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Oldham Local Plan Examination
Matters, Issues and Questions – Matter 8

Matter 8 – Biodiversity and Natural Environment Policies

Issue 12: Does the Plan set out a positively prepared strategy and policies (Policies OL1 to OL5; N1 to N4; CO1 to CO2) for biodiversity and the natural environment which is justified, effective and consistent with national policy?

Policy OL1

Q8.1 Is Policy OL1 effective, justified and consistent with national policy?

Policy OL2

Q8.2 Is there sufficient evidence to demonstrate that there are exceptional circumstances that justify the amendments to Green Belt boundaries (as set out in Appendix 8), in accordance with national policy?

1. Whilst the HBF considers that this is for the Council to justify, it should be noted that paragraph 139 of the 2021 NPPF sets out a number of criteria (a – e) which the Council should address if it is to add land to the Green Belt. These need to be robustly addressed.

Q8.3 Is Policy OL2 justified and consistent with national policy?

2. Paragraph 16 of the NPPF seeks to avoid unnecessary duplication of policies (including those within the NPPF itself). In this regard, the HBF considers that this policy largely repeats what is in national planning policy (see NDMP Policies GB6 and GB7 of the 2026 NPPF). In particular, it is unclear why the policy needs to detail specific uses (agricultural buildings, stables, change of use, sport and recreation) when these are already sufficiently covered in the NPPF.

3. Whilst the information concerning the localised approach to infilling is useful, this can be explained in the reasoned justification and does not necessarily need to be in the policy text itself.

4. Consequently, the HBF considers that the policy text can be simply reduced to:

   "Development proposals within Oldham's Green Belt will be determined in line with national planning policy."

5. This would also ensure that the policy remains up to date throughout the plan period and can take into account matters including grey belt and developments near well-connected stations.

Q8.4 Is Policy OL2 effective? In particular:

(a) **Is the extent of villages sufficiently clear?**
(b) **Is the definition of infilling sufficiently clear? Is the reference to the development of gaps in the last paragraph of the policy justified in relation to the relevant Green Belt exceptions?**

Policy OL3

Q8.5 Is Policy OL3 justified, effective and consistent with national policy?

Policy OL4

Q8.6 Is Policy OL4 effective, justified and consistent with national policy? In particular:

(a) **Have the Local Green Spaces identified been selected based on appropriate and up to date evidence? Are the exceptions identified in the policy effective and consistent with the 2021 Framework?**
(b) **Is the reference to small scale proposals in criterion 1 suitably precise and is it therefore effective?**
(c) **Is the 'presumption against development proposals that will substantially harm the significance of the Local Green Space' consistent with national policy?**

Policy OL5

Q8.7 Is Policy OL5 effective, justified and consistent with national policy?

Policy N1

Q8.8 Is Policy N1 effective, justified and consistent with national policy? Is it consistent with PFE [PW09]?

Q8.9 Does Policy N1 provide a suitable framework to prevent adverse effects on designated habitats sites in accordance with the Conservation of Habitats and Species Regulations 2017?

Q8.10 Is the policy hierarchy justified? In particular:

(a) **Are the reasons for including sites as locally designated sites (Sites of Biological Importance, Regionally Important Geological Sites, Local Nature Reserves) justified? Is the geographic extent of these sites clear and is the policy therefore effective?**
(b) **Is it appropriate to include non-designated sites within the hierarchy? What is the likely extent of non-designated sites that would fall under criterion 5? Will identification of these sites be sufficiently clear and understandable for decision makers and applicants on a case-by-case basis?**

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Policy N2

Q8.11 Is Policy N2 effective, justified and consistent with national policy?

6. This policy appears to cover both general nature restoration and the Local Nature Recovery Strategy (LNRS) as well as biodiversity net gain (BNG). Whilst not necessarily a soundness issue, it does make the policy confusing to navigate.

7. Irrespective of this, the PPG itself is clear that plan-makers do not need to duplicate the detailed provisions that is already in the statutory framework for BNG (Reference ID: 74-006-20240214). This is particularly important for BNG given that the policy and its requirements are continuing to evolve (see our responses to Q8.12 and Q8.13).

Q8.12 Are the requirements of Policy N2 sufficiently clear and understandable for decision makers and applicants with regard to the requirement to achieve a net increase in biodiversity, and is the policy effective as a result?

8. The HBF does not consider the policy to be particularly clear. It does not appear to distinguish between sites which are subject to mandatory BNG and those which are not and the different approaches required for this. It is also not particularly clear regarding the BNG hierarchy.

9. As outlined in our response to Q8.11 above, the policy would be effective if it simply states that BNG will be required in line with the statutory framework, national policy and guidance. This then covers all current and future changes to BNG requirements.

Q8.13 Are the policy principles in relation to the selection of Biodiversity Net Gain off-site areas justified and consistent with national policy? Is the policy approach consistent with the statutory Biodiversity Net Gain process?

10. The HBF does not consider this is consistent with national policy. The BNG hierarchy is different to that expressed in the policy as it covers the following:

    - Avoid.
    - Mitigate.
    - On-site habitat enhancement.
    - On-site habitat creation.
    - Registered off-site biodiversity units.
    - Statutory biodiversity credits.

11. Recent changes to BNG legislation also now means that minor development is able to regard on-site and off-site provision as having equal status in the hierarchy.

12. Again, this emphasises the point that the policy is best served by simply referring to the statutory framework as well as national policy and guidance, so as to ensure the policy remains effective over the plan period.

13. Further to this, whilst it is clearly preferable for off-site areas to be in line with local priorities and actions, the main focus should clearly be to provide habitat that gets to at least 10% BNG and which successfully meets the trading rules. This then satisfies the statutory requirement.

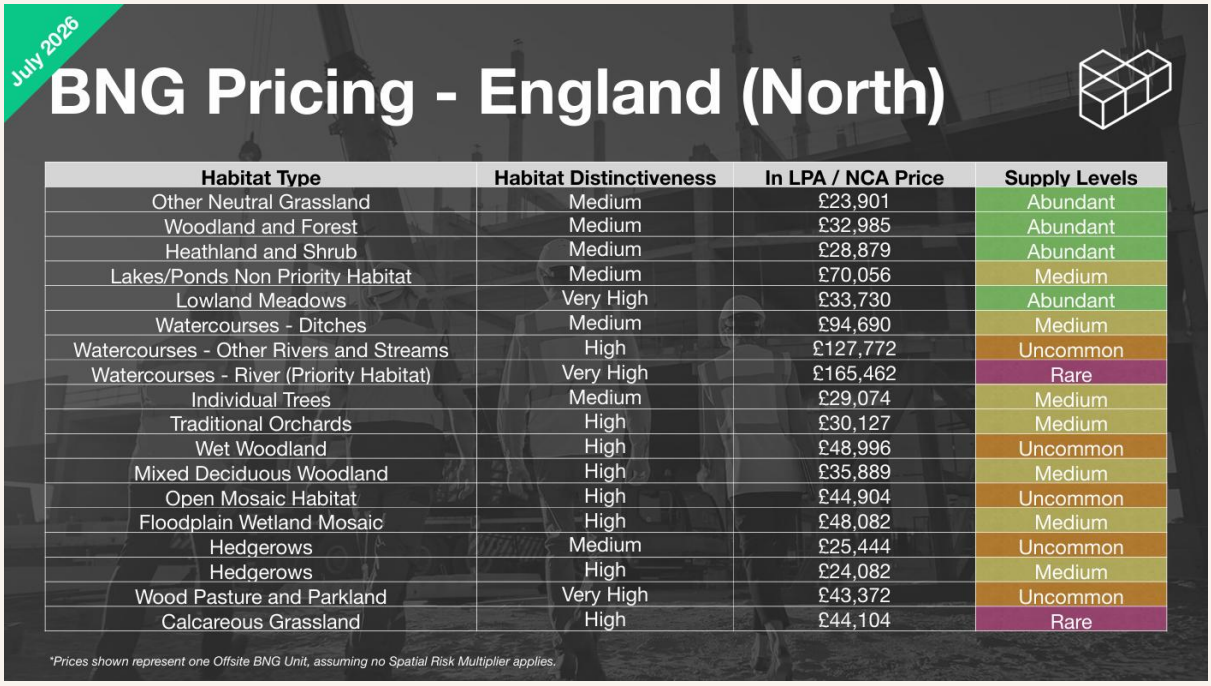
Q8.14 Have the viability implications of Policy N2 been appropriately tested? Are the policies sufficiently flexible?

14. The HBF observes that the assumption for BNG within the LPVA [PW05] is set at £242 per dwelling for brownfield development and £1,037 per dwelling for greenfield and Green Belt development (see Table 6.14). This is based on the Government's Impact Assessment undertaken in relation to BNG (dated October 2019). This was before mandatory BNG was in place, before the off-site market was established and before the price of statutory credits were known.

15. As such, the Impact Assessment only assumes the cost of one BNG unit is around £11,000. However, with the off-site market now established and mature, it is clear that this is a gross underestimation of the cost of BNG.

16. To illustrate the off-site costs in particular, Biodiversity Units UK (a market leading BNG broker) provides pricing data from around the country. This draws on pricing data from 254 habitat banks, equivalent to 95% of the registered market (see https://www.biodiversityunits.com/july2026).

17. The BNG Pricing Report for the North of England from July 2026 is shown below:



Habitat Type	Habitat Distinctiveness	In LPA / NCA Price	Supply Levels
Other Neutral Grassland	Medium	£23,901	Abundant
Woodland and Forest	Medium	£32,985	Abundant
Heathland and Shrub	Medium	£28,879	Abundant
Lakes/Ponds Non Priority Habitat	Medium	£70,056	Medium
Lowland Meadows	Very High	£33,730	Abundant
Watercourses - Ditches	Medium	£94,690	Medium
Watercourses - Other Rivers and Streams	High	£127,772	Uncommon
Watercourses - River (Priority Habitat)	Very High	£165,462	Rare
Individual Trees	Medium	£29,074	Medium
Traditional Orchards	High	£30,127	Medium
Wet Woodland	High	£48,996	Uncommon
Mixed Deciduous Woodland	High	£35,889	Medium
Open Mosaic Habitat	High	£44,904	Uncommon
Floodplain Wetland Mosaic	High	£48,082	Medium
Hedgerows	Medium	£25,444	Uncommon
Hedgerows	High	£24,082	Medium
Wood Pasture and Parkland	Very High	£43,372	Uncommon
Calcareous Grassland	High	£44,104	Rare

18. This demonstrates a more accurate BNG cost which is substantially above that found in the Government's Impact Assessment. It should also be noted that the Impact Assessment substantially understates the impact on brownfield land, which can often have open mosaic habitats which are difficult to reproduce (to satisfy trading rules) and where credits are expensive and relatively rare (see BNG pricing above).

19. The HBF's own research from this year notes that a more accurate cost of BNG is £5,700 per dwelling. This is based on a survey undertaken with our members (see https://www.hbf.co.uk/documents/15569/HBF_Viability_Report_March_2026.pdf).

20. Therefore, whilst it is appreciated that BNG costs can vary widely from site to site, the current assumptions in the LPVA appear to be far too low and are therefore unjustified.

21. It is also worth highlighting that alongside this, there is a concern regarding the cumulative effect on viability taking into account the requirements of Policy N2, N3 and N4 (see our comments below).

Policy N3

Q8.15 Is Policy N3 effective, justified and consistent with national policy? In particular, are the different thresholds in the policy supported by evidence?

22. The HBF considers that this is for the Council to address. We are particularly interested in the threshold for applying the Urban Greening Factor (UGF) scores.

Q8.16 Is the requirement for major development to achieve specific Urban Greening Factor scores justified by evidence? Is the requirement clear and understandable for decision makers and applicants with regard to establishing their score on a case-by-case basis, and is the policy effective as a result?

23. As outlined in our Regulation 19 consultation response, the HBF is concerned that the use of UGF seeks to apply a rigid scoring system that has no regard to local context and site-specific factors. Given that UGF favours the quantum/coverage of green space over quality or usability, it may not be the best way to achieve high-quality green infrastructure on a site.

24. Indeed, the policy and reasoned justification does not indicate how the score is calculated and what happens if, for legitimate reasons, a site cannot meet the standard set. It is also unclear how this policy interacts with Policy N2 and BNG.

25. For this reason and for effectiveness, the Council should seek to assess the provision of green infrastructure on a site-by-site basis, taking into account quantity, quality and usability of provision as well as access to other green infrastructure nearby.

Q8.17 Have the viability implications of Policy N3 been appropriately tested? Are the policies sufficiently flexible?

26. It is noted that the LPVA [PW05] includes requirements of Policy N3 within its wider Section 106 costs (set at £5,500 per dwelling – see Table 6.13). It is therefore unclear how this requirement has specifically been taken into account.

27. The HBF's concern in this regard is that whilst this may include the physical costs of the green infrastructure and its management, the LPVA does not sufficiently take into account the cost in terms of loss of developable area when this is included (alongside the requirements of Policy N2 and N4).

28. In this regard, the HBF considers the assumptions for gross to net ratios to be particularly concerning, which is set at 100% for all brownfield sites and 80% for greenfield sites (see Typologies Matrix in Appendix 2 of the LPVA). This does not appear to be particularly realistic when taking into account the requirements of Policy N3 (or indeed Policy N2 and N4 too).

29. It is therefore considered that the typologies should be re-evaluated with more realistic gross to net ratio assumptions.

<u>Policy N4</u>

Q8.18 Is Policy N4 effective, justified and consistent with national policy? Is it supported by convincing evidence?

30. The HBF supports the requirement to retain trees wherever possible and this is consistent with the NPPF (paragraph 131 of the 2021 NPPF and Policy N2 of the 2026 NPPF), however it is considered that Policy N4 goes further than this by specifically providing a closed list of when the loss of trees is acceptable. There may be other legitimate reasons as to why tree loss may occur on a site, for instance, to achieve a safe site access or to accommodate necessary site infrastructure. As such, for consistency with national policy, the wording of the policy should simply state that trees should be retained wherever possible.

31. In a similar manner to our comments in relation to Policy N3, the requirement for replacement planting of trees is rigidly applied and has no regard to any site specific factors and the feasibility of replacement planting at the rate required through the policy. The approach in the policy also appears to emphasise quantity of trees over quality, type or species.

32. Although the reasoned justification to the policy allows for a monetary contribution if on-site provision cannot be provided, this then appears to unfairly penalise constrained sites by adding further cost to those developments.

Q8.19 Have the viability implications of Policy N4 been appropriately tested? Are the policies sufficiently flexible?

33. The concern that the HBF has with Policy N4 is similar to that highlighted with Policy N3. That is that the general assumption in the LPVA for the cost of this policy is opaque and does not seem to take into account the dilution to the net developable area that this policy will cause (especially when considered alongside Policy N2 and N3).

34. This is particularly the case when the gross to net ratio assumptions are examined in Appendix 2 of the LPVA. These need adjusting to a more realistic percentage.

Policy CO1

Q8.20 Is Policy CO1 effective, justified and consistent with national policy? Has the identification of open space been based on appropriate and up to date evidence?

Q8.21 Is the policy clear and understandable for decision makers and applicants, particularly with regard to the extent of open space covered and the evidence required to justify the loss of open space (for example, identifying if open space is surplus to local needs or whether it is required to meet deficiencies in other open space typologies)?

Q8.22 Is the policy justified in applying the same level of protection to all types of open space? Is the policy sufficiently flexible with regards to justifying the loss of open space?

Q8.23 Can the Council demonstrate evidence of effective cooperation with Sport England with regard to Policy CO1? Would the policy ensure adequate provision for outdoor sport?

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Policy CO2

Q8.24 Is Policy CO2 justified and consistent with national policy? Is it supported by convincing evidence?

Q8.25 Are the requirements of Policy CO2 sufficiently clear and understandable for decision makers and applicants, and is the policy effective as a result? In particular:

(a) Is the policy clear on the circumstances when delivery of off-site open space would be sought?
(b) Is the policy clear how off-site financial contributions would be calculated?
(c) Is the requirement for on-site open space to be well connected to the existing green infrastructure network justified given that the location of future on-site spaces is unknown?
(d) Are the open space standards justified by evidence? Is it clear how these standards would apply to individual applications?
(e) Is the value standard justified by evidence? Is it clear how the value standard would apply to individual applications, including in conjunction with the other open space standards identified in the policy?

Q8.26 Have the viability implications of Policy CO2 been appropriately tested? Are the policies sufficiently flexible?

Overall

Q8.27 Are the policies in Chapters 13, 14 and 18 of the Plan otherwise positively prepared, justified, effective and consistent with national policy?

Q8.28 Are any Main Modifications required to ensure the policies are sound?

35. In line with our responses to the questions above, we consider Policies OL2 and N2 need to be stripped back in detail so they simply align with national planning policy, whilst it is considered that Policies N3 and N4 should be more flexible in nature so that they are effective.

36. It is also considered that Policies N2, N3 and N4 need to be re-examined in relation to their impact on viability.