicants to CIEEM’s guidance on this: https://cieem.net/wp-content/uploads/2019/04/Advice-Note.pdf . In our view the Box on Page 23 of the SPD deals with the issue of survey lifespan much better in this respect.</p>	<p>CIEEM guidance says more than 3 years "The report is unlikely to still be valid and most, if not all, of the surveys are likely to need to be updated (subject to an assessment by a professional ecologist, as described above). Added "unlikely to the text and reference to CIEEM as suggested.</p>
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B148	Ben Kite (Managing Director of Ecological Planning & Research Ltd) on behalf of L&Q Estates Ltd	Part 1 Para 6.36	<p>Comment are made on the formulae. Respondent stated that it may be a reasonable reflection of the true costs of each outlined element (habitat creation, management, monitoring etc), it is not at all clear how it has been derived as no information or evidence appears to have been provided to underpin the proportionate relationship between each. Therefore, it is not possible to determine whether or not the amount that is sought is actually justified.</p> <p>The formulae appears to presume that creating a new habitat will always be much more expensive than subsequently having to manage and monitor it. Whilst in the majority of cases this may be true, in theory, there could be many instances where the reverse is true – for example, where habitat creation costs are low because a suitable site and soils already exist for grassland creation (requiring seed sowing only), but where long-term careful management and monitoring is then required to ensure that the correct habitat type then develops (for example creating grasslands with swards referable to National Vegetation Classification MG5 subcommunities).</p> <p>Our recommendation is therefore that adequate evidence is provided to demonstrate that this proposed tariff is both fit for purpose and justified.</p>	The formulae had been removed from the SPD.
B149	Ben Kite (Managing Director of Ecological Planning & Research Ltd) on behalf of L&Q Estates Ltd	Part 2 Para 2.2	<p>The relevant legislation for protected species is set out at Para 2.2. A change is required because the wrong legislation is cited. This should be:</p> <ul style="list-style-type: none"> • The Conservation of Habitats and Species Regulations 2017 (as amended), • The Wildlife and Countryside Act 1981 (as amended), or • The Protection of Badgers Act 1992. 	Noted and changed.

B150	Ben Kite (Managing Director of Ecological Planning & Research Ltd) on behalf of L&Q Estates Ltd	Part 2 Para 2.3	<p>A statement is made as to where additional ecological information is required, proposing two scenarios.</p> <p>A change is required for the following reasons.</p> <p>These two scenarios are very poorly considered. Firstly, some Biodiversity Action Plan (BAP) Priority Habitats are not of any significant existing ecological importance (see response above to Part 1 Section 4 Page 9, para 4.17 et seq). Secondly, the Bucks and Milton Keynes BAP will also not cover many rare invertebrate species and plants that could be material considerations to the determination of a planning application whether or not they are protected or listed as part of a BAP. The link to impacts on designations is also far from made clear here. In our view, this paragraph would do better to refer to IEFs as defined in the CIEEM guidelines for EclA (see response above to Part 1, Section 6, para 6.1).</p>	Noted and revised.
B151	Ben Kite (Managing Director of Ecological Planning & Research Ltd) on behalf of L&Q Estates Ltd	Part 2 Table 2	<p>Corrections are required here because various incorrect survey seasons are given (e.g. the stated Great Crested Newt Aquatic Habitat and Hazel Dormouse survey seasons are both incorrect in relation to applicable good practice guidance), and some features listed in the table have no survey season identified for them at all (e.g. Bats (Hibernation Roosts). NB. Great Crested Newt (not hyphenated).</p> <p>The industry best practice survey guidance for Great Crested Newts (Great Crested Newt Mitigation Guidelines (English Nature, 2001) require surveys for Great Crested Newts in ponds to be carried out during mid-March to mid-June. June (at least the first half) is therefore an optimal time to survey GCN in Aquatic Habitat. Surveys in February are not recommended other than to scope a pond by carrying out a Habitat Suitability Index survey. None of this is made clear.</p> <p>Additionally, Natural England's Dormouse Mitigation Handbook (2nd Ed, 2006), which is currently in the process of being updated but remains the most up-to-date guidance at time of writing, advises that nest tube surveys should be carried out between April and November and specifies the minimum survey effort that should be carried out within this period (Table 2 in the SPD currently erroneously refers to May-Sep as being the appropriate survey window). In some circumstances it is also possible to carry out autumn and winter searches for Hazel nuts chewed by Dormice, and the anticipated update to the guidance is also expected to introduce the use of footprint tunnels. Again, the information provided in Table 2 on page 30 is incorrect.</p>	Revised and added additional guidance

B152	Ben Kite (Managing Director of Ecological Planning & Research Ltd) on behalf of L&Q Estates Ltd	Part 2 Annex B	As per previous comments e (e.g. Part 1, Section 6, Para 6.1 and Table 1 (Page 11), there is no mention of the need for development proposals to undertake EclA and submit an EclA report in any circumstances. In our view this is a fundamental shortcoming that should be rectified, and it applies equally to both development requiring formal statutory EIA or not (though should be proportionate).	Noted and changes applied
B153	Ben Kite (Managing Director of Ecological Planning & Research Ltd) on behalf of L&Q Estates Ltd	Part 1 Map 1	A map showing designated sites includes a separate key. A change is required because the colours on the key do not match the features they claim to represent (e.g. the wildlife corridors keyed in as 'rail', 'wet' and 'road' appear to be swapped around in the key).	Noted - map to be reproduced
B154	Ben Kite (Managing Director of Ecological Planning & Research Ltd) on behalf of L&Q Estates Ltd	Part 1 Para 4.18	A change is required to change two words as follows: It should be "...Natural not National..." and "...considered to be Habitats and Species of Principal Importance".	Noted and corrected
B155	Ben Kite (Managing Director of Ecological Planning & Research Ltd) on behalf of L&Q Estates Ltd	Part 1 Para 3.3	Respondent states that the list of ecological features at the end of this paragraph is a better attempt at listing potentially important ecological features that could be material considerations in planning (if affected) than the earlier attempts at doing so in the SPD (it mentions notable and red list species for the very first and only time, for example).	Noted
B156	Ben Kite (Managing Director of Ecological Planning & Research Ltd) on behalf of L&Q Estates Ltd	Part 1 Para 5.1	This should refer to Great Crested Newt (not hyphenated).	Noted and corrected
B157	Ben Kite (Managing Director of Ecological Planning & Research Ltd) on behalf of L&Q Estates Ltd	Part 1 Para 5.3	The reference here to Milton Keynes and Buckinghamshire Biodiversity Recording and Monitoring Centre is incorrect and should refer to Buckinghamshire and Milton Keynes Environmental Records Centre (BMERC).	Noted and corrected
B158	Ben Kite (Managing Director of Ecological Planning & Research Ltd) on behalf of L&Q Estates Ltd	Part 1 Table 1	Missing symbols against notes after table.	Noted.

B159	Ben Kite (Managing Director of Ecological Planning & Research Ltd) on behalf of L&Q Estates Ltd	Part 1 Table 3	It is not clear here why designated sites are shown in separate parts of the table. Additionally, Local Wildlife and Biological Notification Sites appear to have been unaccountably omitted..Page 34, The relationship to the table on page 34 (assume this is Table 4) to the information on the proceeding page is not wholly apparent. It appears to relate to the criteria for which important geological sites may be identified.	Table revised.
B160	Elanor Wright (Principal Planner) Oxalis Planning	whole document	<p>SPD consultation document generally accords with the principles and requirements of national policy and, in this regard, we support the Council's overarching ambitions to achieve biodiversity net gain. We agree with the Council regarding the importance of ensuring that biodiversity across the Council's area is maintained and, where possible, enhanced, through development. Whilst we generally agree with the principles established through the SPD consultation, we would highlight the importance of achieving sustainable development, through ensuring that development proposals are assessed on a site by site basis, with a full understanding of the site's context.</p> <p>Biodiversity requirements should be proportionate to the development proposed and should not preclude sustainable development from being delivered through onerous or disproportionate demands. In this regard the SPD should provide flexibility to be adaptable to varying site contexts.</p>	Noted.
B161	Elanor Wright (Principal Planner) Oxalis Planning	Part 1 Para 5.1	Paragraph 5.1 of the SPD states that the Council welcomes pre-application discussions regarding development proposals and we concur that pre-application discussions can be extremely useful. These discussions should be as constructive as possible and provide an excellent opportunity for both the Council and developers, alongside their agents, to fully understand the opportunities and constraints of sites. Early engagement on matters such as biodiversity offsetting can be crucial to understanding a scheme's capacity to maintain or enhance biodiversity and how this aspect of the scheme can be appropriately incorporated into and accommodated within development proposals.	Noted.
B162	Elanor Wright (Principal Planner) Oxalis Planning	Part 1 Table 1	Table 1 on page 11 of the consultation document is a sensible and logical approach to identifying site specific opportunities; it will provide a helpful guide for developers in preparing their applications.	Noted. Opportunities and constraints plan added.

B163	Martin Taylor (Planning Director at Leachfields) on behalf of St James Group	whole document	Respondent is overall supportive of the draft Biodiversity SPD and our proposals already seek to integrate and respond to many of the principles set out in the draft SPD, for example on net biodiversity gain. We are pleased that our proposals complement the draft SPD and will help to achieve many of its overarching objectives. Respondent consider it to be beneficial in ensuring development maintains and enhances the ecological interest of the Borough. However, respondent has suggested corrections/clarifications for the final document as identified in our responses to individual parts of the SPD below.	Noted.
B164	Martin Taylor (Planning Director at Leachfields) on behalf of St James Group	Part 1 Map 1	It is understood that the local nature designations have been undergoing review in recent years resulting in several sites being declassified and new sites identified. With specific regard to a rectangular area of woodland to the immediate east of A509 London Road (Grid Ref = SP89144246), this is depicted on Map 1 of the draft SPD as a local wildlife site (including Local Wildlife Sites and Biological Notification Sites). It is understood from Buckinghamshire and Milton Keynes Environmental Records Centre (BMKERC) that since 2012 this area of woodland has had its former Biological Notification Site status removed and therefore no longer qualifies for consideration as a local wildlife site, as confirmed by desk studies carried out in 2014, 2016 and 2018. A map showing the correct distribution of local wildlife sites for this area, as provided by the BMKERC, is provided below. This shows that the woodland is no longer a local wildlife site (nor Biological Notification Site). (Maps provided). Map should be updated.	New Map inserted, reference to the site removed.
B165	Martin Taylor (Planning Director at Leachfields) on behalf of St James Group	Part 1 Para 3.1	It is noted that at several points (e.g. Section 3.1) the legislation referred to has now been superseded. It is recommended that the list of legislation is updated to reflect current law at the time the final Biodiversity SPD is published.	Noted and updated.

B166	Martin Taylor (Planning Director at Leachfields) on behalf of St James Group	Part1 Para 6.24	Paragraph 6.24 covers ancient woodland, veteran trees and ancient hedgerows. It is suggested that ancient hedgerows are excluded from this list, and perhaps addressed separately, to avoid confusion with the greater weight to be applied to ancient woodland and ancient veteran trees under the 2019 NPPF and Natural England and Forestry Commission Standing Advice. Whilst 'ancient hedgerows' can be extremely old and ecologically valuable features, the title covers a range of hedgerow types including species-poor hedgerows in the region of 150 years old and therefore the title does not immediately imply an intrinsic ecological value.	Noted - Paragraph now refers to NPPF glossary definition .
B167	Chris Bridgman (Partner Bridgman & Bridgman LLP	General comment	Title : Biodiversity Accounting. It is not clear what Biodiversity Accounting means. The document concentrates on procedures and compliance, however, given the problems with biodiversity loss described in the document, it would be helpful if there was a section emphasising the importance of finding and implementing opportunities to restore nature in MK. Conventional approaches to landscaping that do not increase biodiversity should be avoided and new approaches, which might be linked to sustainable drainage, the use of native species in natural associations or planting with documented value for wildlife, should be emphasised. Examples including biodiverse lawns and meadows, swales, native woodland planting, native hedges and features on buildings like biodiverse green roofs should be more forcefully promoted.	A section on site biodiversity enhancement has been added.
B168	Chris Bridgman (Partner Bridgman & Bridgman LLP	Part 1 Map 1	The key shows blue colour for Wildlife corridor rail and red colour for Wildlife Corridor Wet. It looks like these are incorrectly labelled. In any case blue would be a more suitable colour for wet corridor. This map should be clearer, perhaps computer generated rather than a photo of a hand-coloured plan?	Map for indicative purposes. Link to My MK GIS dataset added.
B169	Chris Bridgman (Partner Bridgman & Bridgman LLP	Part 1 4.16	Local Nature Reserve's LNR's should be Local Nature Reserves (LNRs).	Noted and corrected.

B170	Paul Hammond (Individual)	General comment	<p>Swift numbers have declined in the UK by 53%, in the past 25 years and they are now an amber-listed species. The primary reason for this decline has been the lack of suitable nesting spots. One way of reversing this trend is to incorporate Swift bricks into new houses. Accordingly, I write to suggest that consideration should be given to encouraging and facilitating the provision of Swift bricks in new developments and houses, within the Council's Bio-Diversity SPD. Given the quantum of future housing growth in Milton Keynes a strategy of Swift brick provision, via the SPD, has the potential to have a very positive impact on a species which is under serious threat.</p>	Noted and guidance added.
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