



USER GUIDE

PRE-SUBMISSION BIODIVERSITY CHECKING SERVICE

Pilot for Babergh and Mid Suffolk District Councils

Key Facts

Area covered	Babergh and Mid Suffolk Districts
Schemes covered	Low impact development (see definition in FAQ)
Offered by	Suffolk Biodiversity Information Service (SBIS)
Available to	Applicants who wish for their biodiversity survey / assessment and mitigation measures to be checked <i>pre-submission</i> to the Local Planning Authority
What the applicant receives	A BCS Certificate for submission with application documents to the Local Planning Authority.
Benefits of the BCS	<ul style="list-style-type: none"> a) Provides certainty about requirements and avoids delays. b) Speeds up the planning process for applicants with a BCS Certificate. c) Underpins a lawful decision by the Local Planning Authority based on high quality information as required under the British Standard for Biodiversity (BS42020 Section. 8.1)

FEEDBACK

This is a pilot Biodiversity Checking Service for Babergh & Mid Suffolk District Councils only. We would be very grateful if you could let us know:

- a) If the BCS was helpful.
- b) How it could be improved.
- c) If you found any difficulties with using the Service.

Please send your comments to BCS via the website.

All comments will be taken into consideration when this innovative service is reviewed by the Local Planning Authorities and the SBIS Board.

Thank you!

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1. BIODIVERSITY SURVEY & ASSESSMENT

1.1 WHEN A BIODIVERSITY SURVEY & ASSESSMENT IS NEEDED

All applicants should check the Suffolk biodiversity validation checklist for survey and assessment triggers ([Link to Suffolk Validation Checklist >](#)).

The appropriate seasons for undertaking ecological surveys are identified in Fig. 2, attached to Table 1 of the Suffolk Biodiversity Validation Checklist. The Checklist also includes the relevant extract from the British Standard on Biodiversity (BS42020). BS42020 is a Code of Practice for biodiversity in planning. Section 8 of BS42020 refers to the requirement to provide adequate information to enable determination of planning applications.

Where there is a likelihood of adverse impacts on Protected or Priority (s41 NERC Act 2006) habitats or species, sufficient information must be available to the Local Planning Authority before determination, in order to demonstrate legal and policy compliance with wildlife legislation and planning policy.

A Biodiversity Survey & Assessment will be required where a development site includes or is close to:

- Sites designated or proposed for their biodiversity or geodiversity importance, i.e. Site of Special Scientific Interest (SSSI), Ramsar site, National Nature Reserve (NNR), Special Area of Conservation (SAC), Special Protection Area (SPA), County Wildlife Site (CWS) and UK and Suffolk Priority habitat.
- Areas including, or close to, recorded locations of Protected species and UK and Suffolk Priority (s41) species.
- Other areas identified in pre-application discussions as potentially containing Protected and Priority species.

To obtain the above information, see Section 1.2 SBIS Data Search and 1.3 Priority Species Gateway.

Refer to Appendix 1 for a Biodiversity Survey and Assessment checklist. **If further surveys have been recommended, DO NOT submit request to BCS.**

1.2 SBIS DATA ENQUIRY

To inform which species you need to consider for your Biodiversity Survey & Assessment, it is recommended that your ecological consultant requests a desktop data search from [Suffolk Biodiversity Information Service \(SBIS\) >](#) for the development site. The interactive map and spreadsheet provided will contain records of “Protected, Priority, Locally Scarce and Rare Species” for the site. SBIS holds data on all major taxonomic groups, which means they are the “**one-stop-shop**” for biological data in Suffolk, so there is no need to contact anyone else.

1.3 PRIORITY SPECIES GATEWAY

In addition to the records held by SBIS, your consultant is advised to review the Suffolk Priority Species Gateway webpage ([click here >](#)) to find out which species are associated with different Suffolk Priority habitats.

1.4 “SUITABLY QUALIFIED ECOLOGIST”

If a Biodiversity Survey & Assessment is needed, an ecological consultant will need to be engaged to carry out the appropriate surveys at the correct time of year when species are most active, for example between May and September for bats. ([Link to Suffolk Validation Checklist >](#))

A Suitably Qualified Ecologist (see FAQ) may be registered with the Chartered Institute for Ecology and Environmental Management (CIEEM) in their Professional Directory www.cieem.net/members-directory or if not a member, they should meet the requirements. It is advisable to obtain quotes from three different consultants for comparison.

2. HOW TO DECIDE IF THE PILOT BCS IS APPROPRIATE

2.1 OUTSIDE SCOPE

The Service can only be used if the proposed development meets the criteria AND has not been formally screened out.

The following situations and sites are **outside** the scope of the Pilot BCS:

- Development requiring Environmental Impact Assessment (EIA), or development affecting the following statutory and non-statutory designated wildlife sites:
 - European / international site (SAC, SPA, Ramsar)
 - Site of Special Scientific Interest (SSSI)
 - County Wildlife Site (CWS)
 - Local Nature Reserve (LNR)

In these circumstances, Babergh and Mid Suffolk District Council planning authorities will consult relevant statutory and local conservation organisations after submission of a planning application.

Before submitting a planning application and employing an ecological consultant, you can request pre application advice about the requirement for a Biodiversity survey and assessment.

For further information and pre-application advice please contact planningadmin@baberghmidsuffolk.gov.uk

Natural England offers a pre-submission screening service to provide advice on planning and development proposals which might affect European or nationally protected species before planning permission is secured. For more details on Natural England's see [Pre-submission screening service](#).

2.2 DEFINITION OF LOW IMPACT DEVELOPMENT

Box 1 Definition of Low Impact

Low impact developments are defined here as being:

Where the proposed development:

- i. Does not meet the criteria that identifies development that is subject to environmental impact assessment under the EIA Regulations¹, and;
- ii. Does not directly adversely affect statutory and non-statutory designated sites, and;
- iii. Is unlikely to adversely affect the favourable conservation status of *European and UK Protected species*
- iv. Is unlikely to adversely affect '*Priority habitats and species i.e. listed under s41NERC Act as of principal importance for the conservation of biodiversity*'.

NOTE 1: In the exercise of the planning function, local authorities have a statutory obligation² to consider the effects of development proposals on '*habitats and species of principal importance*'.

NOTE 2: Public authorities have a duty to have regard to conserving biodiversity under s40 of the Natural Environment and Rural Communities Act 2006 <https://www.gov.uk/guidance/biodiversity-duty-public-authority-duty-to-have-regard-to-conserving-biodiversity>; Where species of '*principal importance for the conservation of biodiversity*' include species in England listed under s.41 of the Natural Environment and Rural Communities Act 2006; The lists included species protected under European and UK legislation as being the most threatened and in need of conservation action. The country-based lists are all shown on the Joint Nature Conservation Committee (JNCC) website (<http://jncc.defra.gov.uk>). See UK Priority Lists and click on the relevant country at: <http://jncc.defra.gov.uk/page-5717>.

2.3 FURTHER SURVEYS RECOMMENDED

Refer to Appendix 1 for details. If further surveys have been recommended, DO NOT submit request to BCS.

3. THREE QUESTIONS FOR APPLICANTS

3.1 ARE FURTHER BIODIVERSITY SURVEYS RECOMMENDED?

If the ecologist has recommended further surveys e.g. for Protected or Priority species, there is not yet adequate information for determining the impacts of the development on biodiversity. When these surveys have been completed, the ecologist can re-assess if the development is within the scope for the BCS.

3.2 DOES THE DEVELOPMENT MEET THE DEFINITION OF LOW IMPACT?

If the development does *not* meet the low impact definition (see Box 1 above), it is outside the scope for using the BCS to check the biodiversity survey and assessment information.

3.3 HAS THE ECOLOGIST PROVIDED A LOW IMPACT EcIA REPORT (which includes a BIODIVERSITY MITIGATION METHOD STATEMENT)?

If the ecologist has prepared either a Preliminary Ecological Appraisal (PEA) report or an Ecological Impact Assessment (EcIA) report, they will need to complete the low impact EcIA template (see link [here>](#)) before a BCS request can be processed. The Biodiversity Mitigation Method Statement (BMMS) is an integral part of the BCS as it secures the biodiversity measures necessary to make the development acceptable.

4. COMPLETION & SUBMISSION OF LOW IMPACT EcIA REPORT INCLUDING A BIODIVERSITY MITIGATION METHOD STATEMENT

4.1 SUBMITTING REQUEST TO BIODIVERSITY CHECKING SERVICE

Once completed, the low impact EcIA report must be signed by the ecologist and applicant before being sent to the Suffolk Biodiversity Information Service (SBIS) with the relevant survey and assessment documents for checking. If the biodiversity information is adequate and therefore sufficient for determination of a planning application, a Certificate will be issued by SBIS. Early submission of a completed low impact EcIA report is advised as it usually takes ten working days to process a request and issue a Certificate. This can take longer during busy periods or if the details of the EcIA report require discussion and amendment before a Certificate can be issued.

If there is insufficient information to issue a Certificate for any development, advice will be provided to the applicant to identify the missing information needed. A new request can then be submitted for checking. This will be subject to the same processing period e.g. up to ten working days, for checking and issue of a Certificate.

How much will it cost?

A request for pre-submission checking must be made via the online form on the SBIS BCS webpage <http://www.suffolkbis.org.uk/bcs>. Details for submission of low impact EcIA report and associated documents will then be provided.

The total cost will be £200.00 which covers the following:

- A site visit to verify submitted details.
- Checking of low impact EcIA report including a Biodiversity Mitigation Method Statement.
- Issuing a Certificate for a Biodiversity Mitigation Method Statement for submission with the required planning application documents.

If pre-submission biodiversity information is insufficient for determination, SBIS will advise the applicant and identify what is needed before any subsequent request is made to BCS.

- Where an EclA report is later amended and a Certificate needs to be re-issued, an administration fee of **£25** will apply.

4.2 AFTER SUBMISSION OF YOUR REQUEST

Once you have submitted your EclA report and survey data to the pilot BCS, it will be registered and a target response date will be issued to you. All submissions will require a site visit by an SBIS Ecologist before confirming if the details are adequate and therefore sufficient for determination of the planning application. If the low impact EclA report and the signed Biodiversity Mitigation Method Statement are sufficient for determination, a Certificate will be issued which needs to be submitted to Babergh or Mid Suffolk DC when registering a planning application.

Applications submitted to Babergh or Mid Suffolk planners *without* a Certificate for a Biodiversity Mitigation Method Statement may be subject to registration delay and will follow the standard consultation procedure with biodiversity consultees.

The Biodiversity Mitigation Method Statement will be conditioned for implementation in its entirety, as part of any planning consent issued by the Local Planning Authority.

4.3 SITE VISIT BY BCS ECOLOGIST

All submissions will require a site visit by a BCS Ecologist before confirming if the details are adequate and therefore sufficient for determination of the planning application. Decision makers need to undertake a thorough analysis of the applicant's ecological report as part of their wider determination of a planning application. It is therefore essential that, in accordance with BS42020:2013 (section 8.1), the information provided in the low impact EclA report and BMMS can be verified before a Certificate for a Biodiversity Mitigation Method Statement can be issued.

4.4 PAYMENT OF FEES

SBIS will send an invoice for payment before the BCS certificate is issued.

5. OUTCOME

5.1 CERTIFICATE FOR A BIODIVERSITY MITIGATION METHOD STATEMENT

If it is the opinion of the Suffolk Biodiversity Checking Service that the Biodiversity Mitigation Method Statement allows the planning authority to meet their duties to conserve and enhance biodiversity, a certificate will be issued to the applicant.

A Certificate for a Biodiversity Mitigation Method Statement does not in any way prejudice Natural England's decision on whether a licence regarding European or UK Protected Species should be issued to an applicant. The two processes address different legal duties.

Local Planning Authorities must have regard to the requirements of the Habitats Directive in considering whether to grant planning permission, and specifically, they must consider whether granting of permission would lead to deliberate disturbance of a European Protected Species (EPS). If this is the case, then the Supreme Court has made it clear that the Local Planning Authority should only refuse planning permission if it believes that Natural England is unlikely to grant a licence. Where

the Local Planning Authority concludes an EPS licence is likely to be forthcoming, or it is unsure if it would, it should not prevent a planning permission from being issued.

SBIS will check the appropriateness of mitigation solutions with Natural England where necessary.

Bat checks of properties are typically limited to a visual inspection of likely roosting locations, and may be undertaken at any time of year. However, properties considered to have a high probability of supporting crevice bats (e.g. Pipistrelles) which are difficult to locate by visual inspection, are likely to require summer emergence surveys, undertaken in the evening, or at dawn, or by remote monitoring.

The Biodiversity Mitigation Method Statement, and its implementation in full, will be a condition as part of any grant of planning permission. In conditioning the Biodiversity Mitigation Method Statement, the planning authority is entitled to rely:

- Either* That the Biodiversity Mitigation Method Statement avoids the likelihood of deliberate disturbance of protected species,
- Or* That the Biodiversity Mitigation Method Statement provides sufficient measures likely to remedy any disturbance of protected species whereby Natural England, in considering an application for a disturbance licence, would likely be satisfied that the test in Regulation 53(9)(b)¹ is capable of being met².
- And* The Biodiversity Mitigation Method Statement is considered to provide reasonable ecological mitigation and enhancement measures to meet the s40 NERC Act (2006) duty.

Should the proposed development change materially prior to application submission to the planning authority, the measures put forward in the Biodiversity Mitigation Method Statement should be reviewed by the applicant's ecologists. If the Biodiversity Mitigation Method Statement (BMMS) needs to include new or revised measures due to a material change in the proposed development, a revised BMMS will need to be signed off and re-submitted to the Suffolk Biodiversity Checking Service as a new Certificate will be required, not least to ensure it refers to the final drawing. Minor changes to the proposed development which do not require any revision to the Biodiversity Mitigation Method Statement will not need to be submitted to the Biodiversity Checking Service.

5.2 EUROPEAN PROTECTED SPECIES LICENCE

It may also be necessary for the ecological consultant to apply for a European Protected Species Licence from Natural England for permission to carry out the planned work. If the work would affect a Protected Species, it would be illegal to continue without a Licence, e.g. destruction of a pond containing Great Crested Newts. This will be taken into account within the low impact EclA report. The list of Protected Species can be found in FAQ (Appendix 4).

Some of the species to which the low impact EclA report refers are protected by law. It is therefore important that the applicant reads and signs the Biodiversity Mitigation Method Statement and the Ecologist signs off the checklist too.

¹ Habitats Regulations, 2010, Regulation 53(9)(b) 'The relevant licensing body must not grant a licence under this regulation unless they are satisfied that the action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range.'

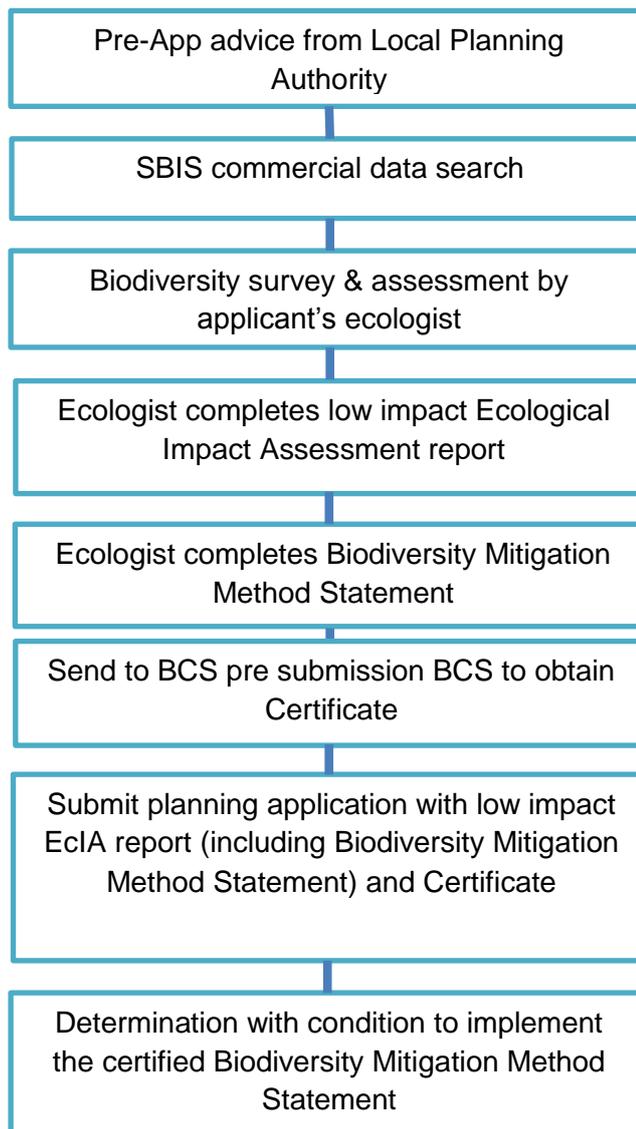
² The issue of this Certificate does not guarantee a licence. It is relevant only to the purposes of consideration of the proposed development by the Local Planning Authority. This Certificate does not in any way prejudice Natural England's decision on whether a licence regarding European Protected Species should be issued to the applicant.

Appendix 1 - Checklist for Biodiversity Survey & Assessment requirements

- Babergh and Mid Suffolk Local Planning Authorities will routinely ask for a Biodiversity Survey & Assessment to be submitted with a planning application [Link to Suffolk Validation Checklist >](#). Where applicants choose to use BCS, this will be accompanied by a standardised low impact Ecological Impact Assessment (EclA) report and a Certificate for the signed Biodiversity Mitigation Method Statement from Suffolk Biodiversity Information Service (SBIS).
- A low impact EclA report should cover Priority habitats as well as Protected & Priority species.
- Babergh and Mid Suffolk Local Planning Authorities will also routinely ask for a bat survey if a development involves the following:
 - Any building or structure with an existing bat record or subject to a report of bat activity
 - Demolition of an existing house
 - Conversion of house attic space - including installation of roof lights or dormer windows
 - House extensions that tie-in to an existing enclosed roof space
 - Renovation or conversion of derelict building (structures with roofs)
 - Conversion or demolition of agricultural barns / farm buildings (structures with roofs)
- If evidence of bats is discovered a low impact EclA report will need to be completed, and submitted with the planning application.
- All surveys and assessments of biodiversity features should be undertaken by a Suitably Qualified Ecologist. Link to [Chartered Institute for Ecology and Environmental Management Professional Directory >](#)
- Biodiversity Survey & Assessment is designed to meet the requirements of the [Natural England Protected Species Standing Advice >](#)
- Development requiring Environmental Impact Assessment (EIA), or development affecting statutory designated wildlife sites – European / international sites (SAC, SPA, Ramsar), Site of Special Scientific Interest (SSSI) and Local Nature Reserve (LNR) – or directly affecting non-statutory designated sites e.g. development within, or adjacent to, a County Wildlife Site (CWS) is outside the scope of this Biodiversity Checking Service.

In these circumstances, the Babergh and Mid Suffolk planning authorities will consult local conservation organisations after submission of an application.

Appendix 2 - Where does BCS fit in the planning process?



Appendix 3 - Guidelines for completing the Suffolk BCS low impact Ecological Impact Assessment report

- Only one low impact EclA report is required per planning application and a Biodiversity Mitigation Method Statement to cover all species which will be impacted.
- The low impact EclA report must include, as a minimum, measures that can be audited once the development is completed, e.g. numbers of bird / bat boxes, length and plant species composition of replacement hedges, area of pond or wildflower grassland creation.
- In the low impact EclA report, please use definitive verbs as such 'will be' and avoid words / phrases such as 'should', 'may' or 'it is recommended' as this enables development control officers to check what will be delivered for wildlife as part of the development.
- Developers or their agents should contact Suffolk Biodiversity Information Service to obtain existing wildlife records from the site and its environs to inform and complement a low impact EclA report. Mitigation for the loss of habitat features (e.g. herb-rich grassland, ponds, hedges, fruit trees) should aim to replace features on at least a like for like basis, or provide equivalent compensatory measures.
- A low impact EclA report should be a stand-alone document, and include all drawings and pictures needed to support it. It should not rely on reference to other survey reports or drawings which are not submitted.
- A low impact EclA report must not include recommendations for further surveys before determination. This *may* be acceptable for a phased development to be implemented over several years where the original surveys will go out of date after 2-3 seasons and then a condition requiring updating of survey information could be acceptable (BS24040:2013 D.5.3). The planning authority cannot, as a matter of law, grant planning permission for a development where there is doubt over a possible significant adverse effect of a development on a European Protected Species.

Appendix 4 – Frequently Asked Questions

What are low impact developments?	<i>See Definition in Section 2.2</i>
Does the BCS cover the input of consultees on designated sites?	No
Does the BCS cover SPA/SAC mitigation e.g. stone curlews and wintering waders?	<i>No, this does not replace the need for a Habitat Regulations Assessment.</i>
Does the BCS cover medium and high impact developments?	No
What is a Suitably Qualified Ecologist (SQE)?	<p>See Section 1.4</p> <p><i>An SQE must:</i></p> <ul style="list-style-type: none"> • <i>hold a degree (or equivalent qualification, e.g. N/SVQ level 5) in an ecology related subject</i> • <i>be a practising ecologist with a minimum of 3 years relevant experience within the last 5 years</i> • <i>clearly demonstrate a practical understanding of factors affecting ecology in relation to construction and the built environment; including acting in an advisory capacity to provide recommendations for ecological protection, enhancement and mitigation measures.</i> • <i>be bound by a professional code of conduct</i> • <i>be subject to peer review</i> • <i>not act or advise outside their professional competencies.</i> <p><i>A full member of one of the following organisations will be deemed suitable: Chartered Institution of Water and Environmental Management (CIWEM); Chartered Institute of Ecology and Environmental Management (CIEEM); Institute of Environmental Management and Assessment (IEMA); Landscape Institute (LI).</i></p>
What is a low impact Ecological Impact Assessment (EclA)?	<i>The low impact EclA report includes all mitigation and enhancement measures that need to be secured as a condition of any permission. Where appropriate this should include a detailed method statement for undertaking works that would avoid harm to protected species.</i>

<p>What are Protected Species? Is the list correct?</p>	<p><i>The following are UK Protected Species and need to be considered in planning applications. Click on the species to go to the appropriate website page. See Natural England Protected Species Standing Advice ></i></p> <ul style="list-style-type: none"> • Bats, all species • Great crested newts • Badgers • Hazel dormice • Water voles • Otters • Wild birds • Reptiles • Protected plants eg Schedule 8, Wildlife & Countryside Act 1981 • White-clawed crayfish • Invertebrates • Freshwater fish • Natterjack toads
<p>What happens in a site visit?</p>	<p>The BCS ecologist will visit the application site to verify those habitats present and likely to be affected by the development. This will enable assessment of the adequacy of the submitted low-impact EclA report and Biodiversity Mitigation Method Statement to minimise the impacts of the proposed development.</p>