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A Planner's View of Access to Biodiversity Data and Ecological Services during the Validation of Applications

Statutory Obligations



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- **NERC Act 2006**
s.40 of the Act states that local authorities have a Duty to have regard for the conservation of biodiversity in the exercise of **all** of their functions
- **Wildlife and Countryside Act 1981 (as amended)**
- **The conservation of Habitats and Species Regulations 2010**
- **CROW Act 2000**
- **Hedgerow Regulations 1997**
- **Badgers Act 1992**

Government Planning Policy and Good Practice



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- Circular 06/05: Biodiversity and Geological Conservation - Statutory Obligations and Their Impact Within the Planning System
- Planning Policy Statement 9 Biodiversity and Geological Conservation (2005)
- Planning for Biodiversity and Geological Conservation: A Guide to Good Practice (2006).
- PAS 2010 Planning to halt the loss of biodiversity. *Biodiversity Conservation Standards for the planning system in the United Kingdom. British Standards Institution (2006)*

Five Step Approach

'Planning for Biodiversity'



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Information

Is more information about the site's biological resource needed? Is more information about the development and its potential effects needed? Is the significance of the effects clear? Is there internal or external expertise that can help to inform the decision?

Avoidance

Have all adverse effects on wildlife species and habitats been avoided whenever possible?

Mitigation

Where adverse effects are unavoidable have they been or can they be minimized by the use of mitigation measures that can be guaranteed, for example, by conditions or planning obligations/agreements?

Compensation

Where, despite mitigation, there will be residual adverse effects that mitigation cannot reduce further, have there been or can they be compensated by measures that try at least to offset the harm? Can the compensatory measures be guaranteed by conditions or planning obligations/agreements?

Enhancements/New Benefits

Where there would be no significant harm to wildlife species or habitats, are there opportunities to provide new benefits for wildlife, for example, by habitat creation or enhancement and can these new benefits be guaranteed by conditions or planning obligations/agreements?

Validation of Planning Applications



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Standard application form (1APP) introduced April 2008

- Introduction of a 'National List' of Statutory Information; and
- the creation and adoption of accompanying Local Lists

(Guidance on information requirements and validation, March 2010)

Validation of Planning Applications



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As part of the 1app (national application form) the submission of a biodiversity survey and report is listed in 'Local Planning Requirements'.

All Suffolk Local Authorities have identified the submission of a biodiversity survey and report as a requirement for certain types of applications. In all instances the Suffolk County Council validation checklist has been the adopted approach.

1App Question for Biodiversity and Geological Conservation.



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Is there a reasonable likelihood of the following being affected adversely or conserved and enhanced within the application site, or on land adjacent to or near the application site?

a) Protected and priority species

Yes, on the development site

Yes, on land adjacent to or near the proposed development site

No

b) Designated sites, important habitats or other biodiversity features:

Yes, on the development site

Yes, on land adjacent to or near the proposed development site

No

c) Features of geological conservation importance:

Yes, on the development site

Yes, on land adjacent to or near the proposed development site

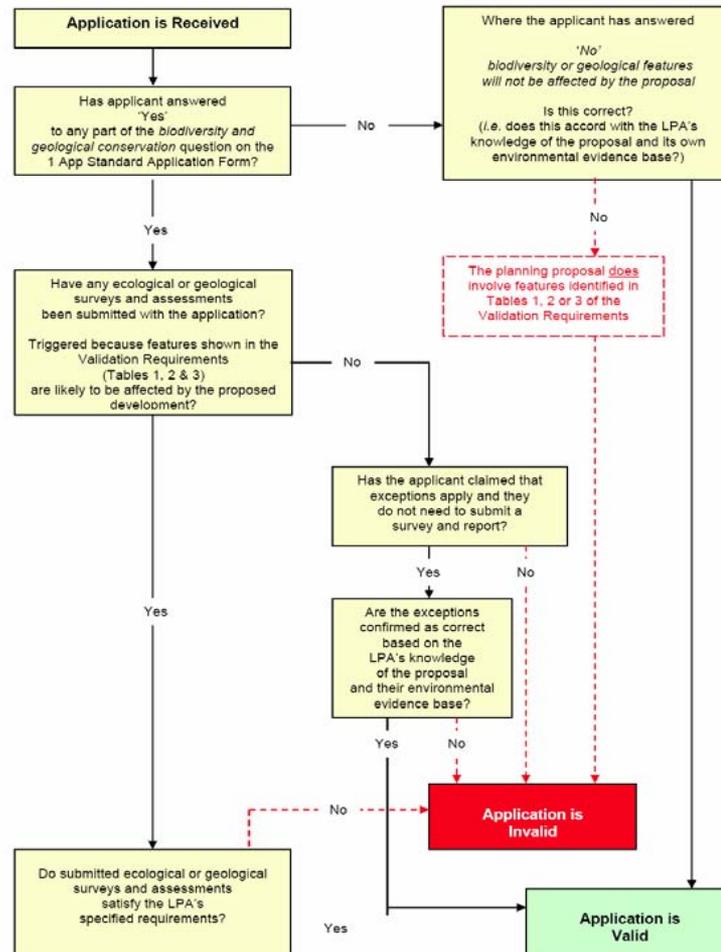
No

When is a survey required?



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Figure 3 Using the Biodiversity & Geological Requirements to Validate Applications for Full and Outline Permission

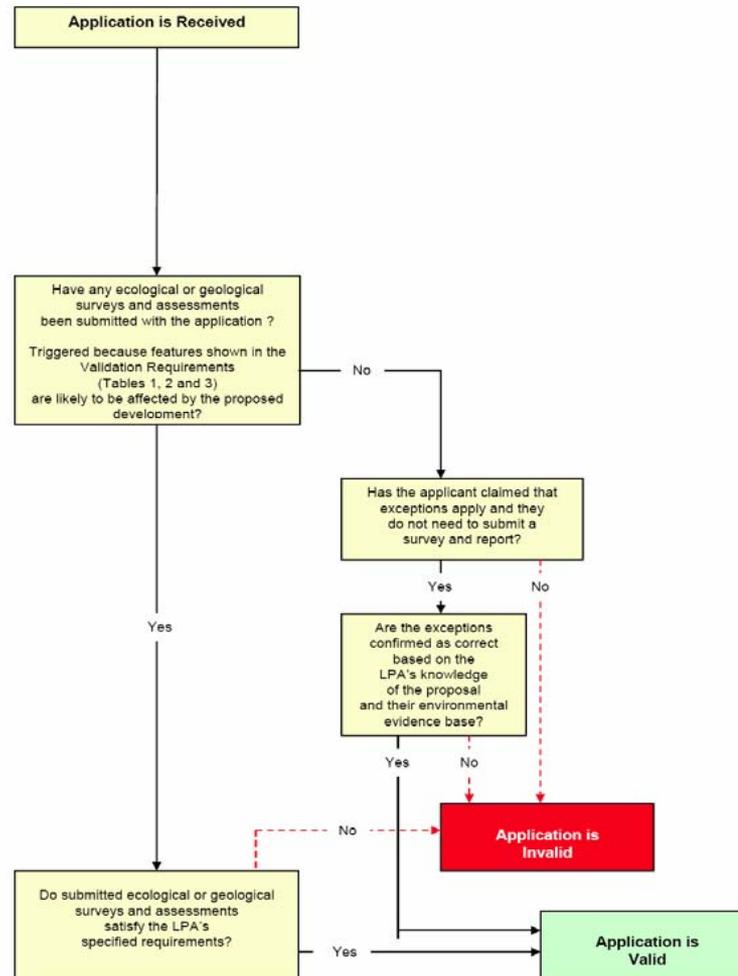


When is a survey required?



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Figure 4 Using the Biodiversity & Geological Requirements to Validate Applications for Householder, Listed Buildings and Conservation Area Consent



Suffolk Validation Checklist



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Table 1 - Protected and Priority Species for which Survey and Assessment will be required (by type of development).

Tables 2 and 3 - Designated Sites, Priority Habitats and other biodiversity features and geodiversity features where Survey and Impact Assessment will be required.

Figure 2- identifies the appropriate survey season by species type.



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In summary

- 1App Biodiversity & geodiversity question
- Flowchart for validation
- In house evidence base
- Suffolk validation checklist
 - tables
 - survey seasons

Information and Data



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Timely access to the best available data, information and knowledge on biodiversity is an essential prerequisite for successful conservation and enhancement.

Do you know who provides the information and datasets?
and who to contact with any queries?

BRIDGING THE GAP!

Suffolk Biological Records Centre



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- A one stop shop for biological records, information on species, habitats and protected sites in Suffolk.
- A valuable resource for research, planning and scoping exercises.
- Able to carry out a number of services from data enquiries to mapping projects. Stakeholders and other relevant authorities are provided on a yearly basis with;
 - Records of Protected, Locally Scarce and Rare Species
 - The register of County Wildlife Sites (CWS)
 - Locations and descriptions for Roadside Nature Reserves (RNRs)
 - GIS (Geographic Information Systems) compatible mapping files for protected species, CWSs and RNRs
 - Ongoing support

Suffolk Wildlife Trust



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Suffolk Wildlife Trust offer advice to all Suffolk Councils at the strategic level with input into Local Development Frameworks and other major plans.

They also monitor all weekly planning lists, offer advice to development control officers on individual planning applications where they feel there will be a significant impact, negative or positive, on wildlife and habitats.

Respond to **all** consultations relating to County Wildlife Sites and BAP habitats

Respond to consultations in respect of discharge of conditions for the conversion of barns and traditional agricultural buildings where we were consulted on the original application.

Applications affecting Sites of Special Scientific Interest (SSSI) should be directed to Natural England as the statutory consultee for protected areas.

Natural England



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National policy steer; focus to resources on LDFs and major development control applications

Regional project in East of England to produce standing guidance in relation to non-EIA development control applications involving protected species outside of SSSIs

The (draft) guidance is based on the biodiversity checklist

Local Authority Ecologist



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- Provides expert advice
- Confidence in decision making
- Responds to PPS9 which makes clear that developments should build in features beneficial to wildlife as part of the overall design.

Biodiversity Planning Toolkit



Biodiversity Planning Toolkit - Windows Internet Explorer

http://www.biodiversityplanningtoolkit.com/biodiversity.asp

Live Search

Biodiversity Planning Toolkit

Contact: info@biodiversityplanningtoolkit.com

Search

Key Habitats Key Species Designations Planning Applications Key Geodiversity Fundamental Considerations

An aerial, isometric illustration of a diverse landscape. A winding blue river flows through green fields and forests. In the foreground, there are residential buildings, a school, and a park. In the middle ground, there are industrial buildings, a power plant, and a wind farm. In the background, there are rolling green hills and snow-capped mountains under a blue sky with white clouds. The illustration is colorful and detailed, showing various elements of the natural and built environment.

Overall



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- Confidence in using the biodiversity checklist and considering biodiversity when validating planning applications
- Understanding the information and datasets held and available to us; and
- Determining the adequacy of a biodiversity survey or statement.

Having an in house ecologist or access to an ecologist



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Thank you

Questions

