

# PLANNING AND BIODIVERSITY


Five things a planner can do!



Jaki Fisher (West Suffolk Council)  
Lisa Chandler (Suffolk Coastal and Waveney District Councils)  
James Meyer (Suffolk Wildlife Trust)

Forest Heath & St Edmundsbury councils  
**West Suffolk**  
working together



 Waveney District Council  
Serving the Community

in partnership

 **Suffolk  
Wildlife  
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# WHAT IS 'BIODIVERSITY DUTY'?

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Guidance



## Natural Environment

Print 

### Biodiversity and ecosystems

Paragraph: 007 Reference ID: 8-007-20140306

#### Is there a statutory basis for planning to seek to minimise impacts on biodiversity and provide net gains in biodiversity where possible?

Yes. [Section 40 of the Natural Environment and Rural Communities Act 2006](#) , which places a duty on all public authorities in England and Wales to have regard, in the exercise of their functions, to the purpose of conserving biodiversity. A key purpose of this duty is to embed consideration of biodiversity as an integral part of policy and decision making throughout the public sector, which should be seeking to make a significant contribution to the achievement of the commitments made by Government in its [Biodiversity 2020 strategy](#) .

Guidance on statutory obligations concerning designated sites and protected species is published separately because its application is wider than planning and links are provided to external guidance. Local planning authorities should take a pragmatic approach – the aim should be to fulfil statutory obligations in a way that minimises delays and burdens.

The National Planning Policy Framework is clear that pursuing sustainable development includes moving from a net loss of biodiversity to achieving net gains for nature, and that a core principle for planning is that it should contribute to conserving and enhancing the natural environment and reducing pollution.

 Revision date: 06 03 2014

Natural Environment

Landscape

Biodiversity and ecosystems

Green Infrastructure

Brownfield land, soils and agricultural land

#### Related policy

National Planning Policy Framework

- [Paragraph 9](#)
- [Paragraph 17 – 7th bullet](#)
- [Paragraph 109](#)
- [Paragraph 113](#)
- [Paragraph 114](#)
- [Paragraph 117](#)
- [Paragraph 118](#)
- [Paragraph 119](#)
- [Paragraph 157 – Last bullet](#)

# WHERE DOES IT COME FROM?



Natural Environment  
and Rural  
Communities Act  
2006



Wildlife and Countryside Act 1981

1981 CHAPTER 69

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STATUTORY INSTRUMENTS

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**2010 No. 490**

**WILDLIFE**

**COUNTRYSIDE**

The Conservation of Habitats and Species Regulations 2010



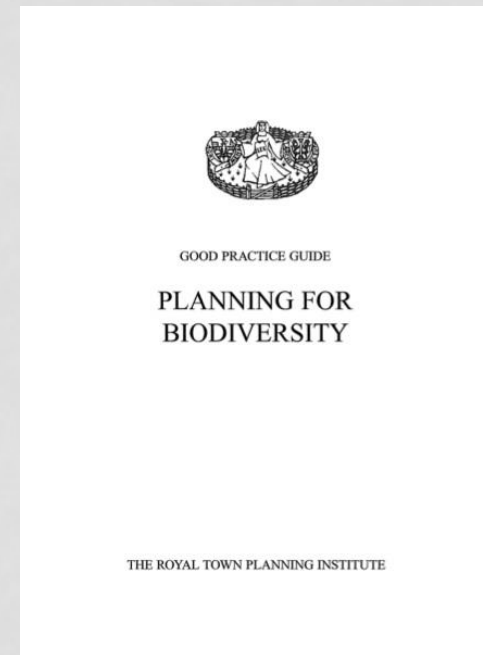
National Planning Policy Framework

# WHAT'S THE POINT?



# WHAT CAN YOU DO?

- Embed consideration of biodiversity as an integral part of policy and decision making;
- Consult and review specialist guidance;
- Be pragmatic;
- BUT be clear and firm;
- Embrace biodiversity; and
- Share good practice!



# 1 ENSURE ADEQUATE BIODIVERSITY SURVEYS



- Survey information is only any good if it is complete. Things to be wary of in a survey report:
  - ‘further survey work is required’;
  - ‘at this time not able to confirm’;
  - Timing of the report – e.g. winter survey for slow worm = inadequate; or
  - Qualifications of the surveyor – they should be appropriately qualified for the role – look for member of CIEEM.

IF you are satisfied that the survey is complete you can then process the application as you usually would.



# 1 DECISION MAKING IN THE ABSENCE OF SUFFICIENT INFORMATION

If the survey is incomplete there are 3 legitimate options to fulfil your responsibility under NERC 2006:

- a) Ask for the survey / additional information to be undertaken and provided; or
- b) Ask for the application to be withdrawn; or
- c) Refuse the application

**NEVER CONDITION FOR FURTHER SURVEY WORK!**



# 2 READ CONSULTATION RESPONSES CAREFULLY

- Once you have consulted with an appropriate expert, you will, be responsible for taking advice, initiating appropriate action and making the final decision.
- A response of 'no objection' may still require some clarification of matters of detail.
- Be clear what aspects of biodiversity the consultee is advising you on
- For a planning application do not translate expert advice into conditions in order to meet your timetable for determination.
- For policy making take advice into account when drafting planning policies.







## BSI Standards Publication

Use the BS standard conditions – at the very least condition that the recommendations of the biodiversity report are implemented.

### **D.4.6 Compliance with existing detailed biodiversity method statements, strategies, plans and schemes – Condition**

All ecological measures and/or works shall be carried out in accordance with the details contained in [ ... *specify relevant landscape/ecological document(s) ...*] and [...*dated ...*] as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.

# 4 SECURING BIODIVERSITY ENHANCEMENTS

The NPPF in section 118 states that

**opportunities to incorporate biodiversity in and around developments should be encouraged;**

Natural England letters often include the following statement:

*This application may provide opportunities to incorporate features into the design which are beneficial to wildlife, such as the incorporation of roosting opportunities for bats or the installation of bird nest boxes. The authority should consider securing measures to enhance the biodiversity of the site from the applicant, if it is minded to grant permission for this application.*

**ALWAYS ASK FOR  
ENHANCEMENTS**

# 5 CONTRIBUTING TO BIODIVERSITY RECORDS

Ask the applicant to submit biodiversity records to the appropriate records office through an informative

***It is requested that within 6 months of the commencement of development hereby permitted [or some other trigger point], all biological records submitted to the Local Authority to support the planning application should be supplied to Suffolk Biological Information Service (SBIS) in electronic format. The records should be submitted via <http://www.suffolkbis.org.uk/> or by using the ideal spreadsheet, available on the same link for large numbers of submissions.***

This is to ensure biological records are kept up to date to enable more accurate and better quality advice to be given, improving decision making and assisting in validating processes.

# DISCUSSION AND QUESTIONS

1. Ensure adequate biodiversity surveys prior to making a decision
2. Read consultation responses carefully
3. Use BS conditions
4. Secure biodiversity enhancements
5. Contribute to biodiversity records



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# PHOTOGRAPH CREDITS:

[www.biodiversityinplanning.org](http://www.biodiversityinplanning.org)

[www.midsexnut.org.uk](http://www.midsexnut.org.uk)

[www.gameclassroom.com](http://www.gameclassroom.com)

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